San Francisco Bay Conservation and Development Commission
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November 26, 2025

TO: Enforcement Committee Members

FROM: Lawrence J. Goldzband, Executive Director, (415/352-3653; larry.goldzband@bcdc.ca.gov)
Amanda Boyd, Staff Attorney, (415/352-3643; amanda.boyd@bcdc.ca.gov)

SUBJECT: **Executive Director's Recommended Enforcement Decision; Proposed Cease and Desist and Civil Penalty Order No. CCD2025.001.00 in BCDC Enforcement Matters ER2019.038.00 and ER2025.003.00; and Proposed Stipulated Civil Penalty Order Nos. CCD2025.002.00, CCD2025.003.00, and CCD2025.004.00 in BCDC Enforcement Matters ER2025.001.00, ER2025.002.00, and ER2025.004.00 for Five Parcels, Unincorporated Areas of Solano County**
(For Enforcement Committee consideration on December 10, 2025)

Summary

The Executive Director recommends that the Enforcement Committee adopt this recommended enforcement decision as its recommendation to the full Commission. This recommendation includes issuing proposed Cease and Desist and Civil Penalty Order CCD2025.001.00 and proposed Stipulated Civil Penalty Orders CCD2025.002.00, CCD2025.003.00, and CCD2025.004.00 to require Thaddeus ("Thad") Woodin, Steve and Lesley Belcher, Allen Kanady, William ("Bill") Woodin, and Kittrell Estate ("Respondents") to do the following actions to resolve six violations:

Thad Woodin and Bill Woodin must:

1. Cease and desist from violating the McAteer-Petris Act and the Suisun Marsh Preservation Act.

2. If by March 31, 2026, Solano County has secured funding to remove the sunken barge described in Violation One of the Violation Report and Complaint, Thad Woodin must use best efforts to cooperate in the removal of the barge.

3. If by March 31, 2026, Solano County has not secured funding to remove the sunken barge described in Violation One of the Violation Report and Complaint, Thad Woodin must by June 30, 2026, use best efforts to apply for and obtain funding for the removal of the barge.

4. By September 30, 2026, Thad Woodin must remove the sunken barge described in Violation One of the Violation Report and Complaint.

5. By May 15, 2026, Respondents must remove all unauthorized fill, except the sunken barge described in Violation One of the Violation Report and Complaint, to a legal disposal site or other location outside BCDC's jurisdiction.

Respondents must:

6. Pay $135,000 in administrative civil liabilities within thirty (30) days of Order issuance.

A previous Recommended Enforcement Decision was mailed on August 15, 2025 (Exhibit M). On August 26, 2025, the enforcement hearing scheduled for August 27, 2025 was postponed to October 22, 2025 to accommodate for a respondent's medical emergency. All respondents agreed to waive the 60-day time period to hold the hearing pursuant to Government Code section 66641.6(b) (Exhibits J1-J5).

Ahead of the October 22, 2025 hearing, a revised Recommended Enforcement Decision was mailed on October 10, 2025 (Exhibit O). At the October 22, 2025 hearing, the Enforcement Committee decided to continue the hearing until December 10, 2025 so that BCDC staff and Respondents could have additional opportunities to engage in settlement negotiations. On October 21, 2025, BCDC staff and Respondents Steve and Lesley Belcher entered into a proposed settlement agreement to resolve their liability in the matter of ER2025.001.00. On October 22, 2025, BCDC staff and Respondent Kittrell Estate entered into a proposed settlement agreement to resolve its liability in the matter of ER2025.004.00. On October 27, 2025, BCDC staff and Respondent Allen Kanady entered into a proposed settlement agreement to resolve his liability in the matter of ER2025.002.00.

Background

Prior to November 23, 2022, fill consisting of large items, including cars, boats, and other materials was placed by Thad Woodin in the Montezuma Slough and adjacent shoreline on properties located in Solano County. The unauthorized fill is located across five different privately-owned properties and an area of the Montezuma Slough controlled and managed by the State Lands Commission.

The reference materials attached indicate that 1) respondent Thad Woodin owns a parcel identified by APN 0090-120-130, 2) respondents Steve and Lesley Belcher own a parcel identified by APN 0090-120-030, 3) respondent Allen Kanady owns a parcel identified by APN 0090-120-190, 4) respondent Bill Woodin owns a parcel identified by APN 0090-120-170, and 5) respondent Kittrell Estate owns a parcel identified by APN 0090-120-160. (VR&C Exhibit 4). Each property is located in BCDC's shoreline band jurisdiction and the Primary Management Area of the Suisun Marsh. Further, a barge and recreational vessel owned by Thad Woodin both sit at the bottom of the Montezuma Slough at approximately 38°04'28.85"N 121°52'53.04"W, in the unincorporated community of Birds Landing in Solano County, within BCDC's Bay jurisdiction and the Primary Management Area of the Suisun Marsh. (VR&C Exhibit 7).

On November 23, 2022, September 24, 2024, and December 11, 2024, BCDC staff inspected the properties owned by Respondents and collected photographic evidence depicting the fill. (VR&C Exhibits 2 and 3).

The ownership and boundaries of Respondents' respective properties were confirmed using RealQuest, the Solano County tax assessment map viewer, a March 18, 2025 email with Chris Rodgers (a map expert with Solano County), and by walking the levee road during the December

11, 2024 site visit with Chris Lanzafame, the secretary of Reclamation District 1607 (the "District"). (VR&C Exhibit 4).

Letter correspondence dated September 13, 2012 to Respondent Thad Woodin from the District, an April 29, 2025 email exchange between staff and Mr. Lanzafame, and two interviews on September 27, 2024 and November 27, 2024 with Mr. Lanzafame revealed that the District is aware that Respondent Thad Woodin had placed large items on the levee since 2012. The District asked Respondent Thad Woodin to remove the items from the levee road and Mr. Lanzafame has tried to persuade Respondent Thad Woodin to remove them. Mr. Lanzafame asserted that all unauthorized fill belongs to Respondent Thad Woodin and advised staff on who owned the respective properties. (VR&C Exhibit 5).

On October 15, 2024, Andrew Kershen from the State Lands Commission confirmed via email that the State Lands Commission has jurisdiction within the Montezuma Slough adjacent to Respondent Thad Woodin's property, up to the mean high tide line. However, Mr. Kershen asserted that the State Lands Commission does not have jurisdiction within Van Sickle Island. (VR&C Exhibit 6).

On August 26, 2017, the Solano County Sheriff's Office responded to a report of Respondent Thad Woodin's barge sinking in the Montezuma Slough. The Sheriff's Office found in its report of the incident that Respondent Thad Woodin was solely and completely responsible for the sinking of his barge and that the barge was moored via insufficient means to prevent the barge from breaking loose from its mooring location. (VR&C Exhibit 7).

On November 12, 2024, Solano County Marine Patrol took underwater images of Respondent Thad Woodin's sunken barge and subsequently provided these images to BCDC staff on November 13, 2024. (VR&C Exhibit 7).

Respondent Thad Woodin alleged to staff that one of The Dutra Group's (Dutra) vessels struck his barge and caused the barge to sink. On May 22, 2025, John Wyma-Hughes, a Risk Manager for Dutra, via email denied any involvement in or liability arising from the sinking of Respondent Thad Woodin's barge. Staff reviewed daily logbook entries provided by Dutra for the tug Sarah Reed, the only Dutra vessel which traversed the Montezuma Slough at the time Respondent Thad Woodin's barge sank, and found no evidence that Dutra was responsible for the causing the barge to sink. (VR&C Exhibit 7).

On November 15, 2024, staff discussed the unauthorized fill with Respondent Thad Woodin and advised him that he needed to remove all items from BCDC's jurisdiction. Respondent Thad Woodin acknowledged owning the sunken barge, the car and trailer on his parcel, and the two largest boats parked on the levee. He also acknowledged placing the partially submerged recreational vessel in its present location but accused the Solano County Sheriff's Office of sinking it without providing any evidence. Respondent Thad Woodin said that he has equipment to

remove the fill and would do so. (VR&C Exhibit 8). In an email on November 26, 2024, he denied owning a small white recreational vessel with a blue hull that is on his property.

On February 5, 2025, staff mailed initial contact letters to Respondents Steve and Lesley Belcher, Allen Kanady, and Bill Woodin describing the unauthorized fill and advising that each respondent "must clear all illicit items of fill from your parcel." On February 21, 2025, BCDC staff issued an initial contact letter to Respondent Kittrell Estate describing the unauthorized fill and also advising that the respondent "must clear all illicit items of fill from your parcel." (VR&C Exhibit 8).

On April 8, 2025, Solano County Marine Patrol Sgt. Brady Graham advised staff that Solano County had applied for a grant to remove Respondent Thad Woodin's barge from the Montezuma Slough.

BCDC staff conducted a site visit on April 11, 2025, with Respondent Thad Woodin to walk the levee and identify his items. Respondent Thad Woodin reconfirmed ownership of all items except for a small recreational vessel on his parcel. Respondent Thad Woodin offered to remove all items except for the sunken barge, including the vessel that he claims not to own. (VR&C Exhibit 9).

Prior to July 8, 2025, Respondents failed to demonstrate that the unauthorized fill identified in Violations One through Six was removed from BCDC's Bay and shoreline band jurisdiction and from the Primary Management Area. 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.

On July 9, 2025, Respondents Steve and Lesley Belcher emailed photographs to BCDC staff demonstrating that the unauthorized fill identified in Violation Three had been removed from their property and placed onto Respondent Thad Woodin's parcel. On August 1, 2025, BCDC staff conducted a site visit to the properties and confirmed that the unauthorized fill identified in Violation Three was still in BCDC's shoreline band jurisdiction and the Primary Management Area. BCDC staff also discovered that the two boats identified in Violation Four were removed from BCDC's jurisdiction, while the Argo and large lawnmower identified in Violation Four remained on Respondent Allen Kanady's property. Finally, BCDC staff discovered that the unauthorized fill identified in Violation Six was removed from Respondent Kittrell Estate's property and placed onto Respondent Bill Woodin's parcel.

On July 14, 2025, Respondent Allen Kanady submitted his Statement of Defense ("SOD") form. On August, 5, 2025, Respondent Bill Woodin submitted his SOD form. On August 8, 2025, Respondent Kittrell Estate submitted its SOD form. On August 12, Respondents Steve and Lesley Belcher submitted their SOD form. Thad Woodin did not submit a SOD.

On August 6, 2025, Deputy Sheriff Michael Urlaub from the Solano County Sheriff's Office via email provided BCDC staff with additional information regarding when Solano County may expect to hear back regarding the results of the funding application to remove Respondent Thad

Woodin's sunken barge. According to Deputy Sheriff Urlaub, Solano County expects to hear if it received funding to remove the sunken barge within four to six months from September 2025. If Solano County receives the funding, removal of the sunken barge is likely to occur in late summer of 2026. (Exhibit E).

On August 12, 2025, BCDC staff discovered that one item of unauthorized fill identified in Violation 5 (a silver car) had been removed from Respondent Bill Woodin's parcel and BCDC's jurisdiction but the other items remained. Staff also discovered that one of the boats identified in Violation 4 that appeared to have been removed was placed back on Respondent Allen Kanady's parcel and the Argo and some trash remained. Staff confirmed that the unauthorized fill identified on Respondent Thad Woodin's parcel in Violation 2, in addition to the two boats that Respondents Steve and Lesley Belcher moved onto his parcel (Violation 3), remained.

The Violation Report & Complaint issued on July 8, 2025, made six essential allegations, as follows:

A. **Violation One**. Respondent Thad Woodin is violating Section 66632(a) of the McAteer-Petris Act and Section 29500 of the Suisun Marsh Preservation Act for the placement of unauthorized fill consisting of: (1) 68- x 33-foot barge at the bottom of the Montezuma Slough, about 50 feet south of Thad Woodin's home on Van Sickle Island and under about 19 feet of water; and (2) a mostly submerged 20- to 25-foot-long recreational vessel about 10 feet away from the Kittrell Estate's parcel. (VR&C Exhibit 7).

B. **Violation Two**. Respondent Thad Woodin is violating Section 66632(a) of the McAteer-Petris Act and Section 29500 of the Suisun Marsh Preservation Act for the placement of unauthorized fill consisting of an abandoned car, silver trailer, and boat, in addition to plastic containers and other trash. (VR&C Exhibits 2, 3, 4, and 5).

C. **Violation Three**. Respondents Steve and Lesley Belcher and Thad Woodin are violating Section 66632(a) of the McAteer-Petris Act and Section 29500 of the Suisun Marsh Preservation Act for the placement of unauthorized fill consisting of: (1) a small, blue recreational vessel, close to the levee road and (2) a recreational vessel near Thad Woodin's house that is located on both the Belchers' and Thad Woodin's parcels. (VR&C Exhibits 3 and 4).

D. **Violation Four**. Respondents Allen Kanady and Thad Woodin are violating Section 66632(a) of the McAteer-Petris Act and Section 29500 of the Suisun Marsh Preservation Act for the placement of unauthorized fill consisting of an Argo (small amphibious craft), two boats, and a large lawn mower placed close to the levee road. (VR&C Exhibits 3 and 4).

E. **Violation Five**. Respondents Bill Woodin and Thad Woodin are violating Section 66632(a) of the McAteer-Petris Act and Section 29500 of the Suisun Marsh Preservation Act for the placement of unauthorized fill consisting of a green truck, an automobile, four boats, and an ATV. All are close to the levee road. (VR&C Exhibits 3 and 4).

F. **Violation Six**. Respondents Kittrell Estate and Thad Woodin are violating Section 66632(a) of the McAteer-Petris Act and Section 29500 of the Suisun Marsh Preservation Act for the placement of unauthorized fill consisting of a silver truck placed close to the levee road. (VR&C Exhibits 3 and 4).

As a result of Respondents' failure to remove the unauthorized fill despite multiple attempts by BCDC staff formally requesting Respondents to do so, BCDC staff was left with no other option than to commence formal enforcement proceedings to resolve these violations.

On August 15, 2025, BCDC mailed an initial Recommended Enforcement Decision to the Enforcement Committee. At that time, Respondents failed to resolve in full all six allegations outlined in the Violation Report and Complaint.

On August 26, 2025, the enforcement hearing scheduled for August 27, 2025, was postponed to October 22, 2025, to accommodate for a respondent's medical emergency. All respondents agreed to waive the 60-day time period to hold the hearing pursuant to Government Code section 66641.6(b) (Exhibits J1-J5).

On August 29, 2025, Respondent Allen Kanady submitted photographs to BCDC staff via email claiming that the unauthorized fill that belonged to Respondent Thad Woodin had been removed from his property and placed onto Thad Woodin's property (Exhibit K). On September 22, BCDC staff via a site visit verified a claim by Bill Woodin that the unauthorized fill was simply moved from Mr. Kanady's property to Bill Woodin's property (Exhibit L).

On October 21, 2025, BCDC staff and Respondents Steve and Lesley Belcher entered into a proposed settlement agreement to resolve their liability in the matter of ER2025.001.00. On October 22, 2025, BCDC staff and Respondent Kittrell Estate entered into a proposed settlement agreement to resolve its liability in the matter of ER2025.004.00. On October 27, 2025, BCDC staff and Respondent Allen Kanady entered into a proposed settlement agreement to resolve his liability in the matter of ER2025.002.00.

As of November 26, 2025, all violations persist, though Respondents Steve and Lesley Belcher, Allen Kanady, and the Kittrell Estate have moved the unauthorized fill off of their respective properties.

Admitted and Contested Essential Allegations

The following Respondents filed a Statement of Defense (SOD): Allen Kanady by email, received July 14, 2025; Bill Woodin by mail, received August 5, 2025; Todd Trost, on behalf of the Kittrell Estate, by email, received August 8, 2025; and Lawrence Bazel, on behalf of the Belchers, by email, received August 12, 2025 (including declarations by the Belchers' attorney Lawrence Bazel and by Steve Belcher). (Prior, respondents Steve and Lesley Belcher also contacted BCDC on July 9, 2025, via email correspondence with certain arguments.)

On August 18, 2025, BCDC received a SOD from Respondent Thad Woodin. Because the SOD was submitted after the 35-day deadline in which a respondent may submit an SOD, the SOD is untimely filed and should not be considered by the Enforcement Committee. However, BCDC staff prepared responses to Respondent Thad Woodin's SOD in the event the Enforcement Committee wishes to consider his arguments.

Respondent Allen Kanady admits that he owns the parcel identified by APN 0090-120-190. Respondents Steve and Lesley Belcher admit that one of the recreational vessels (a "blue boat") identified in Violation Three was "within our property boundaries." Respondent Bill Woodin admits that he owns the parcel identified by APN 0090-120-170.[1] Respondent Bill Woodin further admits that the fill identified in Violation Five is on his property. Respondent Kittrell Estate admits that BCDC Enforcement Analyst Anne Usher informed them of the silver truck being partially on their property, based upon identification of their property as further informed by aerial photographs. Respondent Belchers admit they own property on Van Sickle Island and that a blue boat was on that property until they removed it.

Respondent Thad Woodin admits that all items on neighboring parcels were his ("If an alleged violation was committed on my nearby neighboring parcels of Belch[e]r, Kanady, K[it]trel[l] or Woodin, the items that allegedly cross this were mine and mine alone").

Defenses and Mitigating Factors

Respondents Allen Kanady, Bill Woodin, Steve and Lesley Belcher, and the Kittrell Estate filed respective Statements of Defense (SOD) on or before August 12, 2025. In the case of the Belchers, they also filed along with their SOD declarations by their attorney Lawrence Bazel and by Steve Belcher. (Respondent Belchers also contacted BCDC on July 9, 2025 with photographs demonstrating that the unauthorized fill identified in Violation Three had been removed from their property and placed onto Respondent Thad Woodin's property.) Respondents made the following affirmative arguments:

1. Respondent Kanady states that he "ha[s] no knowledge of any" allegations included in the Violation Report and Complaint and that he "ha[s] not visited [his property] in 20 years, so [he] ha[s] no knowledge of the current condition".

2. Respondent Kanady states that "if the items on [his] property are owned by Thad Woodin, he acknowledged ownership of said items, and states that he will take responsibility for their removal" then Mr. Kanady should not have to take responsibility for the violation.

[1] Regrettably, the Violation Report and Complaint included the incorrect APN for a different parcel also owned by Respondent Bill Woodin. On July 17, 2025, BCDC staff clarified with Respondent Bill Woodin via email and phone call that the correct APN is 0090-120-170.

3. Respondent Bill Woodin states that he "personally never deposited any fill" on his property and that he has "no knowledge" as to "when and by whom deposited material" came to be on his property.

4. Respondent Kittrell Estate states that "the silver truck is not owned by any family member of the Kittrell Estate nor was it placed onto the Kittrell Estate property by any family member."

5. Respondent Kittrell Estate states that they "had no confirmed knowledge of where the property line was located" and that "there seems to be a question on the exact location of the property line from the emails between Anne Usher and Chris Rodgers" such that BCDC "is saying that Thad's truck is partially on our property but [BCDC's] evidence of the location of the property lines could be flawed."

6. Respondent Kittrell Estate states that they were notified on February 28, 2025 of the silver truck being partially situated on the Kittrell Estate's property but did not remove the truck to Thad Woodin's adjoining property until July 26, 2025 because they were also told they "needed to wait until the levee was completely dried so that there would be no damage to the already failing levee" and "that Thad Woodin stated he was going to work on removing his vehicles, etc. [so] some time was spent waiting for Thad to move his silver truck on his own."

7. Respondent Kittrell Estate states that "we have complied within the 35 days of your request to remove the silver truck of your letter of July 8, 2025, even though it wasn't our truck and our responsibility."

8. Respondent Kitrell Estate states that "we were not informed that if we removed the truck from our property that we could still be fined."

9. Respondents Steve and Lesley Belcher demonstrated that they have removed the unauthorized fill identified in Violation Three off of their property and onto Respondent Thad Woodin's property.

10. Respondent Steve and Lesley Belcher state that "promissory estoppel binds BCDC to its promise not to impose fines."

11. Respondent Steve and Lesley Belcher state that "consistent with *Leslie Salt* [*Leslie Salt v. BCDC* (1984) 153 Cal.App.3d 605], the Belchers cannot be penalized because they acted within a reasonable time."

12. Respondent Steve and Lesley Belcher state that "the Belchers cannot be penalized for the white boat because it was not on their land."

13. Respondent Steve and Lesley Belcher state that "BCDC has not complied with [Government Code] §66640.1 [of the McAteer-Petris Act]."

14. Respondent Steve and Lesley Belcher state that "facts alleged in the Violation Report should not be admitted because they were not supported by declarations."

15. Respondent Steve and Lesley Belcher state that "BCDC's penalties violate due process because they fund BCDC."

16. Respondent Steve and Lesley Belcher state that "BCDC regulations violate due process because they prevent effective cross-examination."

17. Respondent Thad Woodin denies the allegations based on his belief that the items "do not constitute fill."

18. Respondent Thad Woodin states that when he "purchased the property…each and every parcel I own has grandfathered in boat dock, house, 1947 truck [and] two tractors." Additionally, Thad Woodin states that the "parcel 180" was "used as a parking lot" and "California's 72 hr abandonment laws are untried or mitigated in a court."

19. Respondent Thad Woodin states that he is a "disabled" 62-year-old on a "retired fixed income." A fine would create an "adverse condition" in his life.

20. Respondent Thad Woodin states that "BCDC Anne met with me and said do not jeopardize levee" and "gave me all summer to clean up."

21. Respondent Thad Woodin requested confirmation whether this matter has "been brought before a judge before."

22. Respondent Thad Woodin requested an opportunity to cross-examine Anne Usher seemingly about her determination regarding measurements (although the SOD is indecipherable on this point), alleging that "this entire report is biased half truths."

Staff Rebuttal

1. **Respondent Kanady states that he "ha[s] no knowledge of any" allegations included in the Violation Report and Complaint and that he "ha[s] not visited [his property] in 20 years, so [he] ha[s] no knowledge of the current condition."** BCDC may hold a landowner strictly responsible for unauthorized bay fill placed on their property by third persons. (*Leslie Salt Co. v. San Francisco Bay Conservation and Development Com.* (1984) 153 Cal.App.3d 605, 612-618; Exhibit D). In *Leslie Salt,* the Court of Appeal analyzed section 66638 of the McAteer-Petris Act (MPA) which authorizes BCDC to issue cease and desist

orders against any person or governmental agency that "has undertaken, or is threatening to undertake, any activity" that requires a BCDC permit. *Id.* at 612. Recognizing that denying BCDC's ability to utilize its enforcement devices against landowners whose property contains fill placed there by others in violation of the MPA would materially impair BCDC's ability to prevent and remedy haphazard and detrimental filling of the Bay, the court concluded that BCDC's ability to issue cease and desist orders extends to landowners regardless of whether they actually placed the fill or had any knowledge of the existence of the fill activities. *Id.* at 605, 617. While the court in *Leslie Salt* refers specifically to BCDC's enforcement authority to issue cease and desist orders, this reasoning logically applies also to another of BCDC's enforcement devices, the imposition of administrative civil liability.

2. **Respondent Kanady states that "if the items on [his] property are owned by Thad Woodin, he acknowledged ownership of said items, and states that he will take responsibility for their removal" then Mr. Kanady should not have to take responsibility for the violation**. See the response to #1.

3. **Respondent Bill Woodin states that he "personally never deposited any fill" on his property and that he has "no knowledge" as to "when and by whom deposited material" came to be on his property.** See response to #1.

4. **Respondent Kittrell Estate states that "[t]he silver truck is not owned by any family member of the Kittrell Estate nor was it placed onto the Kittrell Estate property by any family member."** See response to #1.

5. **Respondent Kittrell Estate states that they "had no confirmed knowledge of where the property line was located" and that "there seems to be a question on the exact location of the property line from the emails between Anne Usher and Chris Rodgers" such that BCDC "is saying that Thad's truck is partially on our property but [BCDC's] evidence of the location of the property lines could be flawed."** Respondent Kittrell Estate questions the evidentiary sufficiency of BCDC staff's determination that the silver truck was situated at least partially upon the Kittrell Estate's property, but without providing any contrary evidence to rebut BCDC staff's determination and underlying evidence. See response to #5.

6. **Respondent Kittrell Estate states that they were notified on February 28, 2025, of the silver truck being partially situated on the Kittrell Estate's property but did not remove the truck to Thad Woodin's adjoining property until July 26, 2025, because they were also told they "needed to wait until the levee was completely dried so that there would be no damage to the already failing levee" and "that Thad Woodin stated he was going to work on removing his vehicles, etc. [so] [s]ome time was spent waiting for Thad to move his silver truck on his own."** See response to #4.

7. **Respondent Kittrell Estate states that "[w]e have complied within the 35 days of your request to remove the silver truck of your letter of July 8, 2025, even though it wasn't our truck and our responsibility."** Respondent Kittrell Estate mistakenly cites to the 35-day deadline identified in the Violation Report and Complaint for Administrative Civil Liability that was sent to Respondents on July 8, 2025, which deadline applies to the filing of the Statement of Defense form.

8. **Respondent Kitrell Estate states that "[w]e were not informed that if we removed the truck from our property that we could still be fined."** See response to #3.

9. **Respondents Steve and Lesley Belcher demonstrated that they have removed the unauthorized fill identified in Violation Three off of their property and onto Respondent Thad Woodin's property.** BCDC staff confirmed on August 1, 2025, that the unauthorized fill is on Respondent Thad Woodin's property but is still located within BCDC's shoreline band jurisdiction and the Primary Management Area. Therefore, while the Belchers no longer must take further action to resolve Violation Three, Respondent Thad Woodin remains responsible for removing the unauthorized fill to a legal disposal site or a location outside of BCDC's jurisdiction. The Belchers remain liable for any administrative civil penalties associated with the time period during which the fill was on their property.

10. **Respondent Steve and Lesley Belcher state that: "promissory estoppel binds BCDC to its promise not to impose fines"; "BCDC made a promise to the Belchers (they could remove the blue boat in summer without being fined); it should reasonably have expected that promise induce reliance (the Belchers would wait until summer, when it was safe to remove the boat); the Belchers did in fact detrimentally rely on the promise, and BCDC violated its promise (it imposed a fine)"; "fining people for not removing a boat *when it is unsafe to do so* is not in the public interest. Nor is it in the public interest to fine people who are cooperating with BCDC"; and "BCDC should not penalize people who cooperate."** The elements of promissory estoppel are not present here. Respondent Belchers have not even established the existence of a "promise," which must be "clear and unambiguous in its terms," and because "estoppel cannot be established from preliminary discussions and negotiations." (*Garcia v. World Savings, FSB* (2010) 183 Cal.App.4th 1031, 1044.) Furthermore, "the unauthorized promise of an employee does not constitute grounds for an estoppel as to the governmental body by which he or she is employed where the means and limitations on its power to act are prescribed by statute." (*Page v. City of Montebello* (1980) 112 Cal.App.3d 658, 669.) Even accepting the allegation in Respondent Steve Belcher's Declaration that on February 12, 2025 "[Anne Usher] agreed that it would be fine to remove the boat during that timeframe [late spring or early summer] and that there would be no fines or penalties if I did so [wait until then to remove the blue boat]," it is clear that any such suggestion was part of preliminary discussions and negotiations by a staff-level employee. Respondent Steve Belcher's Declaration acknowledges that this telephone conversation occurred on the same day that he received

the Initial Contact Letter, which was signed by Anne Usher and in the second-to-last paragraph states: "While this letter does not commence a formal enforcement proceeding, ***we reserve the right to take formal action, including imposing fines or penalties***." (Emphasis added.) Given this express reservation of rights to pursue enforcement, it was not reasonable for Respondent Belchers to have relied upon any suggestion made in the telephone conversation with same BCDC staff who had provided a letter that directly conflicts with any such suggestion. At a minimum, this obvious discrepancy should have put Respondent Belchers on notice that there was no "clear and unambiguous" promise here. Furthermore, unlike *US Ecology, Inc. v. State of California*, 92 Cal.App.4th 113, the primary legal authority that Respondent Belchers cite to in support of their claim of promissory estoppel, critically missing from Respondent Belchers' claim of promissory estoppel is any elaboration as to how "the Belchers did in fact detrimentally rely on the promise." Legal Finding CCC of the Civil Penalty Order expressly adjusts downward 20% the administrative civil penalty amount "on the basis of degree of culpability" and an ***additional*** 20% "on the basis of efforts to cooperate for Violation Three. Thus, Respondent Belchers' cooperative action in waiting to remove the blue boat until safe to do so in the summer has been taken into account in proposing a reduced penalty.

11. **Respondent Steve and Lesley Belcher state that: "consistent with *Leslie Salt* [*Leslie Salt v. BCDC* (1984) 153 Cal.App.3d 605], the Belchers cannot be penalized because they acted within a reasonable time"; "as *Leslie Salt* explains, however, landowners are liable for failure to act *only if after a reasonable opportunity* they do not take reasonable steps"; and "here, the Belchers took reasonable steps (they removed the boats) within a very reasonable time (when the levee was dry enough to be safe). Consistent with *Leslie Salt*, therefore, they are not liable under § 66632(a)."** In quoting *Leslie Salt*, Respondent Belchers omit a critical portion of the court's statement: "(a) the possessor knows or should know of the condition and the nuisance or unreasonable risk of nuisance involved, and (b) he knows or should know that it exists without the consent of those affected by it…" (153 Cal.App.3d 605, 619.) With this in mind, the court stated: "By the same reasoning, ***an owner of land*** such as Leslie, which independently knows or ***certainly should know*** if [sic] the existence of several hundred tons of detritus and other fill materials on its land, and which has in any event received notice thereof from BCDC, has the right to control such placement and may therefore be deemed a person who 'undertakes' that unlawful act within the meaning of the McAteer-Petris Act. (§ 66638.)" (*Id*. at 621.) As the property owner, Respondent Belchers should be deemed to have "constructive notice" (*i.e.*, should have known) that boats were situated upon their property as unpermitted fill. In *City of Turlock v. Bristow* (1930) 103 Cal.App. 750, the property owners contended that they were not served notice to abate a nuisance, which they alleged is a prerequisite to instituting an action for abatement. (*Id*. at 755.) In rejecting this argument, the court stated: "This was a continuing, visible, public nuisance which was permitted by the defendants to exist for many years. Under such circumstances they will be deemed to have had knowledge of the nuisance and notice thereof" and "[n]o specific notice to abate the

nuisance in this case was necessary." (*Id*. at 755-56.) Similarly here, the abandonment of the blue boat on Respondent Belchers' property constituted a continuing, visible, violation of BCDC's laws as unpermitted fill, which Respondents allowed to exist for many years. As reflected in Exhibit 3 of the Violation Report, BCDC staff documented abandonment of the blue boat on Respondents' property as of November 23, 2022. Under these circumstances, Respondents should be deemed to have had knowledge of the abandoned blue boat as unpermitted fill and notice thereof. Therefore, Respondent Belchers may be deemed a person who undertakes an unpermitted activity for purposes of Government Code sections 66632(a) and 66638(a) and may be subject to administrative civil liability "for each day in which that violation occurs or persists" as measured back starting from November 23, 2022. However, as explained in Legal Finding CCC of the Civil Penalty Order, BCDC staff proposes adjusting downward the administrative civil liability by 20% because "staff communicated to Respondents Steve and Lesley Belcher that they should not remove the unauthorized fill until it was safe and environmentally responsible to do so (*i.e.*, late spring or summer)." As noted above in Staff Rebuttal 10, Respondent Belchers' cooperative action in waiting to remove the blue boat until safe to do so in the summer has been taken into account in proposing a reduced penalty.

12. **Respondent Steve and Lesley Belcher state that: "the Belchers cannot be penalized for the white boat because it was not on their land"; "[the Solano County Parcel Viewer] map shows that it is outside the boundaries of the Belchers' property. The Belchers are not arguing that the map correctly shows where the true boundary is. On the contrary, the map appears to be wrong. But if the map is wrong it is not reliable evidence and should not be admitted"; and "the Belchers have submitted their own evidence, which is derived from the property description in their grant. That evidence shows that the white boat is well outside the boundary of their property."** Respondent Belchers offer an alternative methodology for determining the parcel boundaries based on "correspondence with a surveyor that one of their parcel corners is 50 feet from the centerline of a railway trestle that can be seen on Google Earth." However, the legal description of the parcel attached as Exhibit A of the grant deed (Exhibit F) makes no reference to the corner of Respondent Belchers' parcel being 50 feet from the centerline of a railway trestle, so the methodology used to measure "the 450-foot length in their grant deed" was not fully and solely "determined from the description in the grant deed." To the extent that Respondent Belchers' SOD disputes the extent of their property boundary that runs parallel to Montezuma Slough, the legal description in the grant deed specifies that this boundary runs "along [the] high water line." Therefore, the property boundary that runs parallel to Montezuma Slough would be much closer to (abutting) the slough than how the parcel line boundaries are depicted in the Solano County parcel viewer and on that basis would include the white boat. (This assumes that the parcel boundary line perpendicular to the waterline of Montezuma Slough is accurate as depicted in the Solano County parcel viewer, which BCDC staff acknowledges that Respondent Belchers dispute.) Regardless, even if the white boat were to be discounted from the Violation Report and Civil Penalty Order, any

such concession would not materially alter the proposed Civil Penalty Order because the administrative civil penalty amount assessed against Respondent Belchers could still be determined solely on the basis of the violations associated with the blue boat.

13. **Respondent Steve and Lesley Belcher state that: "BCDC has not complied with [Government Code] §66640.1 [of the McAteer-Petris Act]"; "there is no evidence that BCDC has complied with any of these [subdivisions (a)-(d) of section 66640.1], and some evidence showing that it has violated subsections (c) and (d)"; and "the penalty matrix, required by subsection (c), is found in BCDC's Appendix J, its Administrative Civil Penalty Policy. The Violation Report provides a 'summary of the penalty calculation methodology,' but does not implement it."** Preliminarily, Government Code section 66640.1 ("Section 66640.1") does not provide a basis for undermining the validity of the Civil Penalty Order depending on whether BCDC has complied with Section 66640.1 or not. Even if BCDC had not complied with Section 66640.1, which it has, this statutory provision does not specify as a consequence that any future Civil Penalty Orders are deemed invalid or vacated. Consider that during the pendency of the 2020-21 fiscal year, when BCDC was to comply with the requirements of Section 66640.1, BCDC was still able to and in fact did pursue enforcement cases. In any case, BCDC has complied with Section 66640.1. A 2022 Q1/Q2 program update was provided by the then-Enforcement Policy Manager to the Commission at its July 7, 2022, meeting, the first Enforcement program update to the Commission following the deadline set in Section 66640.1. (Exhibit G) Slide 2 entitled "Practical Effects of Procedural Improvements" specifically references "Case Review Procedure," which directly pertains to the "procedure to ensure that managers perform a documented review of staff decisions in enforcement cases" per subdivision (a) of Section 66640.1. Slide 2 also references "Case Management Procedure Milestones," and Slide 3 entitled "Case Management Improvements" specifically references "Enforcement Regulations revisions," which directly pertains to "timeliness for resolving enforcement cases" per subdivision (b) of Section 66640.1. As admitted by Respondent Belchers, the penalty matrix required by subdivision (c) of Section 66640.1 is found at 14 CCR, Div. 5, App. J, BCDC's "Administrative Civil Penalty Policy." This policy satisfies subdivisions (c) and (d) of Section 66640.1, which require "a penalty matrix for assessing fines and civil penalties" and "a method for assessing civil penalties in cases involving multiple violations", respectively. While Respondent Belchers disputes the penalty calculation methodology as applied to them, the assertion that the Violation Report "does not implement [the Administrative Civil Penalty Policy]" is inaccurate. Each required step of the policy that Respondent Belcher criticizes as "not applied to the Belchers" is in fact applied in the Civil Penalty Order. The Civil Penalty Order speaks for itself in that regard: step 1 (total initial base penalty and adjustments specific to violator) is reflected in Legal Findings HH and TT; step 2 (degree of culpability) is reflected in Legal Findings MM and CCC; steps 3 (history of violations) and 4 (voluntary removal efforts and cooperation) are also reflected in Legal Finding CCC.

14. **Respondent Steve and Lesley Belcher state that: "facts alleged in the Violation Report should not be admitted because they were not supported by declarations"; and "the only people who can be cross-examined are those whose testimony is in a declaration. That makes sense because BCDC should be considering only evidence submitted under penalty of perjury."** The logical conclusions drawn by Respondent Belchers are both unnecessary and flawed. Respondent Belchers are correct that BCDC's regulations pertaining to enforcement hearing procedure specifically states: "Neither cross-examination nor direct examination shall be allowed of any person who has not submitted a declaration under penalty of perjury which has become part of the enforcement record…" (14 CCR § 11327(g).) However, the legal conclusion that Respondent Belchers draw from this fact is wholly unsubstantiated. Notwithstanding Respondent Belchers' unsubstantiated assertion, BCDC's regulations on admissibility of evidence in enforcement proceedings states: "***Any relevant evidence shall be admitted*** if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule that might make improper the admission of such evidence over objection in civil actions." (14 CCR § 11329(a) [emphasis added].) In other words, the rules of evidence which may apply in a civil court action do not govern BCDC administrative enforcement proceedings. Furthermore, this regulation cites as a reference authority Evidence Code section 351, which states: "Except as otherwise provided by statute, all relevant evidence is admissible." In line with this rule, 14 CCR section 11329(b) of BCDC's regulations allow for consideration of hearsay evidence. This regulation states that hearsay evidence "may be admitted and used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in a civil action or unless it is in the form of a declaration under penalty of perjury and the declarant is subject to cross-examination…" Therefore, Respondent Belchers' assertion that "BCDC should be considering only evidence submitted under penalty of perjury" is only accurate in relation to ***hearsay evidence that might otherwise be relied upon to support a finding***.

15. **Respondent Steve and Lesley Belcher state that: "BCDC's penalties violate due process because they fund BCDC"; and, quoting a US Supreme Court case, *Ward v. Village of Monroeville, Ohio*, 409 US 57 ("*Ward*"), "when a government official imposes penalties that go to fund that government agency, it creates a situation in which an official perforce occupies two practically and seriously inconsistent positions, one partisan and the other judicial, and necessarily involves a lack of due process of law in the trial of defendants charged with crimes before him."** The quote in Respondent Belchers' SOD to a portion of *Ward* is factually inapposite to the current situation. The context for the quote pertained to a situation where a mayor is vested with both judicial power, including fees and costs levied against alleged violators, as well as executive power, including responsibilities for village finances. However, the US Supreme Court distinguished that scenario from another case ("*Dungan*") in which a mayor had judicial functions, but very limited executive authority because a city manager, together with a five-member city

commission for which the mayor was also a member, "exercised all executive powers." (*Id*. at 60-61.) The US Supreme Court concluded: "In those circumstances, this Court held that the Mayor's relationship to the finances and financial policy of the city was too remote to warrant a presumption of bias towards conviction in prosecutions before him as judge." (*Id*.) This situation is like *Dungan* and not at all like *Ward*. Respondent Belchers' claim that BCDC enforcement procedures violate due process on the basis of Government Code section 66647 ("Section 66647") is flawed. First, subdivision (a) expressly states: "***There is in the State Treasury*** a Bay Fill Clean-Up and Abatement Fund" (emphasis added). The moneys collected civilly under enforcement proceedings are not even paid to BCDC, but to the State Treasury. Furthermore, subdivision (b) limits money paid into this fund for use by BCDC "when appropriated by the Legislature," indicating that BCDC does not have control of the money paid into the fund, which must be appropriated by the Legislature. Unlike *Ward*, there is no "union of the executive power and the judicial power" in the Commission with respect to imposing administrative civil liability and using money appropriated by the Legislature from the Bay Fill Clean-Up and Abatement Fund. Rather, like *Dungan*, the Commission's relationship to using money appropriated from that fund is too remote to warrant a presumption of bias towards considering Civil Penalty Orders before the Commission in enforcement proceedings. In any event, subdivision (a)(3) of section 66647 expressly identifies "moneys collective civilly under any proceeding brought pursuant to [the MPA and SMPA]" as money sources to be paid into the fund. So, to the extent Respondent Belchers allege this setup violates due process, they are attacking the constitutionality of a statutory provision of the MPA. It is settled law that "Statutes are presumed to be constitutional and will be given a construction consistent with validity if at all possible." (*Tos v. State* (2021) 72 Cal.App.5th 184, 195.)

16. **Respondent Steve and Lesley Belcher state that: "BCDC regulations [14 CCR § 11322(b)] violate due process because they prevent effective cross-examination"; "this regulation prevents respondents from using cross-examination effectively. Because the witness knows what questions are coming, the witness can prepare beforehand"; and "this regulation is inconsistent with Evidence Code § 769, which specifies that 'In examining a witness concerning a statement or other conduct by him that is inconsistent with any part of his testimony at the hearing, it is not necessary to disclose to him any information concerning the statement or other conduct."** Respondent Belchers' arguments presuppose, without any justification, that BCDC's administrative enforcement hearing procedures must adhere to judicial hearing procedures in a court of law. The law is clearly contrary to Respondent Belchers' assertion: "There is no requirement under California law that, in an administrative hearing, an accused is entitled to cross-examine witnesses." (*Doe v. Regents of University of California* (2016) 5 Cal.App.5th 1055, 1084 ["*Doe*"].) Even more directly on point, in the nuisance context (to which Respondent Belchers appeal – *see* Staff Rebuttal 11 above), a court held: "Balancing the probable value, if any, of a right of cross-examination in administrative nuisance abatement proceedings against the fiscal and administrative burdens that cross examination would entail [citations omitted], we

conclude that such a right is not mandated by the due process clause." (*Mohilef v. Janovici* (1996) 51 Cal.App.4th 267, 301.) Here, BCDC's regulations actually do afford a limited opportunity for cross-examination and are otherwise consistent with the aforementioned judicial principles. While subdivision (b) of 14 CCR section 11322 ("Section 11322") allows a respondent to request cross-examination, subdivision (b) of 14 CCR section 11329 limits respondent's ***right*** to cross-examination to a declarant who introduces evidence into the record in the form of a declaration under penalty of perjury. This right to cross-examine a declarant is intended to provide a fair procedure by which Respondent Belchers may question the declarant's statements. Furthermore, the parameters governing the ability to cross-examine that Respondent Belchers criticize in subdivision (b) of Section 11322 are intended to reasonably balance the probable value of cross-examination against the burdens that cross-examination would entail. For the above reasons, Respondent Belchers' request to cross-examine BCDC staff should be rejected in full. None of the subjects that Respondent Belchers desire to cross-examine BCDC staff about constitute hearsay evidence. Nor has any BCDC staff submitted declarations under penalty of perjury, a necessary precondition in order for a respondent to request cross-examination pursuant to subdivision (b) of Section 11322 and subdivision (g) of 14 CCR section 11327. Nor has Respondent Belchers even satisfied the specific elements required in subdivision (b) of Section 11322 to request cross-examination, including among other things "the reasons the respondent believes that the information can best be provided by cross-examination rather than by the submittal of declarations or other written evidence." Finally, "as a general proposition, administrative regulations are said to be 'shielded by a presumption of regularity' and presumed to be 'reasonable and lawful.' The party challenging such regulations has the burden of proving otherwise." (*Foster v. Britton* (2015) 242 Cal.App.4th 920, 933.) In light of the above discussion, Respondent Belchers have not satisfied their burden of proving that BCDC's regulations violate due process.

17. **Respondent Thad Woodin denies the allegations based on his belief that the items "do not constitute fill."** The McAteer-Petris Act defines fill as "earth or any other substance or material, including pilings or structures placed on pilings, and structures floating at some or all times and moored for extended periods, such as houseboats and floating docks." (Cal. Gov. Code § 66632(a).) Therefore, the items identified in the Violation Report are "fill" subject to the McAteer-Petris Act.

18. **Respondent Thad Woodin states that when he "purchased the property…each and every parcel I own has grandfathered in boat dock, house, 1947 truck [and] two tractors." Additionally, Thad Woodin states that the "parcel 180" was "used as a parking lot" and "California's 72 hr abandonment laws are untried or mitigated in a court."** While BCDC staff is unclear about the precise meaning of "grandfathered in," at no time did his parcel obtain a BCDC permit authorizing the placement of the unauthorized fill. Regardless of the history of the parcel or its intended use by the property owner, Thad Woodin must abide

by BCDC's laws and policies. At issue is his noncompliance with the McAteer-Petris Act and Suisun Marsh Preservation Act.

19. **Respondent Thad Woodin states that he is a "disabled" 62-year-old on a "retired fixed income." A fine would create an "adverse condition" in his life.** BCDC staff has not received any supporting documentation which would show an inability to pay, as required under Appendix J of BCDC regulations so this claim may not be fully assessed. (14 CCR Div. 5 App. J.) However, administrative civil penalties are warranted where Mr. Woodin has continued to violate BCDC laws and policies since November 2022, and August 2017 for Violation One.

20. **Respondent Thad Woodin states that "BCDC Anne met with me and said do not jeopardize levee" and "gave me all summer to clean up."** BCDC staff has taken into account the safety issues associated with removing the fill during certain times of the year on account of the levee and recommend in part on that basis a reduced penalty.

21. **Respondent Thad Woodin requested confirmation whether this matter has "been brought before a judge before."** Because this is an administrative proceeding, this matter has not been filed in a court of law.

22. **Respondent Thad Woodin requested an opportunity to cross-examine Anne Usher seemingly about her determination regarding measurements (although the SOD is indecipherable on this point), alleging that "this entire report is biased half truths."** While Section 11322(b) of BCDC regulations allows a respondent to request cross-examination, Section 11329(b) limits respondent's right to cross-examination to a declarant who introduces evidence into the record in the form of a declaration under penalty of perjury. Thad Woodin's request to cross-examine BCDC staff should be rejected in full. None of the subjects that Thad Woodin desires to cross-examine BCDC staff about constitute hearsay evidence. Nor has any BCDC staff submitted declarations under penalty of perjury, a necessary precondition in order for a respondent to request cross-examination pursuant to Sections 11322(b) and 11327(g). Nor has Thad Woodin satisfied the specific elements required in Section 11322(b) to request cross-examination, including among other things "the reasons the respondent believes that the information can best be provided by cross-examination rather than by the submittal of declarations or other written evidence." The request should be denied.

Unresolved Issues

There are no unresolved issues.

Previous Enforcement Actions

No prior enforcement actions have been taken in this matter.

Recommendation

The Executive Director recommends that the Enforcement Committee adopt this Recommended Enforcement Decision and recommend that the full Commission issue the proposed Cease and Desist and Civil Penalty Order CCD2025.001.00 and proposed Stipulated Civil Penalty Orders CCD2025.002.00, CCD2025.003.00, and CCD2025.004.00.

For Violation One, unauthorized fill consisting of a barge at the bottom of the Montezuma Slough and a partially submerged recreational vessel in the Montezuma Slough within BCDC's Bay jurisdiction and the Primary Management Area, BCDC staff have determined that the gravity of harm is major, and the extent of deviation from the statutory requirement to remove the unauthorized fill is major. For Violation Two, unauthorized fill consisting of an abandoned car, silver trailer, and boat, in addition to plastic containers and other trash in the shoreline band and Primary Management Area, BCDC staff have determined that the gravity of harm is moderate, and the extent of deviation from the statutory requirement to remove the unauthorized fill is major. For Violation Three, unauthorized fill consisting of a small, blue recreational vessel and additional recreational vessel in the shoreline band and Primary Management Area, BCDC staff have determined that the gravity of harm is moderate, and the extent of deviation from the statutory requirement to remove the unauthorized fill is moderate. For Violation Four, unauthorized fill consisting of an Argo (small amphibious craft), two boats, and a large lawn mower in the shoreline band and Primary Management Area, BCDC staff have determined that the gravity of harm is moderate, and the extent of deviation from the statutory requirement to remove the unauthorized fill is moderate. For Violation Five, unauthorized fill consisting of a green truck, an automobile, four boats, and an ATV in the shoreline band and Primary Management Area, BCDC staff have determined that the gravity of harm is moderate, and the extent of deviation from the statutory requirement to remove the unauthorized fill is moderate. For Violation Six, unauthorized fill consisting of a silver truck in the shoreline band and Primary Management Area, BCDC staff have determined that the gravity of harm is moderate, and the extent of deviation from the statutory requirement to remove the unauthorized fill is minor.

BCDC staff believes that the nature and extent of harm caused by these violations is significant. The Bay and shoreline in this area contain various large and small vehicles, machines, and other debris in varying stages of decay. As the unauthorized fill breaks down, they may leach harmful chemicals into the Montezuma Slough, a part of the Suisun Marsh, which provides habitat for resident and migratory fish and wildlife and plays an important role in providing wintering habitat for waterfowl of the Pacific Flyway or onto Van Sickle Island, an area of managed wetlands in the Suisun Marsh. (Cal. Pub. Res. Code § 29002). While staff believes the area can be restored, the introduction of pollutants to the Montezuma Slough and Van Sickle Island cannot be undone.

BCDC staff have assessed the Respondents degree of culpability, history of violations, resolution efforts, any economic benefit to the violators, violators' ability to pay, costs to the state in pursuing the enforcement action, and other facts as justice may require.

Staff believes that circumstances outside of Respondents' control may lessen their degree of culpability for each violation. The Solano County Sheriff's Office report, dated August 26, 2017, indicates that one of the mooring lines connecting Thad Woodin's barge to the shoreline broke, causing the barge to move into a 90-degree angle in the Montezuma Slough and ultimately sinking. (VR&C Exhibit 7). While it was Thad Woodin's responsibility to ensure the barge and recreational vessel were securely moored, staff believes that a downward adjustment is proper for Violation One, as the sunken barge appears to be the result of an accident or inadvertent omission. With respect to all other violations, staff previously communicated to Respondents that they should not yet remove the unauthorized fill due to unsafe conditions of the levee road during wet seasons and the environmentally sensitive nature of the area. Staff requested that each Respondent refrain from moving the unauthorized fill until it was safe and environmentally responsible to do so (*i.e.*, in late spring or summer). Staff believes that a downward adjustment for Violations Two, Three, Four, Five, and Six is appropriate on the basis that Respondents refrained from removing the unauthorized fill for a period of time on the advice of staff and that the timeframe during which Respondents could safely and responsibly remove the unauthorized fill was at times out of their control.

Additionally, Respondent Thad Woodin admitted to owning or placing all unauthorized fill identified in each violation, with the exception of a small recreational vessel located on his property. (VR&C Exhibit 9). Although Respondents Steve and Lesley Belcher, Kanady, Bill Woodin, and Kittrell Estate are responsible for abating any violations of the MPA and SMPA on their respective properties as property owners, staff believes that a downward adjustment is appropriate on the basis that the violations were the result of inadvertent omissions on the part of the property owners to survey their properties to identify and remove fill placed by Respondent Thad Woodin.

Staff believes that the efforts to cooperate and resolve the violations on the part of Respondents Steve and Lesley Belcher, Bill Woodin, and Kittrell Estate support an additional downward adjustment because these Respondents have cooperated with the investigation in a timely manner and engaged in efforts to resolve Violations Three, Five, and Six, including planning to remove the fill as soon as possible.

Staff does not believe that Respondents derived any economic benefit from the placement of unauthorized fill on their respective properties. However, it is Respondents' burden to demonstrate an inability to pay, and Respondents did not introduce any such evidence into the record as part of their timely SODs.

Based on these penalty factors, staff finds Violation One is eligible for a $1900 penalty per day, with a start date for this violation on August 26, 2017, when the Solano County Sheriff's Office verified the existence of the sunken barge, and the violation has persisted for over 2,800 days.[2]

[2] Although BCDC staff was confirmed the existence of the partially submerged recreational vessel – also included in Violation One – on September 24, 2024, the appropriate start date for Violation One is August 26, 2017. The

Thus, Violation One is subject to the maximum allowable penalty of $30,000, however, staff believes a five percent downward adjustment is appropriate based on Respondent Thad Woodin's degree of culpability.

Further, staff finds that Violation Two is eligible for a $1400 penalty per day, Violation Three is eligible for a $800 penalty per day, Violation Four is eligible for a $900 penalty per day, Violation Five is eligible for a $800 penalty per day, and Violation Six is eligible for a $250 penalty per day, with the start date for each violation on November 23, 2022, when BCDC staff verified the existence of these violations. These violations have persisted for over 900 days. Thus, each violation is subject to the maximum allowable penalty of $30,000, however, staff believes the following downward adjustments are appropriate based on Respondents' degree of culpability and efforts to cooperate:

- Violation Two (Thad Woodin): 10 percent downward adjustment based on degree of culpability.
- Violation Three (Thad Woodin and Steve and Lesley Belcher): 20 percent downward adjustment based on degree of culpability and 20 percent downward adjustment based on efforts to cooperate.
- Violation Four (Thad Woodin and Allen Kanady): 15 percent downward adjustment based on degree of culpability.
- Violation Five (Thad Woodin and Bill Woodin): 20 percent downward adjustment based on degree of culpability and 20 percent downward adjustment based on efforts to cooperate.
- Violation Six (Thad Woodin and Kittrell Estate): 20 percent downward adjustment based on degree of culpability and 20 percent downward adjustment based on efforts to cooperate.

Accordingly, the following administrative civil penalties are appropriate: $28,500 for Violation One; $27,000 for Violation Two; $18,000 for Violation Three; $25,500 for Violation Four; $18,000 for Violation Five; and $18,000 for Violation Six.

However, BCDC staff entered into proposed settlements with certain respondents: $3,500 to resolve Violation Three with Respondents Steve and Lesley Belcher; $8,000 to resolve Violation Four with Respondent Allen Kanady; and $500 to resolve Violation Six with Respondent Kittrell Estate. Therefore, Respondents Thad Woodin and Bill Woodin remain responsible for the following penalties (as apportioned below):

- Violation One: $28,500 (Thad Woodin).
- Violation Two: $27,000 (Thad Woodin).
- Violation Three: $14,500 (Thad Woodin).
- Violation Four: $17,500 (Thad Woodin).

recreational vessel was added to Violation One because of the proximity of the vessel to the sunken barge. Moreover, the addition of the recreational vessel to Violation One did not impact Respondent Thad Woodin's administrative civil penalty liability as the administrative civil penalty maximum was already reached due to the length of time that Respondent Thad Woodin's barge was in the Montezuma Slough.

- Violation Five: $18,000 (Thad Woodin and Bill Woodin).
- Violation Six: $17,500 (Thad Woodin).

Thus, the total administrative liability, including each proposed settlement amount, is $135,000.

A proposed Cease and Desist and Civil Penalty Order and proposed Stipulated Civil Penalty Orders consistent with this recommendation are attached (Exhibit A, Q-S).

Proposed Orders CCD2025.001.00, CCD2025.002.00, CCD2025.003.00, and CCD2025.004.00

Proposed Cease and Desist and Civil Penalty Order CCD2025.001.00 (Exhibit A), proposed Stipulated Civil Penalty Order CCD2025.002.00 (Exhibit Q), proposed Stipulated Civil Penalty Order CCD2025.003.00 (Exhibit R), proposed Stipulated Civil Penalty Order CCD2025.004.00 (Exhibit S) consistent with this recommendation are attached, along with the Violation Report and Complaint dated July 8, 2025 (Exhibit B), Respondents' Statement of Defense or other correspondence (Exhibits C1-C4), *Leslie Salt Co. v. San Francisco Bay Conservation and Development Com.* (1984) 153 Cal.App.3d 605 (Exhibit D), and August 6, 2025 email correspondence from Solano County Sheriff's Office (Exhibit E).

Attachments: RED Exhibit A: Proposed Cease and Desist and Civil Penalty Order CCD2025.001.00

RED Exhibit B: Violation Report and Complaint with exhibits

RED Exhibit C1: Allen Kanady Statement of Defense

RED Exhibit C2: Belcher Email Correspondence, dated July 9, 2025

RED Exhibit C3: William Woodin Statement of Defense

RED Exhibit C4: Kittrell Estate Statement of Defense

RED Exhibit C5: Belchers Statement of Defense, including Declarations

RED Exhibit D: *Leslie Salt Co. v. San Francisco Bay Conservation and Development Com.* (1984) 153 Cal.App.3d 605

RED Exhibit E: Email Correspondence from Solano County Sheriff's Office, dated August 6, 2025

RED Exhibit F: Belchers Grant Deed

RED Exhibit G: 2022 Q1/Q2 Enforcement Program Update

RED Exhibit H: 2025.08.12 BCDC Staff Site Visit

RED Exhibit I: Statement of Defense Not Timely Filed (Thad Woodin)

RED Exhibit J1: Confirmation to Postpone Hearing (Kittrell Estate)

RED Exhibit J2: Confirmation to Postpone Hearing (Bill Woodin)

RED Exhibit J3: Confirmation to Postpone Hearing (Allen Kanady)

RED Exhibit J4: Confirmation to Postpone Hearing (Thad Woodin)

RED Exhibit J5: Confirmation to Postpone Hearing (Steve and Lesley Belcher)

RED Exhibit K: Email Correspondence from Allen Kanady, dated August 29, 2025

RED Exhibit L: Summary of BCDC staff site visit, dated September 22, 2025

RED Exhibit M: Previous Recommended Enforcement Decision, mailed August 15, 2025

RED Exhibit N: Previous Cease and Desist and Civil Penalty Order, mailed August 15, 2025

RED Exhibit O: Previous Recommended Enforcement Decision, mailed October 10, 2025

RED Exhibit P: Previous Cease and Desist and Civil Penalty Order, mailed October 10, 2025

RED Exhibit Q: Proposed Stipulated Civil Penalty Order CCD2025.002.00

RED Exhibit R: Proposed Stipulated Civil Penalty Order CCD2025.003.00

RED Exhibit S: Proposed Stipulated Civil Penalty Order CCD2025.004.00

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Enforcement Committee Recommendation to the Full Commission:

Please check one of the three boxes indicating your decision, then sign and return the memorandum to BCDC Staff:

☒ By a vote of _3_ yeses, ___noes, and ___abstentions, the Enforcement Committee adopts the Executive Director's Recommended Enforcement Decision as its recommendation to the full Commission.

☐ By a vote of __yeses, __noes, and __abstentions, the Enforcement Committee conditionally adopts the Executive Director's Recommended Enforcement Decision as its recommendation to the full Commission as specified in the attached memorandum.

☐ By a vote of ___yeses, ___noes, and ___abstentions, the Enforcement Committee declines to adopt the Executive Director's Recommended Enforcement Decision and recommends that the full Commission decline to issue the proposed Cease and Desist and Civil Penalty Order and Stipulated Civil Penalty Orders for the reasons specified in the attached memorandum.

Signed by:
77801E1D4DBE4DD...

MARIE GILMORE, Enforcement Committee Chair
San Francisco Bay Conservation and Development Commission

12/16/2025

Date:

Exhibit A

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 Cease and Desist and Civil Penalty Order: CCD2025.001.00

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

Respondents: Thaddeus Woodin
William Woodin

To: Thaddeus Woodin and William Woodin

I. Commission Cease and Desist Order

Pursuant to Cal. Gov. Code § 66638, Thaddeus ("Thad") Woodin and William ("Bill") Woodin (together, "Respondents") are hereby ordered to:

A. Cease and desist from violating the McAteer-Petris Act (MPA) and the Suisun Marsh Preservation Act (SMPA).

B. Respondent Thad Woodin must:
   1. By May 15, 2026, remove (i) the 20- to 25-foot-long recreational vessel identified in Section III.B and (ii) the fill identified in Section III.C, Section III.D(1), Section III.D(2), and Section III.D(4), to a legal disposal site or location outside of BCDC's jurisdiction.
   2. Provide immediate written confirmation to BCDC staff upon learning whether Solano County received funding to remove the 68- x 33-foot barge at the bottom of the Montezuma Slough described in Section III.B.
   3. If by March 31, 2026, Solano County has secured funding to remove the 68- x 33-foot barge at the bottom of the Montezuma Slough described in Section III.B, use best efforts to cooperate with Solano County and its designated agents and/or contracted parties to remove the barge.
   4. If by March 31, 2026, Solano County has not secured funding to remove the 68- x 33-foot barge at the bottom of the Montezuma Slough described in Section III.B, then by June 30, 2026, use best efforts to apply for and obtain funding for the removal of the barge.
   5. By September 30, 2026, remove the 68- x 33-foot barge at the bottom of the Montezuma Slough described in Section III.B to a legal disposal site or location outside of BCDC's jurisdiction, irrespective of the results of any funding applications or efforts.

C. Respondents Thad Woodin and Bill Woodin must:
   1. By May 15, 2025, remove the fill identified in Section III.D(3) to a legal disposal site or location outside of BCDC's jurisdiction.

D. Fully comply with the requirements of Sections I, II, IV, and V of this Cease and Desist and Civil Penalty Order ("Order").

II. Civil Penalty Order

Pursuant to Cal. Gov. Code § 66641.6, Respondents are hereby ordered to:

A. Pay administrative civil liability of one hundred twenty-three thousand dollars ($123,000) 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, and liability shall be apportioned, as follows:
   1. Twenty-eight thousand five hundred ($28,500) for the unpermitted fill in the Montezuma Slough within BCDC's Bay jurisdiction and the Primary Management Area consisting of: (1) 68- x 33-foot barge at the bottom of the slough, about 50 feet south of Thad Woodin's home on Van Sickle Island and under about 19 feet of water; and (2) a mostly submerged 20- to 25-foot-long recreational vessel about 10 feet off the Kittrell Estate's parcel (Thad Woodin);
   2. Twenty-seven thousand ($27,000) for the unpermitted fill within BCDC's 100-foot shoreline band jurisdiction and the Primary Management Area consisting of an abandoned car, silver trailer, and boat, in addition to plastic containers and other trash (Thad Woodin);
   3. Fourteen thousand five hundred ($14,500) for unpermitted fill within BCDC's 100-foot shoreline band jurisdiction and the Primary Management Area consisting of: (1) a small, blue recreational vessel, close to the levee road and (2) a recreational vessel near Thad Woodin's house located partially on Thad Woodin's parcel (Thad Woodin);
   4. Seventeen thousand five hundred ($17,500) for unpermitted fill within BCDC's 100-foot shoreline band jurisdiction and the Primary Management Area consisting of an Argo (small amphibious craft), two boats, and a large lawn mower placed close to the levee road (Thad Woodin);
   5. Eighteen thousand ($18,000) for unpermitted fill within BCDC's 100-foot shoreline band jurisdiction and the Primary Management Area consisting of a green truck, an automobile, four boats, and an ATV. All are close to the levee road (Thad Woodin and Bill Woodin); and
   6. Seventeen thousand five hundred ($17,500) for unpermitted fill within BCDC's 100-foot shoreline band jurisdiction and the Primary Management Area consisting of a silver truck placed close to the levee road (Thad Woodin).

B. If administrative civil liability is not paid within 30 days of issuance of this Order the Executive Director is authorized to refer the matter to the Attorney General pursuant to Cal. Gov. Code § 66641.7(b), Cal. Gov. Code § 66641.5, and/or Cal. Gov. Code § 66641.

III. Findings

Factual Findings

This Commission Cease and Desist and Civil Penalty Order is based on the findings set forth 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. Each respondent owns a parcel located on Van Sickle Island, Solano County, as identified by the following Assessor Parcel Numbers (APN):
   1. APN 0090-120-130 (Thad Woodin);
   2. APN 0090-120-030 (Steve and Lesley Belcher);
   3. APN 0090-120-190 (Allen Kanady);
   4. APN 0090-120-170 (Bill Woodin); and
   5. APN 0090-120-160 (Kittrell Estate).

B. On or shortly before August 26, 2017, Respondent Thad Woodin caused his 68- x 33-foot barge to sink to the bottom of the Montezuma Slough within BCDC jurisdiction in the Bay and Primary Management Area, at approximately 38°04’28.85”N 121°52’53.04”W. Additionally, prior to September 24, 2024, Respondent Thad Woodin placed a 20- to 25-foot-long recreational vessel also in the Montezuma Slough within BCDC’s jurisdiction in the Bay and Primary Management Area, approximately 10 feet away from the Kittrell Estate property.

C. Prior to November 23, 2022, Respondent Thad Woodin placed fill consisting of an abandoned car, silver trailer, boat, and plastic containers and other trash on his property within BCDC's 100-foot shoreline band jurisdiction and the Primary Management Area.

D. Prior to November 23, 2022, Respondent Thad Woodin placed fill on neighboring parcels in BCDC’s 100-foot shoreline band jurisdiction and the Primary Management Area, consisting of the following:
   1. Two recreational vessels located on Respondents Steve and Lesley Belcher’s property;
   2. An Argo (small amphibious craft), two boats, and a large lawn mower on Respondent Allen Kanady’s property;
   3. A green truck, an automobile, four boats, and an ATV on Respondent Bill Woodin’s property; and
   4. A silver truck on Respondent Kittrell Estate’s property.

E. The activities described in Section III.B ("Violation One"), Section III.C ("Violation Two"), Section III.D(1) ("Violation Three"), Section III.D(2) ("Violation Four"), Section III.D(3) ("Violation Five"), and Section III.D(4) ("Violation Six") constitute the placement of fill in BCDC's jurisdiction under the 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.

F. The activities described in Violations One through Six constitute development in the Primary Management Area under the SMPA Section 29500 and no marsh development permit under that section was obtained for the activities described above meaning that this requirement has not been met.

G. Therefore, Respondent Thad Woodin is responsible for all six violations of the MPA and SMPA, Respondents Steve and Lesley Belcher are responsible for one violation of the MPA and SMPA, Respondent Allen Kanady is responsible for one violation of the MPA and SMPA, Respondent Bill Woodin is responsible for one violation of the MPA and SMPA, and Respondent Kittrell Estate is responsible for one violation of the MPA and SMPA.

H. On November 23, 2022, September 24, 2024, and December 11, 2024, BCDC staff inspected the properties identified in Section III.A and collected photographic evidence depicting the fill.

I. The ownership and boundaries of the properties identified in Section III.A were confirmed using RealQuest, the Solano County tax assessment map viewer, a March 18, 2025 email with Chris Rodgers (a Mapping Tech with Solano County), and by walking the levee road during the December 11, 2024 site visit with Chris Lanzafame, the secretary of Reclamation District 1607 (the "District").

J. Letter correspondence dated September 13, 2012 to Respondent Thad Woodin from the District, an April 29, 2025 email exchange between staff and Mr. Lanzafame, and two interviews on September 27, 2024 and November 27, 2024 with Mr. Lanzafame revealed that the District is aware that Respondent Thad Woodin had placed large items on the levee since 2012. The District asked Respondent Thad Woodin to remove the items from the levee road and Mr. Lanzafame has tried to persuade Respondent Thad Woodin to remove them. Mr. Lanzafame asserted that all unauthorized fill belongs to Respondent Thad Woodin and advised staff on who owned the properties identified in Section III.A.

K. On October 15, 2024, Andrew Kershen from the State Lands Commission confirmed via email that the State Lands Commission has jurisdiction within the Montezuma Slough adjacent to Respondent Thad Woodin's property, up to the mean high tide line. However, Mr. Kershen asserted that the State Lands Commission does not have jurisdiction within Van Sickle Island.

L. On August 26, 2017, the Solano County Sheriff's Office responded to a report of Respondent Thad Woodin's barge sinking in the Montezuma Slough. The Sheriff's Office found in its report of the incident that Respondent Thad Woodin was solely and completely responsible for the sinking of his barge and that the barge was moored via insufficient means to prevent the barge from breaking loose from its mooring location.

M. On November 12, 2024, Solano County Marine Patrol took underwater images of Respondent Thad Woodin's sunken barge and subsequently provided these images to BCDC staff on November 13, 2024.

N. Respondent Thad Woodin alleged to staff that one of The Dutra Group's (Dutra) vessels struck his barge and caused the barge to sink. On May 22, 2025, John Wyma-Hughes, a Risk Manager for Dutra, via email denied any involvement in or liability arising from the sinking of Respondent Thad Woodin's barge. Staff reviewed daily logbook entries provided by Dutra for the tug Sarah Reed, the only Dutra vessel which traversed the Montezuma Slough at the time Respondent Thad Woodin's barge sank, and found no evidence that Dutra was responsible for causing the barge to sink.

O. On November 15, 2024, staff discussed the unauthorized fill with Respondent Thad Woodin and advised him that he needed to remove all items from BCDC's jurisdiction. Respondent Thad Woodin acknowledged owning the sunken barge, the car and trailer on his parcel, and the two largest boats parked on the levee. He also acknowledged placing the partially submerged recreational vessel in its present location but accused the Solano County Sheriff's Office of sinking it without providing any evidence. Respondent Thad Woodin said that he has equipment to remove the fill and would do so. In an email on November 26, 2024, he denied owning a small white recreational vessel with a blue hull that is on his property.

P. On February 5, 2025, staff mailed initial contact letters to Respondents Steve and Lesley Belcher, Allen Kanady, and Bill Woodin describing the unauthorized fill and advising that each respondent "must clear all illicit items of fill from your parcel." On February 21, 2025, BCDC staff issued an initial contact letter to Respondent Kittrell Estate describing the unauthorized fill and also advising that the respondent "must clear all illicit items of fill from your parcel."

Q. On April 8, 2025, Solano County Marine Patrol Sgt. Brady Graham advised staff that Solano County had applied for a grant to remove Respondent Thad Woodin's barge from the Montezuma Slough.

R. BCDC staff conducted a site visit on April 11, 2025, with Respondent Thad Woodin to walk the levee and identify his items. Respondent Thad Woodin reconfirmed ownership of all items except for a small recreational vessel on his parcel. Respondent Thad

Woodin said that he would remove all items except for the sunken barge, including the vessel next to his home that he claims not to own.

S. Prior to July 8, 2025, Respondents failed to demonstrate that the unauthorized fill identified in Violations One through Six was removed from BCDC's Bay and shoreline band jurisdiction and from the Primary Management Area.

T. 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.

U. On July 14, 2025, Respondent Allen Kanady submitted his Statement of Defense ("SOD") form. On August 5, 2025, Respondent Bill Woodin submitted his SOD form. On August 8, 2025, Respondent Kittrell Estate submitted its SOD form. On August 12, 2025, Steve and Lesley Belcher submitted their SOD form. Respondent Thad Woodin untimely submitted a SOD on August 18, 2025.

V. On July 9, 2025, Respondents Steve and Lesley Belcher emailed photographs to BCDC staff demonstrating that the unauthorized fill identified in Violation Three had been removed from their property and placed onto Respondent Thad Woodin's parcel.

W. On August 1, 2025, BCDC staff conducted a site visit to the properties identified in Section III.A and confirmed that the unauthorized fill identified in Violation Three was still in BCDC's shoreline band jurisdiction and the Primary Management Area. BCDC staff also discovered that the two boats identified in Violation Four were removed from BCDC's jurisdiction, while the Argo and large lawnmower identified in Violation Four remained on Respondent Allen Kanady's property. Finally, BCDC staff discovered that the unauthorized fill identified in Violation Six was removed from Respondent Kittrell Estate's property and placed onto Respondent Thad Woodin's parcel.

X. On August 6, 2025, Deputy Sheriff Michael Urlaub from the Solano County Sheriff's Office via email provided BCDC staff with additional information regarding when Solano County may expect to hear back regarding the results of the funding application to remove Respondent Thad Woodin's sunken barge identified in Violation One. According to Deputy Sheriff Urlaub, Solano County expects to hear if it received funding to remove the sunken barge within four to six months from September 2025. If Solano County receives the funding, removal of the sunken barge is likely to occur in late summer of 2026.

Y. On August 12, 2025, BCDC staff discovered that one item of unauthorized fill identified in Violation 5 (a silver car) had been removed from Respondent Bill Woodin's parcel and BCDC's jurisdiction, but the other items remained. Staff also discovered that one of the boats identified in Violation 4 that appeared to have been removed was placed back on Respondent Allen Kanady's parcel and the Argo and some trash remained. Staff confirmed that the unauthorized fill identified on Respondent Thad Woodin's parcel in

Violation 2, in addition to the two boats that Respondents Steve and Lesley Belcher moved onto his parcel (Violation 3), remained.

Z. On August 15, 2025, a Recommended Enforcement Decision was prepared and mailed to all Respondents and representatives in accordance with Cal. Code Regs. tit. 14, § 11324.

AA. On August 26, 2025, all respondents agreed to postponement of the enforcement hearing due to one respondent's medical emergency and waived the 60-day time limitation pursuant to Cal. Gov. Code § 66641.6(b).

BB. On August 29, 2025, Respondent Allen Kanady via email provided BCDC staff with photographs demonstrating that all of the unauthorized fill identified in Violation Four had been removed. On September 22, 2025, BCDC staff via a site visit verified a claim by Bill Woodin that the unauthorized fill had simply been moved from Mr. Kanady's property to Bill Woodin's property.

CC. On October 10, 2025, a Revised Recommended Enforcement Decision was prepared and mailed to all Respondents and representatives in accordance with Cal. Code Regs. tit. 14, § 11324.

DD. At the October 22, 2025 hearing, the Enforcement Committee decided to continue the hearing until December 10, 2025 so that BCDC staff and Respondents could have additional opportunities to engage in settlement negotiations.

EE. To date, all violations persist, although Respondents Steve and Lesley Belcher, Allen Kanady, and Kittrell Estate have removed the unauthorized fill identified in Violations Three, Four, and Six from their respective properties.

FF. These findings are based upon Exhibits 1-9 of the Violation Report & Complaint that was mailed to Respondents on July 8, 2025, and Exhibits A-S of the Recommended Enforcement Decision that was mailed to the Enforcement Committee on November 26, 2025.

Legal Findings

GG. The Commission finds that the Respondents are violating Section 66632(a) of the McAteer-Petris Act (MPA) and Section 29500 of the Suisun Marsh Preservation Act (SMPA) by placing or failing to abate the activities described in Section III.B through III.D at the locations described in Section III.A within BCDC jurisdiction without obtaining a permit from BCDC.

HH. The Commission finds that BCDC staff correctly identified six distinct violations of the MPA and SMPA in this matter at the time of issuance of the Violation Report and Complaint on July 8, 2025.

II. The Commission also finds that based on the factors provided by the MPA Section 66641.9, a penalty of $28,500 for Violation One, a penalty of $27,000 for Violation Two, a penalty of $18,000 for Violation Three, a penalty of $25,500 for Violation Four, a penalty of $18,000 for Violation Five, and a penalty of $18,000 for Violation Six, for a total penalty of $135,000, is appropriate.

JJ. Specifically, pursuant to Appendix J of the Commission's regulations (14 CCR), the Commission finds that for Violation One, the gravity of harm is major and the extent of deviation from the statutory requirement to remove the unauthorized fill is major. For Violation Two, the gravity of harm is moderate and the extent of deviation from the statutory requirement to remove the unauthorized fill is major. For Violations Three, Four, and Five, the gravity of harm is moderate and the extent of deviation from the statutory requirement to remove the unauthorized fill is moderate. Finally, for Violation Six, the gravity of harm is moderate and the extent of deviation from the statutory requirement to remove the unauthorized fill is minor.

KK. The Commission finds that Violation One can be resolved but that the barge has remained submerged in the Montezuma Slough since August 26, 2017, when the Solano County Sheriff's Office verified the existence of the sunken barge, and the recreational vessel has remained partially submerged in the Montezuma Slough since September 24, 2024, when staff conducted a site visit to the properties identified in Section III.A and verified the existence of the recreational vessel.

LL. The Commission finds that Violations Two, Three, Four, Five, and Six can be resolved but have remained unresolved since at least November 23, 2022, when BCDC staff conducted a site visit to the properties identified in Section III.A and verified the existence of these violations.

MM. The Commission finds the cost to the state in pursuing this case has been high. Between November 23, 2022, and July 8, 2025, BCDC staff have conducted four site visits and worked with Respondents to support them in addressing the violations. Prior to July 8, 2025, BCDC staff researched the ownership of each parcel and issued a Violation Report and Complaint; and, if the Commission issues an Order, BCDC staff will invest additional time to monitor Respondents' actions for compliance with its terms.

NN. The Commission finds that Respondent Thad Woodin is culpable for all six violations because he is directly responsible for the placement of all unauthorized fill.

OO. The Commission finds that Respondents Steve and Lesley Belcher are also culpable for Violation Three as the property owners of the parcel containing the unauthorized fill.

PP. The Commission finds that Respondent Allen Kanady is also culpable for Violation Four as the property owner of the parcel containing the unauthorized fill.

QQ. The Commission finds that Respondent Bill Woodin is also culpable for Violation Five as the property owner of the parcel containing the unauthorized fill.

RR. The Commission finds that Respondent Kittrell Estate is also culpable for Violation Six as the property owner of the parcel containing the unauthorized fill.

SS. The Commission finds that Respondents provided no information regarding the ability to pay. In the absence of any evidence to indicate that there is an inability to pay, it does not find that this factor supports a penalty reduction.

TT. Based on these penalty factors, the Commission finds that it is appropriate to impose a $1,900 penalty per day for Violation One, calculated from August 26, 2017, to the date that the Commission votes to adopt the Order.

UU. The Commission finds that Respondent Thad Woodin has been responsible for Violation One since August 26, 2017, to the date of the Commission vote to adopt the Order.

VV. Based on these penalty factors, the Commission finds that it is appropriate to impose a $1,400 penalty per day for Violation Two, a $800 penalty per day for Violation Three, a $900 penalty per day for Violation Four, a $800 penalty per day for Violation Five, and a $250 penalty per day for Violation Six, calculated from November 23, 2022, (the date BCDC staff confirmed the existence of these violations) to the date that the Commission votes to adopt the Order.

WW. The Commission finds that Respondent Thad Woodin has been responsible for Violation Two since November 23, 2022, to the date of the Commission vote to adopt the Order.

XX. The Commission finds that Respondent Thad Woodin has been responsible for Violation Three since November 23, 2022, to the date of the Commission vote to adopt the Order.

YY. The Commission finds that Respondents Steve and Lesley Belcher have been responsible for Violation Three since November 23, 2022, to July 9, 2025, the date Respondent Steve Belcher moved the unauthorized fill off of the Belchers' property onto Thad Woodin's parcel.

ZZ. The Commission finds that Respondent Thad Woodin has been responsible for Violation Four since November 23, 2022, to the date of the Commission vote to adopt the Order.

AAA. The Commission finds that Respondent Allen Kanady has been responsible for Violation Four since November 23, 2022, to August 29, 2025, the date Respondent Allen Kanady moved the unauthorized fill off of his property.

BBB. The Commission finds that Respondents Thad Woodin and Bill Woodin have been responsible for Violation Five since November 23, 2022, to the date of the Commission vote to adopt the Order.

CCC. The Commission finds that Respondent Thad Woodin has been responsible for Violation Six since November 23, 2022, to the date of the Commission vote to adopt the Order.

DDD. The Commission finds that Respondent Kittrell Estate has been responsible for Violation Six since November 23, 2022, to August 1, 2025, the date BCDC staff confirmed that Respondent Kittrell Estate moved the unauthorized fill off of its property.

EEE. The Commission finds that a five percent downward adjustment for Violation One is appropriate as the violation appears to be the result of an accident or inadvertent omission.

FFF. The Commission finds that a 10 percent downward adjustment for Violation Two is appropriate as staff previously communicated to Respondent Thad Woodin in or around October of 2024 that he should not remove the unauthorized fill until it was safe and environmentally responsible to do so and as a result Respondent Thad Woodin refrained from resolving the violation for a period of time.

GGG. The Commission finds that a 20 percent downward adjustment on the basis of degree of culpability and an additional 20 percent downward adjustment on the basis of efforts to cooperate for Violation Three is appropriate because on February 5 and February 13, 2025, staff communicated to Respondents Steve and Lesley Belcher that they should not remove the unauthorized fill until it was safe and environmentally responsible to do so (*i.e.*, late spring or summer) and as a result Respondents Steve and Lesley Belcher refrained from resolving the violation. The violation was the result of inadvertent omissions on the part of Respondents Steve and Lesley Belcher to survey their property to identify and remove fill placed by Respondent Thad Woodin. Respondents Steve and Lesley Belcher cooperated with staff's investigation, responding in a timely manner, pledging to remove the unauthorized fill and inquiring about how best to do so. On July 9, 2025, Respondent Steve Belcher moved the unauthorized fill off of the Belchers' property onto Thad Woodin's parcel.

HHH. The Commission finds that a 15 percent downward adjustment for Violation Four is appropriate because on February 5 and April 1, 2025, staff communicated to Respondent Allen Kanady that he should not remove the unauthorized fill until it was safe and environmentally responsible to do so (*i.e.*, late spring or summer) and as a result, Respondent Allen Kanady refrained from resolving the violation. Further, the violation was the result of inadvertent omissions on the part of Respondent Allen Kanady to survey his property to identify and remove fill placed by Respondent Thad Woodin. Prior to August 29, 2025, Respondent Kanady moved the unauthorized fill off of his property onto Respondent Bill Woodin's property.

III. The Commission finds that a 20 percent downward adjustment on the basis of degree of culpability and an additional 20 percent downward adjustment on the basis of efforts to cooperate for Violation Five is appropriate because on February 5 and February 26, 2025, staff communicated to Respondent Bill Woodin that he should not remove the unauthorized fill until it was safe and environmentally responsible to do so (*i.e.*, late spring or summer) and as a result Respondent Bill Woodin refrained from resolving the violation. The violation was the result of inadvertent omissions on the part of Respondent Bill Woodin to survey his property to identify and remove fill placed by Respondent Thad Woodin, and Respondent Bill Woodin has cooperated with staff's investigation, responding in a timely manner and pledging to remove the unauthorized fill soon.

JJJ. The Commission finds that a 20 percent downward adjustment on the basis of degree of culpability and an additional 20 percent downward adjustment on the basis of efforts to cooperate for Violation Six is appropriate because on February 5 and February 28, 2025, staff communicated to Todd Trost, a representative of Respondent Kittrell Estate, that he should not remove the unauthorized fill until it was safe and environmentally responsible to do so (*i.e.*, late spring or summer) and as a result Respondent Kittrell Estate refrained from resolving the violation. The violation was the result of inadvertent omissions on the part of Respondent Kittrell Estate to survey its property to identify and remove fill placed by Respondent Thad Woodin. Representatives of Respondent Kittrell Estate have fully cooperated with staff's investigation, reiterating their desire to work with staff to remove the fill as soon as possible. Prior to August 1, 2025, Respondent Kittrell Estate moved the unauthorized fill off of the Kittrell Estate's property onto Bill Woodin's parcel.

KKK. The Commission thus finds that it is appropriate that the six violations are subject to the following penalties under the MPA: $28,500 for Violation One; $27,000 for Violation Two; $18,000 for Violation Three; $25,500 for Violation Four; $18,000 for Violation Five; and $18,000 for Violation Six, for a total administrative civil liability of $135,000.

LLL. BCDC staff entered into separate proposed settlements with certain respondents: $3,500 to resolve Violation Three with Respondents Steve and Lesley

Belcher; $8,000 to resolve Violation Four with Respondent Allen Kanady; and $500 to resolve Violation Six with Respondent Kittrell Estate.

MMM. Thus, Respondent Thad Woodin remains responsible for the following penalties: $28,500 for Violation One; $27,000 for Violation Two; $14,500 for Violation Three; $17,500 for Violation Four; and $17,500 for Violation Six. Respondents Thad Woodin and Bill Woodin remain responsible for $18,000 for Violation Five.

NNN. The Commission finds that Respondents have received due process throughout this enforcement action.

OOO. These findings are based upon Exhibits 1-9 of the Violation Report & Complaint that was mailed to Respondents on July 8, 2025, and Exhibits A-S of the Recommended Enforcement Decision that was mailed to the Enforcement Committee on November 26, 2025.

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. Respondents must strictly conform to the express terms of this Order. Under Cal. Gov. Code § 66641, any person who intentionally or negligently violates any part of any cease-and-desist order issued by the Commission may be liable civilly in the sum of up to $6,000 for each day in which such violations persist. In addition, upon the failure of any person to comply with any cease-and-desist order issued by the Commission and upon the request of the Commission, the Attorney General of the State of California may petition the superior court for the issuance of a preliminary or permanent injunction, or both, restraining the person or persons from continuing any activity in violation of the cease-and-desist order.

C. This Order does not affect any duties, rights, or obligations established under private agreements or by the laws and regulations of other public bodies.

D. This Order does not constitute a recognition of property rights.

E. This Order immediately and fully resolves Enforcement Cases ER2019.038.00 and ER2025.003.00.

F. This Order is effective upon issuance thereof.

V. 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.

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

_____ _____

LAWRENCE J. GOLDZBAND, BCDC Executive Director Date

Full Commission Motion and Action:

Please check one of the four boxes indicating your decision, then sign and return the memorandum to BCDC Staff:

☐ By a vote of __ yeses, __ noes, and __ abstentions, the Commission concurs with the Executive Director's Recommended Enforcement Decision and issues the proposed Cease and Desist and Civil Penalty Order.

☐ By a vote of __ yeses, __ noes, and __ abstentions, the Commission votes to dismiss this matter and declines to issue the proposed Cease and Desist and Civil Penalty Order for the reasons specified in the attached memorandum.

☐ By a vote of __ yeses, __ noes, and __ abstentions, the Commission votes to remand the matter back to the Enforcement Committee for further action for the reasons specified in the attached memorandum.

☐ By a vote of __ yeses, __ noes, and __ abstentions, the Commission rejects the Executive Director's Recommended Enforcement Decision and decides to consider the entire matter de novo at the Commission meeting on _____.

_____
Zachary Wasserman, Commission Chair
San Francisco Bay Conservation and Development Commission

_____
Date:

Exhibit B

San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 | Phone: 415-352-3600

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

BCDC Enforcement File: ER2019.038.00, ER2025.001.00, ER2025.002.00, ER2025.003.00, and ER2025.004.00
Permit: N/A
Date Mailed: July 8, 2025
35th Day After Mailing: August 12, 2025
60th Day After Mailing: September 8, 2025
Hearing Date: August 27, 2025

Violation Report/Complaint for Administrative Civil Liability Steve and Lesley Belcher, Thaddeus Woodin, Allen Kanady, William Woodin, and Kittrell Estate

Guidance to Respondents

FAILURE TO RESPOND TO THIS VIOLATION REPORT/COMPLAINT FOR ADMINISTRATIVE CIVIL LIABILITY BY COMPLETING THE ENCLOSED STATEMENT OF DEFENSE FORM AND ENCLOSING ALL PERTINENT DECLARATIONS UNDER PENALTY OF PERJURY, PHOTOGRAPHS, LETTERS, AND OTHER WRITTEN DOCUMENTS COULD RESULT IN A CEASE AND DESIST ORDER, A PERMIT REVOCATION ORDER, OR AN ORDER SETTING ADMINISTRATIVE CIVIL LIABILITY AND IMPOSING A SUBSTANTIAL CIVIL PENALTY BEING ISSUED TO YOU WITHOUT YOUR HAVING AN OPPORTUNITY TO CONTEST THEM BY RAISING ANY DEFENSES OR MITIGATING FACTORS OR TO INTRODUCE ANY EVIDENCE.

The San Francisco Bay Conservation and Development Commission is issuing this violation report/complaint for administrative civil liability and the enclosed statement of defense form because the Commission's staff believes that you may be responsible for or involved with a possible violation of either the Commission's laws or a Commission permit. The report/complaint contains a brief description of the alleged violation, a summary of all the pertinent information currently known to staff, and a list of all supporting evidence relied on by staff. All the listed supporting evidence is attached to or accompanies this report/complaint or will be provided to you in electronic format upon request. You can arrange to review the Commission's enforcement file for this matter located at the Commission's offices and/or have copies of these materials made at your expense by contacting Anne Usher of the Commission's staff at telephone number 415-352-3662. The report/complaint informs you of the nature of the possible violation and lists the supporting evidence so that you can fill out the enclosed Statement of Defense form and otherwise be prepared for the Commission enforcement proceedings.

Receipt of the report and the enclosed statement of defense form is the first step in Commission enforcement proceedings. Subsequently, either the Commission or its enforcement committee shall hold an enforcement hearing, and the Commission will determine what, if any, enforcement action to take.

Careful reading and a timely response to these materials are essential to allow you to present your side of the case to the Commission. A copy of the Commission's enforcement regulations is also included so that you can fully understand the Commission's enforcement procedures. If you have any questions concerning either the report/complaint, the enclosed statement of defense form, the procedures that the Commission and its enforcement committee follow, or anything else pertinent to this matter, contact Anne Usher of the Commission's staff as quickly as possible at telephone number 415-352-3662. Thank you for your cooperation.

Violation Report and Complaint for Administrative Imposition of Civil Penalties

1. **Person or persons responsible for the violation or unauthorized activity:**

   The violations encompass five parcels on Van Sickle Island and the Montezuma Slough. They are grouped together based on proximity and because Thaddeus (Thad) Woodin admits owning and placing unpermitted fill on each parcel and in the slough.

   Violation 1: Thaddeus (Thad) Woodin

   Violation 2: Thad Woodin

   Violation 3: Steve and Lesley Belcher and Thad Woodin

   Violation 4: Allen Kanady and Thad Woodin

   Violation 5: William (Bill) Woodin and Thad Woodin

   Violation 6: Kittrell Estate and Thad Woodin

2. **Brief description of the nature of the violation or unauthorized activity:**

   Large items such as cars and boats that have been abandoned on a levee that encircles Van Sickle Island, in the Suisun Marsh's Primary Management Area in violation of Section 29500 of the Suisun Marsh Preservation Act (SMPA). (Cal. Pub. Res. Code § 29500.) The items also constitute unpermitted fill in either the Montezuma Slough within BCDC's Bay jurisdiction or within BCDC's 100-foot shoreline band in violation of Section 66632(a) of the McAteer-Petris Act (MPA). (Cal. Gov. Code § 66632(a).)

   Violation 1: Thad Woodin. Unpermitted fill in the Montezuma Slough within BCDC's Bay jurisdiction and the Primary Management Area consisting of: (1) 68- x 33-foot barge at the bottom of the slough, about 50 feet south of Thad Woodin's home on Van Sickle Island and under about 19 feet of water; and (2) a mostly submerged 20- to 25-foot-long recreational vessel about 10 feet off the Kitrell Estate's parcel. (VR/C Exhibit 7; see "Barge violation summary timeline, facts, interviews.")

Violation 2: Thad Woodin. Unpermitted fill within BCDC's 100-foot shoreline band jurisdiction and the Primary Management Area consisting of an abandoned car, silver trailer, and boat, in addition to plastic containers and other trash. (VR/C Exhibits 2-5)

Violation 3: Steve and Lesley Belcher and Thad Woodin. Unpermitted fill within BCDC's 100-foot shoreline band jurisdiction and the Primary Management Area consisting of: (1) a small, blue recreational vessel, close to the levee road and (2) a recreational vessel near Thad Woodin's house that is located on both the Belchers' and Thad Woodin's parcels. (VR/C Exhibits 3, 4)

Violation 4: Allen Kanady and Thad Woodin. Unpermitted fill within BCDC's 100-foot shoreline band jurisdiction and the Primary Management Area consisting of an Argo (small amphibious craft), two boats, and a large lawn mower placed close to the levee road. (VR/C Exhibits 3, 4)

Violation 5: Bill Woodin and Thad Woodin. Unpermitted fill within BCDC's 100-foot shoreline band jurisdiction and the Primary Management Area consisting of a green truck, an automobile, four boats, and an ATV. All are close to the levee road. (VR/C Exhibits 3, 4)

Violation 6: Kittrell Estate and Thad Woodin. Unpermitted fill within BCDC's 100-foot shoreline band jurisdiction and the Primary Management Area consisting of a silver truck placed close to the levee road. (VR/C Exhibits 3, 4)

3. **Description of and location of the property on which the violation or unauthorized activity occurred:**

Violation 1: Montezuma Slough, approximately 38°04'30"N 121°52'48"W
Violation 2: APN 0090-120-130
Violation 3: APN 0090-120-030
Violation 4: APN 0090-120-190
Violation 5: APN 0090-120-180
Violation 6: APN 0090-120-160

4. **Name of owner, lessee (if any), and other person(s) (if any) who controls property on which violation or unauthorized activity occurred:**

Violation 1: State Lands Commission (SLC). The Montezuma Slough is under SLC's jurisdiction, but Thad Woodin has admitted that he owns the barge.
Violation 2: Thad Woodin.
Violation 3: Steve and Lesley Belcher.
Violation 4: Allen Kanady.
Violation 5: Bill Woodin.
Violation 6: Kittrell Estate.

5. Approximate date (and time if pertinent and known) that the violation or unauthorized activity occurred:

Violation 1: Aug. 26, 2017 (VR/C Exhibit 7: Vessel accident report, Solano County Sheriff's Office).

Violations 2-6: Many, if not most, of the items on these parcels are reported to have been in their present locations since at least Sept. 12, 2012. BCDC received its first report about the unpermitted fill on April 21, 2019. BCDC staff first confirmed the presence of the unauthorized fill constituting Violations 2-6 on November 23, 2022. (VR/C Exhibit 5)

All violations persist.

6. Summary of all pertinent information currently known to the staff in the form of proposed findings of fact with references to all pertinent supporting evidence listed in an attachment to the report/complaint

i. BCDC received initial complaint on April 21, 2019. Richard Grillat, who owns a property on Van Sickle Island, reported that Thad Woodin has a condemned house and that trash, abandoned vehicles, motor oil, and chemicals were "scattered all over the levee on the Montezuma Slough," posing a serious threat to marsh habitat.

Supporting evidence: Enforcement Report Form (VR/C Exhibit 1; current report for case ER2019.038.00)

ii. Initial complaint validated. First BCDC staff site visit on November 23, 2022, found that boats, vehicles, and other large items are on Thad Woodin's parcel and elsewhere on the levee, just off the levee road.

Supporting evidence: Staff photos dated November 23, 2022 (VR/C Exhibit 2)

iii. Subsequent staff site visits confirmed the continued presence of all items. Staff also added an abandoned item on the Belcher parcel and confirmed the presence of one of Thad Woodin's barges at the bottom of the Montezuma Slough. A marine patrol unit took staff to the island and showed where the barge lay beneath the water.

Supporting evidence: Staff photos dated September 24, 2024, and December 11, 2024. (VR/C Exhibit 3)

iv. Parcel ownership and boundaries were identified using RealQuest, the Solano County tax assessment map viewer, an email with Chris Rogers, Solano County's map expert, and by walking the levee road during the December 11, 2024, site visit with Chris Lanzafame, the secretary of Reclamation District 1607 ("District").

Supporting evidence: RealQuest real estate records, screen shots of the county map viewer, with APN information for each parcel, and OnXHunt App maps (VR/C Exhibit 4)

v. Through phone and email interviews with Mr. Lanzafame, staff learned that the District is aware that Thad Woodin had placed large items on the levee since 2012. The District has asked Thad Woodin to remove the items from the levee road and Mr. Lanzafame has tried to persuade Thad to remove them. Mr. Lanzafame asserted that all items belong to Thad Woodin and advised BCDC staff on who owned the other parcels.

Supporting evidence: Email with Mr. Lanzafame on April 29, 2025; Letter from District to Thad Woodin dated September 13, 2012; September 12, 2012, meeting minutes of Van Sickle Island Board of Trustees; and interviews with Mr. Lanzafame on September 27, 2024, and November 27, 2024. (VR/C Exhibit 5)

vi. An investigation into jurisdiction revealed that the SLC found that its jurisdiction includes the Montezuma Slough and up to Van Sickle Island's mean high tide line.

Supporting evidence: Emails with Andrew Kershen on October 15, 2024, and with Mr. Lanzafame on December 9, 2024. (VR/C Exhibit 6)

vii. An investigation into Thad Woodin's sunken barge confirmed its location. The Solano County Sheriff's Office reported that Thad Woodin's barge sank on or shortly before August 26, 2017. A Solano County marine patrol officer found Thad Woodin at fault for the barge's sinking, and he was cited for harbors and navigation hazards. Thad Woodin alleged that one of The Dutra Group's (Dutra) vessels struck his barge. Dutra refuted the allegation and after reviewing Dutra's logs and interviewing Coast Guard and Department of Water Resources personnel, staff found no evidence that Dutra was responsible for the sinking. The county has applied for a grant to remove the barge from the slough. Please see the "Barge violation Barge summary timeline, facts, interviews" document in VR/C Exhibit 7 for more details.

Supporting evidence: Emails with Andrew Kershen on October 15, 2024, and April 1, 2025; Google Earth satellite images (September 30, 2011, May 30, 2012, January 30, 2013, March 30, 2016, and May 30, 2017) and an evidence narrative ("Barge violation summary timeline, facts, interviews"); a Solano County Sheriff's Office accident report; interviews and emails with Thad Woodin, John Wyma-Hughes, a risk manager for the Dutra Group, Judy Li, chief of the contract development section of DWR's engineering division, and James Davis, a special agent for the Coast Guard Investigative Service; a site visit on December 11, 2024; underwater images provided by the Solano County Marine Patrol; and SLC "Calendar Item 72." (VR/C Exhibit 7)

viii. BCDC staff issued initial contact letters to the owners of other parcels on Van Sickle Island on which vehicles, boats, and other large items have been placed, which

constitute unpermitted fill under the MPA and unpermitted development under the SMPA. (*See* Cal. Gov. Code § 66632(a); Cal. Pub. Res. Code § 29500.) All of the unpermitted items were parked just off the levee road. Thad Woodin confirmed his ownership of these items. Each of the property owners who received an initial contact letter indicated their willingness to remove all of the items when the levee road has dried to a sufficient extent that the work will not harm the levee. The levee road is dry during the summer season.

Supporting evidence: Initial contact letters and interviews with parcel owners as. (VR/C Exhibit 8)

ix. BCDC staff conducted a site visit on April 11, 2025, with Thad Woodin to walk the levee and identify his items. Thad Woodin reconfirmed ownership of all items except for a small recreational vessel on his parcel. Thad Woodin offered to remove all items except for the sunken barge, including the vessel that he claims not to own. As with the other parcels, BCDC staff agreed that it would be best for him to wait until the levee road has completely dried before removing the items.

Supporting evidence: Video clips from the site visit. Thad Woodin acknowledged ownership of the small blue recreational vessel on the Belcher parcel but that was not recorded. (VR/C Exhibit 9)

7. Provisions of law or Commission permit that the staff alleges have been violated:

- McAteer-Petris Act § 66632(a)
    - "Any person or governmental agency wishing to place fill, to extract materials, or to make any substantial change in use of any water, land or structure, within the area of the commission's jurisdiction shall secure a permit from the commission and, if required by law or by ordinance, from any city or county within which any part of the work is to be performed. For purposes of this title, "fill" means earth or any other substance or material, including pilings or structures placed on pilings, and structures floating at some or all times and moored for extended periods, such as houseboats and floating docks. For the purposes of this section "materials" means items exceeding twenty dollars ($20) in value."
      (Cal. Gov. Code § 66632(a))

- Suisun Marsh Preservation Act § 29500
    - "In addition to obtaining any other permit required by law from any local government or from a state, regional, or local agency, on and after January 1, 1978, any person wishing to perform or undertake any development in the marsh shall obtain a marsh development permit."

      (Cal. Pub. Res. Code § 29500)

- Suisun Marsh Preservation Act § 29114(a), (b)
    - "'Development' means on land, or in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water or in access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes."
    - "'Development' does not include either a change in the intensity of use of water or the removal or harvesting of major vegetation where such change, removal, or harvesting is to maintain or improve wildfowl habitat and does not have a significant, adverse effect on other fish and wildlife resources in the marsh."

      (Cal. Pub. Res. Code § 29114(a), (b))

8. If the staff is proposing that the Commission impose an administrative civil penalty as part of this enforcement proceeding:

(a) A list or table of all alleged violations for which staff is proposing a penalty:

Violation 1: Thad Woodin. Unpermitted fill in the Montezuma Slough within BCDC's Bay jurisdiction and the Primary Management Area.

Violation 2: Thad Woodin. Unpermitted fill within BCDC's 100-foot shoreline band jurisdiction and the Primary Management Area.

Violation 3: Steve and Lesley Belcher and Thad Woodin. Unpermitted fill within BCDC's 100-foot shoreline band jurisdiction and the Primary Management Area.

Violation 4: Allen Kanady and Thad Woodin. Unpermitted fill within BCDC's 100-foot shoreline band jurisdiction and the Primary Management Area.

Violation 5: William (Bill) Woodin and Thad Woodin. Unpermitted fill within BCDC's 100-foot shoreline band jurisdiction and the Primary Management Area.

Violation 6: Kittrell Estate and Thad Woodin. Unpermitted fill within BCDC's 100-foot shoreline band jurisdiction and the Primary Management Area.

(b) The total amount of proposed administrative civil penalties:

Violation 1: $28,500
Violation 2: $27,000
Violation 3: $18,000
Violation 4: $25,500
Violation 5: $18,000
Violation 6: $18,000

(c) A statement of the applicable factors set forth in Government Code Section 66641.9 that the Executive Director considered, consistent with the Administrative Civil Penalty Policy in Appendix J of the Commission's regulations, in determining the total amount of the proposed administrative civil penalties.

A summary of the penalty calculation methodology used herein is as follows:

1) Determined the total initial base penalty amount for each violation by evaluating: (a) the gravity of harm of the violation; and (b) the extent of deviation from the requirement at issue. Based on those evaluations, used Table 1 to determine the initial base penalty amount for the violation. Multiply the initial base penalty amount by the number of days that the violation has persisted to determine the total initial base penalty for the violation.

2) Adjustments specific to the violator were made to the base penalty amount for each violation. The following additional factors were considered for potential adjustment of the total initial base penalty for each violation:
    a. the violator's degree of culpability for the violation;
    b. any history of violations by the violator; and
    c. any voluntary removal or resolution efforts and cooperation by the violator.

3) The total base penalty amount was determined by calculating the sum for all violations of the total initial base penalty amount for each violation (i.e., the initial base penalty amount for the violation multiplied by the number of days of violation) multiplied for each violation by the percentages of any adjustments for the violator's culpability, history of violations, and voluntary efforts to resolve the violation.

4) Considered adjustments to the total base penalty amount based on additional factors and determine the final penalty amount. (Depending on the available information, the Executive Director may recommend adjusting or the Commission may adjust the total base penalty amount based on consideration of the following factors: (a) any economic benefit to the

violator; (b) the violator's ability to pay or continue in business; (c) costs to the State in pursuing the enforcement action; (d) other factors as justice may require.) The final penalty amount was determined by making any appropriate adjustments to the total base penalty amount based on consideration of these additional factors.

9. Any other statement or information that the staff believes is either pertinent to the alleged violation or unauthorized activity or important to a full understanding of the alleged violation or unauthorized activity:

During a phone conversation and the site visit on April 11, 2025, Thad Woodin pledged to remove all items, except for the barge. This includes the small recreational vessel on the slough side of the levee, just to the north of his house that he denied owning.

The owners of the other parcels on which Thad Woodin placed his items have also expressed a desire to remove them and willingness to assist in this process once the levee road is completely dry.

Regarding the barge, Solano County has applied for an $800,000 grant to remove it. The grant winners are expected to be announced fall of 2025.

10. A list of all supporting evidence relied on by staff, including any declarations under penalty of perjury, that is attached to or accompanies this report/complaint or that will be provided to you in electronic format upon request.

Violation Report and Complaint (VR/C) Exhibit	**Description**	**Record Date**
1	Enforcement Report Form - ER2019.038.00	April 21, 2019
2	Staff site visit photos	November 23, 2022
3	Staff site visit photos	September 24, 2024, and December 11, 2024
4	• RealQuest real estate records • Screen shots of the county map viewer • OnXHunt App maps	• Thad Woodin, RealQuest: June 9, 2021 • Other parcels, RealQuest and county map viewer: January 10, 2025 • OnXHunt App: September 24, 2024
5	Interviews with Chris Lanzafame	September 27, 2024 and November 27, 2024
6	• Email with Andrew Kershen	• Kershen: October 15, 2024 • Lanzafame: December 9, 2024

	• Email with Chris Lanzafame	

7	• Emails with Andrew Kershen
	• Google Earth satellite images and an evidence narrative
	• Solano County Sheriff's Office accident report
	• Interviews and emails with Thad Woodin, Chris Lanzafame, Richard Grillat, John Wyma-Hughes, a risk manager for the Dutra Group, Judy Li, chief of the contract development section of DWR's engineering division, and James Davis, a special agent for the Coast Guard Investigative Service
	• Site visit
	• Underwater images provided by the Solano County Marine Patrol
		• Emails: October 15, 2024, and May 1, 2025
		• Google Earth (image capture dates): September 30, 2011, May 30, 2012, January 30, 2013, March 30, 2016, and May 30, 2017
		• Accident report file date: October 11, 2017
		• Emails/Interviews:
		  ○ Thad Woodin: November 26, 2024 and April 3, 2025
		  ○ Lanzafame: March 17, 2025
		  ○ Grillat: April 3, 2025
		  ○ Wyma-Hughes: May 22, 2025
		  ○ Li: April 1, 2025
		  ○ Davis: May 22, 2025
		• Site visit: December 11, 2024
		• Underwater images: November 13, 2024

8	• Initial contact letters (ICLs) and interviews with the owners of the other parcels on Van Sickle Island upon which Thad Woodin had placed items	ICLs: February 5, 2025, for the Belcher, William Woodin and Kanady parcels; February 21, 2025, for the Kittrell parcel. Interviews: • Belcher: February 13, 2025 • William Woodin: February 26, 2025 • Kanady: April 8, 2025

	• An initial commitment by Thad Woodin to remove some of his items	• Kittrell: February 28, 2025 • Thad Woodin: November 15, 2024
9	Video clips from a site visit. • Belcher parcel: Thad Blue boat on Kanady parcel. • Kanady parcel: Argo and two boats; Thad Woodin's mower • Kittrell parcel: Silver truck • Thad Woodin parcel: IMG_4778; Thad Woodin agreeing to haul items out • William Woodin parcel: Thad Woodin boat 1; Thad Woodin boat 2; Thad_ATV and small boat • Small vessel partly sunk in the slough: IMG_4878; Thad Woodin allegation on sinking of his small fishing boat; Thad Woodin's attempt to pull the small vessel out (Montezuma Slough)	April 11, 2025

Statement of Defense Form

Enforcement Case ER2019.038.00

Thaddeus Woodin

FAILURE (1) TO COMPLETE THIS FORM, (2) TO INCLUDE WITH THE COMPLETED FORM ALL DOCUMENTS, DECLARATIONS UNDER PENALTY OF PERJURY, AND OTHER EVIDENCE YOU WANT PLACED IN THE RECORD AND TO BE CONSIDERED BY THE COMMISSION, (3) TO LIST ANY WITNESSES WHOSE DECLARATION IS PART OF THE STAFF'S CASE AS IDENTIFIED IN THE VIOLATION REPORT THAT YOU WISH TO CROSS-EXAMINE, THE AREA OF KNOWLEDGE ABOUT WHICH YOU WANT TO CROSS-EXAMINE THE WITNESS, AND THE INFORMATION YOU HOPE TO ELICIT BY CROSS-EXAMINATION, AND (4) TO RETURN THE COMPLETED FROM AND ALL INCLUDED MATERIALS TO THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION STAFF OR TO CONTACT **ANNE USHER** OF THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION ENFORCEMENT STAFF BY August 12, 2025, **MEANS THAT THE COMMISSION CAN REFUSE TO CONSIDER SUCH STATEMENTS AND EVIDENCE WHEN THE COMMISSION HEARS THIS MATTER.**

DEPENDING ON THE OUTCOME OF FURTHER DISCUSSIONS THAT OCCUR WITH THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION ENFORCEMENT STAFF AFTER YOU HAVE COMPLETED AND RETURNED THIS FORM, ADMINISTRATIVE OR LEGAL ENFORCEMENT PROCEEDINGS MAY NEVERTHELESS BE INITIATED AGAINST YOU, IF THAT OCCURS, ANY STATEMENTS THAT YOU MAKE ON THIS FORM WILL BECOME PART OF THE ENFORCEMENT RECORD AND MAY BY USED AGAINST YOU.

YOU MAY WISH TO CONSULT WITH OR RETAIN AND ATTORNEY BEFORE YOU COMPLETE THIS FORM OR OTHERWISE CONTACT THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION ENFORCEMENT STAFF.

This form is enclosed with a violation report. The violation report indicates that you may be responsible for or in some way involved in either a violation of the Commission's laws, a Commission permit, or a Commission cease and desist order. The violation report summarizes what the possible violation involves, who may be responsible for it, where and when it occurred, if the Commission staff is proposing any civil penalty and, if so, how much, and other pertinent information concerning the possible violation.

This form requires you to respond to the alleged facts contained in the violation report, to raise any affirmative defenses that you believe apply, to request any cross-examination that you believe necessary, and to inform the staff of all facts that you believe may exonerate you of any legal responsibility for the possible violation or may mitigate your responsibility. This form also requires you to enclose with the completed statement of defense form copies of all written documents, such as letters, photographs, maps drawings, etc. and written declarations under penalty of perjury that you want the Commission to consider as part of this enforcement hearing. This form also requires you to identify by name any person whom you may want to cross-examine prior to the enforcement hearing on this matter, the area of knowledge that you want to cover in the cross-examination, the nature of the testimony that you hope to elicit, and the reasons that you believe other means of producing this evidence are unsatisfactory. Finally, if the staff is only proposing a civil penalty, i.e., no issuance of either a cease or desist order or a permit revocation order, this form allows you alternatively to pay the proposed fine without contesting the matter subject to ratification of the amount by the Commission.

IF YOU WANT TO CROSS-EXAMINE ANY PERSON ON WHOSE TESTIMONY THE STAFF HAS RELIED IN THE VIOLATION REPORT, YOU MUST COMPLETE PARAGRAPH SEVEN TO THIS STATEMENT OF DEFENSE FORM. THIS PARAGRAPH REQUIRES YOU TO SET OUT (1) THE NAME(S) OF THE PERSON(S) YOU WANT TO CROSS-EXAMINE, ()2) REFERENCES TO ANY DOCUMENTS ABOUT WHICH YOU WANT TO CROSS-EXAMINE THE PERSON, (3) THE AREA OF KNOWLEDGE ABOUT WHICH YOU WANT TO CROSS-EXAMINE THE PERSON, (4) THE INFORMATION THAT YOU BELIEVE CAN BE ELICITED BY CROSS-EXAMINATION, AND (5) THE REASON WHY YOU BELIEVE THIS INFORMATION CANNOT BE PRESENTED BY DECLARATION OR OTHER DOCUMENT.

You should complete the form as fully and accurately as you can as quickly as you can and return it no later than 35 days after its having been mailed to you to the Commission's enforcement staff at the address:

San Francisco Bay Conservation and Development Commission
375 Beale Street, Suite 510
San Francisco, California 94105

The forms should also be emailed to Margie Malan at margie.malan@bcdc.ca.gov.

If you believe that you have good cause for not being able to complete this form within 35 days of its having been mailed, please complete it to the extent that you can and within 35 days of the mailing of the violation report send the statement of defense form completed as much as possible with a written explanation of what additional information you need to complete the form in its entirety, how long it will take to obtain the additional information needed to complete the form, and why it will take longer than 35 days to obtain the additional information, send all of this to the Commission's staff at the above address. Following this procedure does not mean that the Executive Director will automatically allow you to take the additional time to complete the form. Only if the Executive Director determines that you have shown good cause for the delay and have otherwise complete the form as much as is currently possible will be grant an extension to complete the form.

If the staff violation report that accompanied this statement of defense form included a proposed civil penalty, you may, if you wish, resolve the civil penalty aspect of the alleged violation by simply providing to the staff a certified cashier's check in the amount of the proposed fine within the 35-day time period. If you choose to follow this alternative, the Executive Director will cash your check and place a brief summary of the violation and proposed penalty along with a notation that you are choosing to pay the penalty rather than contesting it on an administrative permit listing. If no Commissioner objects to the amount of the penalty, your payment will resolve the civil penalty portion of the alleged violation. If a Commissioner objects to the proposed payment of the penalty, the Commission shall determine by a majority of those present and voting whether to let the proposed penalty stand. If such a majority votes to let the proposed penalty stand, your payment will resolve the civil penalty portion of the alleged violation. If such a majority does not let the proposed penalty stand, the Commission shall direct the staff to return the money paid to you and shall direct you to file your completed statement of defense form and all supporting documents within 35 days of the Commission's action. Of course, you also have the opportunity of contesting the fine from the outset by completing this form and filing it and all supporting documents within 35 days of its having been mailed to you.

If you have any questions, please contact as soon as possible **ANNE USHER** of the Commission Enforcement Staff at telephone number **415-352-3662**.

1. Facts or allegations contained in the violation report that you admit (with specific reference to the paragraph number in the violation report/Complaint):

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2. Facts or allegations contained in the violation report that you deny (with specific reference to paragraph number in the violation report/Complaint):

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3. Facts or allegations contained in the violation report of which you have no personal knowledge (with specific reference to paragraph number in the violation report/Complaint):

4. Other facts which may exonerate or mitigate your possible responsibility or otherwise explain your relationship to the possible violation (be as specific as you can; if you have or know of any documents, photographs, maps, letters, or other evidence that you believe are relevant, please identity it by name, date, type, and any other identifying information and provide the original or a copy if you can):

5. If the Executive Director is proposing that the Commission impose an administrative civil penalty as part of this enforcement proceeding and if you would be unable to pay the proposed penalty or paying the proposed penalty would have a substantial adverse effect on your ability to continue in business, provide factual information establishing such inability to pay or such adverse effect. Submit all relevant supporting documentation which may include but not limited to audited financial statements and reports (or if not audited, then those that are the basis of tax returns or regulatory filings), balance sheets, profit and loss statements, statements of net worth, annual budgets, bond prospectuses, and tax returns including supporting forms and schedules as may be applicable. Before submitting this information redact (cover or blackout) all personal information including your social security or tax-payer identification number, driver's license/state identification number, financial account number and any other private non-public personal information including a residential address, telephone numbers, or personal email address.

6. Any other information, statement, etc. that you want to make:

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7. Documents, exhibits, declarations under penalty of perjury or other materials that you have attached to this statement to support your answers or that you want to be made part of the administrative record for this enforcement proceeding (Please list in chronological order by date, author, title and enclose a copy with this completed form):

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8. Name of any person whose declaration under penalty of perjury was submitted with the violation report/complaint as being part of the staff's case who the respondent wants to cross-examine, identify all documents referred to in such person's declaration about which you want to cross-examine the person, the area or areas of information about which the respondent wants to cross-examine the person, and the information that the respondent hopes to elicit in cross-examination, and state the reason(s) why some other method of proving this information is unsatisfactory.

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9. Name of any person whose declaration under penalty of perjury was listed in the violation report as being part of the staff's case who the respondent wants to cross-examine, all documents about which you want to cross-examine the person, area or areas of information about which the respondent wants to cross-examine the witness, information that the respondent hopes to elicit in cross-examination, and the reason(s) why some other method of proving this information is unsatisfactory:

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NOTE: Authority cited: Section 29418(c), Public Resources Code. Reference: Section 29418(c), Public Resources Code.

HISTORY

1. New section filed 5–18–87; operative 6–17–87 (Register 87, No. 30).

§ 11214. Designation of an Amendment as Minor.

(a) If the Executive Director intends to determine that a proposed amendment is minor, he or she shall notify the Commission of this intent by summarizing the proposed amendment and stating the intent as part of the administrative listing of administrative permits and consistency determinations that Section 10620 requires.

(b) The Executive Director shall send the listing to or shall otherwise notify in writing the County of Solano, the Cities of Benicia, Fairfield, and Suisun City, the Solano County Local Agency Formation Commission, the Solano County Mosquito Abatement District, the Suisun Resource Conservation District, the California Department of Fish and Game, the United States Fish and Wildlife Service, and the United States Bureau of Reclamation at least nine (9) working days before the meeting at which the Commission may comment on the listing.

(c) If two (2) or more members of the Commission object to the Executive Director's proposed determination that the proposed amendment is minor, the determination shall not become effective and the Commission shall process the amendment pursuant to Section 11212.

(d) If less than two (2) members of the Commission object to the Executive Director's proposed determination that the proposed amendment is minor, the proposed determination shall become effective and the amendment shall become effective on the tenth (10th) working day following the meeting at which the amendment was listed.

(e) The Executive Director shall give written notice of final action on the proposed amendment to the entity that proposed the amendment and to all persons who have requested in writing that they receive such notice.

NOTE: Authority cited: Section 29418(c), Public Resources Code. Reference: Section 29418(c), Public Resources Code.

HISTORY

1. New section filed 5–18–87; operative 6–17–87 (Register 87, No. 30).

§ 11215. Frequency of Amendments.

No local government, district, nor the Solano County Local Agency Formation Commission shall submit an amendment to the Commission or the Executive Director for certification more frequently than three (3) times during any calendar year.

NOTE: Authority cited: Section 29201(e), Public Resources Code. Reference: Section 29418, Government Code; and Section 65361, Government Code.

HISTORY

1. New section filed 5–18–87; operative 6–17–87 (Register 87, No. 30).

Chapter 13. Enforcement Procedures

Subchapter 1. General Provisions

§ 11300. Grounds for the Issuance of Cease and Desist Orders.

Any one of the following actions shall constitute grounds for the issuance by the Commission of a cease and desist order: (1) the undertaking or threat to undertake an activity that requires a Commission permit without having obtained a Commission permit, (2) the violation of a term or condition of a Commission permit, or (3) the inclusion of inaccurate information in a permit application or at the public hearing on the permit application.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Section 66638, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11300 to Section 11301, and new Section 11300 filed 10–11–89; operative 11–10–89 (Register 89, No. 43). For prior history, see Register 87, No. 30.

§ 11301. Grounds for Permit Revocation.

Any one of the following actions shall be grounds for the complete or partial revocation of a Commission permit:

(a) the violation of a term or condition of a permit,

(b) the violation of a Commission cease and desist order or an Executive Director's cease and desist order, or

(c) the inclusion of inaccurate information in a permit application or at the public hearing on a permit application.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66638 and 66641(d), Government Code; Section 29601, Public Resources Code; and *Sunset Amusement Company v. Board of Police Commissioners* (1972) 7 Cal.3d 64, 80.

HISTORY

1. Renumbering and amendment of former Section 11301 to Section 11303, and renumbering and amendment of former Section 11300 to Section 11301 filed 10–11–89; operative 11–10–89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Redesignation of former subsections (1)–(3) as subsections (a)–(c) and amendment of NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11302. Grounds for the Imposition of Administrative Civil Liability.

Any one of the following actions shall constitute grounds for the imposition of administrative civil liability by the Commission:

(a) the undertaking of any activity that requires a Commission permit without having obtained the Commission permit or

(b) the violation of any term or condition of a Commission permit.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66641.5(e) and 66641.6, Government Code; and Sections 29610 and 29611, Public Resources Code.

HISTORY

1. New section filed 5–18–87; operative 6–17–87 (Register 87, No. 30).
2. Repealer and new section filed 10–11–89; operative 11–10–89 (Register 89, No. 43).
3. Amendment of section heading, designation of former subsection (1)–(2) as subsection (a)–(b) and amendment of NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11303. Referral to the Attorney General by the Commission or the Executive Director.

(a) A violation of any one of the following shall be grounds for the referral of the violation by the Commission or the Executive Director to the Attorney General's Office without the Commission's having issued either a cease and desist order or a permit revocation order: (1) the McAteer–Petris Act, (2) the Suisun Marsh Preservation Act, (3) the Federal Coastal Zone Management Act, or (4) a term or condition of a Commission permit.

(b) In addition, a violation of either a Commission cease and desist order or a Commission permit revocation order shall also be grounds for the referral of the violation by either the Commission or the Executive Director to the Attorney General's Office.

(c) A referral made to the Attorney General's Office pursuant to subsections (a) and (b) may include any other unresolved, alleged violation including those of the type enumerated in Section 11390.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66640(a), 66641(b) and 66642(a), Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Repealer of former Section 11303, and renumbering and amendment of former Section 11301 to Section 11303 filed 10–11–89; operative 11–10–89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Amendment filed 5–22–2003; operative 6–21–2003 (Register 2003, No. 21).
3. Amendment of subsection (c) and amendment of NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

Subchapter 2. Procedures for the Issuance of Cease and Desist Orders, Permit Revocation Orders, and Orders Setting Administrative Civil Liability

Article 1. Definitions

§ 11310. Definitions.

The following definitions are applicable to this chapter:

(a) "Complaint," as used in subsection (b) of Section 66641.6 of the Government Code, means the document that initiates the possible imposition of administrative civil liability by the Commission. A complaint shall contain the information required by Government Code Section 66641.6(b) and follow the format and include the information for a staff violation report/complaint as set out in Appendix H.

(b) "Enforcement committee," as used in this chapter, means a committee that the Commission has established pursuant to Commission resolution. The Chair shall appoint Commission members or other representatives of the Commission to the enforcement committee with the concurrence of the Commission to assist the Commission in carrying out its enforcement responsibilities. The enforcement committee shall consist of no fewer than four and no more than six Commission members or other representatives of the Commission. A quorum of the enforcement committee necessary to conduct business, to hold hearings and to vote on recommended enforcement decisions shall consist of three members notwithstanding the total number of enforcement committee members. The enforcement committee shall select from its members a chair, who shall serve for a period agreed upon by a majority of the enforcement committee members. The enforcement committee shall conduct its hearings in accordance with the Commission's laws and regulations upon matters referred to it by either the Executive Director or the Commission. The Chair of the Commission may change the members of the enforcement committee from time to time as necessary due to changes in membership of the Commission or to fill vacancies on the committee provided that the Chair notifies the Commission prior to such change at a Commission meeting and the Commission concurs.

(c) "Enforcement hearing," as used in this chapter, means any public hearing held before the enforcement committee or the Commission as part of a Commission enforcement proceeding.

(d) "Person," as used in Sections 66637 through 66642 of the Government Code and in this chapter, means any individual, firm, association, organization, partnership, business trust, corporation, company, or governmental agency.

(e) "Respondent," as used in this chapter, means a person to whom the Commission staff has issued a violation report or complaint and a statement of defense form in accordance with Section 11321(c).

(f) As used in this Chapter, "significant harm to the Bay's resources or to existing or future public access" shall be determined based on both the context and intensity of the violation.

(1) "Context" refers to the location of the violation and the characteristics of the area where it occurs. Areas with important environmental or ecological significance (*e.g.*, habitat or refugia for sensitive species) are generally considered to be more significant than previously degraded habitat or areas with limited habitat value, and highly visible and/or frequently used areas are generally considered to be more significant than isolated areas with low visibility or infrequent usage.

(2) "Intensity" refers to the severity of the impact and the degree to which it affects the environment or public access. Violations presenting significant ecosystem hazards (*e.g.*, toxic or biohazardous fill) or involving large portions of a particular site shall generally be considered to be more severe. In addition, violations that substantially interfere with the ability to use designated public access or encompass large portions of a designated public access area will be considered to be more significant.

(3) Where multiple violations are alleged at a site, if a single violation results in harm that is individually limited but cumulatively significant when added to other violations at the site, it shall be determined that the violation has resulted in significant harm to the Bay's resources or to existing or future public access.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(c), Public Resources Code. Reference: Sections 66637, 66638, 66641.5(c), 66641.6 and 66643, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11310 to Section 11710, and renumbering and amendment of Section 11010 to Section 11310 filed 5–18–87; operative 6–17–87 (Register 87, No. 30). For prior history, see Registers 86, No. 39 and 73, No. 50.
2. Renumbering of former subsection (a) to subsection (e), repealer of former subsections (b) and (c), new subsections (a)–(d), and renumbering of former subsection (d) to subsection (f) filed 10–11–89; operative 11–10–89 (Register 89, No. 43).
3. Amendment of subchapter heading, section and NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

Article 2. Commission Cease and Desist Orders, Permit Revocation Orders, and Orders Setting Administrative Civil Liability

§ 11320. Staff Investigation and Discovery, and Appointment of a Hearing Officer.

(a) As part of any enforcement investigation, the Executive Director may issue subpoenas and the staff may send interrogatories, conduct depositions, and inspect property at any time.

(b) At the request of the Executive Director or the chair of the enforcement committee, or on its own initiative, the Commission may appoint a hearing officer to conduct an investigation or hold a hearing, make proposed findings of fact, and recommend to the Commission what action it should take on an enforcement matter. A hearing officer appointed to hold an enforcement hearing shall proceed in accordance with the procedural requirements of Section 11327 and shall adopt a recommended enforcement decision in accordance with Section 11330.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 11180, 11181, 66637, 66638, 66641.5(e), 66641.6 and 66643, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Repealer of former Section 11320, and renumbering and amendment of former Section 11331 to Section 11320 filed 10–11–89; operative 11–10–89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Amendment of article heading, section and NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11321. Commencing Commission Enforcement Proceedings.

(a) If the Executive Director believes, as a result of an enforcement investigation, that any person has caused or threatens to cause significant harm to the Bay's resources or to existing or future public access, or that the nature, circumstances, extent, and gravity of the violation or violations so warrant, the Executive Director shall commence Commission enforcement proceedings by issuing at least 45 days prior to holding an enforcement hearing on the matter the following materials to the last known address of each party that the Executive Director believes may be legally responsible in some manner for the alleged violation:

(1) a violation report that follows the format and contains the information set out in Appendix H,

(2) a complaint for administrative civil liability that follows the format and contains the information set out in Appendix H if the staff seeks civil penalties, and

(3) a statement of defense form that follows the format and requests the information set out in Appendix I. The violation report and complaint for administrative civil liability can be combined into a single document so long as it contains all the information required for both.

(b) The violation report and/or complaint shall list all documents, including any declarations under penalty of perjury, on which the staff relies to provide a prima facie case of the violations alleged and copies of all such documents shall be attached to or accompany the violation report and/or complaint or shall be provided to the respondent in electronic format upon request.

(c) Issuance of a violation report and/or complaint shall occur when the violation report and/or complaint is mailed by certified mail to all persons or entities named as a respondent in the violation report and/or complaint. Upon written consent of the respondent or respondent's authorized representative, a violation report and/or complaint shall be mailed to the respondent or the respondent's authorized representative by email.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66638, 66641.5(e) and 66641.6, Government Code; and Sections 29601, 29610 and 29611, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11330 to Section 11321 and Section 11322 filed 10–11–89; operative 11–10–89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Amendment of section and NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11322. Respondent's Required Response to the Violation Report or Complaint, the Executive Director's Consideration of the Respondent's Response, and Extensions of Time.

(a) Within thirty–five (35) days of the issuance of the violation report and/or complaint and the statement of defense form, each respondent shall submit to the Commission at its office an original and one copy of the completed statement of defense form (or an original and one copy of a document providing the information requested by the form) and an original (or verified copy) and one copy of all documents that the respondent wants to be made part of the record of the enforcement proceeding, including any declarations under penalty of perjury and any documentary evidence such as letters, photographs, and similar matters. Once submitted, all such declarations and documents shall be permanently retained by the Commission as part of the enforcement record.

(b) If a respondent believes that cross–examination of a person whose declaration under penalty of perjury has been submitted with the violation report and/or complaint is needed to show or contest a fact alleged in the violation report and/or complaint, the respondent shall request such cross–examination in the completed statement of defense form. The completed statement of defense form or an addendum shall list the name of each person whose declaration under penalty of perjury has been submitted with the violation report and/or complaint that the respondent wants to cross examine, all documents referred to in such person's declaration about which the respondent wants to cross– examine, a description of the area of knowledge about which the respondent wants to cross–examine the person, including a specific reference to the fact or information respondent disputes, the information that respondent believes can be elicited by cross–examination, and the reasons the respondent believes that the information can best be provided by cross–examination rather than by the submittal of declarations or other written evidence.

(c) Within 35 days of the issuance of a complaint for administrative civil liability and a statement of defense form, each respondent shall submit to the Commission at its office either (1) a certified cashier's check in the amount of the proposed administrative civil penalty or (2) the completed statement of defense form, copies of all documents that the respondent wants to be made part of the record of the enforcement proceeding in accordance with subsection (a), and any request to allow cross–examination in accordance with subsection (b).

(d) If the staff wants to cross–examine any person whose declaration under penalty of perjury has been submitted with a respondent's completed statement of defense form, the staff shall, within seven days of receiving the completed statement of defense form, mail to all respondents a list of all persons whose declaration under penalty of perjury has been submitted by respondent that the staff wants to cross examine, all documents referred to in such person's declaration about which staff wants to cross–examine the person, a description of the area or areas of knowledge about which the staff wants to cross–examine the witness, and the information that the staff hopes to elicit in cross–examination.

(e) If the Executive Director sends a violation report and a complaint for administrative civil liability together, paying the civil penalties will not release the respondent from the possible issuance of a cease and desist order or permit revocation order.

(f) If the Executive Director issues a violation report only, and not a complaint for administrative civil liability, the Executive Director shall for good cause extend the 35–day time limit imposed by subsection (a) upon receipt within the 35–day time limit of a written request for such extension and demonstration of good cause. If the Executive Director issues a violation report and complaint for administrative civil liability or only a complaint for administrative civil liability, the Executive Director shall for good cause extend the 35–day time limit imposed by paragraphs (a) and (c) of this section upon receipt within the 35–day time limit of a written request for such extension, demonstration of good cause, and waiver of and consent to extend the 60–day time limit for a hearing on the complaint under Government Code Section 66641.6(b). Any extension shall be valid only to those specific items or matters that the Executive Director identifies to the requesting party as being exempt from the 35–day filing requirement and shall be valid only for such additional time as the Executive Director allows.

(g) If a respondent responds to a complaint for administrative civil liability by submitting a cashier's check in the amount of the penalty proposed in the complaint to the Executive Director in a timely fashion, the Executive Director shall cash the check and list the violation, the amount of the proposed penalty, and the fact that the respondent has agreed to pay the penalty as part of the administrative permit listing within 30 days of receipt of the check.

(h) At the next Commission meeting after receiving the listing, the Commission can object to the amount of a proposed administrative civil penalty that a respondent has paid by voting by a majority of those present and voting. If the Commission so objects, the Executive Director shall return the respondent's money and the respondent shall submit his or her completed statement of defense form and supporting documents within 35 days of the Commission's action. Thereafter, the enforcement matter shall proceed according to these regulations.

(i) At any time after issuance of a violation report and/or complaint, the Executive Director and a respondent may agree on the terms of a proposed stipulated order or a proposed settlement agreement to resolve a violation or violations, which may include a schedule of corrective actions to be implemented by the respondent and payment of administrative civil penalties. The Executive Director shall include the proposed stipulated order or proposed settlement agreement in his or her recommended enforcement decision prepared in accordance with Section 11326. If the Commission fails to adopt the proposed stipulated order or proposed settlement agreement, and the respondent has not submitted a completed statement of defense form, copies of any supporting documents, and any request for cross–examination in accordance with subsections (a) and (b), the respondent shall submit his or her completed statement of defense form, copies of any supporting documents, and any request for cross–examination within 35 days of the Commission's failure to adopt the proposed stipulated order or proposed settlement agreement. Thereafter, the enforcement matter shall proceed according to these regulations. If the Commission fails to adopt the proposed stipulated order or proposed settlement agreement, and the respondent has previously submitted a completed statement of defense form, copies of any supporting documents, and any request for cross–examination, the Executive Director shall prepare a new recommended enforcement decision in accordance with Section 11326 within 30 days of the Commission's failure to adopt the proposed stipulated order or proposed settlement agreement, and thereafter, the enforcement matter shall proceed according to these regulations.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 11415.60, 66638,

66641.5(e) and 66641.6, Government Code; and Sections 29601, 29610 and 29611, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11330(d) to Section 11322 filed 10–11–89; operative 11–10–89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Amendment of section heading, section and NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11323. Distribution of Notice of Enforcement Hearings.

(a) At least ten (10) days prior to the initial enforcement hearing on a proposed Commission cease and desist order, a proposed permit revocation order, or a proposed Commission civil penalty order, whether held before the enforcement committee or the Commission the Executive Director shall mail by first class mail or send by email, and shall also make available on the Commission's website, a written notice of the date, time, and place of the initial enforcement hearing to all respondents at their last known address, the Deputy Attorney General advising the enforcement committee or Commission, and to all members of the public who have requested in writing that they receive such notice, provided that no notice need be mailed to the respondent if the respondent has already received notice of the hearing in a cease and desist order issued by the Executive Director. A meeting notice mailed and posted on the Commission's website pursuant to California Government Code Section 11125 will meet this notice requirement.

(b) After the initial enforcement hearing, notice of further enforcement hearings may be given by either announcing the date, time, and place of the further meeting on the record at the close of the preceding enforcement hearing or by mailing by first class mail or sending by email, and also making available on the Commission's website, written notice of the date, time, and place of the further meeting to all respondents at least 10 days prior to the further enforcement hearing.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66638, 66641.5(e) and 66641.6, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of Former Section 11337 to Section 11323 filed 10–11–89; operative 11–10–89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Amendment of section and NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11324. Distribution of the Violation Report, Complaint, Statement of Defense Form(s), and Recommended Enforcement Decision.

At least ten (10) days prior to the enforcement hearing, the Executive Director shall make available on the Commission's website and shall mail by first class mail or send by email the following materials to each respondent, to the committee members if the enforcement hearing will be held before the enforcement committee or to the Commission if the enforcement hearing will be held before the Commission, and to the Deputy Attorney General advising the enforcement committee or Commission: (1) the violation report and/or complaint for administrative civil liability and all documents or other evidence cited therein or listed on an index of supporting documents or evidence attached thereto, (2) each completed statement of defense form and the enclosed exhibits, with a notation that indicates if any of the statements have been filed in an untimely fashion, and (3) a recommended enforcement decision that complies with Section 11326.

NOTE: Authority cited: Section 66632(f), Government Code and Section 29201(e), Public Resources Code. Reference: Sections 66638 and 66641.6, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11336 to Section 11324 filed 10–11–89; operative 11–10–89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Amendment of section heading, section and NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11325. Ex Parte Contacts. [Repealed]

NOTE: Authority cited: section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66637–66638 and 66641.6, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11333 to Section 11325 filed 10–11–89; operative 11–10–89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Repealer filed 12–27–2004; operative 1–26–2005 (Register 2004, No. 53).

§ 11326. Contents of an Executive Director's Recommended Enforcement Decision.

(a) The Executive Director shall prepare a recommended enforcement decision on a proposed Commission cease and desist order, a proposed permit revocation order, or a proposed order setting administrative civil liability.

(b) The Executive Director's recommended enforcement decision shall be in writing and shall include:

(1) a summary of (A) any background to the alleged violation, (B) the allegations made by staff in its violation report and/or complaint, (C) the allegations either admitted or not contested by respondent(s), and (D) all defenses and mitigating factors raised by the respondent(s);

(2) any staff response to the defenses, mitigating factors, or arguments raised by the respondent(s), and any rebuttal evidence submitted by the staff to matters raised in the statement of defense form, with references to supporting documents;

(3) a summary and analysis of all disputed issues;

(4) a recommended enforcement decision on a proposed order setting administrative civil liability shall identify all violations for which administrative civil penalties are proposed and include:

(A) the total amount of proposed administrative civil penalties; and

(B) a statement of the applicable factors set forth in Government Code Section 66641.9 that the Executive Director considered, consistent with the Administrative Civil Penalty Policy in Appendix J of these regulations, in determining the total amount of the proposed administrative civil penalties;

(5) a statement of whether the Executive Director has issued a cease and desist order and its expiration date;

(6) a recommendation on what action the Commission should take; and

(7) the proposed text of any cease and desist order, permit revocation order, order setting administrative civil liability, or stipulated order that the Executive Director recommends that the Commission issue or any settlement agreement that the Executive Director recommends that the Commission approve.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66638, 66641.5(e), 66641.6 and 66641.9, Government Code; and Sections 29601, 29610 and 29611, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11335 to Section 11326 filed 10–11–89; operative 11–10–89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Amendment of section and NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11327. Enforcement Hearing Procedure.

Enforcement hearings shall proceed in the following manner:

(a) the Chair or enforcement committee chair shall announce the matter, ask all respondents or their attorneys present to identify themselves for the record, and announce any imposition of time limits for presentations to be made by the staff, the respondent(s), and the public at the hearing;

(b) the Chair or enforcement committee chair may impose time limits based on the circumstances of the alleged violation(s), the number of other items contained on the meeting agenda, the number of persons who intend to speak, and such other factors as the Chair believes relevant;

(c) the staff shall summarize the violation report and/or complaint for administrative civil liability and recommended enforcement decision with particular attention to limiting its presentation to issues of controversy;

(d) each respondent shall summarize its position(s) on the matter(s) relevant to the alleged violation or proposed order with particular attention to those issue(s) where an actual controversy exists between the staff and the respondent party or parties;

(e) members of the public may speak concerning the matter;

(f) presentations made by the staff, a respondent, and the public shall be limited to responding to (1) evidence already made part of the enforcement record and (2) the policy implications of such evidence; the enforcement committee or the Commission shall not allow oral testimony unless the committee or Commission believes that such testimony is essential to resolve any factual issues that remain unresolved after reviewing the existing written record and whose resolution is essential to determining whether a violation has occurred or to determining what remedy is appropriate. If the committee or Commission allows oral testimony, such testimony shall be taken under oath, and all representatives of the staff and all respondents shall be given a right to examine or cross-examine all witnesses who are allowed to testify;

(g) cross-examination of any witness whose declaration under penalty of perjury has become part of the enforcement record shall be permitted only if the party who wishes to cross-examine has identified in writing pursuant either to Section 11322(b) or Section 11322(d) the person to be cross-examined, the area or areas of information into which the cross-examination will delve, and the information sought to be uncovered. Following cross-examination of a witness whose declaration under penalty of perjury has become part of the enforcement record, a representative of the opposing party shall be entitled to examine the witness on the area or areas of information addressed during cross-examination. Neither cross-examination nor direct examination shall be allowed of any person who has not submitted a declaration under penalty of perjury which has become part of the enforcement record and who has not been identified in writing pursuant to either Section 11322(b) or Section 11322(d), including any member of the public who has commented on an enforcement matter or submitted information related to an alleged violation.

(h) enforcement committee members or Commissioners may ask questions at any time during the hearing or deliberations.

(i) the enforcement committee or Commission shall close the public hearing after the staff, all respondents, and the public have completed their presentations and committee members or Commissioners have completed their questioning;

(j) the enforcement committee or Commission shall rule on any objections to the admissibility of evidence or the acceptance of late evidence and identify any evidence submitted but rejected because it was not filed in a timely manner or in violation of Section 11328.

(k) the enforcement committee or Commission shall deliberate and vote on an enforcement matter; and

(*l*) if a hearing officer has been appointed for an enforcement matter, the hearing officer shall render a written decision that follows the format of an enforcement committee recommended enforcement decision in accordance with Section 11330 within 14 days of the closing of the enforcement hearing.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66638, 66641.5(e) and 66641.6, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11328 to Section 11327 filed 10–11–89; operative 11–10–89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Amendment of section and NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11328. Acceptance of Late Evidence.

The introduction of surprise testimony and exhibits at enforcement hearings shall be discouraged. All documents and declarations under penalty of perjury shall be submitted with the violation report and/or complaint or the completed statement of defense form, except to the extent otherwise provided by Section 11322(d) or the Executive Director has extended the time for such submittal pursuant to Section 11322(f), or the Commission or enforcement committee admits the testimony into the record pursuant to Section 11327(f) and this section. To this end, the Commission or the enforcement committee shall not accept into the record or consider any statement of defense form or any written evidence not filed in a timely manner unless the Commission or enforcement committee finds that (1) the person seeking to introduce the evidence made all reasonable efforts to obtain and submit the evidence in a timely manner but was unable to do so and would be substantially prejudiced if the evidence were not admitted and (2) no other party would suffer substantial prejudice by its admission.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66638, 66641.5(e) and 66641.6, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. New section filed 10–11–89; operative 11–10–89 (Register 89, No. 43).
2. Amendment of section and NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11329. Admissibility of Evidence.

(a) Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule that might make improper the admission of such evidence over objection in civil actions.

(b) Hearsay evidence, including but not limited information provided by the public to the Commission or staff or in public comments, may be admitted and used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in a civil action or unless it is in the form of a declaration under penalty of perjury and the declarant is subject to cross-examination as provided in Sections 11322 and 11327.

(c) The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing, and irrelevant or unduly repetitious evidence shall be excluded.

(d) The Chair or the enforcement committee chair shall have the final authority to determine whether any evidence whose admissibility is challenged by objection shall be admitted into evidence and become part of the record.

(e) In determining whether to admit testimony or exhibits into the record over objection, the Chair or the enforcement committee chair shall consult with the Deputy Attorney General advising the Commission or enforcement committee at the hearing.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66638, 66641.5(e) and 66641.6, Government Code; Section 29601, Public Resources Code; and Section 351, Evidence Code.

HISTORY

1. Renumbering and amendment of former section 11339 to section 11329 filed 10–11–89; operative 11–10–89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Amendment of portions of subsection (a) to create new subsections (b) and (c) and relettering of former subsections (b) and (c) filed 9–3–92; operative 10–5–92 (Register 92, No. 36).
3. Amendment of subsections (b), (d) and (e) and amendment of NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11330. Adoption of an Enforcement Committee Recommended Enforcement Decision.

(a) After the enforcement committee has closed the enforcement hearing and completed its deliberations, it shall adopt a recommended enforcement decision, which shall include all of the following:

(1) a summary of (A) any background to the alleged violations, (B) the allegations made by staff in its violation report and/or complaint, (C) the allegations either admitted or not contested by respondent(s), (D) the defenses and mitigating factors raised by the respondent(s), and (E) the staff's response to the defenses, mitigating factors, or arguments raised by the respondent(s);

(2) a statement of any rulings by the enforcement committee;

(3) a recommended enforcement decision on a proposed order setting administrative civil liability shall identify the violations for which penalties are proposed and include:

(A) the total amount of proposed administrative civil penalties; and

(B) a statement of the applicable factors set forth in Government Code Section 66641.9 that the enforcement committee considered, consistent with the Administrative Civil Penalty Policy in Appendix J of these regulations, in determining the total amount of the proposed administrative civil penalties;

(4) a statement of whether the Executive Director has issued a cease and desist order and its expiration date;

(5) any further written report on or explanation of the enforcement proceedings as the enforcement committee believes is appropriate;

(6) a recommendation on what action the Commission should take; and

(7) the proposed text of any cease and desist order, permit revocation order, order setting administrative civil liability, or stipulated order that the enforcement committee recommends that the Commission issue or any settlement agreement that the enforcement committee recommends that the Commission approve.

(b) The enforcement committee can adopt with or without change the Executive Director's recommended enforcement decision. The chair of the enforcement committee shall direct Commission counsel to prepare the enforcement committee recommended enforcement decision, provided that: (1) Commission counsel shall submit the enforcement committee recommended enforcement decision to the respondent(s) by email for review not less than three days before the Executive Director mails the recommended decision to the Commission and respondent(s) in accordance with Section 11331; and (2) if the respondent(s) provides written comments on or objections to the recommended decision within two days of receipt thereof, the Executive Director may modify the recommended decision based on such comments or objections, if he or she determines that such modifications are appropriate, and shall include the respondent's comments or objections when mailing the recommended decision to the Commission and respondent(s) in accordance with Section 11331.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66638, 66641.5(e), 66641.6 and 66641.9, Government Code; and Sections 29601, 29610 and 29611, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11330 to Section 11321 and 11322, and new Section 11330 filed 10–11–89; operative 11–10–89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Amendment of section heading, section and NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11331. Referral of the Recommended Enforcement Decision to the Commission.

At least ten (10) days prior to the Commission's consideration of a recommended enforcement decision referred to it either directly by the Executive Director or by the enforcement committee, the staff shall mail by first class mail or send by email, and shall also make available on the Commission's website, the recommended enforcement decision to all respondents, to all Commissioners, and to the Deputy Attorney General advising the Commission.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66638, 66641.5(e) and 66641.6, Government Code; and Section 29601, Public Resources Codes.

HISTORY

1. Renumbering and amendment of former Section 11331 to Section 11320, and new Section 11331 filed 10–11–89; operative 11–10–89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Amendment of section and NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11332. Commission Action on Recommended Enforcement Decision.

(a) Except as provided in subsection (c), when the Commission acts on a recommended enforcement decision, the Commission shall allow representatives of the staff, each respondent, and members of the public an opportunity to present their respective arguments or comments on the recommendation, subject to such reasonable time limits as the Chair may impose and subject to a prohibition against the introduction of any new evidence unless the Commission proceeds either to remand the matter or hold a de novo evidentiary hearing.

(b) Thereafter, the Commission shall do one of the following:

(1) adopt the recommended enforcement decision without any change in any proposed cease and desist order, permit revocation order, or order setting administrative civil liability;

(2) either (A) dismiss the entire matter by voting not to issue any proposed cease and desist order, proposed permit revocation order, or proposed order setting administrative civil liability or (B) if the recommended enforcement decision includes one or more of a proposed cease and desist order, a proposed permit revocation order, and a proposed order setting administrative civil liability, adopt the recommended enforcement decision with regard to one or more proposed orders and dismiss the other proposed order(s) recommended in the recommended enforcement decision by voting not to issue them;

(3) remand the matter to the enforcement committee or the staff for further action as the Commission directs; or

(4) reject the recommended enforcement decision and decide to consider the entire matter de novo. In this event, the Commission shall continue the public hearing to the next available Commission meeting, when it shall proceed in accordance with the same procedural requirements as the Commission must follow under these regulations pursuant to Section 11327. As part of this de novo proceeding, the Commission can accept additional evidence only in compliance with Sections 11327 and 11328 or if the Commission provides the staff, all respondents, and the public a reasonable opportunity to review and respond to the additional evidence prior to the Commission's de novo review.

(c) If the respondent(s) agrees in writing to accept the recommended enforcement decision, and the Executive Director also agrees to accept the recommended decision, the Executive Director shall calendar the recommended enforcement decision as a consent item on a Commission meeting agenda. At the Commission meeting, after allowing public comment on the consent item the Commission shall determine by a majority of those commissioners present and voting whether to adopt the recommended enforcement decision on consent without any change and without any further proceedings. If a majority of those commissioners present and voting do not determine to adopt the recommended decision on consent, the Commission shall proceed to act on the matter in accordance with subsections (a) and (b).

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66638,66641.5(e), 66641.6 and 66641.9, Government Code; and Sections 29601, 29610 and 29611, Public Resources Code.

HISTORY

1. New section filed 5–18–87; operative 6–17–87 (Register 87, No. 30).
2. Repealer and new section filed 10–11–89; operative 11–10–89 (Register 89, No. 43).
3. Amendment of section and NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11333. Commission Hearing Procedures on Direct Referral of an Enforcement Matter by the Executive Director.

The Executive Director shall determine whether to refer an enforcement matter to the Commission or to the enforcement committee. When the Executive Director refers an enforcement matter directly to the Commission, the Commission shall follow the procedures set out in Sections 11327 through 11329 and in Section 11334.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66638, 66641.5(e) and 66641.6, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11333 to Section 11325, and new Section 11333 filed 10–11–89; operative 11–10–89 (Register 89, No. 30). For prior history, see Register 87, No. 30.
2. Amendment of section and NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11334. Voting on a Proposed Commission Cease and Desist Order, a Proposed Commission Permit Revocation Order, or a Proposed Commission Order Setting Administrative Civil Liability.

(a) The Commission shall vote on a recommended enforcement decision, a proposed Commission cease and desist order, a proposed permit revocation order, or a proposed order setting administrative civil liability by roll call in alphabetical order except that the Chair shall vote last;

(b) Any member may change his or her vote at any time before the Chair announces the final tally; and

(c) The decision of whether or not to issue an order shall be by majority vote of those present and voting.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66638, and 66641.5(e) and 66641.6, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Repealer of former Section 11334, and renumbering and amendment of former Section 11341 to Section 11334 filed 10–11–89; operative 11–10–89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Amendment of section heading, subsection (a) and NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11335. Staff Report and Recommendation. [Renumbered]

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66637–66642, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11335 to Section 11326 filed 10–11–89; operative 11–10–89 (Register 89, No. 43). For prior history, see Register 87, No. 30.

§ 11336. Distribution of Staff Report and Recommendation. [Renumbered]

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66637–66642, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11336 to Section 11324 filed 10–11–89; operative 11–10–89 (Register 89, No. 43). For prior history, see Register 87, No. 30.

§ 11337. Notice of Public Hearing. [Renumbered]

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66637–66642, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11337 to Section 11323 filed 10–11–89; operative 11–10–89 (Register 89, No. 43). For prior history, see Register 87, No. 30.

§ 11338. Public Hearing Procedure. [Renumbered]

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66637–66642, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11338 to Section 11327 filed 10–11–89; operative 11–10–89 (Register 89, No. 43). For prior history, see Register 87, No. 30.

§ 11339. Admissibility of Evidence. [Renumbered]

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 11513 and 66637–66642, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11339 to Section 11329 filed 10–11–89; operative 11–10–89 (Register 89, No. 43). For prior history, see Register 87, No. 30.

§ 11340. Contents of Cease and Desist Orders.

(a) Cease and desist orders shall be signed by the Executive Director and shall contain the following:

(1) a statement of whether the Executive Director is issuing the order pursuant to Section 66637 of the Government Code or the Commission is issuing the order pursuant to Section 66638 of the Government Code;

(2) the names of the person or persons who have undertaken or who are threatening to undertake the activity that is the subject of the order;

(3) identification of the property where the activity has been undertaken or may be undertaken;

(4) a description of the activity;

(5) the effective date of the order;

(6) the expiration date, if any, of the order;

(7) any terms, conditions, or other provisions necessary to bring the activity into compliance with the provisions of the McAteer–Petris Act, the Suisun Marsh Preservation Act, or a permit;

(8) written findings that (1) explain the decision to issue the order and (2) provide the factual and legal basis for the issuance of the order;

(9) in the case of an order issued by the Executive Director, notice of the date and place of any public hearing to be held on any cease and desist order proposed to be issued by the Commission relating to the same activity if the Executive Director has scheduled one;

(10) notice that a respondent 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 within thirty (30) days after service of a copy of the order; and

(11) such other provisions that the Commission has approved, including provisions relating to:

(A) a disclaimer of any effect of the order upon any duties, rights, or obligations under private agreements or under regulations of other public bodies;

(B) the obligation to conform strictly to the order and the consequences of the failure to do so; and

(C) the fact that the order does not constitute a recognition of property rights.

(b) A cease and desist order can be combined with a permit revocation order and/or an order setting administrative civil liability so long as the combined order contain all the information required under these regulations for each type of order.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Section 66638, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Repealer of former Section 11340, and renumbering and amendment of former Section 11343 to Section 11340 filed 10–11–89; operative 11–10–89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Amendment of subsection (b) and NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11341. Modifications of Cease and Desist Orders Issued by the Executive Director.

The Executive Director may modify a cease and desist order that he or she has issued for good cause, but he or she shall not do so in a manner that extends the 90–day expiration period provided for in Section 66637 of the Government Code unless a respondent stipulates in writing to the extension. The Executive Director may, however, issue consecutive cease and desist orders for a persisting violation or a persisting threatened violation.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Section 66637, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11341 to Section 11334, and renumbering and amendment of former Section 11344(a) to Section 11341 filed 10–11–89; operative 11–10–89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Amendment of section and NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11342. Modification of Cease and Desist Orders Issued by the Commission.

The Executive Director may modify a cease and desist order issued by the Commission for good cause if the modification would not be a material alteration of the order.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Section 66638, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11342 to Section 11370, and renumbering and amendment of former Section 11344(b) to Section 11342 filed 10–11–89; operative 11–10–89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Amendment of section and NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11343. Appeal from the Modification of a Commission Cease and Desist Order.

(a) A person who has been personally served with a Commission cease and desist order or to whom the Commission has mailed by certified mail a cease and desist order and to whom the order is directed may appeal to the Commission any modification of the order by the Executive Director by filing a written statement that the party is appealing the modification and the reasons for the appeal.

(b) If the appeal is filed within ten days of the personal service or mailing by certified mail of the modification to the order, the appeal shall stay the effect of the modification, but the previously effective order shall remain in effect.

(c) Appeals of modifications of a cease and desist order by the Executive Director cannot be filed more than ten days after the personal service or mailing by certified mail of the modification.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Section 66638, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11343 to Section 11340, and renumbering and amendment of former Section 11344(c) to Section 11343 filed 10–11–89; operative 11–10–89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Amendment of section and NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11344. Amendments to Cease and Desist Orders. [Renumbered]

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66637–66642, Government Code; Section 29601, Public Resources Code; and *Bel Mar Estates v. California Coastal Commission* (1981) Cal. App. 3d 936, 940.

HISTORY

1. Renumbering and amendment of former Section 11344 to Sections 11341, 11342, and 11343 filed 10–11–89; operative 11–10–89 (Register 89, No. 43). For prior history, see Register 87, No. 30.

§ 11350. Contents of Permit Revocation Orders.

(a) Commission permit revocation orders shall be signed by the Executive Director and shall contain the following:

(1) the names of the person or persons who have violated a term or condition of a Commission permit or a Commission cease and desist order or who have misstated any information on a permit application or at a public hearing;

(2) an identification of the term or condition of a permit or a cease and desist order that was violated, or the information that was misstated on the permit application;

(3) the effective date of the order;

(4) the work and uses that are no longer authorized and the date by which any corrective actions or termination of uses must occur;

(5) any terms, conditions, or other provisions that the Commission may determine that, if complied with, could avoid revocation of the permit;

(6) written findings that (A) explain the decision to issue the permit revocation order and (B) provide the factual and legal basis for the issuance of the order;

(7) notice that an aggrieved party can file with the superior court a petition for a writ of mandate for review of the order pursuant to Section 1094.5 of the Code of Civil Procedure.

(b) A permit revocation order can be combined with a cease and desist order and/or an order setting administrative civil liability so long as the combined order contains all the information required by these regulations for each types of order.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Section 66638, Government Code; Section 29601, Public Resources Code; and *Sunset Amusement Company v. Board of Police Commissioners* (1972) 7 Cal.3d 64, 80.

HISTORY

1. New section filed 5–18–87; operative 6–17–87 (Register 87, No. 30).
2. Amendment filed 10–11–89; operative 11–10–89 (Register 89, No. 43).
3. Amendment of subsections (a)(2) and (b) and amendment of NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11351. Modification of Permit Revocation Orders.

The Executive Director may modify a permit revocation order for good cause if the modification would not materially change the order.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Section 66638, Government Code; and Sections 29600 and 29601, Public Resources Code.

HISTORY

1. New section filed 10–11–89; operative 11–10–89 (Register 89, No. 43).
2. Amendment of section and NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11352. Appeal from Modification of a Permit Revocation Order.

(a) A person to whom the Commission has issued a permit revocation order may appeal to the Commission any modification of the order by the Executive Director by filing within ten (10) days of the date of the personal service or mailing by certified mail of the modification a written statement that the party is appealing the modification and the reasons for the appeal.

(b) If the appeal is filed within ten days of the personal service or mailing by certified mail of the modification to the order, the appeal shall stay the effect of the modification, but the previously effective order shall remain in effect.

(c) Appeals of modifications of a permit revocation order by the Executive Director cannot be filed more than ten days after the personal service or mailing by certified mail of the modification.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Section 66638, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. New section filed 10–11–89; operative 11–10–89 (Register 89, No. 43).
2. Amendment of subsections (b)–(c) and amendment of NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11360. Preparation and Execution of Commission Cease and Desist Orders, Permit Revocation Orders, and Orders Setting Administrative Civil Liability.

The Executive Director shall prepare and sign a cease and desist order, a permit revocation order, or an order setting administrative civil liability authorized by the Commission no later than the fifth (5th) working day following approval.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66638, 66641.5(e) and 66641.6, Government Code; and Sections 29601, 29610 and 29611, Public Resources Code.

HISTORY

1. Renumbering and amendment of Section 11051 to Section 11360 filed 5–18–87; operative 6–17–87 (Register 87, No. 30). For prior history, see Register 73, No. 50.
2. Amendment of section heading, section and NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11361. Issuance.

"Issuance" of a cease and desist order, a permit revocation order, an order setting administrative civil liability, or of any modification of such orders, is complete when the Executive Director executes the original copy of the order or modification and it is stamped "Issued BCDC" with the date.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66637, 66638, 66641.5(e) and 66641.6, Government Code; and Sections 29600 and 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of Section 11050 to Section 11361 filed 5–18–87; operative 6–17–87 (Register 87, No. 30). For prior history, see Register 73, No. 50.
2. Amendment filed 10–11–89; operative 11–10–89 (Register 89, No. 43).
3. Amendment of section and NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11362. Service of Copies.

(a) Persons to Whom the Order or Modification is Issued. The Executive Director shall cause to be personally served or mailed by certified mail an original copy of a cease and desist order, a permit revocation order, and of any modification of such orders to each person to whom the order or modification is being issued and the owner of the property on which any violation addressed by the order occurred no later than the second working day following the date of issuance, except that with the written consent of the party to be served, the Executive Director shall serve any such order or order modification by email. The Executive Director shall cause to be personally served or mail by registered mail an order setting administrative civil liability or modification to such order to each person to whom the order is being issued no later than the second working day following the date of issuance, except that with the written consent of the party to be served, the Executive Director shall serve any such order or modification by email.

(b) Other Interested Persons. The Executive Director shall personally serve on or shall mail by certified mail a copy of a cease and desist order or a permit revocation order authorized by the Commission and of any modification of such an order to each person who appeared at the hearing and submitted a written request for a copy no later than the second working day following the date of issuance, except that with the written consent of the party to be served, the Executive Director shall serve any such order or order modification by email. The Executive Director shall cause to be personally served or mail by registered mail an order setting administrative civil liability or modification to such order to each person who appeared at the hearing and submitted a written request for a copy, except that with the consent of the party to be served, the Executive Director shall serve any such order or order modification by email. In addition, the Executive Director shall post on the Commission's website a copy of a cease and desist order, permit revocation order, or an order setting administrative civil liability, or any modification of such orders no later than the second working day following issuance.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66637, 66638, 66641.5(e) and 66641.6, Government Code; and Sections 29600 and 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of Section 11052 to Section 11362 filed 5–18–87; operative 6–17–87 (Register 87, No. 30). For prior history, see Register 73, No. 50.
2. Amendment filed 10–11–89; operative 11–10–89 (Register 89, No. 43).
3. Amendment of section and NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11370. Enforcement Record.

The record of an enforcement proceeding shall consist of

(a) the violation report, including all documents referred to in the report;

(b) any complaint for administrative civil liability;

(c) all timely filed statement of defense form(s), including all documents submitted therewith;

(d) all untimely filed statement of defense forms that have nevertheless been admitted into evidence;

(e) the Executive Director's recommended enforcement decision, including all documents and any other evidence referred to or included in the recommendation,

(f) minutes or a verbatim transcript of all enforcement committee and Commission enforcement hearings and deliberations, provided, that if any oral testimony or any cross–examination and direct examination of a person whose declaration under penalty of perjury has become part of the enforcement record is allowed at the enforcement hearing, a verbatim transcript of such testimony shall also be included;

(g) all evidence submitted but rejected because it was not filed in a timely manner or violated Section 11328, with a notation that it was rejected and is included in the record only so that a reviewing court will know what evidence was rejected;

(h) any enforcement committee's or hearing officer's recommended enforcement decision,

(i) any order that the Commission issues,

(j) such other permit or other Commission files as have explicitly been made a part of the record,

(k) the McAteer–Petris Act, if relevant to any of the issues raised in the proceeding,

(l) the San Francisco Bay Plan, if relevant to any of the issues raised in the proceeding,

(m) the Suisun Marsh Preservation Act, if relevant to any of the issues raised in the proceeding,

(n) the Suisun Marsh Protection Plan, if relevant to any of the issues raised in the proceeding,

(o) the Suisun Marsh Local Protection Program, if relevant to any of the issues raised in the proceeding, and

(p) the Commission's regulations.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66638, 66640, 66641.5(e), 66641.6 and 66641.7, Government Code; and Sections 29600 and 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11342 to Section 11370 filed 10–11–89; operative 11–10–89 (Register 89, No. 43).
2. Amendment of section and NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11380. Content of Complaint for Administrative Civil Liability.

The complaint shall follow the format and contain the information set out in Appendix H to these regulations. The complaint shall identify the violations for which administrative civil penalties are proposed and include:

(a) a list or table of all alleged violations for which staff is proposing a penalty;

(b) the total amount of proposed administrative civil penalties; and

(c) a statement of the applicable factors set forth in Government Code Section 66641.9 that the Executive Director considered, consistent with the Administrative Civil Penalty Policy in Appendix J of these regulations, in determining the total amount of the proposed administrative civil penalties;

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66641.5(e), 66641.6 and 66641.9, Government Code; and Sections 29610 and 29611, Public Resources Code.

HISTORY

1. New section filed 10–11–89; operative 11–10–89 (Register 89, No. 43).
2. Amendment of section heading, section and NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11381. Commission Hearing on Complaint for Administrative Civil Liability.

(a) The Commission shall comply with the requirements of Cal. Govt. Code Section 66641.6(b) by either: (1) hearing the matter itself within 60 days of the service of the complaint; or (2) by having the enforcement committee hold a hearing within 60 days of the service of the complaint. With the written consent of the respondent(s) to whom a complaint is issued, the Executive Director shall for good cause extend the 60–day time limit for a hearing on the complaint under Government Code Section 66641.6(b).

(b) The Executive Director shall determine whether to refer a complaint for administrative civil liability to the Commission or to the enforcement committee.

(c) When the Executive Director determines whether to refer a complaint to the Commission or to the enforcement committee, he or she shall consider the following factors:

(1) the time that it would take the Commission or enforcement committee to complete consideration of the complaint,

(2) whether the Executive Director has issued a cease and desist order for the violation or violations alleged in the complaint, and whether the Executive has proposed that any order setting administrative civil liability be combined with a Commission cease and desist order and/or a permit revocation order,

(3) the relative workloads of the Commission and the enforcement committee at the time,

(4) whether the complaint involves any policy issues that should be determined by the Commission initially,

(5) whether the Commission or the enforcement committee has already heard any enforcement matter that is related to the complaint, and

(6) any request by the Commission that it hear the matter directly.

NOTE: Authority cited: Section 66632(f), Government Code. Reference: Sections 66641.5(e) and 66641.6, Government Code.

HISTORY

1. New section filed 10–11–89; operative 11–10–89 (Register 89, No. 43).
2. Amendment of section heading, section and NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11382. Further Procedures for Commission Review of Complaints for Administrative Civil Liability.

The Commission shall follow the procedures established by Sections 11321 through 11334 of these regulations when it considers a recommended enforcement decision from either the staff or the enforcement committee relative to the possible imposition of administrative civil liability.

NOTE: Authority cited: Section 66632(f), Government Code. Reference: Sections 66641.5(e), 66641.6 and 66641.9, Government Code.

HISTORY

1. New section filed 10–11–89; operative 11–10–89 (Register 89, No. 43).
2. Amendment of section heading, section and NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11383. Contents of a Commission Order Setting Administrative Civil Liability.

(a) A Commission order setting administrative civil liability shall be signed by the Executive Director and shall contain the following:

(1) the name(s) of the person(s) required to pay the civil penalties;

(2) the amount of the civil penalties and findings that address the applicable factors set forth in Government Code Section 66641.9 that the Commission considered in determining the amount of the civil penalties;

(3) the date by which the civil penalties must be paid in full, or, if the penalties are to be paid in installments, the amount of each installment and the date by which each installment must be paid;

(4) written findings that (1) explain the decision to issue the order setting administrative civil liability and (2) provide the factual and legal basis for the issuance of the order, and

(5) notice that a person to whom the Commission issues an order setting administrative civil liability 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 within thirty (30) days after service of a copy of the order.

(b) An order setting administrative civil liability can be combined with a cease and desist order or a permit revocation order so long as the combined order contains all the information required under these regulations for each type of order.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66641.5(e), 66641.6 and 66641.9, Government Code; and Sections 29610 and 29611, Public Resources Code.

HISTORY

1. New section filed 10–11–89; operative 11–10–89 (Register 89, No. 43).
2. Amendment of section heading, section and NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11384. Modification of a Commission Order Setting Administrative Civil Liability.

The Executive Director may modify an order setting administrative civil liability for good cause if the modification would not alter the total amount of the civil penalties or otherwise materially change the order.

NOTE: Authority cited: Section 66632(f), Government Code. Reference: Sections 66641.5(e), 66641.6 and 66641.9, Government Code.

HISTORY

1. New section filed 10–11–89; operative 11–10–89 (Register 89, No. 43).
2. Amendment of section heading, section and NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11385. Appeal from Modification of an Order Setting Administrative Civil Liability.

(a) A person to whom the Commission has issued an order setting administrative civil liability may appeal to the Commission any modification of the order by the Executive Director by filing within ten (10) days of the date of personal service or mailing by registered mail of the modification a written statement that the party is appealing the modification and the reasons for the appeal.

(b) If the appeal is filed within ten days of the personal service or mailing by registered mail of the modification to the order, the appeal shall stay the effect of the modification, but the previously effective order shall remain in effect.

(c) Appeals of modifications of an order setting administrative civil liability by the Executive Director cannot be filed more than ten days after the personal service or mailing by registered mail of the modification.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66641.5(e), 66641.6 and 66641.9, Government Code.

HISTORY

1. New section filed 10–11–89; operative 11–10–89 (Register 89, No. 43).
2. Amendment of section heading, section and NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

Article 3. Standardized Fines

§ 11386. Applicability of Article.

(a) This Article shall apply to an enforcement action if the Executive Director determines:

(1) that an alleged violation is one of the types identified in Section 11390;

(2) that the alleged violation has not resulted in significant harm to the Bay's resources or to existing or future public access; and

(3) that the alleged violation can be corrected in a manner consistent with the Commission's laws and policies.

(b) For purposes of this Article, "significant harm to the Bay's resources or to existing or future public access" shall be determined in accordance with Section 11310(f).

(c) If an enforcement action involves both an alleged violation that has not resulted in significant harm to the Bay's resources or to existing or future public access and an alleged violation that has resulted in significant harm to such resources or public access or that is otherwise not subject to resolution under this Article, the Executive Director may, depending on the nature and extent of all the violations and on whether the responsible party has taken appropriate action to resolve the violations, commence Commission enforcement proceedings for all the alleged violations by following the procedures established by Sections 11321 through 11334 of these regulations.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Section 66641.5(e), Government Code; and Section 29610, Public Resources Code.

HISTORY

1. New section filed 2–26–93; operative 3–29–93 (Register 93, No. 9).
2. Amendment filed 6–26–97; operative 7–26–97 (Register 97, No. 26).
3. Amendment of section and NOTE filed 12–9–98; operative 1–8–99 (Register 98, No. 50).
4. Amendment filed 5–22–2003; operative 6–21–2003 (Register 2003, No. 21).
5. New article 3 heading, amendment of section heading and subsections (a)–(a)(10), renumbering of former subsections (b)–(b)(3) to new section

11387, renumbering of former subsection (c) to new section 11388, renumbering of former subsection (d) to new section 11389, renumbering of former subsections (e)–(h) to new section 11390, renumbering of former subsections (i)–(k) to new section 11391, new subsections (b)–(c) and amendment of NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11387. Notice of Alleged Violation.

If this Article applies to an enforcement action, the Executive Director shall mail a written notice to the person(s) responsible for the alleged violation(s) that contains all of the following information:

(a) the nature of the alleged violation(s) and each and every action that must be taken to correct the alleged violation;

(b) the fact that if the alleged violation(s) are fully corrected within 35 days of the mailing of the notice, the Commission shall not impose any fine; and

(c) the fact that if the alleged violation(s) are not fully corrected within 35 days of mailing of the notice, the person responsible for the alleged violation(s) may be subject to the payment of a fine and may resolve the alleged violation(s) by taking each and every corrective action required by the notice and paying the standardized fine specified in Section 11390(a) or 11390(b) without having to go through a Commission enforcement proceeding pursuant to Sections 11321 through 11334, except as provided in Section 11390(d).

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Section 66641.5(e), Government Code; and Section 29610, Public Resources Code.

HISTORY

1. Renumbering and amendment of former section 11386, subsections (b)–(b)(3) to new section 11387 filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11388. Opportunity to Complete Corrective Action without Imposition of a Standardized Fine.

Except as provided in Section 11390(c), if the person responsible for the alleged violation(s) submits to the Executive Director information demonstrating that the alleged violation(s) have not occurred or that such person has completed each and every corrective action specified in the notice pursuant to Section 11387 within thirty–five (35) days after the mailing of the notice, the Commission shall not impose any standardized fine.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Section 66641.5(e), Government Code; and Section 29610, Public Resources Code.

HISTORY

1. Renumbering and amendment of former section 11386, subsection (c) to new section 11388 filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11389. Opportunity to Complete Corrective Action with Imposition of a Standardized Fine.

Except as provided in Sections 11390(c) and 11390(d), if the person responsible for the alleged violation(s) fails to submit to the Executive Director information demonstrating that such person has completed each and every corrective action required by the notice pursuant to Section 11387 within thirty–five (35) days after the date of the mailing of the notice, the responsible person may resolve the alleged violation(s) by completing each and every corrective action required by the notice sent pursuant to Section 11387 and by paying a fine in the amount provided in Sections 11390(a) or 11390(b).

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Section 66641.5(e), Government Code; and Section 29610, Public Resources Code.

HISTORY

1. Renumbering and amendment of former section 11386, subsection (d) to new section 11389 filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11390. Violations Subject to a Standardized Fine and Schedule of Standardized Fines.

(a) The following standardized fines shall apply to the following types of alleged violations:

(1) for the failure to return an acknowledged, executed Commission permit before commencing the work authorized by the permit, or, for any permit issued to authorize previously commenced or completed work, for failure to return an acknowledged, executed permit within the time period stated in the permit:

(A) if the fully executed permit is returned between thirty–six (36) and sixty–five (65) days after the date of the mailing of the notice required by Section 11387: TWO THOUSAND DOLLARS ($2,000.00); or

(B) if the fully executed permit is returned more than sixty–five (65) days after the date of the mailing of the notice required by Section 11387: FIVE THOUSAND DOLLARS ($5,000.00) plus FIVE HUNDRED DOLLARS ($500.00) per day from the sixty–fifth (65) day to the date the fully executed permit is received by the staff.

(2) for the failure to submit any document other than an acknowledged, executed Commission permit in the form, manner or time required by a Commission permit:

(A) if a required document is submitted between thirty–six (36) and sixty–five (65) days after the date of the mailing of the notice required by Section 11387: TWO THOUSAND DOLLARS ($2,000.00) per document;

(B) if a required document is submitted between sixty–six (66) and ninety–five (95) days after the date of the mailing of the notice required by Section 11387: FIVE THOUSAND DOLLARS ($5,000.00) per document; or

(C) if a required document is submitted more than ninety–five (95) days after the date of the mailing of the notice required by Section 11387: FIVE THOUSAND DOLLARS ($5,000.00) for each document plus FIVE HUNDRED DOLLARS ($500.00) per day for each document, from the ninety–sixth (96th) day to the date the document is received by the staff.

(3) for the failure to comply with any condition required by a Commission permit not covered by subsections (a)(1) or (a)(2):

(A) if corrected between thirty–six (36) and sixty–five (65) days after the date of the mailing of the notice required by Section 11387: TWO THOUSAND DOLLARS ($2,000.00) for each violation of each separate permit requirement; or

(B) if corrected between sixty–six (66) and ninety–five (95) days after the date of the mailing of the notice required by Section 11387: FIVE THOUSAND DOLLARS ($5,000.00) for each violation of each separate permit requirement; or

(C) if corrected more than ninety–five (95) days after the date of the mailing of the notice required by Section 11387: FIVE THOUSAND DOLLARS ($5,000.00) for each violation of each separate permit requirement, plus FIVE HUNDRED DOLLARS ($500.00) per day for each violation, from the ninety–sixth (96th) day to the date the violation is corrected or the required improvements are provided.

(4) for the failure to obtain a Commission permit or an amendment to a previously issued Commission permit prior to undertaking any activity that can be authorized by an administrative permit or an amendment to previously issued Commission permit:

(A) if either a complete and properly executed application accompanied by a check or money order for the applicable application fee, as determined pursuant to Appendix M, Section (b) of the Commission's regulations, is submitted between thirty–six (36) and sixty–five (65) days and a permit or permit amendment is obtained within one hundred and fifty–five (155) days after the date of the mailing of the notice required by Section 11387 or the unauthorized activity is completely corrected between thirty–six (36) and sixty–five (65) days after the date of the mailing of the notice required by Section 11387: TWO THOUSAND DOLLARS ($2,000.00);

(B) if either a complete and properly executed application accompanied by a check or money order for the applicable application fee, as determined pursuant to Appendix M, Section (b) of the Commission's regulations, is submitted between sixty–six (66) and ninety–five (95) days and a permit or permit amendment is obtained within one hundred and eighty–five (185) days after the date of the mailing of the notice required by Section 11387 or the unauthorized activity is completely corrected between sixty–six (66) and ninety–five (95) days after the date of the mail-

ing of the notice required by Section 11387: FIVE THOUSAND DOLLARS ($5,000.00);

(C) if a complete and properly executed application accompanied by a check or money order for the applicable application fee, as determined pursuant to Appendix M, Section (b) of the Commission's regulations, is submitted more than ninety–five (95) days after the date of the mailing of the notice required by Section 11387 or the unauthorized activity is completely corrected within the same time limits: FIVE THOUSAND DOLLARS ($5,000.00) plus FIVE HUNDRED DOLLARS ($500.00) per day from the ninety–sixth (96th) day to the date the fully complete and properly executed application accompanied by a check or money order for the applicable application fee is submitted or the activity is completely corrected.

(5) for the failure to obtain a Commission permit prior to undertaking any activity that can be authorized by a regionwide permit or an abbreviated regionwide permit:

(A) if either a complete notice of intent to proceed under a regionwide permit or abbreviated regionwide permit is submitted between thirty–six (36) and sixty–five (65) days and the Executive Director approves the notice of intent to proceed within one hundred and fifty–five (155) days after the date of the mailing of the notice required by Section 11387 or the unauthorized activity is completely corrected between thirty–six (36) and sixty–five (65) days after the date of the mailing of the notice required by Section 11387: TWO THOUSAND DOLLARS ($2,000.00);

(B) if either a complete notice of intent to proceed under a regionwide permit or an abbreviated regionwide permit is submitted between sixty–six (66) and ninety–five (95) days and the Executive Director approves the notice of intent to proceed within one hundred and eighty–five (185) days after the date of the mailing of the notice required by Section 11387 or the unauthorized activity is completely corrected between sixty–six (66) and ninety–five (95) days after the date of the mailing of the notice required by Section 11387: FOUR THOUSAND DOLLARS ($4,000.00);

(C) if a complete notice of intent to proceed under a regionwide permit or an abbreviated regionwide permit is submitted more than ninety–five (95) days after the date of the mailing of the notice required by Section 11387 or the unauthorized activity is completely corrected within the same time limits: FOUR THOUSAND DOLLARS ($4,000.00) plus FIVE HUNDRED DOLLARS ($500.00) per day from the ninety–sixth (96th) day to the date the complete notice of intent to proceed is submitted or the unauthorized activity is completely corrected.

(6) for the placement of fill, the extraction of materials or a change in use that could not be authorized under the Commission's laws and policies:

(A) if the violation is corrected and the area restored to its prior status between thirty–six (36) and sixty–five (65) days after the mailing of the notice required by Section 11387: THREE THOUSAND DOLLARS ($3,000.00);

(B) if the violation is corrected and the area restored to its prior status between sixty–six (66) and ninety–five (95) days after the mailing of the notice required by Section 11387: EIGHT THOUSAND DOLLARS ($8,000.00);

(C) if the violation is corrected and the area returned to its prior status more than ninety–five (95) days after the mailing of the notice required by Section 11387: EIGHT THOUSAND DOLLARS ($8,000.00) plus FIVE HUNDRED DOLLARS ($500.00) per day to the date the violation is completely corrected.

(b) A person responsible for any alleged violation must pay double the amount listed in subsection (a) to resolve the alleged violation if that person has previously paid or has been assessed but has failed to pay any standardized fine pursuant to subsection (a) and Section 11391 within the five years prior to resolution of the alleged violation.

(c) If a violation resolved pursuant to Section 11388 is repeated by the same person within five years of the resolution of the prior violation, Section 11388 and subsections (a) and (b) shall not apply. Instead, the person responsible for the subsequent violation may resolve the subsequent alleged violation by paying TWO HUNDRED DOLLARS ($200.00) per day for each day the subsequent alleged violation occurs or persists after the date of the mailing of the notice required by Section 11387.

(d) If the person responsible for the alleged violation does not complete all the required corrective actions within 125 days of the notice mailed pursuant to Section 11387 or does not pay the amount of standardized fines assessed in accordance with this section when payment is due under Section 11391(c) or (d), the Executive Director may commence Commission enforcement proceedings in accordance with Sections 11321 through 11334. If the Executive Director determines that the person responsible for the violation has not made a good–faith effort to correct an alleged violation, the Executive Director may terminate the opportunity for resolution of the violation using the standardized fine process by mailing a notice stating that the process is no longer available. After mailing such notice, the Executive Director shall commence Commission enforcement proceedings in accordance with Sections 11321 through 11334 to resolve the violation.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Section 66641.5(e), Government Code; and Section 29610, Public Resources Code.

HISTORY

1. Renumbering and amendment of former section 11386, subsections (e)–(h) to new section 11390 filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11391. Notice of Liability for Standardized Fines and Opportunity to Appeal or to Resolve Violation through Commission Enforcement Proceedings.

(a) After the violation has been completely resolved, the Commission staff shall notify the person responsible for the violation by first class mail or email of the amount of standardized fines assessed in accordance with Section 11390. The notice shall state that if any person subject to standardized fines believes that the amount of standardized fines is inappropriate or was not properly determined in accordance Section 11390, that person can appeal the amount of the fines to the Executive Director and the Chair by submitting to the Executive Director within 21 days of the date of the notice a written statement that the person is appealing and the reasons for the appeal. The Commission staff shall submit to the Executive Director a response to the appeal within 14 days after receipt thereof. The Executive Director and the Chair can reduce the amount of the standardized fines to an amount that they believe is appropriate and can establish a schedule for the payment of the standardized fines in installments.

(b) If any person subject to the standardized fines listed in Sections 11390(a), (b), or (c) believes that the 35–day time limit for resolution without a standardized fine established pursuant to Sections 11387 and 11388 is not feasible, that person may appeal the time limit to the Executive Director and the Chair by submitting to the Executive Director within 35–days of the notice mailed pursuant to Section 11387 a written statement that the person is appealing the 35–day time limit, the reasons for the appeal, and a proposed alternative date to complete the required corrective action. The Executive Director and the Chair can modify the 35–day time limit and the time periods for accrual of standardized fines set forth in Section 11390(a) for the violation as they believe appropriate.

(c) If any person subject to standardized fines does not appeal the amount of such fines within 21 days of receiving notice from Commission staff under subsection (a), the full amount of such fines shall be due and payable by cashier's check thirty (30) days after the date of the notice provided under subsection (a).

(d) If any person subject to standardized fines appeals the amount of such fines within 21 days of receiving notice from Commission staff under subsection (a), any fines the Executive Director and Chair determine to be appropriate shall be due and payable by cashier's check by the date or dates specified in their decision on the appeal.

(e) Any person receiving a notice under Section 11387 may waive the opportunity to resolve the violation under this Article by submitting a let-

ter to the Executive Director indicating such a waiver and requesting that the violation be resolved through Commission enforcement proceedings in accordance with Sections 11321 through 11334 if that person believes such proceedings are necessary to fairly determine liability for the violation, the appropriate remedy, or the appropriate fine or administrative civil penalty amount. A waiver of the opportunity to resolve a violation under this Article and request that the violation be resolved through Commission enforcement proceedings may be submitted at any time after receipt of a notice under Section 11387 but no later than: (1) twenty one (21) days after the date of the notice provided by Commission staff under subsection (a) of amount of standardized fines assessed, if the person receiving such notice elects not to appeal the amount of such fines to the Executive Director and Chair; or (2) fourteen (14) days after the date of the decision of the Executive Director and Chair on any appeal of the amount of standardized fines. If a letter waiving the opportunity to resolve a violation under this Article and requesting that the violation be resolved through Commission enforcement proceedings is submitted after the Commission staff has provided notice under subsection (a) of the amount of standardized fines assessed or after the decision of the Executive Director and Chair on any appeal of the amount of standardized fines, no such fines shall be due pursuant to that notice or that decision, and the appropriate amount of fines or administrative civil penalties shall be determined through Commission enforcement proceedings.

(f) If a person subject to standardized fines fails to pay such fines when due and payable under subsection (c) or (d), as applicable, and if such person has not submitted a letter waiving the opportunity to resolve a violation under this Article and requesting that the violation be resolved through Commission enforcement proceedings under subsection (e), the Executive Director shall commence Commission enforcement proceedings in accordance with Sections 11321 through 11334 to resolve the violation. In those proceedings, the person subject to such fines may not contest his or her liability for the violation or that the violation occurred, and the Commission shall determine only whether the amount of standardized fines was properly calculated in accordance with Section 11390.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Section 66641.5(e), Government Code; and Section 29610, Public Resources Code.

HISTORY

1. Renumbering and amendment of former section 11386, subsections (i)–(k) to new section 11391 filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

Chapter 14. Marsh Development Permits Issued by Local Governments and Appeals Therefrom

Subchapter 1. Marsh Development Permits Issued by Local Governments

Article 1. Application

§ 11400. Application of Chapter.

This Chapter shall govern the issuance of a marsh development permit or any other local permit that incorporates the provisions of a marsh development permit, hereinafter referred to as "a marsh development authorization," by local governments pursuant to California Public Resources Code Section 29502(a) and appeals from marsh development authorizations issued by local governments.

NOTE: Authority cited: Sections 29201(e) and 29521, Public Resources Code. Reference: Section 29502, Public Resources Code.

HISTORY

1. Renumbering and amendment of Section 11225 to Section 11400 filed 5–18–87; operative 6–17–87 (Register 87, No. 30). For prior history, see Register 86, No. 39.

Article 2. Marsh Development Permits Issued by Local Governments

§ 11410. Order of Permits.

If a Suisun Marsh development requires both a marsh development permit from the Commission and a marsh development authorization from a local government because part of the development site is located within either the primary management area of the Suisun Marsh or within tidelands, submerged lands, or other public trust lands within the secondary management area and if another part of the development site is located within the secondary management area of the Suisun Marsh, the person or entity who proposes the development shall first obtain the marsh development authorization from the appropriate local government for that part of the site or development that is within the secondary management area before requesting a marsh development permit from the Commission for that part of the site or development that is within the primary management area.

NOTE: Authority cited: Sections 29201(e) and 29521, Public Resources Code. Reference: Sections 29300 and 29502, Public Resources Code.

HISTORY

1. New section filed 5–18–87; operative 6–17–87 (Register 87, No. 30).
2. Change without regulatory effect amending section filed 12–31–2020 pursuant to section 100, title 1, California Code of Regulations (Register 2021, No. 1). (OAL review extended 60 calendar days pursuant to Executive Order N–40–20.)

§ 11411. Application.

(a) The person or entity applying for a marsh development authorization from local government for a development within the secondary management area shall submit to the local government and the local government shall require the person or entity to provide the following:

(1) an application that provides detailed information about the development and that includes a site plan that shows the property lines of the site and the location and extent of existing and proposed work and uses information that clearly distinguishes existing improvements from proposed improvements, and existing shoreline public access areas from proposed shoreline public access areas, the location of any existing levees and water transporting and water control structures, and information that identifies all building elevations, the approximate distance from the development to the nearest marsh, the location of any managed wetland and any tidal area in the vicinity, and the name and location of the nearest public road;

(2) a statement that describes all environmental impacts that may arise from the proposed development with supporting facts and information;

(3) a statement that the person signing the application is either the applicant or has the authority to bind legally the applicant;

(4) sufficient evidence that shows the applicant either owns the land, has a lease of sufficient duration to allow a reasonable return on any investment, or has an enforceable option on the land on which the development will occur or other similar authority to use the property; and

(5) a statement under penalty of perjury by the person signing the application that all the information submitted is complete and accurate.

(b) The local government may either incorporate the request for this information into its existing applications forms or may request this information separately.

NOTE: Authority cited: Sections 29201(e) and 29521, Public Resources Code. Reference: Section 29502, Public Resources Code.

HISTORY

1. Renumbering and amendment of Section 11227 to Section 11411 filed 5–18–87; operative 6–17–87 (Register 87, No. 30). For prior history, see Register 86, No. 39.

§ 11412. Notice to the Commission of Pending Applications.

(a) Within five (5) working days of the filing of an application with the local government for a marsh development authorization, the local government shall provide in writing to the Commission the following information:

Exhibit 1

BCDC Enforcement

Submitted by: Anonymous user

Submitted time: Apr 21, 2019, 9:51:32 AM

FormIgnore

Yes

ER#

ER2019.038.00

Permittee or Respondent

Thadeus Woodin

Status

B. ER Open (Inactive)

Vicinity of the Alleged Violation

- **Within 100 feet of the shoreline of the San Francisco Bay**
- **In the Suisun Marsh**

Address of the Alleged Violation

Lat:38.0748 Lon: -121.88181

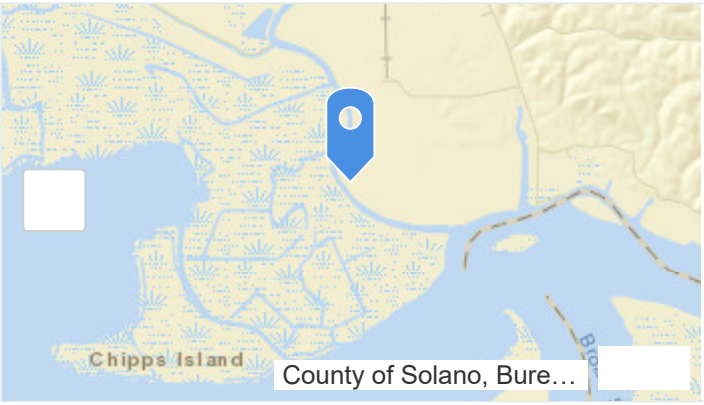
APN

0090-120-130

Exhibit 1

Location of the Alleged Violation

Lat: 38.0748 Lon: -121.88181



County

Solano

Description of the Alleged Violation

The owner of the place Thadeus Woodin has a condemned house, trash, abandoned vehicles, motor oil, chemi cals scattered all over the levee on the Montezuma Slough.All that pose a serious threat to marsh habitat and water.The District 1607 has failed to enforce their own policy which clearly stipulate that vehicles, structures or personal property should not be placed on levee crown.

Staff Notes

9/16/19: See RealQuest report for property detail.

Date ER Case Opened

Sep 16, 2019

When did you first observe the Alleged Violation?

Jun 30, 2017

Suspected Duration or Frequency of Violation

Constant

Do you know who the Responsible Party is?

Yes

Exhibit 1

Responsible Party's Name (Person and/or Organization)

Thadeus Woodin

Responsible Party's Address

4281 OAKDALE PL, PITTSBURG CA 94565-6228

Do you know who the Responsible Party's Representative is?

No

Can BCDC staff contact you about this report?

Yes

Reporter Name

Richard F. Grillat

Reporter Email

rfgrillat@yahoo.com

Reporter Phone Number

9164962609

Please indicate if you wish to remain anonymous.

Yes

Which other agencies, if any, have you contacted about this violation?

None

Exhibit 1

Upload any Images or Supporting Documentation of the Alleged Violation



IMG_0603.JPG

Upload any Images or Supporting Documentation of the Alleged Violation



IMG_0619.JPG

Exhibit 1

Upload any Images or Supporting Documentation of the Alleged Violation



IMG_0599.JPG

Exhibit 1

BCDC Enforcement

Submitted by: bayrat_BCDC

Submitted time: Apr 11, 2020, 3:43:20 PM

FormIgnore

Yes

ER#

ER2019.038.00

Permittee or Respondent

Thaddeus Woodin

Score

16

Priority

No

Status

C. Pending Case

Exhibit 1

Vicinity of the Alleged Violation

- **Within 100 feet of the shoreline of the San Francisco Bay**
- **In the Suisun Marsh**

Address of the Alleged Violation

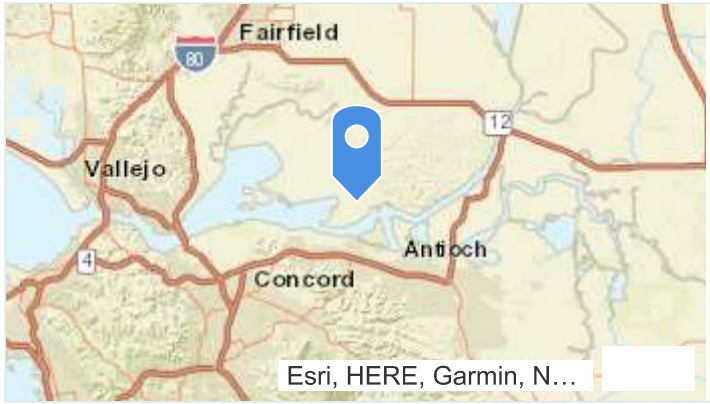
Lat:38.0748 Lon: -121.88181

APN

0090-120-130

Location of the Alleged Violation

Lat: 38.0748 Lon: -121.88181



County

Solano

Exhibit 1

Description of the Alleged Violation

The owner of the place Thadeus Woodin has a condemned house, trash, abandoned vehicles, motor oil, chemicals scattered all over the levee on t he Montezuma Slough.All that pose a serious threat to marsh habitat and water.The District 1607 has failed to enforce their own policy which clearl y stipulate that vehicles, structures or personal property should not be placed on levee crown.

Staff Notes

9/16/19: See RealQuest report for property detail. Very low priority. Recommend referring to local code enforcement and closing case.

Date ER Case Opened

Sep 15, 2019

Date Assigned

Sep 15, 2019

When did you first observe the Alleged Violation?

Jun 30, 2017

Suspected Duration or Frequency of Violation

Constant

Do you know who the Responsible Party is?

Yes

Responsible Party's Name (Person and/or Organization)

Thaddeus Woodin

Exhibit 1

Responsible Party's Address

4281 OAKDALE PL, PITTSBURG CA 94565-6228

Do you know who the Responsible Party's Representative is?

No

Can BCDC staff contact you about this report?

Yes

Reporter Name

Richard F. Grillat

Reporter Email

rfgrillat@yahoo.com

Reporter Phone Number

9164962609

Please indicate if you wish to remain anonymous.

Yes

Which other agencies, if any, have you contacted about this violation?

None

Exhibit 2

Photos of all items on Thad's parcel and in the Montezuma Slough, excluding the barge.

Staff photos from a site visit on Nov. 23, 2022.





Exhibit 2





Exhibit 2



This small recreational boat straddles the Belchers' parcel and Thad's.

Exhibit 2



Exhibit 3

Belcher Parcel – Violation 3

Staff photos from a site visit on Nov. 23, 2022.



*The small recreational boat below lies across both the Belchers' parcel and Thad's.



Exhibit 3

BCDC staff took these photos on Dec. 11, 2024.





Staff photos from a site visit on Nov. 23, 2022



*The small recreational boat below lies across both the Belchers' parcel and Thad's.



BCDC staff took these photos on Dec. 11, 2024.





Exhibit 3

Kanady Parcel – Violation 4

BCDC staff took these photos on Nov. 23, 2022.



Exhibit 3



BCDC staff took this photo on Dec. 11, 2024.

Exhibit 3



Exhibit 3

Kittrell Estate Parcel – Violation 6

BCDC staff took this photo on Nov. 23, 2022.

*The boat is on another parcel.



BCDC staff took this photo on Sept. 24, 2024.

Exhibit 3



BCDC staff took this photo on Dec. 11, 2024.



Exhibit 3

Thad Woodin Parcel – Violation 2

Staff photos from a site visit on Nov. 23, 2022.





Exhibit 3



Staff photos from a site visit on Sept. 24, 2024.



Exhibit 3





Exhibit 3





(Tires, containers, and other discarded items in the two photos below).

Exhibit 3





Exhibit 3



Staff photos from a site visit on Dec. 11, 2024.



Exhibit 3



Exhibit 3





Exhibit 3





Exhibit 3

The two objects above the water mark where the barge lies.



Sgt. Brady Graham later shared these images of the barge under water.

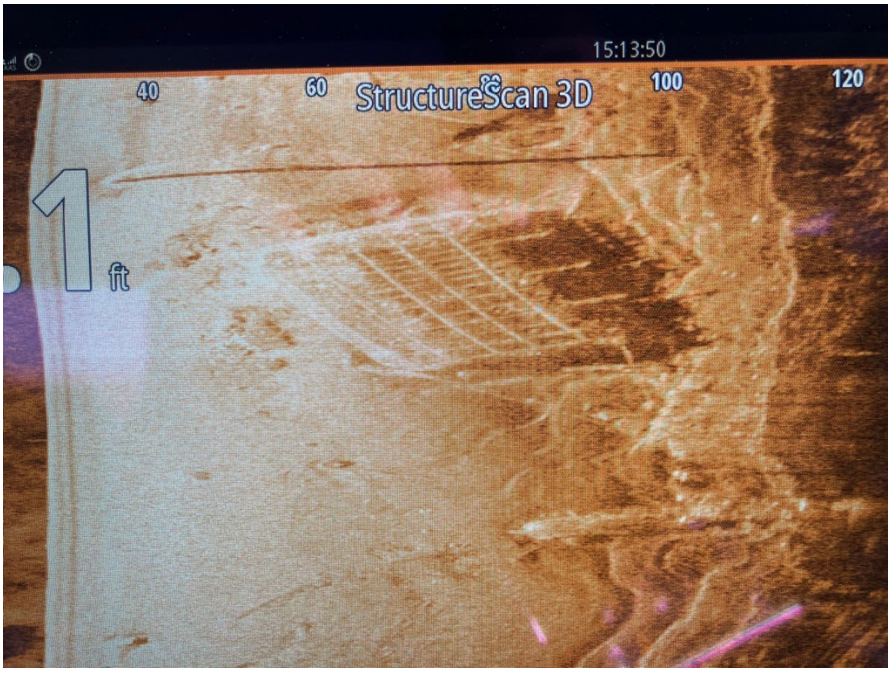


Exhibit 3

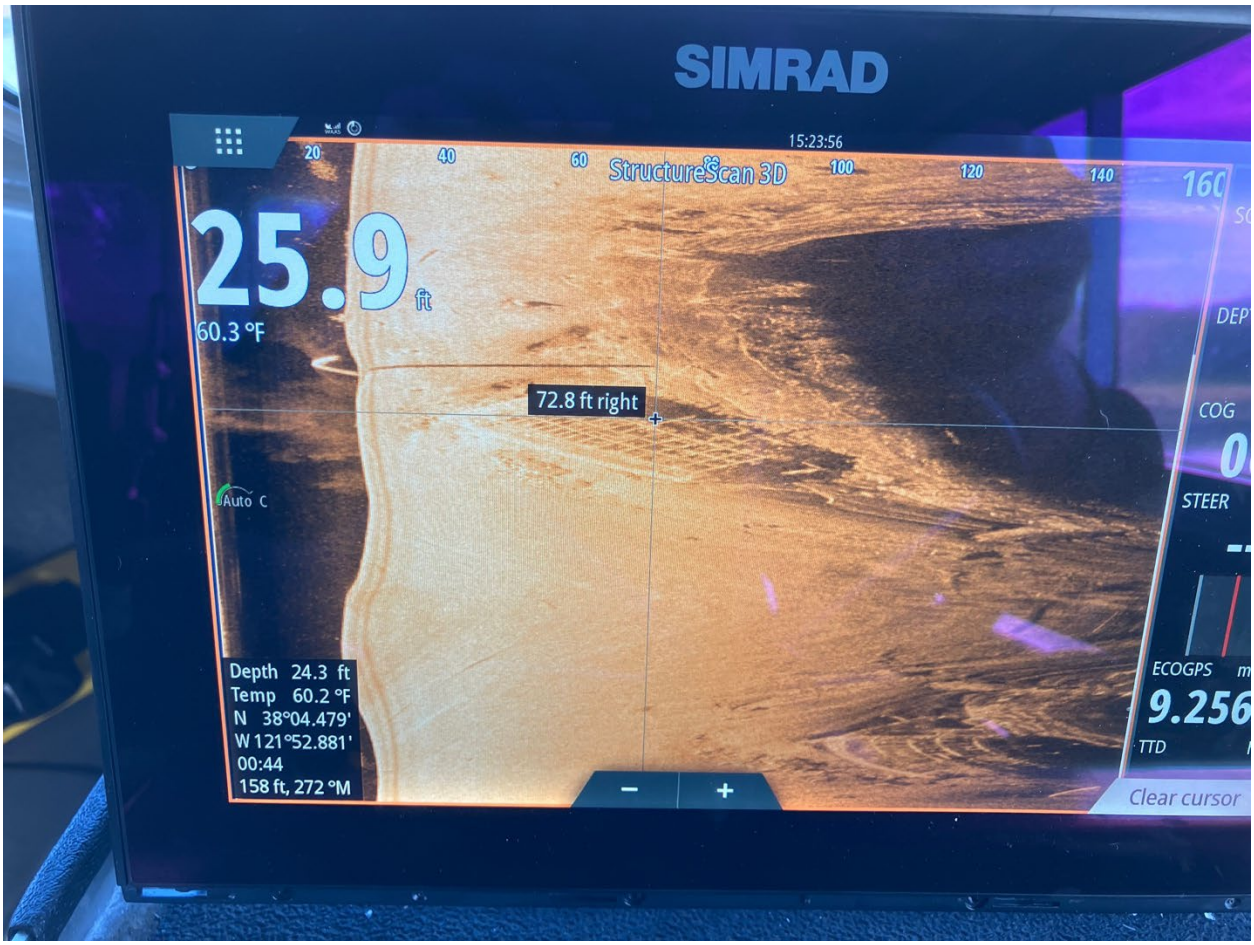

SIMRAD
15:23:56
20
40
60
StructureScan 3D
100
120
140
25.9
ft
60.3 °F
72.8 ft right
Auto C
Depth 24.3 ft
Temp 60.2 °F
N 38°04.479'
W 121°52.881'
00:44
158 ft, 272 °M
COG
STEER
ECOGPS
TTD
Clear cursor

Exhibit 3

William (Bill) Woodin Parcel – Violation 5

BCDC staff took this photo on Nov. 23, 2022.



BCDC staff took this photo on Sept. 24, 2024.

Exhibit 3



BCDC staff took these photos on Dec. 11, 2024.

Exhibit 3





Exhibit 3





Exhibit 3



(The white truck lies on the Kittrell Estate parcel)



Exhibit 4

Outlook

RE: Van Sickle Island parcel map question

From Rodgers, Chris <CJRodgers@SolanoCounty.gov>
Date Tue 3/18/2025 2:12 PM
To Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Cc Srivastava, Shweta <SSrivastava@SolanoCounty.gov>

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Hi Anne,

Assessor maps cannot be used as a legal instrument, hence why we have a disclaimer note at the bottom of the page. For many of these parcels the legal instrument is going to be the description seen in their respective grant deeds. We try to visualize the descriptions as best as we can on our assessment maps.

Let me know if you need a grant deed for a particular parcel, that's easy to send.

Cheers

Chris Rodgers – Cadastral Mapping Tech III
Solano County Assessor / Recorder
675 Texas St. Suite 2700
Fairfield, CA 94533
Direct: 707-784-6249
cjrodgers@solanocounty.gov

From: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Sent: Tuesday, March 18, 2025 1:12 PM
To: Rodgers, Chris <CJRodgers@SolanoCounty.gov>
Cc: Srivastava, Shweta <SSrivastava@SolanoCounty.gov>
Subject: Re: Van Sickle Island parcel map question

Hi Chris,

Ok, thanks. So they are the still the best legal instrument to use, correct? (I'm wondering because the tax assessment map that Robert Chiang's lawyer used for that case in the White Slough was not the legal instrument, for example).

From: Rodgers, Chris <CJRodgers@SolanoCounty.gov>
Sent: Tuesday, March 18, 2025 1:06 PM
To: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Cc: Srivastava, Shweta <SSrivastava@SolanoCounty.gov>
Subject: RE: Van Sickle Island parcel map question

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Exhibit 4

Hi Anne,

I believe our county GIS is based on assessment mapping for their parcel layer, but can be imprecise in some areas. Hence the reason these parcels look like they extend into the water.

That said, our GIS unit is constantly working to get the parcel layer more congruent with the aerial imagery. When in doubt I would refer to our assessment maps.

Sincerely,

Chris Rodgers – Cadastral Mapping Tech III
Solano County Assessor / Recorder
675 Texas St. Suite 2700
Fairfield, CA 94533
Direct: 707-784-6249
cjrodgers@solanocounty.gov

From: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Sent: Tuesday, March 18, 2025 12:56 PM
To: Rodgers, Chris <CJRodgers@SolanoCounty.gov>
Cc: Srivastava, Shweta <SSrivastava@SolanoCounty.gov>
Subject: Re: Van Sickle Island parcel map question

Hi Chris,

Thanks again. Just to double-check, the county's parcel map viewer uses the actual parcels - not those just used for tax assessments - correct?

(This one:https://solanocountygis.com/portal/apps/webappviewer/index.html?id=b2a40316824143fc9f361d5d81c51a7a)

Best,
Anne

From: Rodgers, Chris <CJRodgers@SolanoCounty.gov>
Sent: Tuesday, March 18, 2025 7:40 AM
To: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Cc: Srivastava, Shweta <SSrivastava@SolanoCounty.gov>
Subject: RE: Van Sickle Island parcel map question

You don't often get email from cjrodgers@solanocounty.gov. Learn why this is important

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Good Morning Anne,

If I recall correctly, these island parcels in the delta region are typically bound either by a levee or by the high tide line. The state owns all navigable waterways.

Sincerely,

Chris Rodgers – Cadastral Mapping Tech III
Solano County Assessor / Recorder
675 Texas St. Suite 2700
Fairfield, CA 94533
Direct: 707-784-6249
cjrodgers@solanocounty.gov

Exhibit 4

From: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Sent: Monday, March 17, 2025 5:21 PM
To: Rodgers, Chris <CJRodgers@SolanoCounty.com>
Subject: Van Sickle Island parcel map question

Hi Chris,

Thanks again for your help with the Chiang parcels. I've got a quick question for you about Solano County's parcel map viewer, when you have time.

I'm trying to verify the lines for five parcels on Van Sickle Island. Do the map viewer's parcel boundaries accurately portray whether a boundary extends into the Montezuma Slough? I see that if you zoom in on some parcels, as I've done in one of my two attachments, some of them do so.

I'm asking because I've got a case in which someone has dumped boats and cars on a levee near the edge of the slough - and brought in a small rec vessel that's now mostly submerged in the marsh just off someone else's parcel. That particular parcel's line doesn't extend into the marsh in the county parcel viewer.

Huge thanks!
Best,
Anne

Anne Usher

Enforcement Policy Analyst

(415) 352-3662

Anne.Usher@bcdc.ca.gov

San Francisco Bay Conservation and Development Commission

http://bcdc.ca.gov/enforcement

375 Beale St., Suite 510

San Francisco, CA 94105

FAX: (415) 352-3606

Main Number: (415) 352-3600

Exhibit 4

Business Days & Hours: M-F 8:30a – 5:00p

[EXTERNAL Email Notice!] External communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

[EXTERNAL Email Notice!] External communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

[EXTERNAL Email Notice!] External communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

Exhibit 4

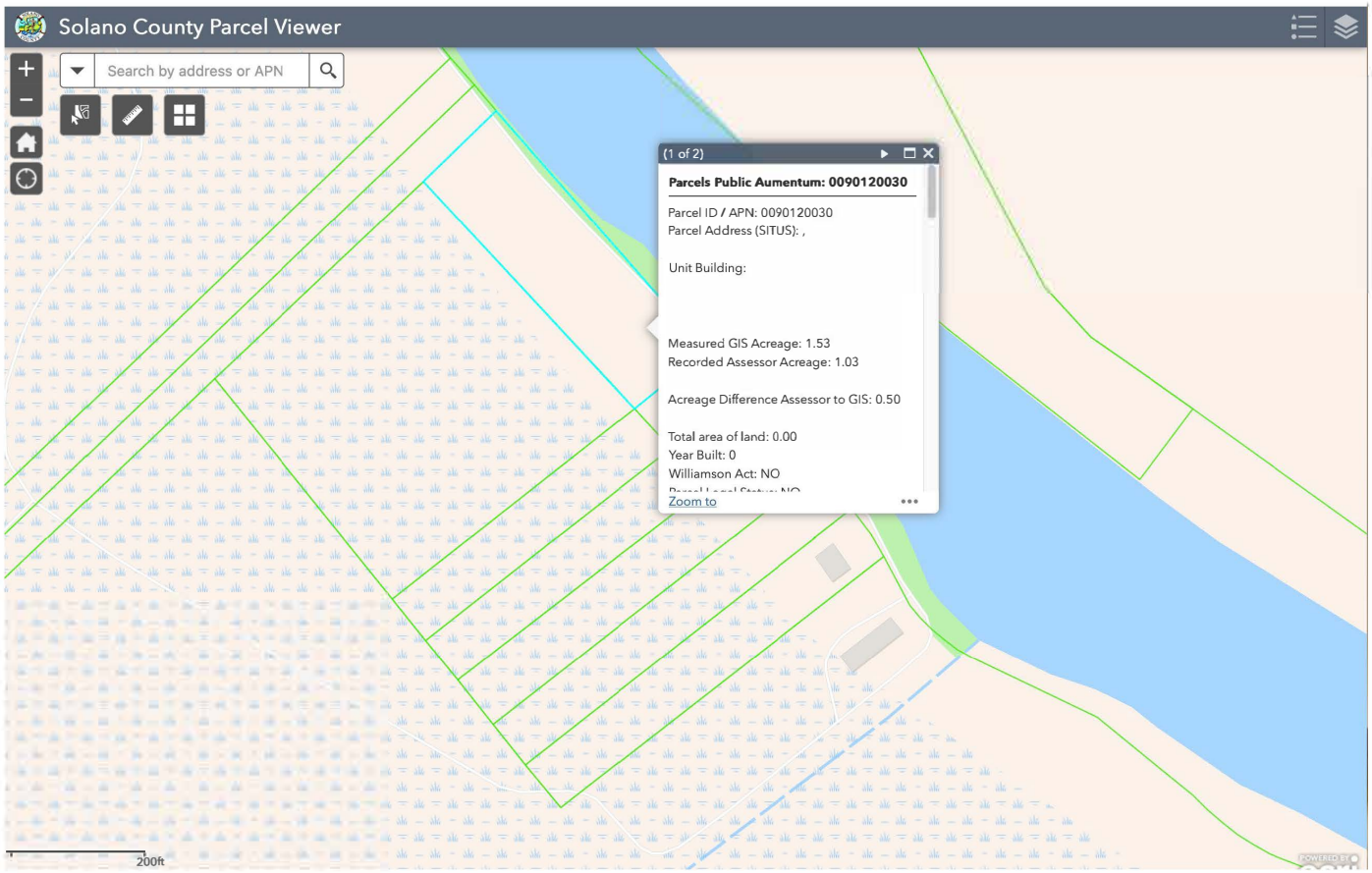

Solano County Parcel Viewer
Search by address or APN
(1 of 2)
Parcels Public Aumentum: 0090120030
Parcel ID / APN: 0090120030
Parcel Address (SITUS): ,
Unit Building:
Measured GIS Acreage: 1.53
Recorded Assessor Acreage: 1.03
Acreage Difference Assessor to GIS: 0.50
Total area of land: 0.00
Year Built: 0
Williamson Act: NO
Zoom to
200ft

Exhibit 4

Property Detail Report

For Property Located At :
,, CA

CoreLogic RealQuest

Owner Information

Owner Name:	**BELCHER STEPHEN/BELCHER LESLEY**
Mailing Address:	**PO BOX 1322, DISCOVERY BAY CA 94505-7322 B103**
Vesting Codes:	HW / / JT

Location Information

Legal Description:	**SEC 29 T3N R1E**		
County:	SOLANO, CA	APN:	0090-120-030
Census Tract / Block:	/	Alternate APN:	
Township-Range-Sect:	3N-1E-29	Subdivision:	VAN SICKLES ISLAND
Legal Book/Page:		Map Reference:	4-B5 /
Legal Lot:		Tract #:	
Legal Block:		School District:	FAIRFIELD SUISUN MON
Market Area:		School District Name:	FAIRFIELD SUISUN MON
Neighbor Code:		Munic/Township:	UNINCORPORATED

Owner Transfer Information

Recording/Sale Date:	/	Deed Type:	
Sale Price:		1st Mtg Document #:	
Document #:			

Last Market Sale Information

Recording/Sale Date:	08/31/2011 / 08/28/2011	1st Mtg Amount/Type:	/
Sale Price:	$35,000	1st Mtg Int. Rate/Type:	/
Sale Type:	FULL	1st Mtg Document #:	
Document #:	76540	2nd Mtg Amount/Type:	/
Deed Type:	GRANT DEED	2nd Mtg Int. Rate/Type:	/
Transfer Document #:		Price Per SqFt:	
New Construction:		Multi/Split Sale:	MULTIPLE
Title Company:	OLD REPUBLIC TITLE		
Lender:			
Seller Name:	VESCO JOHN M TRUST		

Prior Sale Information

Prior Rec/Sale Date:	/	Prior Lender:	
Prior Sale Price:		Prior 1st Mtg Amt/Type:	/
Prior Doc Number:		Prior 1st Mtg Rate/Type:	/
Prior Deed Type:			

Property Characteristics

Year Built / Eff:	/	Total Rooms/Offices		Garage Area:	
Gross Area:		Total Restrooms:		Garage Capacity:	
Building Area:		Roof Type:		Parking Spaces:	
Tot Adj Area:		Roof Material:		Heat Type:	
Above Grade:		Construction:		Air Cond:	
# of Stories:		Foundation:		Pool:	
Other Improvements:		Exterior wall:		Quality:	
		Basement Area:		Condition:	

Site Information

Zoning:		Acres:	1.03	County Use:	MARSH LAND (6100)
Lot Area:	44,866	Lot Width/Depth:	x	State Use:	
Land Use:	WASTE LAND	Res/Comm Units:	/	Water Type:	
Site Influence:	WATERFRONT			Sewer Type:	

Exhibit 4

Tax Information

Total Value:	$43,092	Assessed Year:	2024	Property Tax:	$490.74
Land Value:	$12,310	Improved %:	71%	Tax Area:	060053
Improvement Value:	$30,782	Tax Year:	2024	Tax Exemption:	
Total Taxable Value:	$43,092				

Exhibit 4

Chris Lanzafame site visit parcel walk-through, Dec. 11, 2025.



Exhibit 4


WP
3:22
5G 92
ON X HUNT
Weather
ODIN
ODEUS
G
KANADY
ALLEN
G JR TR
mapbox
WOODIN
WILLIAM
H TR
Hunt Map
Layers
Offline Maps
My Content
Sat
2D

Exhibit 4

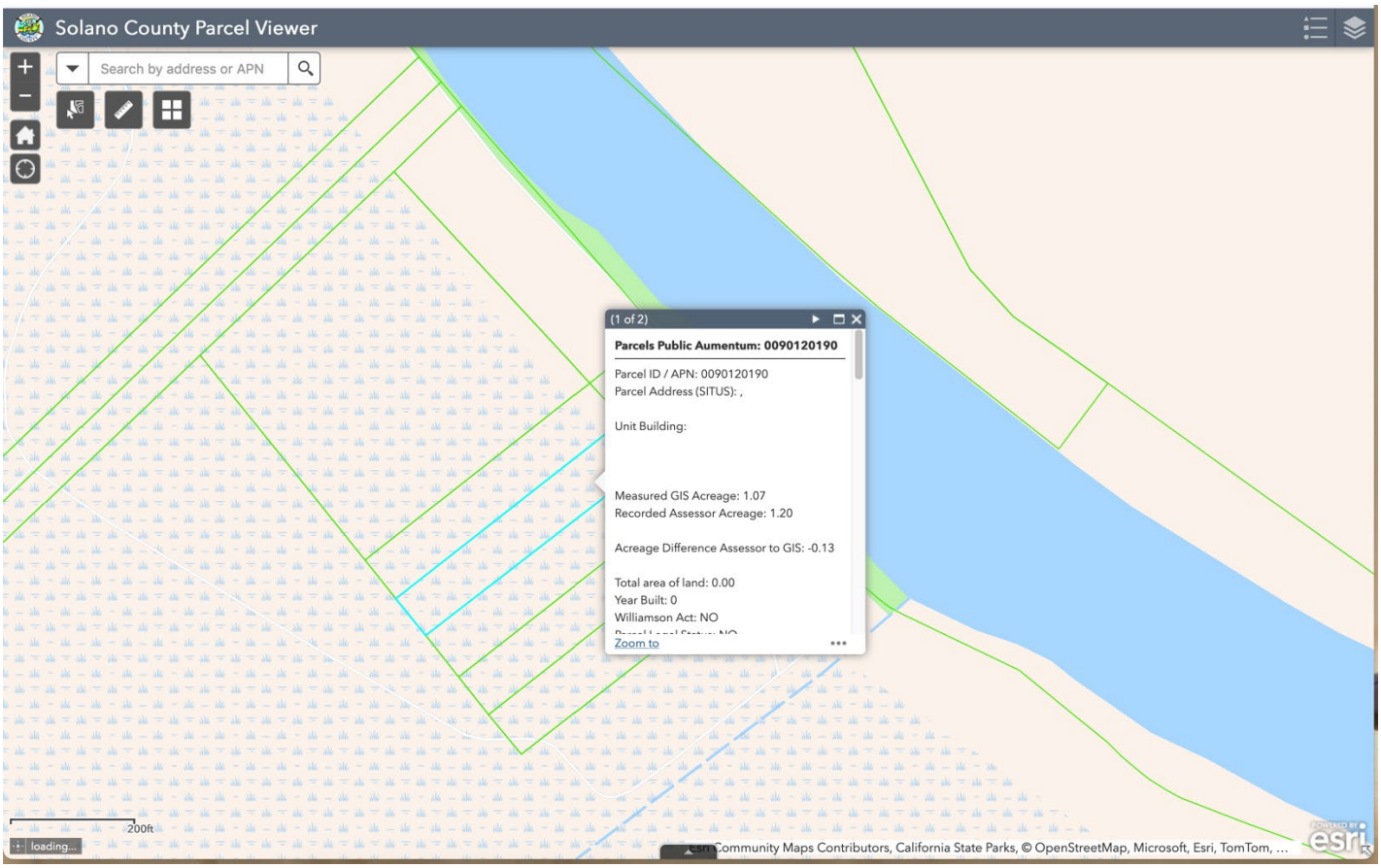

Solano County Parcel Viewer
Search by address or APN
(1 of 2)
Parcels Public Aumentum: 0090120190
Parcel ID / APN: 0090120190
Parcel Address (SITUS): ,
Unit Building:
Measured GIS Acreage: 1.07
Recorded Assessor Acreage: 1.20
Acreage Difference Assessor to GIS: -0.13
Total area of land: 0.00
Year Built: 0
Williamson Act: NO
Zoom to
200ft
loading...
Esri Community Maps Contributors, California State Parks, © OpenStreetMap, Microsoft, Esri, TomTom, ...

Exhibit 4

Property Detail Report

For Property Located At :
,, CA

CoreLogic RealQuest

Owner Information

Owner Name:	**KANADY ALLEN G JR**
Mailing Address:	**1000 PARU ST, ALAMEDA CA 94501-4035 C086**
Vesting Codes:	/ / TR

Location Information

Legal Description:	**SEC 29 T3N R1E**		
County:	SOLANO, CA	APN:	0090-120-190
Census Tract / Block:	/	Alternate APN:	
Township-Range-Sect:	3N-1E-29	Subdivision:	
Legal Book/Page:		Map Reference:	4-B5 /
Legal Lot:		Tract #:	
Legal Block:		School District:	FAIRFIELD SUISUN MON
Market Area:		School District Name:	FAIRFIELD SUISUN MON
Neighbor Code:		Munic/Township:	UNINCORPORATED

Owner Transfer Information

Recording/Sale Date:	10/18/2005 / 10/12/2005	Deed Type:	TRUSTEE'S DEED(TRANSFER)
Sale Price:		1st Mtg Document #:	
Document #:	160192		

Last Market Sale Information

Recording/Sale Date:	/	1st Mtg Amount/Type:	/
Sale Price:		1st Mtg Int. Rate/Type:	/
Sale Type:		1st Mtg Document #:	
Document #:		2nd Mtg Amount/Type:	/
Deed Type:		2nd Mtg Int. Rate/Type:	/
Transfer Document #:		Price Per SqFt:	
New Construction:		Multi/Split Sale:	
Title Company:			
Lender:			
Seller Name:			

Prior Sale Information

Prior Rec/Sale Date:	/	Prior Lender:	
Prior Sale Price:		Prior 1st Mtg Amt/Type:	/
Prior Doc Number:		Prior 1st Mtg Rate/Type:	/
Prior Deed Type:			

Property Characteristics

Year Built / Eff:	/	Total Rooms/Offices		Garage Area:	
Gross Area:		Total Restrooms:		Garage Capacity:	
Building Area:		Roof Type:		Parking Spaces:	
Tot Adj Area:		Roof Material:		Heat Type:	
Above Grade:		Construction:		Air Cond:	
# of Stories:		Foundation:		Pool:	
Other Improvements:		Exterior wall:		Quality:	
		Basement Area:		Condition:	

Site Information

Zoning:		Acres:	1.20	County Use:	MARSH LAND (6100)
Lot Area:	52,272	Lot Width/Depth:	x	State Use:	
Land Use:	WASTE LAND	Res/Comm Units:	/	Water Type:	
Site Influence:	WATERFRONT			Sewer Type:	

Exhibit 4

Tax Information

Total Value:	$30,464	Assessed Year:	2024	Property Tax:	$350.46
Land Value:	$29,152	Improved %:	4%	Tax Area:	060053
Improvement Value:	$1,312	Tax Year:	2024	Tax Exemption:	
Total Taxable Value:	$30,464				

Exhibit 4

Property Detail Report

For Property Located At :
,, CA

CoreLogic RealQuest

Owner Information

Owner Name:	**KITTRELL MARILYN TROST**
Mailing Address:	**4940 MORGAN TERRITORY RD, CLAYTON CA 94517-9721 H067**
Vesting Codes:	/ / JT

Location Information

Legal Description:	**. SEC 29 T3N R1E**		
County:	SOLANO, CA	APN:	0090-120-160
Census Tract / Block:	/	Alternate APN:	
Township-Range-Sect:	3N-1E-29	Subdivision:	
Legal Book/Page:		Map Reference:	4-B5 /
Legal Lot:		Tract #:	
Legal Block:		School District:	FAIRFIELD SUISUN MON
Market Area:		School District Name:	FAIRFIELD SUISUN MON
Neighbor Code:		Munic/Township:	UNINCORPORATED

Owner Transfer Information

Recording/Sale Date:	08/12/1988 /	Deed Type:	DEED (REG)
Sale Price:		1st Mtg Document #:	
Document #:	100881		

Last Market Sale Information

Recording/Sale Date:	/	1st Mtg Amount/Type:	/
Sale Price:		1st Mtg Int. Rate/Type:	/
Sale Type:		1st Mtg Document #:	
Document #:		2nd Mtg Amount/Type:	/
Deed Type:		2nd Mtg Int. Rate/Type:	/
Transfer Document #:		Price Per SqFt:	
New Construction:		Multi/Split Sale:	
Title Company:			
Lender:			
Seller Name:			

Prior Sale Information

Prior Rec/Sale Date:	/	Prior Lender:	
Prior Sale Price:		Prior 1st Mtg Amt/Type:	/
Prior Doc Number:		Prior 1st Mtg Rate/Type:	/
Prior Deed Type:			

Property Characteristics

Year Built / Eff:	/	Total Rooms/Offices		Garage Area:	
Gross Area:		Total Restrooms:		Garage Capacity:	
Building Area:		Roof Type:		Parking Spaces:	
Tot Adj Area:		Roof Material:		Heat Type:	
Above Grade:		Construction:		Air Cond:	
# of Stories:		Foundation:		Pool:	
Other Improvements:		Exterior wall:		Quality:	
		Basement Area:		Condition:	

Site Information

Zoning:		Acres:	1.15	County Use:	MARSH LAND (6100)
Lot Area:	50,094	Lot Width/Depth:	x	State Use:	
Land Use:	WASTE LAND	Res/Comm Units:	/	Water Type:	
Site Influence:	WATERFRONT			Sewer Type:	

Exhibit 4

Tax Information

Total Value:	$10,087	Assessed Year:	2024	Property Tax:	$124.06
Land Value:	$7,211	Improved %:	29%	Tax Area:	060053
Improvement Value:	$2,876	Tax Year:	2024	Tax Exemption:	
Total Taxable Value:	$10,087				

Exhibit 4

Solano County parcel map viewer link: https://solanocountygis.com/portal/apps/webappviewer/index.html?id=b2a40316824143fc9f361d5d81c51a7a

Property details: https://ca-solano.publicaccessnow.com/Assessor/PropertySearch/Detail.aspx?p=0090120160&a=171342&m=0090120160

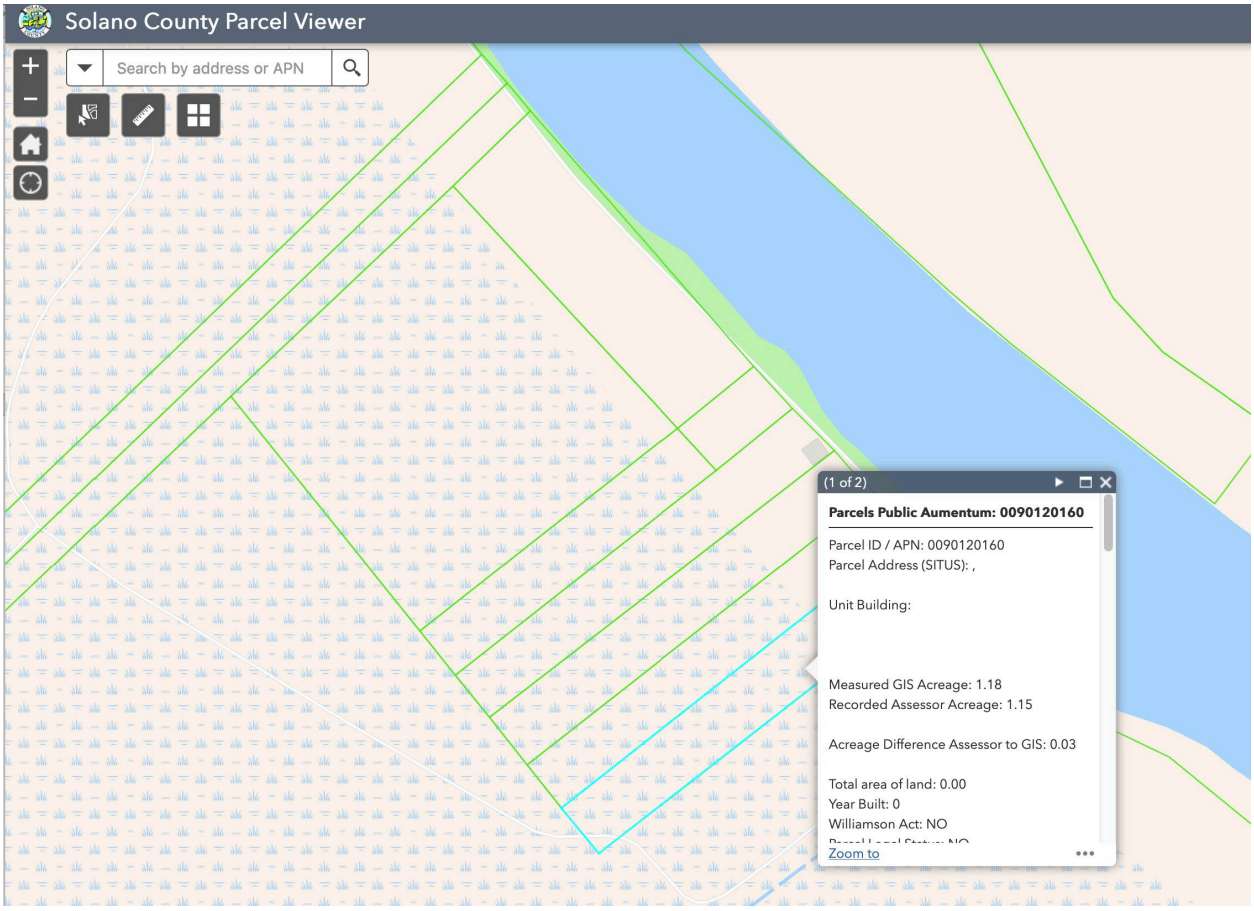


Exhibit 4



Exhibit 4

ADDITIONAL FEES COLLECTED:

PCOR Fee $ _____

Monument Fee $ 10.-

Order No.
Escrow No.
Loan No.

Recorded At Request Of Atty

at 27 min. past 9 A M.

BOOK AUG 12 1988

PG100881

WHEN RECORDED MAIL TO:

Robert L. Bidlingmaier, Esq.
Attorney at Law
1211 Newell Avenue, Suite 112
Walnut Creek, CA 94596

46887

OFFICIAL RECORDS
SOLANO COUNTY CALIF.

$ 6.- P.D. Recorder

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO:

Marilyn Trost Kittrell
4940 Morgan Territory Road
Clayton, CA 94517

CITY TRANSFER TAX $ _____

DOCUMENTARY TRANSFER TAX $ 0.00 correction of

SURVEY MONUMENT PRESERVATION FUND $ _____ title.

..... Computed on the consideration or value of property conveyed; OR

..... Computed on the consideration or value less liens or encumbrances remaining at time of sale.

Robert L Bidlingmaier

Signature of Declarant or Agent determining tax — Firm Name

A. P. # 0090-120-160

CORRECTED

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

MARILYN TROST, now known as MARILYN TROST KITTRELL,

hereby GRANT(S) to MARILYN TROST KITTRELL, DESIREE RODGERS, TODD TROST, MARCHELE TURNAGE and DEREK TROST as joint tenants

the real property in the City of
County of Solano , State of California, described as

Beginning at an iron pipe set at the most Southerly corner of that certain 10.30 acre parcel of land described in the Deed from George C. Ashoff, et al., to Dean H. Bailey, et al., dated June 20, 1962 and recorded July 18, 1962 in Book 1152 of Official Records of Solano County, California, at page 407, Instrument No. 17988, thence, along the Southwesterly boundary of said parcel, N. 36° 37' W. a distance of 80 feet to a point thereon which is the most Southerly corner of that certain parcel of land described in the Deed from Dean H. Bailey, et al., to Oleroy D. Mytholt, et ux., dated August 14, 1963 and recorded August 30, 1963 in Book 1220 of Official Records, page 334, Instrument No. 23070; thence, along the Southwesterly boundary of said land, N. 55° 00' E. a distance of 627 feet, more or less, to the most Easterly corner thereof, which is a point on the Southwesterly bank of Montezuma Slough, thence, Southeasterly along said bank a distance of 80 feet, more or less, to a point thereon which is the most Easterly corner of said 10.30 acre parcel; thence, along the Southeasterly boundary of said 10.30 acre parcel of land S. 55° 00' W. a distance of 627 feet to the Point of Beginning.

Dated 7/28/88

Marilyn Trost

MARILYN TROST,
now known as MARILYN TROST KITTRELL

STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA ss.

On July 28, 1988

before me, the undersigned, a Notary Public in and for said State, personally appeared MARILYN TROST

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Signature Kenneth Lee

OFFICIAL SEAL
KENNETH LEE
NOTARY PUBLIC - CALIFORNIA
CONTRA COSTA COUNTY
My comm. expires OCT 13, 1990

(This area for official notarial seal)

FORM #4280 (Rev. 3/83)

MAIL TAX STATEMENTS AS DIRECTED ABOVE

Exhibit 4


3:18
94
ON X HUNT
ODIN
DEUS
WOODIN
WILLIAM
H TR
CA Private Lands
KITTRELL MARILYN
TROST JT
Overview
Hunt Unit
Weather
Content
Coordinates
38.07375, -121.88154
Copy
CA Private Lands
Add to Folder
Share
Driving Directions

Exhibit 4

Property Detail Report

For Property Located At :
,, CA

Owner Information

Owner Name:	**WOODIN THADDEUS G**
Mailing Address:	**4281 OAKDALE PL, PITTSBURG CA 94565-6228 C027**
Vesting Codes:	**UM / /**

Location Information

Legal Description:	**SEC 29 T3N R1E**		
County:	**SOLANO, CA**	APN:	**0090-120-130**
Census Tract / Block:	**2535.00 / 4**	Alternate APN:	
Township-Range-Sect:	**3N-1E-29**	Subdivision:	**VAN SICKLE ISLAND**
Legal Book/Page:		Map Reference:	**4-B5 /**
Legal Lot:		Tract #:	
Legal Block:		School District:	**FAIRFIELD SUISUN MON**
Market Area:		School District Name:	**FAIRFIELD SUISUN MON**
Neighbor Code:		Munic/Township:	**UNINCORPORATED**

Owner Transfer Information

Recording/Sale Date:	/	Deed Type:	
Sale Price:		1st Mtg Document #:	
Document #:			

Last Market Sale Information

Recording/Sale Date:	**12/07/2011 / 11/22/2011**	1st Mtg Amount/Type:	/
Sale Price:	**$25,000**	1st Mtg Int. Rate/Type:	/
Sale Type:	**FULL**	1st Mtg Document #:	
Document #:	**110151**	2nd Mtg Amount/Type:	/
Deed Type:	**GRANT DEED**	2nd Mtg Int. Rate/Type:	/
Transfer Document #:		Price Per SqFt:	
New Construction:		Multi/Split Sale:	**MULTI**
Title Company:	**OLD REPUBLIC TITLE**		
Lender:			
Seller Name:	**SEVERS KAREN**		

Prior Sale Information

Prior Rec/Sale Date:	/	Prior Lender:	
Prior Sale Price:		Prior 1st Mtg Amt/Type:	/
Prior Doc Number:		Prior 1st Mtg Rate/Type:	/
Prior Deed Type:			

Property Characteristics

Year Built / Eff:	/	Total Rooms/Offices	Garage Area:

Exhibit 4

Gross Area:		Total Restrooms:		Garage Capacity:	
Building Area:		Roof Type:		Parking Spaces:	
Tot Adj Area:		Roof Material:		Heat Type:	
Above Grade:		Construction:		Air Cond:	
# of Stories:		Foundation:		Pool:	
Other Improvements:	**Building Permit**	Exterior wall:		Quality:	
		Basement Area:		Condition:	

Site Information

Zoning:		Acres:	**0.19**	County Use:	**MARSH LAND (6100)**
Lot Area:	**8,276**	Lot Width/Depth:	**x**	State Use:	
Land Use:	**WASTE LAND**	Commercial Units:		Water Type:	
Site Influence:	**WATERFRONT**	Sewer Type:		Building Class:	

Tax Information

Total Value:	**$10,483**	Assessed Year:	**2020**	Property Tax:	**$128.08**
Land Value:	**$2,870**	Improved %:	**73%**	Tax Area:	**060053**
Improvement Value:	**$7,613**	Tax Year:	**2020**	Tax Exemption:	
Total Taxable Value:	**$10,483**				

Exhibit 4


3:19
5G 94
ON X HUNT
200 ft
9 ft elevation
Montezuma Slough
Weather
WOODIN
THADDEUS
G
WOODIN
WILLIAM
H TR
mapbox
Sat
2D
Hunt Map
Layers
Offline Maps
My Content
Tools
Trail Cameras
Tracker

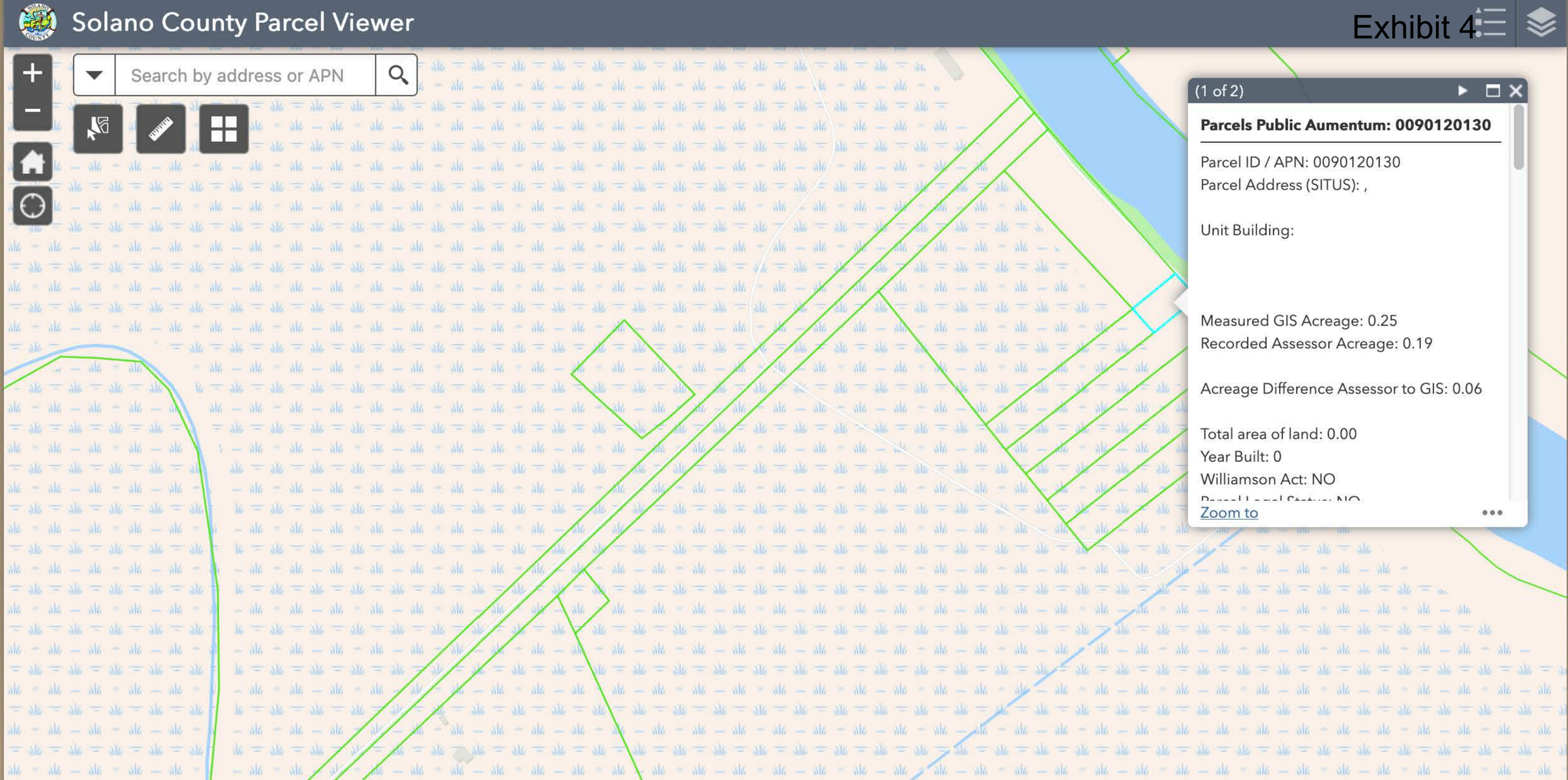

Solano County Parcel Viewer
Exhibit 4
Search by address or APN
(1 of 2)
Parcels Public Aumentum: 0090120130
Parcel ID / APN: 0090120130
Parcel Address (SITUS): ,
Unit Building:
Measured GIS Acreage: 0.25
Recorded Assessor Acreage: 0.19
Acreage Difference Assessor to GIS: 0.06
Total area of land: 0.00
Year Built: 0
Williamson Act: NO
Zoom to

Exhibit 4

Property Detail Report

For Property Located At :
,, CA

CoreLogic RealQuest

Owner Information

Owner Name:	**WOODIN WILLIAM H**
Mailing Address:	**4281 OAKDALE PL, PITTSBURG CA 94565-6228 C027 C/O THADDEUS G WOODIN**
Vesting Codes:	/ / TR

Location Information

Legal Description:	**SEC 29 T3N R1E**		
County:	SOLANO, CA	APN:	0090-120-180
Census Tract / Block:	/	Alternate APN:	
Township-Range-Sect:	3N-1E-29	Subdivision:	
Legal Book/Page:		Map Reference:	4-B5 /
Legal Lot:		Tract #:	
Legal Block:		School District:	FAIRFIELD SUISUN MON
Market Area:		School District Name:	FAIRFIELD SUISUN MON
Neighbor Code:		Munic/Township:	UNINCORPORATED

Owner Transfer Information

Recording/Sale Date:	02/03/2012 / 02/03/2012	Deed Type:	GRANT DEED
Sale Price:		1st Mtg Document #:	
Document #:	10554		

Last Market Sale Information

Recording/Sale Date:	12/07/2011 / 11/22/2011	1st Mtg Amount/Type:	/
Sale Price:	$25,000	1st Mtg Int. Rate/Type:	/
Sale Type:	FULL	1st Mtg Document #:	
Document #:	110151	2nd Mtg Amount/Type:	/
Deed Type:	GRANT DEED	2nd Mtg Int. Rate/Type:	/
Transfer Document #:		Price Per SqFt:	
New Construction:		Multi/Split Sale:	MULTIPLE
Title Company:	OLD REPUBLIC TITLE		
Lender:			
Seller Name:	SEVERS KAREN		

Prior Sale Information

Prior Rec/Sale Date:	/	Prior Lender:	
Prior Sale Price:		Prior 1st Mtg Amt/Type:	/
Prior Doc Number:		Prior 1st Mtg Rate/Type:	/
Prior Deed Type:			

Property Characteristics

Year Built / Eff:	/	Total Rooms/Offices		Garage Area:	
Gross Area:		Total Restrooms:		Garage Capacity:	
Building Area:		Roof Type:		Parking Spaces:	
Tot Adj Area:		Roof Material:		Heat Type:	
Above Grade:		Construction:		Air Cond:	
# of Stories:		Foundation:		Pool:	
Other Improvements:		Exterior wall:		Quality:	
		Basement Area:		Condition:	

Site Information

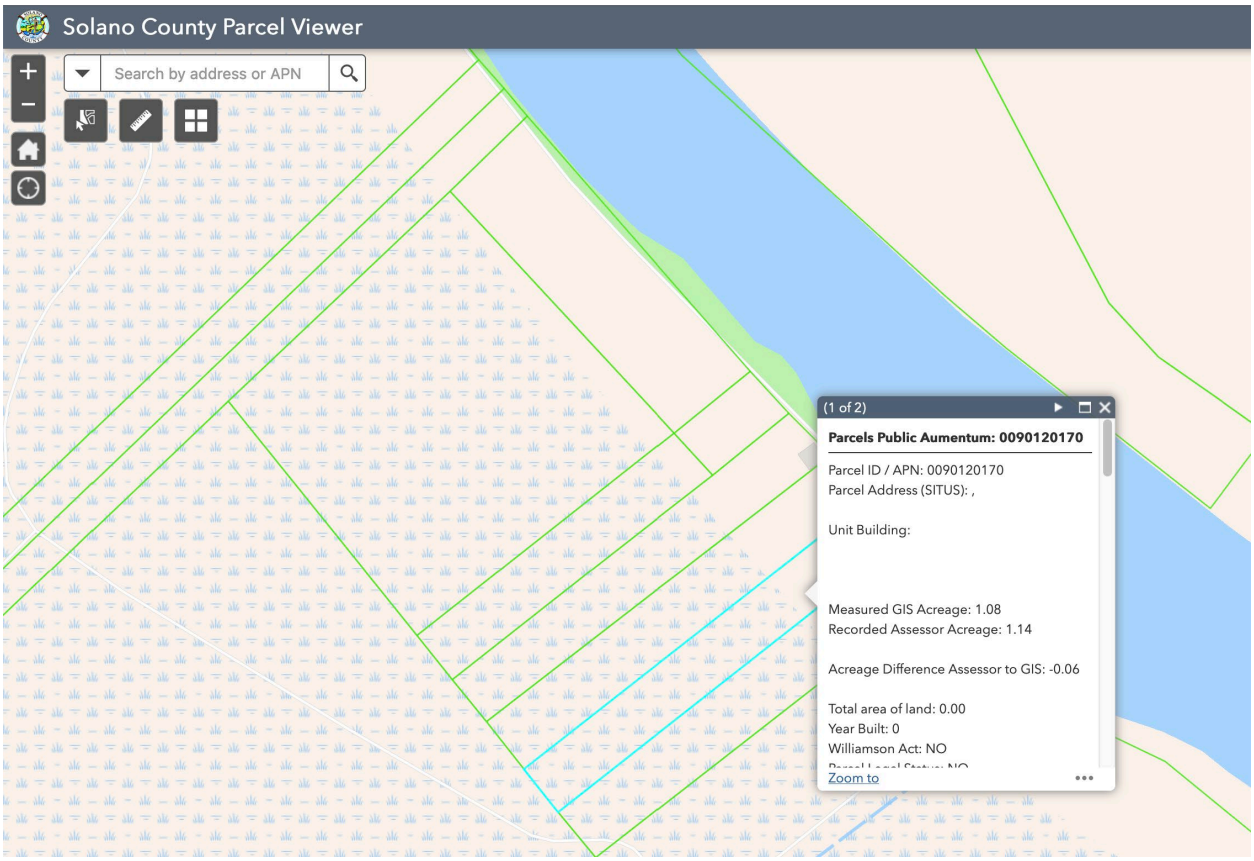
Zoning:		Acres:	1.20	County Use:	MARSH LAND (6100)
Lot Area:	52,272	Lot Width/Depth:	x	State Use:	
Land Use:	WASTE LAND	Res/Comm Units:	/	Water Type:	
Site Influence:	WATERFRONT			Sewer Type:	

Exhibit 4

Tax Information

Total Value:	$11,686	Assessed Year:	2024	Property Tax:	$141.84
Land Value:	$7,999	Improved %:	32%	Tax Area:	060053
Improvement Value:	$3,687	Tax Year:	2024	Tax Exemption:	
Total Taxable Value:	$11,686				

Exhibit 4


Solano County Parcel Viewer
Search by address or APN
(1 of 2)
Parcels Public Aumentum: 0090120170
Parcel ID / APN: 0090120170
Parcel Address (SITUS): ,
Unit Building:
Measured GIS Acreage: 1.08
Recorded Assessor Acreage: 1.14
Acreage Difference Assessor to GIS: -0.06
Total area of land: 0.00
Year Built: 0
Williamson Act: NO
Zoom to

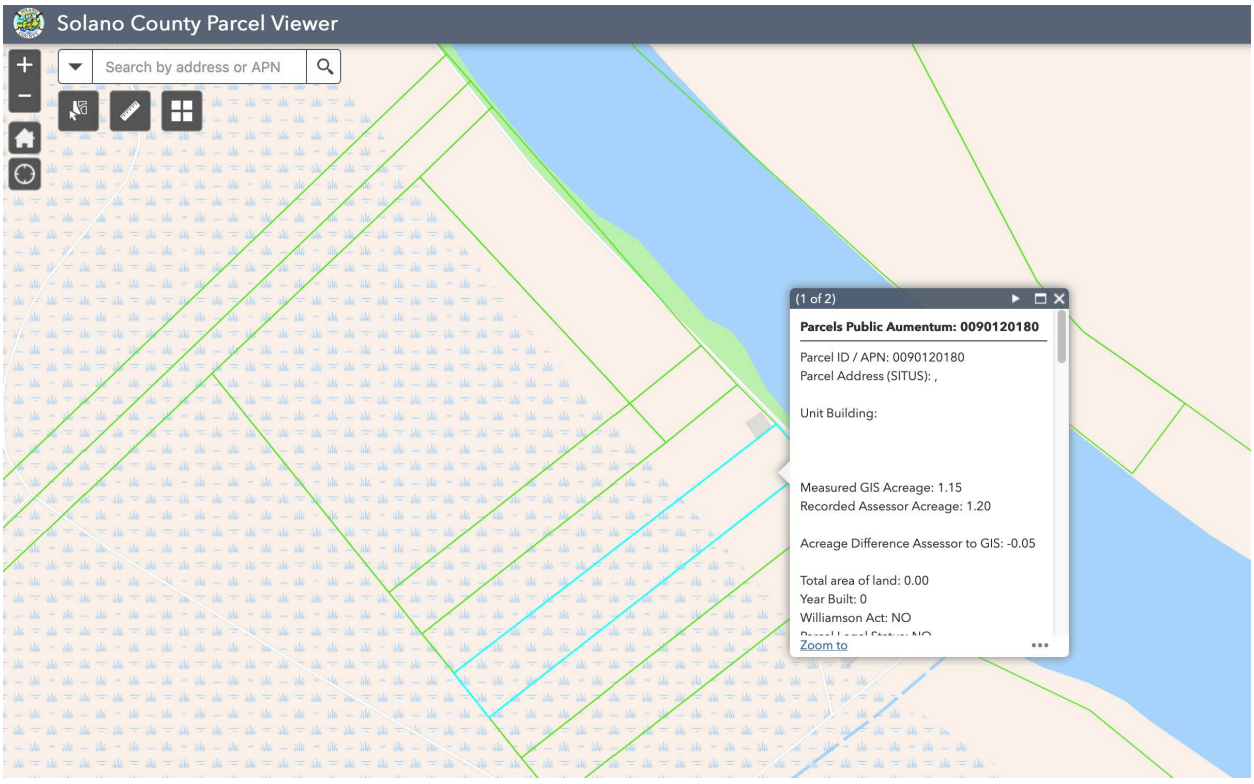

Solano County Parcel Viewer
Search by address or APN
(1 of 2)
Parcels Public Aumentum: 0090120180
Parcel ID / APN: 0090120180
Parcel Address (SITUS): ,
Unit Building:
Measured GIS Acreage: 1.15
Recorded Assessor Acreage: 1.20
Acreage Difference Assessor to GIS: -0.05
Total area of land: 0.00
Year Built: 0
Williamson Act: NO
Zoom to

Exhibit 4


3:19
5G 94
ON X HUNT
200 ft
9 ft elevation
Weather
Montezuma Slough
WOODIN
THADDEUS
G
WOODIN
WILLIAM
H TR
mapbox
Sat
2D
Hunt Map
Layers
Offline Maps
My Content
Tools
Trail Cameras
Tracker

Exhibit 5

Re: How long Thad's items have been on his and other parcels

From Chris Lanzafame <lanzafame711@gmail.com>
Date Tue 4/29/2025 4:11 PM
To Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>

2 attachments (1 MB)
Minutes of meeting 9.12.12.pdf; Letter To Thad Woodin 9.13.2012.pdf;

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

That was a famous song from the 1970's? "How long has this been going on" by the band Ace in 1974. Here is a link in case you weren't born yet.
https://youtu.be/DP5DfIRasOk?si=5oDZ_Ei7j3UmSiM4

I couldn't resist that!

Seriously....Things started getting bad with Thad around 2012. I have attached minutes from our board of trustee meeting from 9.12.12 along with a letter I sent to Thad shortly after. Things got worse and worse as time went. That's when I started working on the SLC and the county to help get things moved out.

On Tue, Apr 29, 2025 at 2:04 PM Usher, Anne@BCDC <anne.usher@bcdc.ca.gov> wrote:

> Hi Chris,
>
> I hope you're doing well. I met Thad a few weeks ago and we went through all the items that he's left on his and other parcels and he admitted doing so, which means that we can at least divide responsibility to reflect that.
>
> Can you please tell me how long you think the cars, boats, etc have been out there? I should have asked you earlier.
>
> Best,
> Anne
>
> **Anne Usher**

Exhibit 5

Enforcement Policy Analyst

(415) 352-3662

Anne.Usher@bcdc.ca.gov

San Francisco Bay Conservation and Development Commission

http://bcdc.ca.gov/enforcement

375 Beale St., Suite 510

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Main Number: (415) 352-3600

Business Days & Hours: M-F 8:30a – 5:00p

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Chris Lanzafame
Secretary,
Reclamation District 1607
4301 Inverness Drive
Pittsburg, CA 94565
925-698-9252

Exhibit 5

Chris Lanzafame, Secretary of Reclamation District 1607, Van Sickle Island

Phone conversation, 9/27

He went through the permitting process to get permits for his own dock. (Said that neighbors haven't done this and are wary of contacting BCDC to get them retroactively. Some need to perform work to keep their own docks from falling in the water. ((If docks are even allowed in principle here…))

Referenced a problem involving a neighbor.. called (visited Thad?) with Adrienne. Asked about a road across the island. It's tough with wetlands. Someone put up a gate and people are now shut off.

***Other violations in the Montezuma Slough:**

- He's aware of another 8-9 small vessels that have been abandoned/sunk in the slough near Chip's Island.

- Steve Belcher. His property floods at high tide and he's ignoring it. The property to the right of Thad's if you're facing them from the water. Last year, his dock floated away. At high tide, the water almost starts to flood the home.

5 parcels:

1) Kitrell Trust. A woman; she's absent. The house flooded in 2017.
2) Thad
3) Alan Kanady. Green trailer. Lives in Alameda
4) William (Bill) Woodin, Thad's father. Chris speaks with him on a regular basis. Long, brown trailer.
5) Steve Belcher. (See above)

Jurisdiction:

The SLC now claims that it no longer has jurisdiction because Van Sickle Island is in an "altered state." A railroad trestle cut through an island in the slough – Remnel (sp?) Island.

Regarding Thad Woodin:

(Sent me a photo of yet another barge and the State Lands Commission removed).

Used to own Chip's Island. Chris describes him as a capable person (lots of construction-related know-how) who went through a divorce. (Downward spiral).

He was trying to sell scrap metal. That's what led to him accumulating so many cars and boats. (To get money). Chris said that Thad's absolutely capable (in principle) of removing everything if he had the cash.

Another boat in the water (I saw this one): The boat's a cabin cruiser and is 20-25 feet long.

Chris pushed him 2-3 weeks to hire someone to clear the parcel. He's had to push him in the past to move vehicles etc off the narrow road on top of the levee to clear it.

I think he said that Thad has (or at least had) two pitbulls. He's got a handgun. Has behaved in a threatening manner in the past and people are scared about potential actions that he could take.

Exhibit 5

Chris Lanzafame, Secretary of Reclamation District 1607, Van Sickle Island

Nov. 27, 2024, Interview

Big picture: Virtually all of the garbage is Thad's.

Exceptions (in terms of being in bad condition):

- Steve Belcher's house.

2023 – lots of deck was hurt in a 2023 storm. Had to do some levee work there. Difficult.

- Kittrell property (trust).

Flooded in 2017 Managed by Marshan. Doesn't think that anything else. Her house destroyed by floodwaters. Stuff from Thad in front of it. (Mom died and had held property together).

- Allen Kanady has a trailer that's in bad shape but garbage around it is Thad's. But blocked. County – should red tag. But said county said can't do anything. On Alan's property. Kanady.. parcel # 937 (1.2 acre parcel)

Regarding Thad:

Doesn't have the resources or means to fix up his house. Chris had hired him in the past. He is knowledgable. But he lost all of his equipment.

(Bottom line: Thad can remove these things. But it will cost a lot of money.)

<u>Rec vessel:</u> Tried to lift it out and it started to come up. He was using floats. (Will be difficult)

<u>Timing for current removals:</u>
The levee is now a muddy mess. So it will slow him down or damage to the levee. He's got a flat bed trailer but it's got a car on it.

<u>Recommendation:</u>
Give him more time but he should show more signs of activity. And the money to do it.

Or do this for him (find a funding source) and take a lien on his property. Then we take it. Or the county.

The district did this once before.. county did a lien sale on the property.

He wanted to do it – the district – but they didn't have enough funds. He said he's asked the county about doing removals but it didn't have enough money either.

(Red tag = lien?)

<u>More on past history:</u>

State took over the other island that Thad owned.

Regarding the barge that sunk (the houseboat), Thad also told him that Dutra, a construction company, bumped into it. It's also possible that a neighbor could've done it. A French neighbor told Chris to look up Greenpeace. (Someone bombed one of its boats, causing it to sink.) It's possible that it was struck (by a neightbor). He had to move the barge several times.

The other barge is down in Stockton now.

Regarding SLC: Chris is curious about its jurisdiction. (I told him what SLC told me; that it doesn't have any). They told him the same thing: Because the slough has been altered.

What about the water? (Does SLC have jurisdiction over it?) He noted that the SLC got Thad to remove the other barge. He did it himself. Thad used his excavator as a paddle. (Then pissed off other duck clubs; he parked it off Chip's island and stole gas.)

Exhibit 5

Reclamation District No. 1607

VAN SICKLE ISLAND-SOLANO COUNTY, CALIFORNIA

September 13, 2012

Thad Woodin
C/O Bill Woodin
4281 Oakdale Pl
Pittsburg, CA 94565

Dear Thad:

I am writing this letter to make you aware of some problems regarding your use of the district levee road on Van Sickle Island. It has been brought to the attention of the Board of Trustees by the district engineer that your excessive use of the levee has caused subsidence in the area around your house over the past year. There is now a concern that there will be some overtopping at this spot and based on our district driving guidelines any landowner who does damage to the levee is responsible to bear the cost of that levee repair.

You have also been warned that driving over the levee road when it is wet and muddy is not allowed and last year you did considerable damage to the road as you continually drove during these wet conditions despite my warnings not to. Furthermore, you have violated the district guidelines by littering the levee with excessive junk and have routinely blocked the levee with your vehicles, trailers and equipment which has made it difficult for others to pass and impossible for construction equipment and emergency vehicles to get through.

In addition to these problems there is great concern that your barge is littering the bay with debris and is in danger of sinking or breaking loose and causing damage to the levee or other property. I am not aware that you have any permits to keep this barge there; unless you have it removed immediately, the Board will have no choice but to notify the proper government agencies and have it removed at your expense.

I am writing this letter to inform you of these violations and I invite you to get them resolved before the board instructs me to take legal action. Please give me a call at your earliest possible convenience and let's see what we can do to make these problems go away.

Sincerely,

Chris Lanzafame
Secretary to the Board of Trustees

P.O.Box 350 Pittsburg, CA 94565 phone: 925-432-4757 fax: 925-432-4887
district cell: 925-698-9252

Exhibit 5

Exhibit 5

Reclamation District No. 1607

VAN SICKLE ISLAND-SOLANO COUNTY, CALIFORNIA

Minutes of Meeting

Van Sickle Island Board of Trustees
Wednesday, September 12, 2012

The meeting was called to order by President Dinelli at 6:17. In attendance were President Gerry Dinelli and Trustees, Edmond Linscheid, Mark Palamountain and Kevin Confetti. Also in attendance were Secretary Chris Lanzafame and landowner representatives, Bob Pinkston, Bill Luippold, Todd Clark and Steve Belcher. The minutes of the meetings of 4/25/12 and 8/22/12 were approved unanimously as read. (motion Confetti/second Palamountain.)

Mr. Lanzafame submitted financial statements and a 3 month cash budget which are attached to these minutes. Mr. Lanzafame stated that we are right about where we need to be to meet our current bills but to finish up the sheet pile project and dredge canals we would need additional funds.

Mr. Lanzafame submitted the following proposal: It is resolved that the President and District Secretary are granted the authority to enter into an agreement with the Department of Water Resources to participate in the 2012-2013 Subventions Program. The motion to accept was made by Mr. Linscheid and Seconded by Mr. Confetti and approved unanimously.

In light of the fact that the district desperately needed to clean canals on the south side of the island a motion was made by Mr. Palamountain and seconded by Mr. Linscheid to call the full $10 per acre assessment for the fourth quarter. The motion was approved unanimously.

Since the Engineer was not present Mr. Lanzafame discussed the amount of money needed to finish the sheet pile project and add material where the levees were damaged during the 2011 repair project. The district commitment would be $37,000 and if we could afford it we should bring in some additional material on the barge to help raise the levees in the lowest spots. Galindo Construction would do the work and his amphibious excavator would be on site to do canal dredging.

A motion was made by Mr. Linscheid and seconded by Mr. Confetti to spend up to $70,000 to finish the sheet pile project and to dredge canals. The motion was approved unanimously. A committee of Mr. Palamountain and Mr. Dinelli would team up with Mr. Lanzafame to allocate the funds when cost estimates were presented.

Mr. Lanzafame submitted a proposal for a lease agreement with Spinner Island which is attached to these minutes. The details were discussed briefly and Mr. Lanzafame was instructed to notify Spinner that the road would be closed during the hunting season.

P.O.Box 350 Pittsburg, CA 94565 phone: 925-432-4757 fax: 925-432-4887
district cell: 925-698-9252

Exhibit 5

Reclamation District No. 1607

VAN SICKLE ISLAND-SOLANO COUNTY, CALIFORNIA

Mr. Pinkston stated that landowners needed to take care of their non-desirable vegetation on the property so it would not impact others.

A discussion ensued in regards to Mr. Thad Woodin's property on Montezuma slough. The area was littered with junk and there have been many complaints about the levee being blocked by trucks, cars, boats and other debris. A large barge that appears to be leaking was threatening the levee. Mr. Lanzafame was instructed to notify Mr. Woodin of these violations of the driving guidelines and to take action if the status did not improve. In addition Mr. Lanzafame was instructed to notify Mr. Woodin that driving in winter on muddy levees was not permitted.

Flooding dates were discussed and it was decided that the south side of the island would flood on October 8th and that the levees would be closed at that time until dry again in spring.

A motion was made by Mr. Dinelli to adjourn and a second was made by Mr. Palamountain and the meeting was adjourned at 7:53. The next meeting would be called in January.

Respectfully Submitted

Chris Lanzafame
Secretary to the Board of Trustees

Approval Date:_____

P.O.Box 350 Pittsburg, CA 94565 phone: 925-432-4757 fax: 925-432-4887
district cell: 925-698-9252

Exhibit 6

Outlook

RE: Following up about Thad Woodin case, abandoned vessels

From Kershen, Andrew@SLC <Andrew.Kershen@slc.ca.gov>
Date Tue 10/15/2024 9:36 AM
To Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Cc Caldwell, Vicki@SLC <Vicki.Caldwell@slc.ca.gov>

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Good morning, Anne,

Yes, I did check internal records. The State Lands Commission does have jurisdiction within Montezuma Slough adjacent to the Woodin property, believed to be up to the mean high tide line. The Commission does not have jurisdiction within Van Sickle Island. The Commission's jurisdiction generally runs to land under natural waterways. It would be unusual for the Commission to have jurisdiction within an island.

I learned that the Commission sued Mr. Woodin and secured a judgment against him in November 2012. He was supposed to remove his vessels and docks from the water. He or someone else must have brought them back later.

Would you like to meet and talk about a coordinated response to the Woodin property? SLC staff will be happy to discuss possibilities, although I do want to be upfront that SLC does not have any funds to contribute for cleanup at this location.

Thanks for following up,

Andrew

From: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Sent: Monday, October 14, 2024 9:22 PM
To: Kershen, Andrew@SLC <Andrew.Kershen@slc.ca.gov>
Subject: Following up about Thad Woodin case, abandoned vessels

Attention: This email originated from outside of SLC and should be treated with extra caution.

Hi Andrew,

I hope you're doing well. I'm sure you're very busy but I just wanted to follow up about the abandoned vessels in the Montezuma Slough, including Thad Woodin's sunken barge. You had kindly offered to explore what the SLC has done in the past and if you have any information on its juridiction in the slough and/or on Van Sickle Island.

Chris Lanzafame, the secretary of Reclamation District 1607, has told me that the reason the SLC now claims that it no longer has jurisdiction is because Van Sickle Island is in an "altered state." Is that correct?

Regards,
Anne

Exhibit 6

Anne Usher

Enforcement Policy Analyst

(415) 352-3662

Anne.Usher@bcdc.ca.gov

San Francisco Bay Conservation and Development Commission

http://bcdc.ca.gov/enforcement

375 Beale St., Suite 510

San Francisco, CA 94105

FAX: (415) 352-3606

Main Number: (415) 352-3600

Business Days & Hours: M-F 8:30a – 5:00p

Exhibit 6

Outlook

Re: Location of the sunk barge vis-a-vis Thad's parcel line

From Chris Lanzafame <lanzafame711@gmail.com>
Date Mon 12/9/2024 11:21 AM
To Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Off the top of my head I would say that Brady is correct and that the recreational boat is on the Kittrell area. But remember Thad's second parcel is between Kanady and Kittrell. Just remember that the state owns from the high tide out towards the middle.

I listened to a podcast recently above abandoned boats and one of the speakers was from the state lands commission. He talked about jurisdiction and it seems to me that all of the property south of the railroad trestle is in the "legal delta" which is in their jurisdiction. I will forward the link to the podcast.

I think I can swing by there tomorrow and have a look. I'm going to be making sandbags with Matt who you met.

Chris Lanzafame
4301 Inverness Drive
Pittsburg, CA 94565
925-698-9252

> On Dec 9, 2024, at 10:50 AM, Usher, Anne@BCDC <anne.usher@bcdc.ca.gov> wrote:
>
> Hi Chris,
>
> Good morning! I'm happy to see that you and Tony have connected.
>
> Do you happen to know if Thad's sunken barge is sitting entirely in the water off his parcel line or if some or all of it is now in another person's parcel? And the small rec vessel that's mostly submerged? (I'm sorry if I've asked you this).
>
> Sgt. Brady Graham told me that he thinks the barge is only about 50 feet south (downstream) from Thad's house.
>
> He thinks the partially submerged rec vessel is also just south of his place but he's not sure exactly where the property lines are. I looked at them and it appears that the vessel is off of the Kittreal Trust parcel.

Exhibit 6

Thanks!
Best,
Anne

Anne Usher

Enforcement Policy Analyst

(415) 352-3662

Anne.Usher@bcdc.ca.gov

<Outlook-aezidyhw.png>

San Francisco Bay Conservation and Development Commission

http://bcdc.ca.gov/enforcement

375 Beale St., Suite 510

San Francisco, CA 94105

FAX: (415) 352-3606

Main Number: (415) 352-3600

Business Days & Hours: M-F 8:30a – 5:00p

Exhibit 7

Outlook

Re: Question about Thad Woodin's house

From Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Date Tue 4/1/2025 2:28 PM
To Kershen, Andrew@SLC <Andrew.Kershen@slc.ca.gov>
Cc Caldwell, Vicki@SLC <Vicki.Caldwell@slc.ca.gov>

Hi Andrew,

Ok, thanks for letting me know. Enormous thanks for this staff report - it's really helpful!

I'm struck by the fact that, at least in 2011, staff found that Thad didn't own the parcel. I'm going to recheck county records to verify that he owns it now.

Would it be possible to set up a meeting with our enforcement manager and one of our staff lawyers? We are examining how to proceed with the barge that's still at the bottom of Montezuma Slough. A former county marine patrol officer was going to try to apply for funds again to raise it but we want to see what, if anything, can be done through our two agencies.

Best,
Anne

From: Kershen, Andrew@SLC <Andrew.Kershen@slc.ca.gov>
Sent: Tuesday, April 1, 2025 1:58 PM
To: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Cc: Caldwell, Vicki@SLC <Vicki.Caldwell@slc.ca.gov>
Subject: RE: Question about Thad Woodin's house

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Hi Anne,

I am not aware that SLC has asserted any trespass against Mr. Woodin regarding his house. In 2011 the Commission sued Mr. Woodin regarding barges, boats, and other floating objects. See our September 2011 staff report. The report didn't mention anything about his home. The Commission does not usually authorize residential use of state sovereign lands, but I don't know the facts of Mr. Woodin's property.

I've copied Vicki Caldwell, the Commission's enforcement manager, on this reply. She may know something more.

Andrew

From: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Sent: Tuesday, April 1, 2025 12:01 PM
To: Kershen, Andrew@SLC <Andrew.Kershen@slc.ca.gov>
Subject: Question about Thad Woodin's house

Attention: This email originated from outside of SLC and should be treated with extra caution.

Hi Andrew,

I hope you're doing well. I'm working on our violation report on Thad Woodin (Van Sickle Island) and wanted to see if his home has ever been in violation of any of SLC's regulations. For example, since it mostly extends into the slough, did he need to obtain a lease from SLC?

In the Montezuma Slough, we have not only his sunken barge, but a small recreational vessel that's mostly

Exhibit 7

submerged, just off the shoreline of another parcel.

Thanks!

Best,
Anne

Anne Usher
Enforcement Policy Analyst
(415) 352-3662
Anne.Usher@bcdc.ca.gov

San Francisco Bay Conservation and Development Commission
http://bcdc.ca.gov/enforcement
375 Beale St., Suite 510
San Francisco, CA 94105
FAX: (415) 352-3606
Main Number: (415) 352-3600
Business Days & Hours: M-F 8:30a – 5:00p

Exhibit 7

CALENDAR ITEM
C72

A 8 09/01/11
W26494
S 5 Pelkofer

CONSIDER AUTHORIZATION FOR STAFF AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, TO CAUSE THE REMOVAL OF BOATS, BARGES, AND ORTHER FLOATING OBJECTS ILLEGALLY MOORED IN MONTEZUMA SLOUGH AT VAN SICKLE ISLAND, SOLANO COUNTY

PARTIES:

State Lands Commission

Thaddeus G. Woodin

AREA, LAND TYPE, AND LOCATION

State sovereign tidelands and submerged lands in Montezuma Slough, adjacent to Van Sickle Island, in Solano County.

BACKGROUND INFORMATION:

Mr. Thaddeus Woodin has moored, without permission, two large barges on State sovereign tide and submerged lands in Montezuma Slough adjacent to Van Sickle Island in Solano County. Mr. Woodin does not own the upland at that location, although he claims to be purchasing it. One of the barges is a LASH (Lighter Aboard Ship) barge with a double-wide mobile home on it. The other barge is a steel working barge with various pieces of construction equipment on it. There are also a number of small boats, a crane and an all-terrain vehicle on its deck.

Staff conducted a site visit with the Solano County Sheriff's marine patrol unit at their request. Mr. Woodin moved his barges from a prior location in Spoonbill Creek where his activities and vessels posed a hazard to navigation and caused a pollution problem. Their present location poses a similar hazard and risks in addition to being a trespass on State sovereign lands. Solano County is taking enforcement actions against Mr. Woodin for sanitary and other code violations.

Mr. Woodin was served a State Lands Commission Notice of Trespass by the Sheriff and was also notified by mail. After receipt of the notice from the Sheriff, he called the Commission office and was advised by staff of the Commission's

jurisdiction, its duty to protect the public trust, and that his failure to remove the trespassing vessels would lead to legal action. He has declined to remove them.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA guidelines (Title 14, California Code of regulations, section 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alteration to Land Title 2, California Code of Regulations, section 2905 (d)(3).

   Authority: Public Resources Code section 21084 and title 14, California Code of Regulations, section 15300 and Title 2, California Code of regulations, section 2905.

2. This activity involves lands indentified as possessing significant environmental values pursuant to Public Resources Code section 6370 seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBIT

A. Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 4, Minor Alteration to Land; Title 2, California Code of Regulations, section 2905 (d) (3).

SIGNIGICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370, et seq.

AUTHORIZATION:

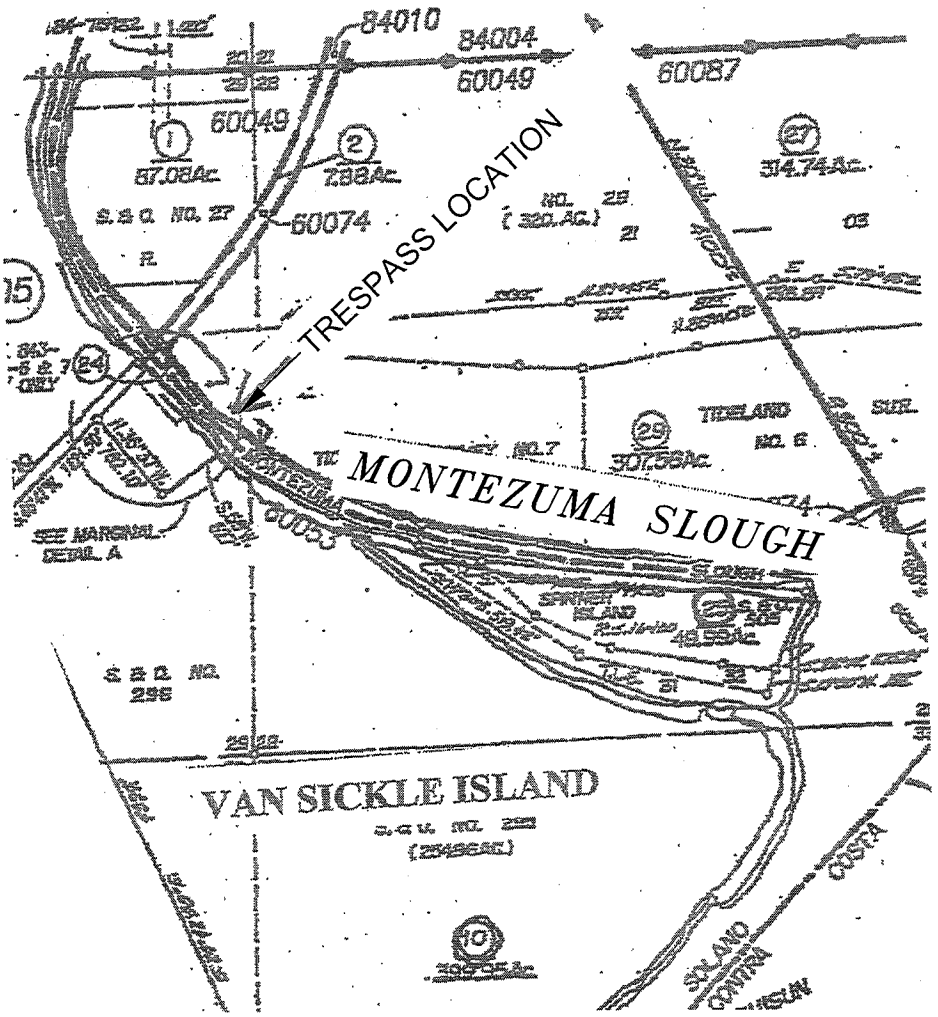
Authorize staff and/or the Office of the Attorney General to take all steps necessary, including litigation, to cause the removal of boats, barges, and other

floating objects illegally moored in Montezuma Slough at Van Sickle Island in Solano County and to recover any costs and damages.

Exhibit 7

NO SCALE

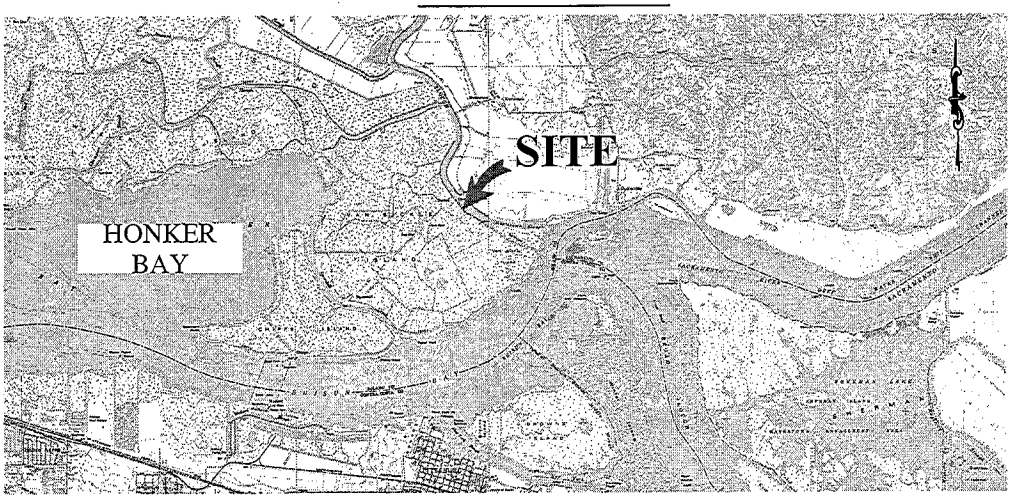
SITE



MONTEZUMA SLOUGH TRESPASS

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit A

W 26494
APN'S VARIOUS
TRESPASS
SOLANO COUNTY



DJF 08/17/11

Exhibit 7

Outlook

RE: Following up about Thad Woodin case, abandoned vessels

From Kershen, Andrew@SLC <Andrew.Kershen@slc.ca.gov>
Date Tue 10/15/2024 3:56 PM
To Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Cc Caldwell, Vicki@SLC <Vicki.Caldwell@slc.ca.gov>

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Hi Anne,

It isn't very clear what happened after we got the judgment against Woodin. A note in the file said he removed some boats and may have put them on private property without permission.

Vicki or I can be available to meet with you and local agency partners. I don't recall working with SRCD but Commission staff probably have at some point.

You are definitely on the right track assembling a multi-agency team. Thanks,

Andrew

From: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Sent: Tuesday, October 15, 2024 11:16 AM
To: Kershen, Andrew@SLC <Andrew.Kershen@slc.ca.gov>
Subject: Re: Following up about Thad Woodin case, abandoned vessels

Attention: This email originated from outside of SLC and should be treated with extra caution.

Hi Andrew,

Thanks so much for checking. I really appreciate it and that's good to know regarding SLC's jurisdiction.

Regarding the judgement, did he actually remove them at them point? I'm just curious about the extent to which Thad initially complied.

I'd love to meet and thanks for suggesting that. What do you think of bringing in Robert Trujillo, a compliance officer for Solano County? They also took an enforcement action against him and are going to do another. I'd also like to bring in Sgt. Brady Graham, the marine patrol officer who took me out there, if possible. The patrol has been trying to pull the sunken barge out and got funds for that only to be told that they could only be used for rec vessels and this didn't qualify.

Has your agency tried coordinating with the Suisun Resource Conservation District? SRCD has the primary local responsibility of regulating and improving water management practices on privately owned lands within the primary management areas of the Marsh. I'm going to reach out to them today.

Best,
Anne

From: Kershen, Andrew@SLC <Andrew.Kershen@slc.ca.gov>
Sent: Tuesday, October 15, 2024 9:36 AM

Exhibit 7

To: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Cc: Caldwell, Vicki@SLC <Vicki.Caldwell@slc.ca.gov>
Subject: RE: Following up about Thad Woodin case, abandoned vessels

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Good morning, Anne,

Yes, I did check internal records. The State Lands Commission does have jurisdiction within Montezuma Slough adjacent to the Woodin property, believed to be up to the mean high tide line. The Commission does not have jurisdiction within Van Sickle Island. The Commission's jurisdiction generally runs to land under natural waterways. It would be unusual for the Commission to have jurisdiction within an island.

I learned that the Commission sued Mr. Woodin and secured a judgment against him in November 2012. He was supposed to remove his vessels and docks from the water. He or someone else must have brought them back later.

Would you like to meet and talk about a coordinated response to the Woodin property? SLC staff will be happy to discuss possibilities, although I do want to be upfront that SLC does not have any funds to contribute for cleanup at this location.

Thanks for following up,

Andrew

From: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Sent: Monday, October 14, 2024 9:22 PM
To: Kershen, Andrew@SLC <Andrew.Kershen@slc.ca.gov>
Subject: Following up about Thad Woodin case, abandoned vessels

Attention: This email originated from outside of SLC and should be treated with extra caution.

Hi Andrew,

I hope you're doing well. I'm sure you're very busy but I just wanted to follow up about the abandoned vessels in the Montezuma Slough, including Thad Woodin's sunken barge. You had kindly offered to explore what the SLC has done in the past and if you have any information on its juridiction in the slough and/or on Van Sickle Island.

Chris Lanzafame, the secretary of Reclamation District 1607, has told me that the reason the SLC now claims that it no longer has jurisdiction is because Van Sickle Island is in an "altered state." Is that correct?

Regards,
Anne

Anne Usher

Enforcement Policy Analyst

(415) 352-3662

Anne.Usher@bcdc.ca.gov

Exhibit 7



San Francisco Bay Conservation and Development Commission

http://bcdc.ca.gov/enforcement

375 Beale St., Suite 510

San Francisco, CA 94105

FAX: (415) 352-3606

Main Number: (415) 352-3600

Business Days & Hours: M-F 8:30a – 5:00p

Exhibit 7

AUGUST 20 SUNDAY

2017 232nd day – 133 days follow

0030 - S/L, V/W W/ GINA E. 1" → TIME.
0145 - A/F @ TIME, R/L → APM
0245 - V/W W/ EVA T. 1" → TIME
0330 - A/F @ TIME, R/L → LIBERTY
1030 - V/W W/ NOUR MT → OLY YARD
1245 - A/F @ OLY, ~~SHUFFLE BARGES~~. S/D, TRASH OFF
1330 - S/L, SHIFT BARGES, V/W W/ ZOZ → BSM
1630 - A/F @ BSM, UNFOUL MOORINGS, R/L → LIBERTY
1700 - V/W W/ AIMI + DENISE MT → SRRQ
2130 - A/F SRRQ S/D ✓ & PUMP BARGES
2400 - SAME

2017 233rd day – 132 days follow

MONDAY 21 AUGUST

0001 - SAME AS B/L
0600 - S/U SHIFT BARGES
0700 - S/D
0930 -
1400 - S/U Build tow - Aimi & Denise/✓ Denise for water
1600 - Shift boat on tow S/D S/B for tide
2100 - S/U W/U Dept SRRQ w/ Denise (6'-) Aimi (QS) → Liberty

Exhibit 7

AUGUST 22 TUESDAY

2017 234th day – 131 days follow

0001 - Same

0230 - BSM - Broke one mooring wire - Run loads → Liberty

0300 - Secure Denise @ lower pilings (Liberty)

0330 - Secure Aimi @ upper pilings, ✓ all hatches

0400 - S/D on Denise ✓ all hatches.

0600 - S/U W/U Dept Liberty w/ Denise (6") → CB-8 Gr. 221y IS

0700 - Secure Denise A/S CB-8 Move to Job site

0800 - Spud down CB-8, Denise R/L → Liberty

0900 - Liberty Take Air Hose off Port Main Send To Ryan w

1000 - Dept Liberty Like → oly yard

1200 - oly yd S/D Repair port starter Air line

1500 - S/u, R/L → Liberty.

1700 - Liberty - u/w w/ Aimi (as) → CB-8

1845 - CB-8 Secure Aimi A/S u/w Like → HBM

2030 - HBM Secure Poseidon Burg Broken Bitt mooring wire off, u/t

2100 - S/D Pump 2B 2G

2330 - S/U pick pumps Dept HBM w/ 217 (mt) → HBM

2017 235th day – 130 days follow

WEDNESDAY 23 AUGUST

000 - u/w w/ 217 HBM → BSM

0- BSM, Build tow 202 & 217 - 0115 - u/w → SRRQ

615 - SRRQ Secure 217 @ Dock shift 202

645 - S/D ✓ Vitals

745 - S/U shift Burgos

00 - s/u Flip 202 S/D @ 1315

00 - s/u shift 202 as → Mooring. 1415 - Shift 217 for loading

30 - S/D

00 - s/u. Flip 217 - 1715 S/D

45 - S/U Build tow

30 - S/D ST/By for Tide

300 - S/U U/U Dept SRRQ w/ 217, 202 (as) → Liberty

AUGUST 24 THURSDAY

2017 236th day – 129 days follow

0001- u/w w/ 217 & 202 as → Liberty 0330 – Lib. tread water
0530- Split & secure loads @ Lib.
0545- Liberty – R/L → BSM
0600 - BSM Replace 1 wire
0630- Dept BSM like → CB-8 Grizzy IS
0745- CB-8 u/w w/ Denise (mt) → Liberty
0915- Liberty Build tow u/w w/ Denise (mt) 217 (OS) → DIM
1100- DIM Hang 217 (OS) u/w Denise (mt) → OLY yd
1200 - Secure Denise in Repair hole
1245- R/L → DIM
1330- DIM - u/w w/ 217 → FRM
1445- FRM- 217 Secure (hatches) – u/w w/ RES MT → BSM (pumping RES u/w)
1615- BSM - RES secure - R/L → Lib.
1630- Lib. u/w w/ 202 as → CB8
1815- CB-8 spot 202 A/S u/w like → BSM
1930- BSM S/D Inspect RES
2015- S/U Dept BSM w/ RES → DIM
2130 - DIM Hang RES (mt) u/w like → HBM

2017 237th day – 128 days follow

FRIDAY 25 AUGUST

Exhibit 7

S/D
0001 – HBM- Pumping #15
0215- S/u - shift boat to #19 start pumping
0715- S/U W/U Dept HBm like → CB-8 Grizzly IS
0930- CB-8 Grizzly IS Assist As Needed
1115- Dept CB-8 w/ Aimi (mt) → BSM
1245- BSM - Secure Aimi - R/L → DIM
1350- BSM. u/w w/ RES MT → OLY
1445- OLY Yrd. Shuffle - Denise out of RES into Repair hole
1600 - OLY - u/w w/ Denise MT → HBM
1700- HBM - Shuffle Barges / ~~Build tow~~ PC & Denise MT's
1800- HBM- S/D inspect PC Splash zone STBD Bow Rake
2015- S/U Build Tow
2030- Dept HBm w/ P.C. Denise (mts) → BSM
2200- BSM Secure Denise (mt) A/S Aimi (mt) u/w w/ P.C (mt) → SFYC

AUGUST 26 SATURDAY

2017 238th day – 127 days follow

- u/w w/ PC → SFYC
430- SFYC - Secure PC - inspect PC
00- S/D Begin pumping PC
730 S/U W/U Dept SFYC life → Kelso
815 · Kelso S/D St/By for Palomar
030- S/U Dept P.35 SF → Bay Br Palomar
00 - Palomar St/By S/D
5- S/U - Assist Palomar
30- u/w w/ Palomar → Alameda 9
45- Alameda 9 - Palomar Secure ← R/L → B-10 OAK Trash off
30- B-10 OAK M/U to Scow 5 S/D St/By for DB-24
00 - S/U Dept B-10 Oakland w/ DS #5 (mt) → DB-24
30· DB-24 Secure DS #5 A/S U/W life → B-10
45- B-10 U/W w/ #20 (Equip) → AIA 9
830 · AIAmeda 9 Secure #20 S/D Pump #20

2017 239th day – 126 days follow

SUNDAY 27 AUGUST

Exhibit 7

0001- Alameda 9 S/D - Pump #20 / Take Fresh water
1200- S/U W/U Dept AIA 9 life → Liberty
1400- Liberty S/D S/B for CB-8

AUGUST 28 MONDAY

2017 240th day – 125 days follow

0001 – Liberty S/D, S/B for CB-8
0615 – S/U W/U Dept Liberty like → CB-8 Grizzly DS
1000 – CB-8 ST/BY TO Demob
1115 – Dept Grizzly DS w/ CB-8, 202(MT) → Locks
1300 – A/F@ LIBERTY, R/L → CB-8 ✓ ALL SYSTEMS
1345 – U/W w/ CB-8 → LIBERTY
1500 – BUILDTOW @ LIBERTY, 202+CB-8 → FRM
1715 – A/F@ FRM, BREAK TOW / BUILD TOW
1745 – U/W w/ 217 QS + CB-8 → MEDFORD IS.
2000 – SPOT RIG – R/L → FRM
2200 – U/W w/ 202 MT → OLY YARD
2400 – OLY SHUFFLE

2017 241st day – 124 days follow

Exhibit 7

TUESDAY 29 AUGUST

0001 – OLY YARD SHUFFLE.
0230 – S/D, PUMP SLOP TANK
0330 – S/U, U/W w/ CB-1 + RES → ~~DTM~~ FRM
0545 – A/F@ FRM, U/W w/ CB-1 → MEDFORD IS.
0800 .. S/B MEDFORD ISL.
1300 – R/L → BSM
1600 – U/W w/ BIG GIRLS MT → SRRQ
2130 – A/F SRRQ. S/D ✓ BARGES S/B
2400 – SAME

AUGUST 30 WEDNESDAY

2017 242nd day – 123 days follow

0001 - S/D S/B @ SRRQ
0600 - S/O SHIFT BARGES
0700 - S/D S/B
1515 - S/L, U/W W/ BIGGIRLS QS → MED. IS.
24:00 - SAME

2017 243rd day – 122 days follow

Exhibit 7

THURSDAY 31 AUGUST

0100 - A/F @ MED. IS., S/O, GIVE CB-8 1000 GAL FUEL *
0630 - S/O R/L → HBM
0930 - HBM - S/D ✓ BARGES
2000 - S/O R/L → MDFRD ISL.
2230 - SHIFT BARGES
2300 - U/W W/ 217 MOT → DIM

Exhibit 7

Outlook

Re: Re barge that sank in the Montezuma Slough

From Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Date Thu 5/22/2025 3:26 PM
To John Wyma-Hughes <jwymahughes@Dutragroup.com>

Hi John,

Thanks very much for going through your records for me. I really appreciate it.

I'll go through them today and let you know if I've got any questions.

Regards,
Anne

From: John Wyma-Hughes <jwymahughes@Dutragroup.com>
Sent: Thursday, May 22, 2025 1:28 PM
To: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Subject: Re barge that sank in the Montezuma Slough

You don't often get email from jwymahughes@dutragroup.com. Learn why this is important

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Anne,

Per your request, please find attached the logbook entries for the tug Sarah Reed, the only Dutra owned/chartered vessel that was intermittently transiting through Montezuma Slough during the time period you identified in your earlier correspondence with Ryan Abood.

In compliance with USCG regulations, it is The Dutra Group's policy that marine casualties (including collisions and/or allisions) are reported immediately both to the USCG and Dutra's Safety & Risk departments and preserved in record. Further, it is policy that all incidents are recorded along with transit locations and activities in the daily logbooks aboard each tug and push boat.

We have conducted a thorough search of our records and the attached daily entries for any incident occurring in the timeframe and location you previously identified and have found nothing related to any collision, allision, or the sinking of a houseboat in Montezuma Slough.

To that end, The Dutra Group denies any involvement in or liability arising from the sinking of the houseboat and/or its subsequent recovery.

Please let me know if you have any questions.

John

John Wyma-Hughes, Esq., ARM, *(CA State Bar No. 335361)*
Risk Manager at The Dutra Group

Exhibit 7

Email: jwymahughes@dutragroup.com
Cell: 415-744-4281
2350 Kerner Blvd. Suite 200, San Rafael, CA 94901
www.dutragroup.com

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Exhibit 7

Property Detail Report

For Property Located At :
,, CA

CoreLogic RealQuest

Owner Information

Owner Name:	**GRILLAT RICHARD/GRILLAT JENNIFER**
Mailing Address:	**4740 VOGELSANG LN, PLACERVILLE CA 95667-8101 R003**
Vesting Codes:	/ / JT

Location Information

Legal Description:	**SEC 19 & 29 T3N R1E**		
County:	SOLANO, CA	APN:	0090-050-080
Census Tract / Block:	/	Alternate APN:	
Township-Range-Sect:	3N-1E-19	Subdivision:	
Legal Book/Page:		Map Reference:	/
Legal Lot:		Tract #:	
Legal Block:		School District:	FAIRFIELD SUISUN MON
Market Area:		School District Name:	FAIRFIELD SUISUN MON
Neighbor Code:		Munic/Township:	UNINCORPORATED

Owner Transfer Information

Recording/Sale Date:	/	Deed Type:	
Sale Price:		1st Mtg Document #:	
Document #:			

Last Market Sale Information

Recording/Sale Date:	06/23/2017 / 06/19/2017	1st Mtg Amount/Type:	/
Sale Price:	$200,000	1st Mtg Int. Rate/Type:	/
Sale Type:	FULL	1st Mtg Document #:	
Document #:	53380	2nd Mtg Amount/Type:	/
Deed Type:	GRANT DEED	2nd Mtg Int. Rate/Type:	/
Transfer Document #:		Price Per SqFt:	
New Construction:		Multi/Split Sale:	
Title Company:	FIRST AMERICAN TITLE		
Lender:			
Seller Name:	PETERSON RICHARD		

Prior Sale Information

Prior Rec/Sale Date:	01/16/2007 / 01/12/2007	Prior Lender:	
Prior Sale Price:	$260,000	Prior 1st Mtg Amt/Type:	$210,000 / PRIVATE PARTY
Prior Doc Number:	5261	Prior 1st Mtg Rate/Type:	/
Prior Deed Type:	GRANT DEED		

Property Characteristics

Year Built / Eff:	/	Total Rooms/Offices		Garage Area:	
Gross Area:		Total Restrooms:		Garage Capacity:	
Building Area:		Roof Type:		Parking Spaces:	
Tot Adj Area:		Roof Material:		Heat Type:	
Above Grade:		Construction:		Air Cond:	
# of Stories:		Foundation:		Pool:	
Other Improvements:		Exterior wall:		Quality:	
		Basement Area:		Condition:	

Site Information

Zoning:	ML-180	Acres:	194.75	County Use:	MARSH LAND (6100)
Lot Area:	8,483,310	Lot Width/Depth:	x	State Use:	
Land Use:	WASTE LAND	Res/Comm Units:	/	Water Type:	
Site Influence:	WATERFRONT			Sewer Type:	

Exhibit 7

Tax Information

Total Value:	$227,563	Assessed Year:	2024	Property Tax:	$12,769.58
Land Value:	$227,563	Improved %:		Tax Area:	060053
Improvement Value:		Tax Year:	2024	Tax Exemption:	
Total Taxable Value:	$227,563				

Exhibit 7

Richard Grillat, owns the parcel north of Steve Belcher's

Conversation on 4/3/2025

Richard was open to speaking with me. I described the case against Thad. He said that having Thad's items on the island has been a problem.

He didn't admit that he harmed Thad's houseboat and clearly won't.

Posited that perhaps a barge hit it or one of Thad's associates (criminal) did it.

Regarding the removals: said that junk removal companies might even do it for free; they can sell the material. (I explained the current plan).

Solano County Parcel Viewer

Exhibit 7

Search by address or APN

(1 of 2)

Parcels Public Aumentum: 0090050080

Parcel ID / APN: 0090050080
Parcel Address (SITUS): ,

Unit Building:

Measured GIS Acreage: 197.64
Recorded Assessor Acreage: 194.75

Acreage Difference Assessor to GIS: 2.89

Total area of land: 0.00
Year Built: 0
Williamson Act: NO

Zoom to

Exhibit 7

Montezuma Slough- Barge sonar imaging

Graham, Brady K. <BKGraham@SolanoCounty.com>

Wed 11/13/2024 7:54 AM

To:Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>

4 attachments (25 MB)

IMG_0152.jpeg; IMG_0153.jpeg; IMG_0156.jpeg; IMG_0156.jpeg;

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Hello Anne,

Please see the attached photos of the submerged barge in Montezuma Slough. The images were taken on 11/12/2024. Thanks, Brady

Sergeant Brady Graham
Marine Patrol/ EVOC Supervisor
Solano County Sheriff's Office
530 Union Avenue, Suite 100
Fairfield, CA 94533
(707) 784-1382
bkgraham@solanocounty.com

Exhibit 7

On November 23, 2024, Solano County Marine Patrol Officer Sgt. Brady Graham shared this photo of Thad Woodin's houseboat before it sunk and the images below of the barge under water. The underwater images were taken in November, 2024.



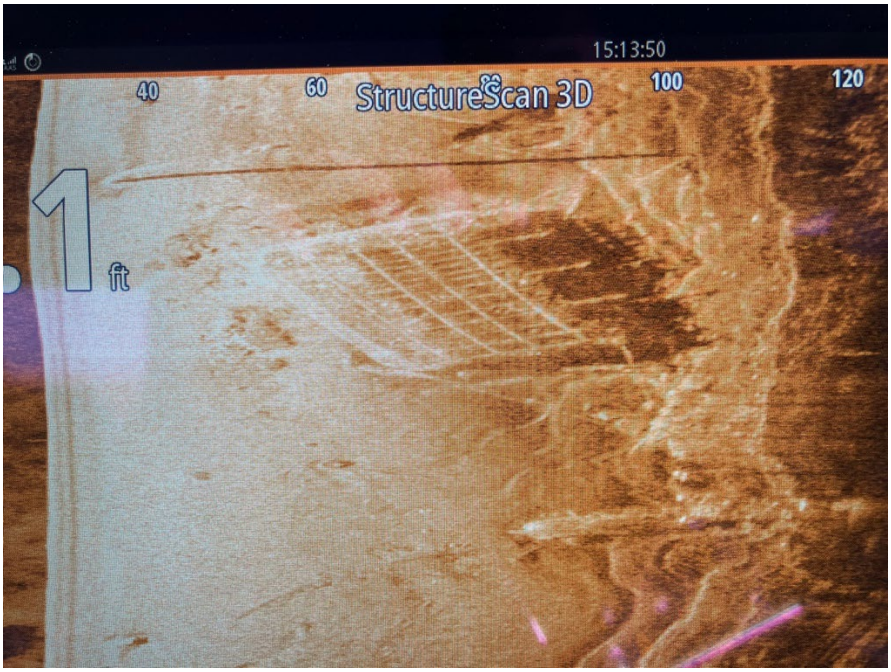


Exhibit 7

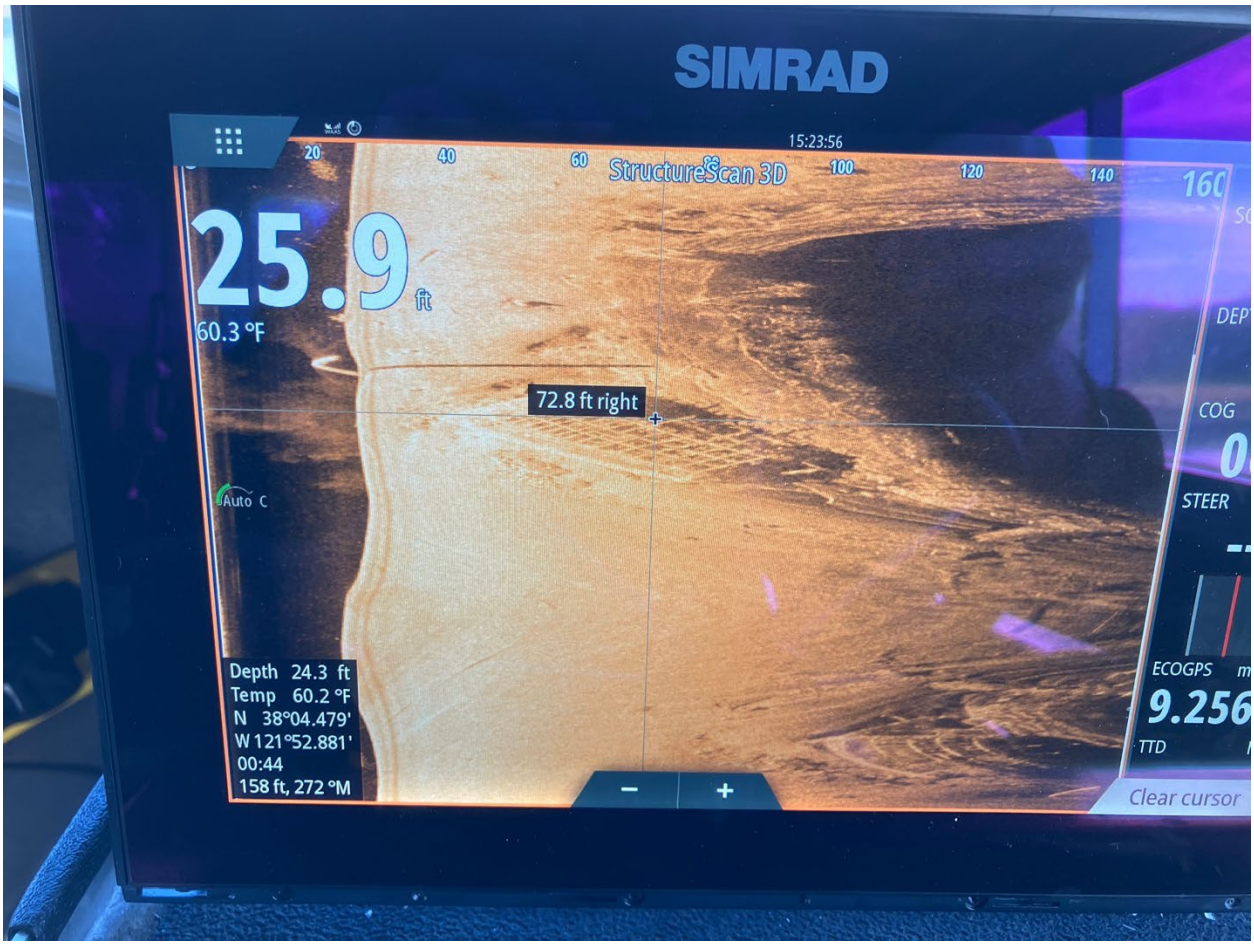

SIMRAD
15:23:56
20
40
60
StructureScan 3D
100
120
140
25.9
ft
60.3 °F
72.8 ft right
Auto C
Depth 24.3 ft
Temp 60.2 °F
N 38°04.479'
W 121°52.881'
00:44
158 ft, 272 °M
COG
STEER
ECOGPS
9.256
TTD
Clear cursor

Exhibit 7

Thad Woodin

4/4/2025 – Phone call

Next: Meet at the Jack in the Box at 499 Grizzly Island Rd, next Friday at 10 am.

Peter Pelkoffer – SLC. Died. Peter told you that Dutra had to business going up there at the time. (Mention this to Andrew and Vicki)

Timing for pulling it out? Late May at worst.

Accessing Van Sickle by car/truck:

Go to Grizzly Island's Fish and Game station. Go over bridge, go left. Follow the road another 28 miles. Come to the saltwater intrusion gates. Yellow gate past that. Combo lock there. Was 6162… thinks 1948 (?) he can check.

**

Regarding the barge

A month before, sheriff's office asked him to get rid of the barge. Sherrif – Mike Otto (he said Otto but I think this is who he meant). New guy working on narcotics. Went there. That claims he told his wife, "We're coming for the barge."

Why? Ecoli bacteria was in the holding tank.

Got a call on the Sat (around 17th/18th) that his houseboat barge was sinking. He was not there. Otto called. He's driving out. Got call from Pittsburg Power Plant. Asked if he was going to clean up his house. Said that parts of the house was on the long wharf at the Pittsburg Marina (where the oil tankers used to be).

Same weekend: He picked up his dad (Bill) and goes out there. Parts of the house were laying there.

He thinks that the sinking of the houseboat happened around the Thursday before that weekend based on how far the debris had traveled.

Otto gave him a ticket for having an unregistered boat. Said come and clean it up.

Next:

Exhibit 7

Thad went to court over the ticket. He got photos of the house showing it partly sunk (that officers had taken). One photo showed it floating on the dock. That said the guys said it was floating in the slough but it was still tied up. He wanted to know why they didn't tie it back up (at that time). The youngest officer (works with Ott) who wrote the ticket. One of those officers took that photo.

Then he got another photo; he said it was in the officer's packet. The photo showed that it was in open water at that point. The houseboat (at least part of it; mostly the home??) was tied with a red rope connected to the patrol boat. (So they were tugging it out). It ended up in the Pittsburg Long Warf. (Marina) where ocean tankers.

Re Dutra:

That said that Dutra owned the Sara Reed, a tug. He thinks Dutra used the Sara Reed to tug a 92-foot rock barge. The Sara Reed was attached to the barge. He thinks the barge hit the houseboat and took it under. Dutra's barge was a rock barge (back loaded so the front is raised up). His roof was about 17 feet. He said it loaded like that.

Pressure sheered the house off the foundation.

What about barge below the water image?

The barge (platform) was 4-pieces - a lash barge that was 68 feet by 33 feet. Had a poles and supports that brought up a skirt – a foundation for the home. The home sat on top of them. And then he put a deck around it.

That said had no insurance on the barge.

He thinks some metal parts are still in the slough.

In west Pittsburg, he found the pieces around the week after on the shoreline. Water testing facility. About 1,000 yards west of the wharf. He found piping from bathroom. Parts of his floor. Back bedroom section. Vent piping. (That goes up wall and ceiling)

That Sunday, he saw Dutra using the tug boat to grind the mud on the other side of his home so they could say they had traveled around it (at the time of it being struck). "Prop washing to the side." He made a drawing showing the measurements.

Insufficient room for Dutra's barge to go around beforehand. (Before the sinking). Water was about 6 feet deep. (Brady: nope – always been about 20 feet).

(Marine patrol should've also seen this).

Should be transponder on the Sara Reed.

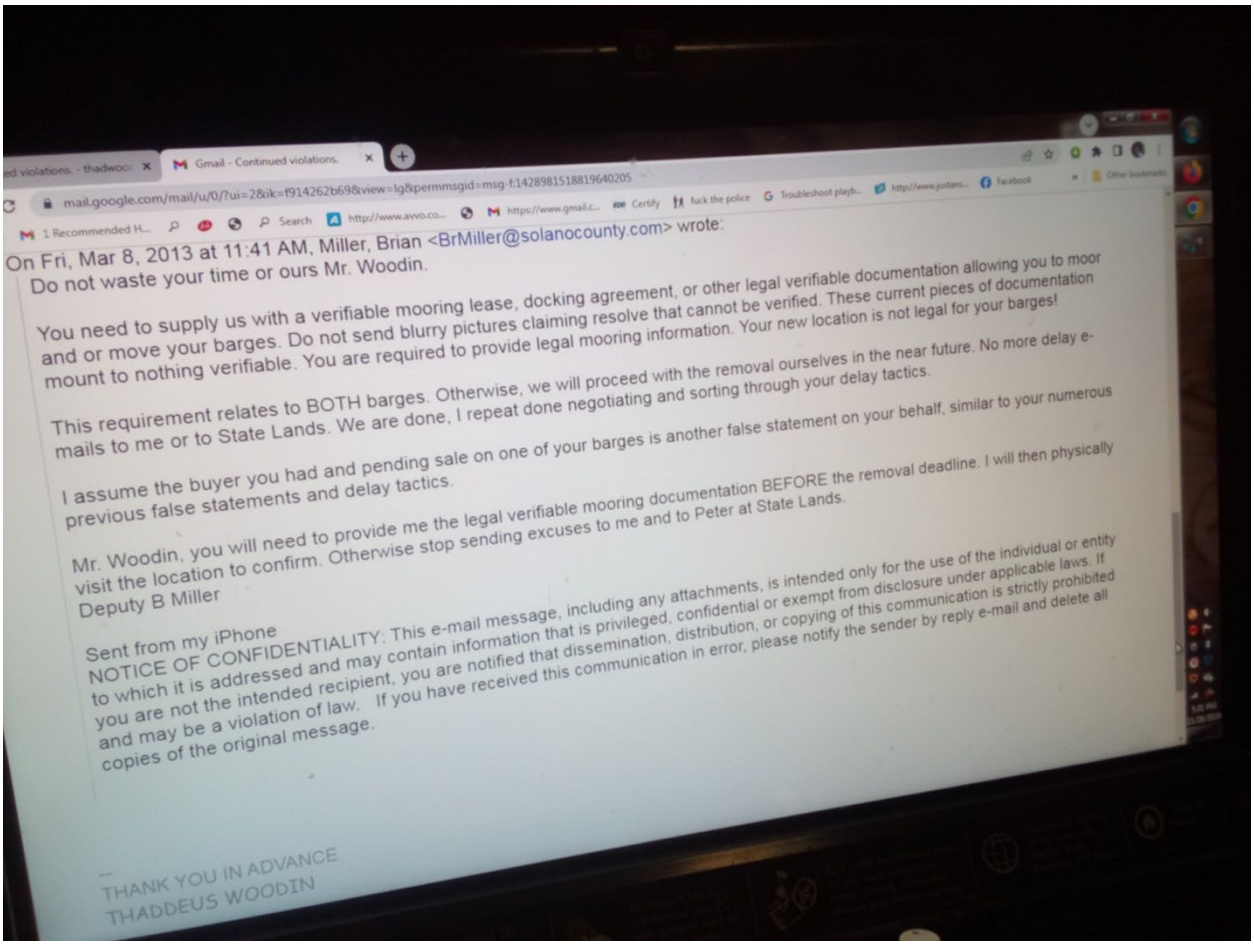
Hadn’t seen the Dutra going up the slough beforehand.

Peter Pelkofer – SLC. Died. Peter told him that Dutra had no business going up there at the time.

Barge – cables still attached to what’s left of the house. Northeast side. Cable attached to a winch and cleat.

He was thinking of placing floats. To try to drag it to the levee.

Exhibit 7



Gmail - Continued violations.

mail.google.com/mail/u/0/?ui=2&ik=f914262b69&view=lg&permmsgid=msg-f:1428981518819640205

On Fri, Mar 8, 2013 at 11:41 AM, Miller, Brian <BrMiller@solanocounty.com> wrote:

Do not waste your time or ours Mr. Woodin.

You need to supply us with a verifiable mooring lease, docking agreement, or other legal verifiable documentation allowing you to moor and or move your barges. Do not send blurry pictures claiming resolve that cannot be verified. These current pieces of documentation mount to nothing verifiable. You are required to provide legal mooring information. Your new location is not legal for your barges!

This requirement relates to BOTH barges. Otherwise, we will proceed with the removal ourselves in the near future. No more delay e-mails to me or to State Lands. We are done, I repeat done negotiating and sorting through your delay tactics.

I assume the buyer you had and pending sale on one of your barges is another false statement on your behalf, similar to your numerous previous false statements and delay tactics.

Mr. Woodin, you will need to provide me the legal verifiable mooring documentation BEFORE the removal deadline. I will then physically visit the location to confirm. Otherwise stop sending excuses to me and to Peter at State Lands.

Deputy B Miller

Sent from my iPhone

NOTICE OF CONFIDENTIALITY: This e-mail message, including any attachments, is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential or exempt from disclosure under applicable laws. If you are not the intended recipient, you are notified that dissemination, distribution, or copying of this communication is strictly prohibited and may be a violation of law. If you have received this communication in error, please notify the sender by reply e-mail and delete all copies of the original message.

--

THANK YOU IN ADVANCE

THADDEUS WOODIN

Exhibit 7

Outlook

Resending of email.

From Chris Lanzafame <lanzafame711@gmail.com>
Date Sat 3/15/2025 5:20 AM
To Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Last night my internet went down so I tried sending this before.



Picture of Thad's sunken houseboat with the roof slightly above water taken with the Turnage dock in the foreground. Picture taken on August 26, 2017. I can't imagine I took this picture more than a day of two after it sank. Within a few days the house floated off and broke into pieces. Parts of it went all the way across the Sacramento River to Pittsburg and rested near the PGE power plant. I remember seeing a refrigerator and other debris along Montezuma Slough for quite a while.

I'll look to see if I have any other documents.

Chris Lanzafame
Secretary,
Reclamation District 1607
4301 Inverness Drive
Pittsburg, Ca 94565
925-698-9252

Exhibit 7

Outlook

Re: [EXT] Re barge that sank in the Montezuma Slough

From Li, Judy@DWR <Judy.Li@water.ca.gov>
Date Tue 4/1/2025 9:04 AM
To Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Hi Anne,
Sorry for the late reply! Dutra was a subcontractor to Unico, but their work started in 2020. The subcontractor for Cal-Neva was CS Marine. Did you receive a response back from Dutra?

Please let me know if you need more info.

Thanks,
Judy

From: Usher, Anne@BCDC
Sent: Tuesday, March 25, 2025 12:00 PM
To: Li, Judy@DWR
Subject: Re: [EXT] Re barge that sank in the Montezuma Slough

Hi Judy,

Thanks so much for getting back to me so quickly with this review! I really appreciate your help with this and sorry for my delay in responding. I had a site visit yesterday.

This is very helpful to have. You had mentioned that Dutra was a subcontractor for this work on the gate. Was is a sub for Cal-Neva in 2017? Thad was pretty adament that Dutra was moving its barge through that year but he of course might have been wrong.

Huge thanks!
Best,
Anne

From: Li, Judy@DWR <Judy.Li@water.ca.gov>
Sent: Monday, March 24, 2025 3:47 PM
To: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Subject: RE: [EXT] Re barge that sank in the Montezuma Slough

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Hi Anne,
I checked with a couple people and here's what I found:

- Contract that had Dutra transporting stoplogs and radial gates for the Montezuma Slough Salinity Control Structure had a letter of authorization dated November 23, 2020

Exhibit 7

- A separate contract with Cal-Neva had a barge moving twice a year for Montezuma Slough salinity gates- flashboards removed week of May 8, 2017, and installed week of November 20, 2017.

Please note that if one of our contractors were to have an accident while doing work for us, they would have to file an incident report.
Hope this helps, let me know if you need more info.

Thanks,
Judy
916-398-1494

From: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Sent: Wednesday, March 19, 2025 11:48 AM
To: Li, Judy@DWR <Judy.Li@water.ca.gov>
Subject: Fw: [EXT] Re barge that sank in the Montezuma Slough

Hi Judy,

Here's what I sent to Dutra. Thank you so very much for looking into the timeframe for me. I really appreciate it!

Best,
Anne

From: Ryan Abood <rabood@dutragroup.com>
Sent: Wednesday, March 19, 2025 11:44 AM
To: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Subject: RE: [EXT] Re barge that sank in the Montezuma Slough

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Anne,
Confirming receipt of your email. We will review the details and get back to you as soon as practicable.
Sincerely,

Ryan D. Abood
Vice President, Delta Operations at The Dutra Group

Email: rabood@dutragroup.com
Phone: 415-258-6876 | Direct: 707-374-4824

160 River Road, Bldg. DÂ Rio Vista, CAÂ 94571
www.dutragroup.com

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Exhibit 7

From: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Sent: Tuesday, March 18, 2025 5:09 PM
To: Ryan Abood <rabood@dutragroup.com>
Subject: [EXT] Re barge that sank in the Montezuma Slough

[Only open attachments or click on hyperlinks from trusted sources.]
Hi Mr. Aboud,

Thanks for taking the time to speak with me today regarding the barge that sank in the Montezuma Slough, which runs alongside Van Sickle Island in the Suisun Marsh.

The barge that held the houseboat sank about a day or two before August 26, 2017. (We don't have an exact date). Its owner, Thaddeus (Thad) Woodin has stated that he believes that a barge owned by Dutra struck the barge. The reclamation district's secretary has told me that Dutra sends a large barge up the Montezuma Slough a couple times a year to work at a DWR salinity gate a few hundred meters to the north of his parcel (APN 0090-120-130).

Here's a photo the district secretary shared with me of the barge sinking, below. (We have images from a county marine patrol unit showing that it still lies in this spot).



And here's what it looked like before it sank:

Exhibit 7



As I said, I wanted to see if Dutra has a record of its barge's movements in the Montezuma Slough in 2017 that it can share with me. I would sincerely appreciate it. For further reference, I've attached a screenshot showing where Thad's parcel is. Please let me know if you have any questions.

Thanks again!

Regards,
Anne

Anne Usher
Enforcement Policy Analyst
(415) 352-3662
Anne.Usher@bcdc.ca.gov

San Francisco Bay Conservation and Development Commission
http://bcdc.ca.gov/enforcement
375 Beale St., Suite 510
San Francisco, CA 94105
FAX: (415) 352-3606
Main Number: (415) 352-3600
Business Days & Hours: M-F 8:30a – 5:00p

Exhibit 7

Marine Patrol Sgt. Brady Graham
4/8/2025 Phone conversation

He had advised me on how to request the case record. Graham said there was another case involving Thad - illegal mooring – but they dropped it. As a condition, Thad agreed not to loiter or trespass. (I'm unsure where).

UDPATE: Solano County applied for the grant. He doesn't think they'll announce grant winners until next fall.

The county's application included funds for a drone (I think he said an underwater one). They asked for $800,000. The contractor would be Lind Marine off Mare Island in Vallejo. $450,000-500,000 was the conservative estimate.

Me: Do boats in the slough need to report their positions? He's not familiar with the legalities. He said they usually have their AIS (automatic identification system) on. The Coast Guard monitors that.

Exhibit 7

SOLANO COUNTY SHERIFF'S OFFICE

530 UNION AVE STE 100 FAIRFIELD, CA 94533 707-421-7090
X CONVERTED FROM VISION REPORT

Case 17-04514

OFFENSES

F/M A/C	Offenses (A/C - Attempt/Completed)	Date Occurred	Time Occurred	Incident #
	VESSEL ACCIDENT VESSEL ACCIDENT	08/26/17-08/26/17	0922 - 1830	1708260059

Date Reported	Time Reported
08/26/2017	0922

Related Cases

Date Printed	Time Printed	Printed By
04/09/2025	13:17:52	14998

Latitude	Longitude
0.000000	0.000000

Location	Beat	Area	Disposition	Dispo Date
Montezuma Slough, Suisun City, CA	2	600	Clred By Other Means	10/18/2017

Location Type	Location of Entry	Method of Entry	Point of Entry	Alarm System	Means of Attack (Robbery)

Victim	Drivers License	Cell Phone	Email			
Residence Address	Notified of Victim Rights	Residence Phone	DOB	Age	Sex	Race
Business Name and Address		Business Phone	Height	Wt	Hair	Eyes
Assistance Rendered/Victim Disposition		Transporting Agency	Means of Attack (Assaults)			
Description of Injuries		Other Information				

Mentioned - Other	Drivers License	Cell Phone	Email			
Woodin, Thaddeus Greg	N9296310 CA					
Residence Address		Residence Phone	DOB	Age	Sex	Race
4281 Oakdale Pl, Pittsburg, CA 94565		925-565-0738	03/18/1963	54	M	W
Business Name and Address		Business Phone	Height	Wt	Hair	Eyes
			6`2"	205	BRO	BRO

Suspect Name	Action Taken	Charges			
Residence Address	Residence Phone	DOB	Age	Sex	Race
Business Name and Address	Business Phone	Height	Wt	Hair	Eyes
Identifying Features	Cell Phone	Drivers License	Arrest Number		
Aliases			CII		

VEHICLES

Status	Vehicle Make and Model	License/State	VIN	Val Damgd
XConverted	1988 White Houseboat	1555VB CA	CFZ1403VA282	

DEPUTIES

Prepared By	Date	Assisted By	Approved By	Date
10100 - Otto, Michael	10/18/2017		1S4X0 - Dudley, Ray	10/11/2017

Routed To	Date	Routed To	Date	Notes
SAN FRANCISCO CONSERVATION AND DEVELOPMENT COMMISSI	04/09/2025			

CONTROLLED DOCUMENT - DO NOT REPRODUCE

Exhibit 7

COPIES TO:
☐ DA
☐ PROB
☐ DOJ
☐ INV
☐ PAT
☐ RISK MANAGEMENT
☐ COUNTY COUNCIL
☒ OTHER DBW 10-12-17 10-12-17
LEXIS NEXIS

SOLANO COUNTY SHERIFF'S OFFICE
530 UNION AVENUE, SUITE 100
FAIRFIELD, CA. 94533
(707) 421-7000
CA048000

UTILITY REPORT

CASE NO: CR17-4514 | PAGE: 1
RPT DEV CODE: | RD: 600
CONTINUATION OF: ☐ CRIME ☐ ARREST ☐ UTILITY ☐ MISSING PERSON ☒ OTHER

CODE: V – VICTIM W – WITNESS R – REPORTING PARTY S – SUSPECT L – INVESTIGATIVE LEAD I – INFORMANT

INCIDENT

CODE SECTION(S)	TYPE OF INCIDENT			
NONE	VESSEL ACCIDENT REPORT			
LOCATION (Be Specific)	OCCURRED	DATE	DAY	TIME
MONTEZUMA SLOUGH	ON / OR	082617	SAT	1000
FIRM NAME (at location) / DATE RPTD / TIME RPTD	BETWEEN	DATE	DAY	TIME
N/A / 082617 / 1000				

PERSON 2

CODE	NAME (Last, First, Middle)	SEX	RACE	D.O.B.	AGE	HGT	WGT	HAIR	EYES	OCCUPATION
P1	THADDEUS WOODIN	M	W	031863		602	205	BRN	BRN	N/A

RESIDENCE ADDRESS	CITY	STATE	DL NUMBER / STATE	RES. PHONE
4281 OAKDALE PLACE	PITTSBURG	CA	N9296310	(925) 565-0738
BUSINESS NAME AND ADDRESS	CITY			WORK PHONE
N/A	N/A			( ) -

VEH 3

LICENSE #	STATE	YEAR	MAKE	MODEL	BODY STYLE				
					☐ 0 UNKNOWN ☐ 1 2-DR	☐ 2 4-DR ☐ 3 CONV ☐ 4 PU	☐ 5 TRK ☐ 6 VAN ☐ 7 SW	☐ 8 RV ☐ 9 MC ☐ 10 OTHER	
COLOR/COLOR	OTHER CHARACTERISTICS (ex: T/C Damage, Unique Marks/Paint)				DISPOSITION OF VEHICLE				

RELATIONSHIP TO SUSPECT 4

☐ 0 UNKNOWN ☐ 1 HUSBAND ☐ 2 WIFE ☐ 3 MOTHER ☐ 4 FATHER ☐ 5 DAUGHTER ☐ 6 SON ☐ 7 BROTHER ☐ 8 SISTER ☐ 9 OTHER FAMILY ☐ 10 ACQUAINTANCE ☐ 11 FRIEND ☐ 12 BOYFRIEND ☐ 13 GIRLFRIEND ☐ 14 NEIGHBOR ☐ 15 BUSINESS ASSOCIATE ☐ 16 STRANGER ☐ 17 OTHER-

RACE CODES

A- OTHER ASIAN, B- BLACK, C- CHINESE, D- CAMBODIAN, F- FILIPINO, G- GUAMANIAN, H- HISPANIC, I- AMERICAN INDIAN, J- JAPANESE, K- KOREAN, L- LOATION, O- OTHER, P- PACIFIC ISLANDER, S- SOMOAN, U- HAWAIIAN, V- VIETNAMESE, W- WHITE, X- UNKNOWN, Z- ASIAN INDIAN

(Form Revision 010500)

Deputy Michael Otto 1L53

SEE ATTACHED VESSEL ACCIDENT REPORT. I REQUEST A COPY OF THIS REPORT BE FORWARDED TO THE CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS.

Solano County Sheriff's Office
CONTROLLED DOCUMENT
Released by:

APR 09 2025

To: CC FDA VDA Prob Patrol
Inv Other: BCDC

ENTERED OCT 12 2017

REPORTING DEPUTY / ID#	DATE	REVIEWED BY / ID#	DATE	SUP. AT SCENE	ENTERED RMS BY:
M. OTTO 1L53	10-11-17	1S4	101117		

Exhibit 7

VESSEL ACCIDENT REPORT

CALIFORNIA STATE PARKS, DIVISION OF BOATING AND WATERWAYS PAGE 2 OF

AGENCY NAME TAKING REPORT	NO INJURED	NO KILLED	AGENCY REPORT NUMBER
SOLANO COUNTY SHERIFFS OFFICE	0	0	CR17-4514

LOCATION

WATERBODY ACCIDENT OCCURRED ON	NEAREST CITY OR TOWN	MONTH	DAY	YEAR	TIME (2400)
MONTEZUMA SLOUGH	COLLINSVILLE	08	26	2017	1000

COUNTY ACCIDENT OCCURRED IN	NEAREST LANDMARK (NAVIGATION AID)	INVESTIGATED BY PHONE
SOLANO	SALINITY GATES	NO

LATITUDE/LONGITUDE THAT ACCIDENT OCCURRED
38° 4'28.85 N X 121° 52'53.04" W (APPROXIMATE)

OPERATOR

NAME (FIRST, MIDDLE, LAST)	STREET / MAILING ADDRESS				
THADDEUS, GREGORY, WOODIN	4281 OAKDALE PL.				
IDENTIFICATION	DOB / AGE	SEX	CITY	STATE	ZIP	PHONE (925)
N9296310	031863	☒ MALE ☐ FEMALE	PITTSBURG	CA	94565	565-0738

INVOLVED VESSEL

VESSEL YEAR	MAKE / MODEL / LENGTH	VESSEL NUMBER (CF OR DOC)	VESSEL NAME	ACTIVITY
1988	SPECIAL BIULD	CF 1555 VB		☒ RECREATIONAL ☐ WORKBOAT ☐ COMMERCIAL ☐ OTHER

HULL IDENTIFICATION NUMBER	☐ NONE	HORSEPOWER	RENTED	OWNER'S NAME	☒ SAME	PHONE ( )
UNKNOWN		0	☐ YES ☒ NO			

DIRECTION OF TRAVEL	# PERSONS ON BOARD	MARINA/RAMP LAUNCHED FROM	VESSEL DAMAGE	OWNER'S STREET / MAILING ADDRESS	☐ SAME
MOORED	0	OTHER	☐ MINOR ☐ MAJOR ☐ MODERATE ☒ TOTAL		

EST. SPEED	DISPOSITION OF VESSEL	ESTIMATED DAMAGE $ ☐ NONE	CITY	STATE	ZIP
0	SUNK	$250,000			

PARTY

NAME (FIRST, MIDDLE, LAST)	STREET / MAILING ADDRESS				
IDENTIFICATION	DOB / AGE	SEX ☐ MALE ☐ FEMALE	CITY	STATE	ZIP	PHONE ( )

VESSEL YEAR	MAKE / MODEL / LENGTH	VESSEL NUMBER (CF OR DOC)	VESSEL NAME	ACTIVITY
				☐ RECREATIONAL ☐ WORKBOAT ☐ COMMERCIAL ☐ OTHER

HULL IDENTIFICATION NUMBER	☐ NONE	HORSEPOWER	RENTED	OWNER'S NAME	☐ SAME	PHONE ( )
			☐ YES ☐ NO			

DIRECTION OF TRAVEL	# PERSONS ON BOARD	MARINA/RAMP LAUNCHED FROM	VESSEL DAMAGE	OWNER'S STREET / MAILING ADDRESS	☐ SAME
		OTHER	☐ MINOR ☐ MAJOR ☐ MODERATE ☐ TOTAL		

EST. SPEED	DISPOSITION OF VESSEL	ESTIMATED DAMAGE $ ☐ NONE	CITY	STATE	ZIP

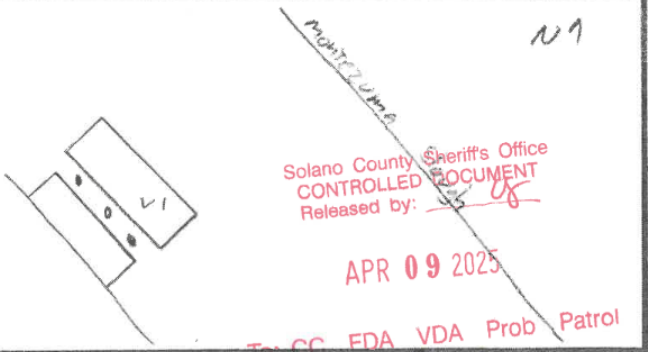
OTHER PROPERTY

DESCRIPTION OF DAMAGE	ESTIMATED DAMAGE $ ☐ NONE

OWNER'S NAME	ADDRESS	STATE	ZIP	PHONE ( )	NOTIFIED
					☐ YES ☐ NO

INJURED/DECEASED/WITNESS

VICTIM / WITNESS NAME, ADDRESS & PHONE	VICTIM / WITNESS STATUS	RIDING IN VESSEL #	DOB/ AGE	INJURY DESCRIPTION	LIFE JACKET WORN?	COULD VICTIM SWIM?
(W1) ERIC OBERREUTER 530 UNION AVE. FAIRFIELD, CA. 94533 707-421-7000	☐ INJURED ☐ DECEASED ☐ DISAPPEARED ☐ PASSENGER ONLY ☒ WITNESS ONLY			TAKEN TO HOSPITAL ☐ YES ☐ NO FACILITY:	☐ YES ☐ NO ☐ UNKNOWN	☐ YES ☐ NO ☐ UNKNOWN
(W2) PAUL TAYLOR U.S.C.G. 1 YERBA BUENA ISLAND SANFRANCISCO, CA. 94130 1-415-399-2044	☐ INJURED ☐ DECEASED ☐ DISAPPEARED ☐ PASSENGER ONLY ☒ WITNESS ONLY			TAKEN TO HOSPITAL ☐ YES ☐ NO FACILITY:	☐ YES ☐ NO ☐ UNKNOWN	☐ YES ☐ NO ☐ UNKNOWN



Solano County Sheriff's Office
CONTROLLED DOCUMENT
Released by:
APR 09 2025
To: CC FDA VDA Prob Patrol
Inv Other: BCDC

WAS A CITATION ISSUED? OPERATOR 1 ☒ YES ☐ NO OPERATOR 2 ☐ YES ☐ NO

SPECIFY CITATION(S) UNLAWFUL MOORE NAVIGATION HAZARD, VESSEL NOT MINED MARKED

WAS A WARNING ISSUED IN LIEU OF A CITATION? OPERATOR 1 ☐ YES ☐ NO OPERATOR 2 ☐ YES ☐ NO

SPECIFY WARNING(S)

☒ CALIFORNIA STATE PARKS
DIVISION OF BOATING AND WATERWAYS
ACCIDENT UNIT
P.O. BOX 942896
SACRAMENTO, CA 94296-0001

DBW FORM VAR-1 (05/14)

Exhibit 7

VESSEL ACCIDENT REPORT

CALIFORNIA STATE PARKS, DIVISION OF BOATING AND WATERWAYS PAGE 3 OF

WEATHER
- ☒ CLEAR
- ☐ CLOUDY
- ☐ FOG
- ☐ RAIN
- ☐ SNOW
- ☐ HAZY

WATER CONDITIONS
- ☒ CALM
- ☐ CHOPPY
- ☐ ROUGH
- ☐ VERY ROUGH

WAVE SIZE
- ☒ LESS THAN 6"
- ☐ 6" – 2'
- ☐ 2' – 6'
- ☐ > 6'

WIND
- ☐ NONE
- ☒ LIGHT (0 – 6 mph)
- ☐ MODERATE (7 – 14 mph)
- ☐ STRONG (15 – 25 mph)
- ☐ STORM (25 mph & over)

LIGHTING
- ☒ DAYLIGHT
- ☐ DARK
- ☐ DUSK OR DAWN
- ☐ ARTIFICIAL LIGHT
- ☐ OTHER (specify)

VISIBILITY
- ☒ GOOD ☐ FAIR ☐ POOR

TEMPERATURE
WATER AIR

TYPE OF ACCIDENT
- ☐ CAPSIZING
- ☐ COLLISION WITH VESSEL
- ☐ COLLISION WITH FIXED OBJECT
- ☐ COLLISION WITH FLOATING OBJECT
- ☐ FALL OVERBOARD
- ☐ FALL IN BOAT
- ☐ FIRE / EXPLOSION (fuel)
- ☐ FIRE / EXPLOSION (other than fuel)
- ☐ FLOODING / SWAMPING
- ☐ GROUNDING
- ☒ SINKING
- ☐ STRUCK BY BOAT / PROPELLER
- ☐ SWIMMING
- ☐ OTHER:

CAUSE OF ACCIDENT

#1	#2	
☒	☐	IMPROPER LOOKOUT / INATTENTION
☐	☐	OPERATOR INEXPERIENCE
☐	☐	EXCESSIVE SPEED
☐	☐	MACHINERY FAILURE
☐	☐	EQUIPMENT FAILURE
☐	☐	OFF THROTTLE STEERING INABILITY
☐	☐	IMPROPER LOADING
☐	☐	OVERLOADING
☐	☐	HAZARDOUS WEATHER / WATER
☐	☐	RESTRICTED VISION
☐	☐	IGNITION OF SPILLED FUEL / VAPOR
☐	☐	IMPROPER ANCHORING
☐	☐	FAILURE TO VENT
☐	☐	UNKNOWN
☐	☐	OTHER:

OPERATION AT TIME OF ACCIDENT

#1	#2	
☐	☐	CRUISING
☐	☐	CHANGING DIRECTION
☐	☐	CHANGING SPEED
☐	☐	TOWING SKIER / TUBER
☐	☐	TOWING SKIER - SKIER DOWN
☐	☐	TOWING ANOTHER VESSEL
☐	☐	BEING TOWED BY ANOTHER VESSEL
☐	☐	DRIFTING
☐	☐	AT ANCHOR
☑	☐	TIED TO DOCK
☐	☐	LAUNCHING
☐	☐	DOCKING / LEAVING DOCK
☐	☐	SAILING
☐	☐	OTHER (specify)

SOBRIETY / DRUG

#1	#2	
☐	☐	HAD NOT BEEN DRINKING
☐	☐	HBD NOT UNDER INFLUENCE
☐	☐	HBD UNDER INFLUENCE
☐	☐	HBD IMPAIRMENT UNKNOWN
☐	☐	UNDER DRUG INFLUENCE
☐	☐	OTHER PHYSICAL IMPAIRMENT
☐	☐	IMPAIRMENT UNKNOWN
☒	☐	NO OPERATOR

SOBRIETY TESTING
HOW WAS SOBRIETY DETERMINED?

#1	#2	
☐	☐	VISUAL OBSERVATION
☐	☐	FIELD SOBRIETY TEST
☐	☐	BREATH TEST
☐	☐	URINE/BLOOD
☐	☐	OTHER _____

VESSEL TYPE

#1	#2	
☐	☐	OPEN MOTORBOAT
☐	☐	CABIN MOTORBOAT
☐	☐	PERSONAL WATER CRAFT
☒	☐	HOUSEBOAT
☐	☐	PONTOON
☐	☐	INFLATABLE
☐	☐	SAILBOAT (has engine)
☐	☐	SAILBOAT (sail only)
☐	☐	CANOE / KAYAK
☐	☐	RAFT
☐	☐	ROWBOAT
☐	☐	OTHER (specify)

HULL MATERIAL

#1	#2	
☐	☐	WOOD
☐	☐	ALUMINUM
☐	☐	FIBERGLASS
☐	☐	PLASTIC
☐	☐	RUBBER / VINYL
☒	☐	OTHER (specify) STEEL

PROPULSION

#1	#2	
☐	☐	PROPELLER
☐	☐	SAIL
☐	☐	MANUAL
☐	☐	WATER JET
☐	☐	AIR THRUST
☑	☐	OTHER (specify) NONE

ENGINE

#1	#2	
☐	☐	OUTBOARD
☐	☐	INBOARD
☐	☐	STERNDRIVE (I/O)
☒	☐	NONE
--	--	# OF ENGINES

TYPE OF FUEL
VESSEL 1 N/A
VESSEL 2 ___

OPERATOR EDUCATION

#1	#2	
☐	☐	AMERICAN RED CROSS
☐	☐	USCG AUXILIARY
☐	☐	US POWER SQUADRON
☐	☐	STATE COURSE
☒	☐	INFORMAL
☐	☐	NONE
☐	☐	OTHER _____

OPERATOR EXPERIENCE
- ☐ ☐ UNDER 10 HOURS
- ☐ ☐ 10 TO 100 HOURS
- ☒ ☐ OVER 100 HOURS

ACTIVITY

#1	#2		#1	#2	
☐	☐	WATER SKIING	☐	☐	NONMOTORIZED ACTIVITY
☐	☐	WAKE BOARDING	☐	☐	FUELING
☐	☐	TUBING	☐	☐	HUNTING
☐	☐	FISHING	☒	☐	OTHER DIVING
☐	☐	RACING			

LIFE JACKETS ONBOARD

	VESSEL #1	VESSEL #2
LIFE JACKETS ON BOARD?	☒ YES ☐ NO	☐ YES ☐ NO
WERE THEY ACCESSIBLE?	☒ YES ☐ NO	☐ YES ☐ NO
WERE THEY USED?	☐ YES ☒ NO	☐ YES ☐ NO

FIRE EXTINGUISHERS

	VESSEL #1	VESSEL #2
WAS FIRE FIGHTING EQUIPMENT ON BOARD?	☒ YES ☐ NO	☐ YES ☐ NO
WERE THEY USED?	☐ YES ☒ NO	☐ YES ☐ NO

ACCIDENT NARRATIVE
SEE ATTACHED

REPORT NUMBER	INVESTIGATED BY (NAME, RANK)	ID NUMBER	REVIEWED BY
CR17-4514	M. OTTO	1L53	154

DBW FORM VAR-1 (05/14)

Exhibit 7

VESSEL ACCIDENT REPORT 1.1

CALIFORNIA STATE PARKS, DIVISION OF BOATING AND WATERWAYS PAGE 4 OF

DATE OF ORIGINAL ACCIDENT	TIME (2400)	REPORT NUMBER
08 / 26 / 2017	1000	CR17-4514

DEPUTY NAME	DEPUTY ID
DEPUTY MICHAEL OTTO	1L53

VICTIM / WITNESS NAME, ADDRESS & PHONE	VICTIM / WITNESS STATUS	RSNS IN VESSEL#	DOB/ AGE	INJURY DESCRIPTION	LIFE JACKET WORN?	COULD VICTIM SWIM?
(W3) DENIS SALYER DUTRA GROUP 2350 KERNER BLVD. SUITE 200 SAN RAFAEL, CA. 94901 1-415-258-6876	☐ INJURED ☐ DECEASED ☐ DISAPPEARED ☐ PASSENGER ONLY ☑ WITNESS ONLY			TAKEN TO HOSPITAL ☐ YES ☐ NO FACILITY _____	☐ YES ☐ NO ☐ UNKNOWN	☐ YES ☐ NO ☐ UNKNOWN
	☐ INJURED ☐ DECEASED ☐ DISAPPEARED ☐ PASSENGER ONLY ☐ WITNESS ONLY			TAKEN TO HOSPITAL ☐ YES ☐ NO FACILITY _____	☐ YES ☐ NO ☐ UNKNOWN	☐ YES ☐ NO ☐ UNKNOWN
	☐ INJURED ☐ DECEASED ☐ DISAPPEARED ☐ PASSENGER ONLY ☐ WITNESS ONLY			TAKEN TO HOSPITAL ☐ YES ☐ NO FACILITY _____	☐ YES ☐ NO ☐ UNKNOWN	☐ YES ☐ NO ☐ UNKNOWN
	☐ INJURED ☐ DECEASED ☐ DISAPPEARED ☐ PASSENGER ONLY ☐ WITNESS ONLY			TAKEN TO HOSPITAL ☐ YES ☐ NO FACILITY _____	☐ YES ☐ NO ☐ UNKNOWN	☐ YES ☐ NO ☐ UNKNOWN
	☐ INJURED ☐ DECEASED ☐ DISAPPEARED ☐ PASSENGER ONLY ☐ WITNESS ONLY			TAKEN TO HOSPITAL ☐ YES ☐ NO FACILITY _____	☐ YES ☐ NO ☐ UNKNOWN	☐ YES ☐ NO ☐ UNKNOWN
	☐ INJURED ☐ DECEASED ☐ DISAPPEARED ☐ PASSENGER ONLY ☐ WITNESS ONLY			TAKEN TO HOSPITAL ☐ YES ☐ NO FACILITY _____	☐ YES ☐ NO ☐ UNKNOWN	☐ YES ☐ NO ☐ UNKNOWN
	☐ INJURED ☐ DECEASED ☐ DISAPPEARED ☐ PASSENGER ONLY ☐ WITNESS ONLY			TAKEN TO HOSPITAL ☐ YES ☐ NO FACILITY _____	☐ YES ☐ NO ☐ UNKNOWN	☐ YES ☐ NO ☐ UNKNOWN

OBW FORM VAR 1.1 (09/14)

Exhibit 7

VESSEL ACCIDENT REPORT DEPARTMENT OF BOATING AND WATERWAYS PAGE 5 OF

SUPPLEMENTAL / NARRATIVE (CHECK ONE)	DATE OF ACCIDENT	TIME (2400)	REPORT NUMBER	CITATION NUMBER
X Narrative Continuation Vessel Accident Report	082617	1000	CR17-4514	N/A
	LOCATION			BEAT
Supplemental Vessel Accident Report	MONTEZUMA SLOUGH			5
	CITY	COUNTY		AGENCY
Other	COLLINSVILLE	SOLANO		SOLANO S.O.

FACTS:

On 082617, at approximately 1000 Hrs., Solano County Dispatch advised me a boating accident occurred in Montezuma Slough, adjacent to the Spinner Duck Club. Solano County Dispatch further advised me a house was floating in Montezuma Slough and the only portion currently visible was the top of the roof. (W1) Deputy Eric Oberreuter and I responded in a marked Solano County patrol vehicle (4416) dressed in full uniform.

On 082617, at approximately 1130 Hrs., I arrived at the incident location. I observed the top portion of a modular home located directly in front of parcel # APN 0090-120-130 Grizzly Island Rd. I recognized the top portion of the modular home as belonging to (P1) Thaddeus Woodin. The modular home was part of a special build houseboat (CF 1555 VB) registered to Woodin that has been unlawfully moored at this location since approximately 042017. I also observed a substantial amount of marine debris, floating trash and other personal items, previously observed to have been associated with Woodin's houseboat on previous contacts, scattered along the shoreline of Montezuma Slough.

SCENE:

On 082617, at approximately 1000 Hrs., a boat accident occurred along the southern shore of Montezuma Slough. Montezuma Slough is a brackish and fairly narrow tidally influenced body of water that traditionally flows in a northwest-southeast direction. During this time of year, Montezuma Slough is regularly subjected to high water levels and strong tidal currents. Montezuma Slough is regularly frequented by fishermen, hunters and recreational boaters. At the scene of the accident (38* 4'28.85 N X 121* 52'53.04" W (approximate)), Montezuma Slough measures approximately 100 yards in width with no speed restrictions.

VESSEL #1:

Vessel #1 is a special build 1988 houseboat measuring approximately 60' in length and 22' in width. The hull material is made from a steel barge of unknown make or origin and painted mostly white in color. The cabin or house portion of the special build houseboat is brown in color and fabricated from wood. The cabin or house portion of the special build houseboat measures approximately 55' in length and 16' in width. The special built houseboat is a recreational vessel and registered to Woodin located at 4281 Oakdale Place, Pittsburg, CA. 94565. The special build houseboat was almost totally submerged below the water's surface, thus making any observations of damage or unusual characteristics to Vessel #1 virtually impossible. **(SEE ATTACHED PHOTOGRAPHS)**

OTHER PERSONAL PROPERTY:

PREPARED BY (NAME RANK)	DATE			ID NUMBER	REVIEWED BY (NAME, RANK)	DATE			ID NUMBER
DEPUTY MICHAEL OTTO	09	09	17	1L53	, SGT.	09	25	17	154

DBW FORM VAR – 2 (1/00)

Exhibit 7

VESSEL ACCIDENT REPORT DEPARTMENT OF BOATING AND WATERWAYS PAGE 6 OF

SUPPLEMENTAL / NARRATIVE (CHECK ONE)	DATE OF ACCIDENT	TIME (2400)	REPORT NUMBER	CITATION NUMBER
X Narrative Continuation Vessel Accident Report	082617	1000	CR17-4514	N/A
Supplemental Vessel Accident Report	LOCATION MONTEZUMA SLOUGH			BEAT 5
Other	CITY COLLINSVILLE	COUNTY SOLANO		AGENCY SOLANO S.O.

There is the potential for total loss of various personal property and household items contained inside and on the special build houseboat. Woodin estimates the total damages and the value of the special build houseboat to be approximately $250,000.00.

INJURIES:

None.

PASSENGERS:

None.

ARRESTS:

None.

CHEMICAL TESTS:

None.

STATEMENTS:

On 082617, at approximately 1100 Hrs., I talked to (P2) Thaddeus Woodin on the telephone.

STATEMENT OF (P1) THADDEUS WOODIN

On 082617, at approximately 1115 Hrs., Woodin told me the last time he saw his houseboat was sometime between Sunday afternoon and Monday Morning. Woodin also said everything was fine with the barge when he left the property, located on Grizzly Island Rd., sometime Monday morning. Woodin told me he had no idea the houseboat had sunk. Woodin told me he would immediately respond to his property, located on Grizzly Island Rd., and raise the houseboat and pick up all the debris scattered along the shoreline of Montezuma Slough.

PREPARED BY (NAME RANK)	DATE	ID NUMBER	REVIEWED BY (NAME, RANK)	DATE	ID NUMBER
DEPUTY MICHAEL OTTO	09 09 17	1L53	, SGT.	09 25 17	154

DBW FORM VAR – 2 (1/00)

Exhibit 7

VESSEL ACCIDENT REPORT DEPARTMENT OF BOATING AND WATERWAYS PAGE 7 OF

SUPPLEMENTAL / NARRATIVE (CHECK ONE)	DATE OF ACCIDENT	TIME (2400)	REPORT NUMBER	CITATION NUMBER
X Narrative Continuation Vessel Accident Report	082617	1000	CR17-4514	N/A
	LOCATION			BEAT
Supplemental Vessel Accident Report	MONTEZUMA SLOUGH			5
	CITY	COUNTY		AGENCY
Other	COLLINSVILLE	SOLANO		SOLANO S.O.

Woodin told me he believes the Dutra Group is responsible for hitting and sinking his houseboat with a tugboat named, the "Sara Reed" and a rock barge, number "202" while repairing levees along Montezuma Slough. Woodin said although he didn't personally observe anyone from the Dutra Group actually hit or sink his houseboat with the tugboat or rock barge, it would be the only logical explanation of why his houseboat broke free from its mooring location and sunk in Montezuma Slough.

END OF STATEMENT

Due to the fact that Woodin was alleging the possibility of a commercial vessel belonging to the Dutra Group striking and sinking his houseboat in Montezuma Slough, I contacted the United States Coast Guard and the Dutra Group.

On 083017, at approximately 1000 Hrs., I talked to (W2) Paul Taylor, with the United States Coast Gard, on the telephone. I advised Taylor of Woodin's allegation of the Dutra Group possibly being responsible for striking and sinking Woodin's houseboat in Montezuma Slough.

STATEMENT OF (W2) PAUL TAYLOR

On 083017, at approximately 1000 Hrs., Taylor said he would investigate the possibility of opening a commercial boating accident investigation into Woodin's allegations of the Dutra Group possibly being responsible for sinking Woodin's houseboat. A few hours later, Taylor returned my phone call and advised me he looked into Woodin's allegations and determined that since the Dutra Group was an exemplary company and the allegations didn't quite add up, he was not going to initiate or conduct an investigation into this matter.

END OF STATEMENT

On 083017, at approximately 1400 Hrs., I talked to (W3) Denis Salyer, with the Dutra Group, on the telephone. I advised Salyer of Woodin's allegation of the Dutra Group possibly being responsible for striking and sinking Woodin's houseboat.

STATEMENT OF (W3) DENIS SALYER

On 083017, at approximately 1400 Hrs., Salyer told me he was very aware of Woodin's houseboat sinking to the bottom of Montezuma Slough. Salyer said his employees did not strike Woodin's houseboat and were not responsible for Woodin's houseboat sinking. Salyer advised me Woodin's barge had broken loose from its mooring lines earlier in the week and had floated out into the middle of the channel. Salyer further advised me that Woodin's barge began listing and slowly sinking in Montezuma Slough.

PREPARED BY (NAME RANK)	DATE	ID NUMBER	REVIEWED BY (NAME, RANK)	DATE	ID NUMBER
DEPUTY MICHAEL OTTO	09 09 17	IL53	, SGT.	09 25 17	154

DBW FORM VAR – 2 (1/00)

Exhibit 7

VESSEL ACCIDENT REPORT DEPARTMENT OF BOATING AND WATERWAYS PAGE 3 OF

SUPPLEMENTAL / NARRATIVE (CHECK ONE)	DATE OF ACCIDENT	TIME (2400)	REPORT NUMBER	CITATION NUMBER
X Narrative Continuation Vessel Accident Report	082617	1000	CR17-4514	N/A
Supplemental Vessel Accident Report	LOCATION MONTEZUMA SLOUGH			BEAT 5
Other	CITY COLLINSVILLE	COUNTY SOLANO		AGENCY SOLANO S.O.

Salyer told me his tug boat captain and crew had pictures of Woodin's house boat listing and sinking in Montezuma Slough. Salyer provided me with the photographs, via email, taken by his employees. **(SEE ATTACHED PHOTOGRAPHS)**

END OF STATEMENT

I observed the photographs (MO-5, MO-6, MO-7 and MO-8) provided by Salyer which depicted Woodin's houseboat in various stages of mooring positions and conditions. MO-5 and MO-6, taken on 072717 @ 0635 Hrs., depict Woodin's barge moored to Woodin's cabin, located on Grizzly Island Rd. MO-7, taken on 082217 @ 0634 Hrs., depicts Woodin's barge partially moored and presenting a navigational hazard along Montezuma Slough. MO-8, taken on 082417 @ 0852 Hrs., depicts Woodin's barge partially moored and presenting a navigational hazard along Montezuma Slough. **(SEE ATTACHED PHOTOGRAPHS MO-5, MO-6, MO-7 AND MO-8)**

On 090617, at approximately 1200 Hrs., I talked to (P2) Thaddeus Woodin in Suisun at, 499 Grizzly Island Rd., CA. 94585.

STATEMENT OF (P1) THADDEUS WOODIN

On 083017, at approximately 1115 Hrs., Woodin told me he last saw his houseboat on 082217 at approximately 1030 Hrs. According to Woodin, everything was fine and the houseboat was securely moored to his cabin, located on Grizzly Island Rd. Woodin said his houseboat was moored with (3) ½" or 5/8" lines and securely fastened to his property. Woodin advised me his houseboat has been known to sink in the past. Woodin advised me that sometime between the years of 2010 and 2012, his barge had sunk because of a large bullet hole, located just below the waterline. Woodin said he fixed the bullet hole with a metal patch.

Woodin told me he thought his houseboat was seaworthy, but admitted he was aware it had a history of sinking. Woodin also said that it was not unusual for his barge to have various amounts of water (4"- 6" in the bilge) inside the hull and that there was no real ideal way to observe any additional water intrusion into the hull. In addition, Woodin told me his houseboat always had a slight list, it was designed this way on purpose.

Woodin said the barge portion of his houseboat was probably manufactured sometime between the years of 1978 and 1982. Woodin told me he paid approximately $22,000.00 for the barge portion. Woodin went on to say that he estimates the total loss of his house boat and personal property to be approximately $250,000.00.

END OF STATEMENT

PREPARED BY (NAME RANK)	DATE	ID NUMBER	REVIEWED BY (NAME, RANK)	DATE	ID NUMBER
DEPUTY MICHAEL OTTO	09 09 17	1L53	, SGT.	09 25 17	154

DBW FORM VAR – 2 (1/00)

Exhibit 7

VESSEL ACCIDENT REPORT DEPARTMENT OF BOATING AND WATERWAYS PAGE 9 OF

SUPPLEMENTAL / NARRATIVE (CHECK ONE)	DATE OF ACCIDENT	TIME (2400)	REPORT NUMBER	CITATION NUMBER
X Narrative Continuation Vessel Accident Report	082617	1000	CR17-4514	N/A
Supplemental Vessel Accident Report	LOCATION MONTEZUMA SLOUGH			BEAT 5
Other	CITY COLLINSVILLE	COUNTY SOLANO		AGENCY SOLANO S.O.

CONCLUSION:

Based on these facts: I find Woodin solely and completely responsible for his houseboat sinking in Montezuma Slough for the following reasons. 1. The houseboat was illegally moored (Solano County Ordinance 18-20 (d)) to Woodin's private property since 060116, located on Grizzly Island Rd. 2. Woodin moored his houseboat with insufficient means (Solano County Ordinance 18-22 (a)) in order to prevent the houseboat from breaking loose from its mooring location. 3. Woodin, by his own admission, stated his houseboat has sunk in the past. 4. Woodin, by his own admission, was present on his property, located on Grizzly Island Rd., and failed to properly address the fact that his houseboat that was causing a serious navigation hazard (Harbors and Navigation 131) in Montezuma Slough on 082217 and failed to mitigate it.

Woodin was cited for numerous Harbors and Navigation Hazards regarding the sinking of his houseboat in Montezuma Slough, Case Number CR17-4513.

The specific reason why Woodin's houseboat sank after breaking away from its mooring location isn't readily apparent at this time. Only after the barge portion of the houseboat is removed from the water and thoroughly inspected, may the actual cause of why the barge sank be determined. The probability that Woodin will raise or financially be able to have the barge raised is highly unlikely. Preliminary estimates from licensed salvage companies are somewhere in the realm of $100,000.00 to $150,000.00. In order for the Solano County Sheriff's Office to financially fund this endeavor, the County must first secure State Grant Funds. This process could take up to one year. In an abundance of caution, the Solano County Sheriff's Office retained the services of a professional dive and salvage company to secure and mark the sunken barge portion of woodin's houseboat with hazard buoys at a cost of approximately $6,000.00.

RECOMMENDATIONS:

None.

PREPARED BY (NAME RANK)	DATE	ID NUMBER	REVIEWED BY (NAME, RANK)	DATE	ID NUMBER
DEPUTY MICHAEL OTTO	09 09 17	1L53	, SGT.	09 25 17	154

DBW FORM VAR – 2 (1/00)

Exhibit 7

VESSEL ACCIDENT REPORT

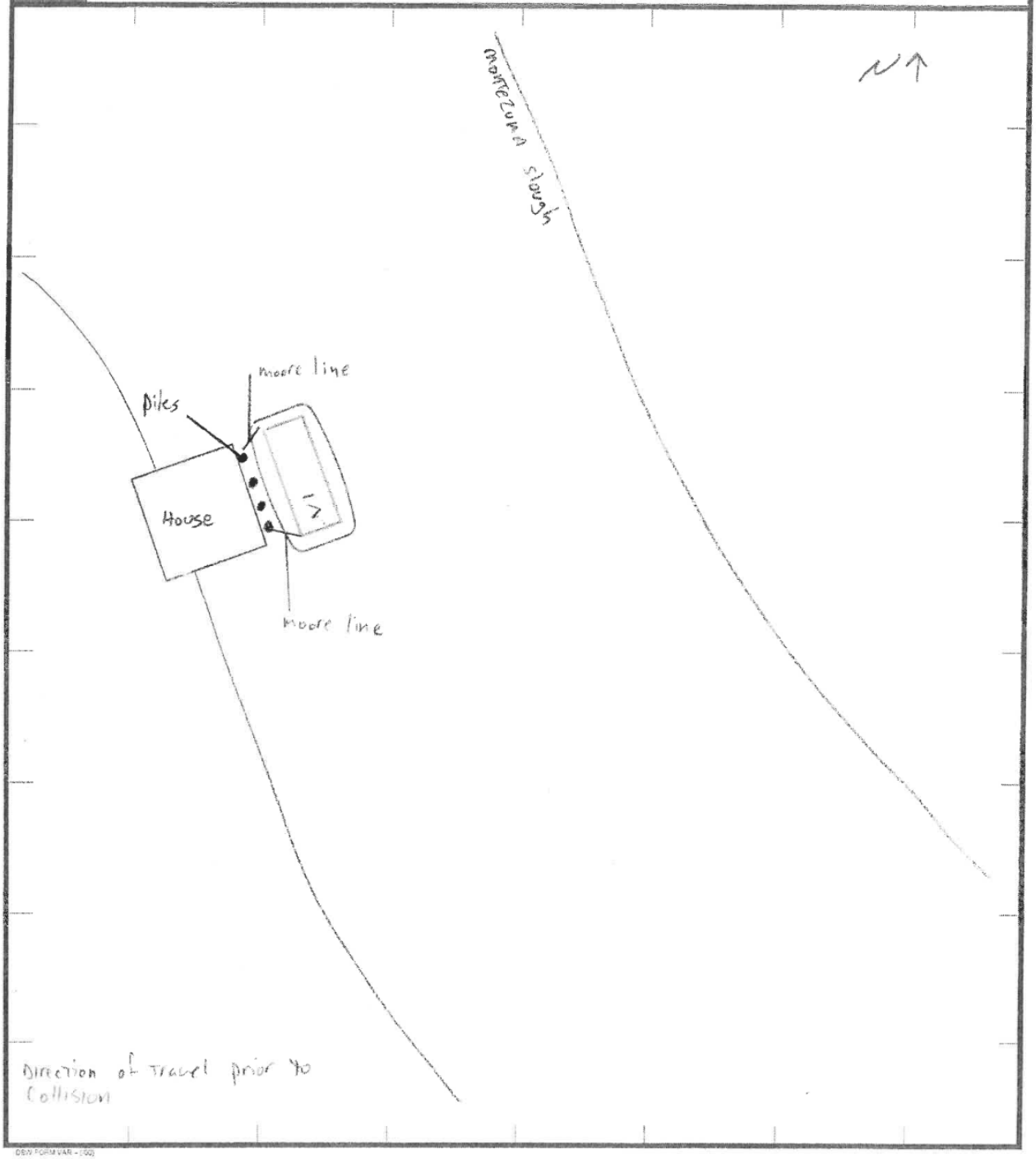
CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS PAGE 10 OF

FACTUAL DIAGRAM – NARRATIVE CONTINUATION

DATE OF ORIGINAL ACCIDENT			TIME (2400)	REPORT NUMBER
08	26	2017	1000	CR 4514

OFFICER NAME	OFFICER ID
DEPUTY MICHAEL OTTO	1L53

ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =)



DBW FORM VAR - (100)

Exhibit 7

VESSEL ACCIDENT REPORT

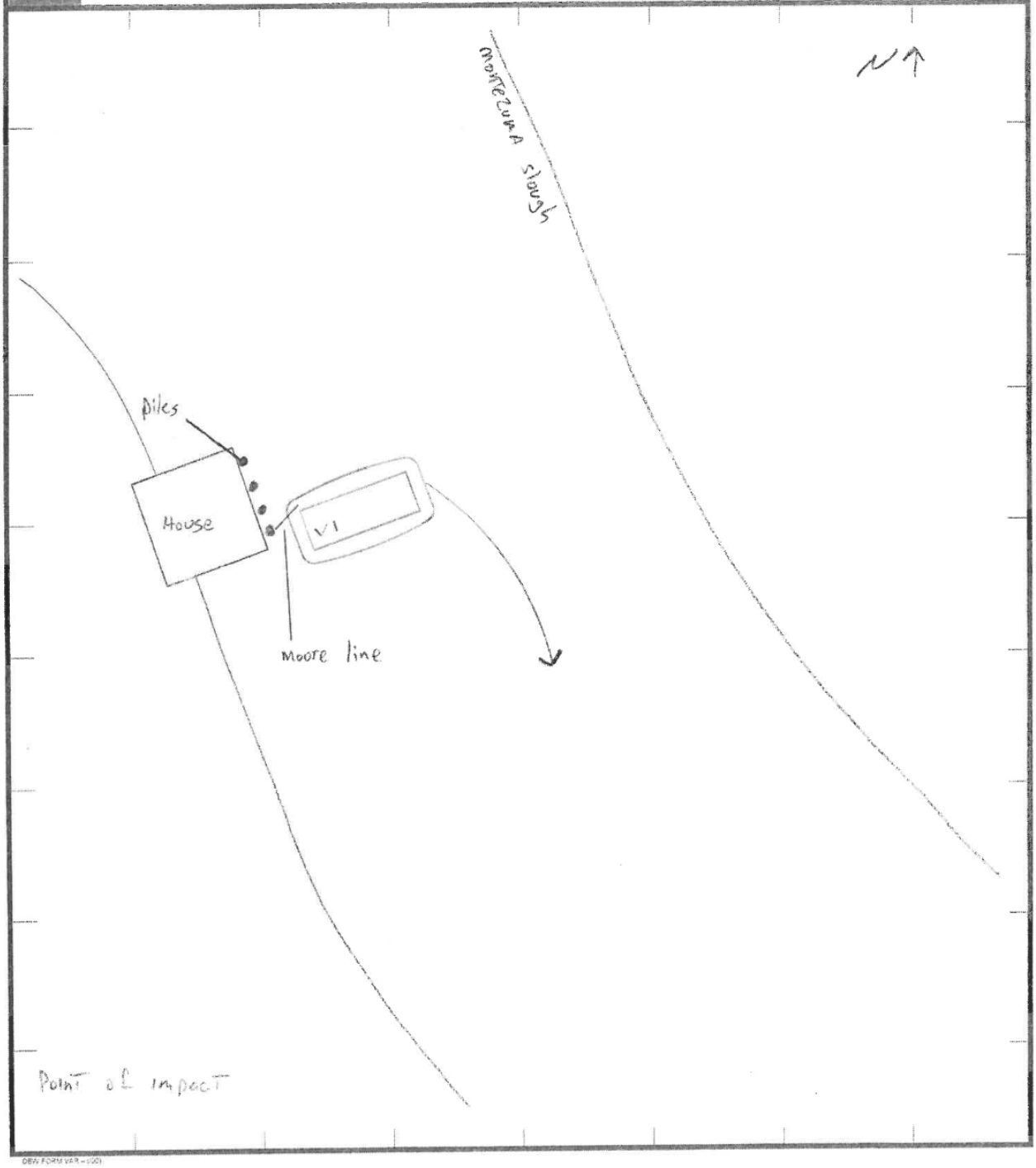
CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS PAGE 11 OF

FACTUAL DIAGRAM – NARRATIVE CONTINUATION

DATE OF ORIGINAL ACCIDENT			TIME (2400)	REPORT NUMBER
08	26	2017	1000	CR1 514

OFFICER NAME	OFFICER ID
DEPUTY MICHAEL OTTO	1L53

ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =)



DEA FORM VER – 001

Exhibit 7

VESSEL ACCIDENT REPORT

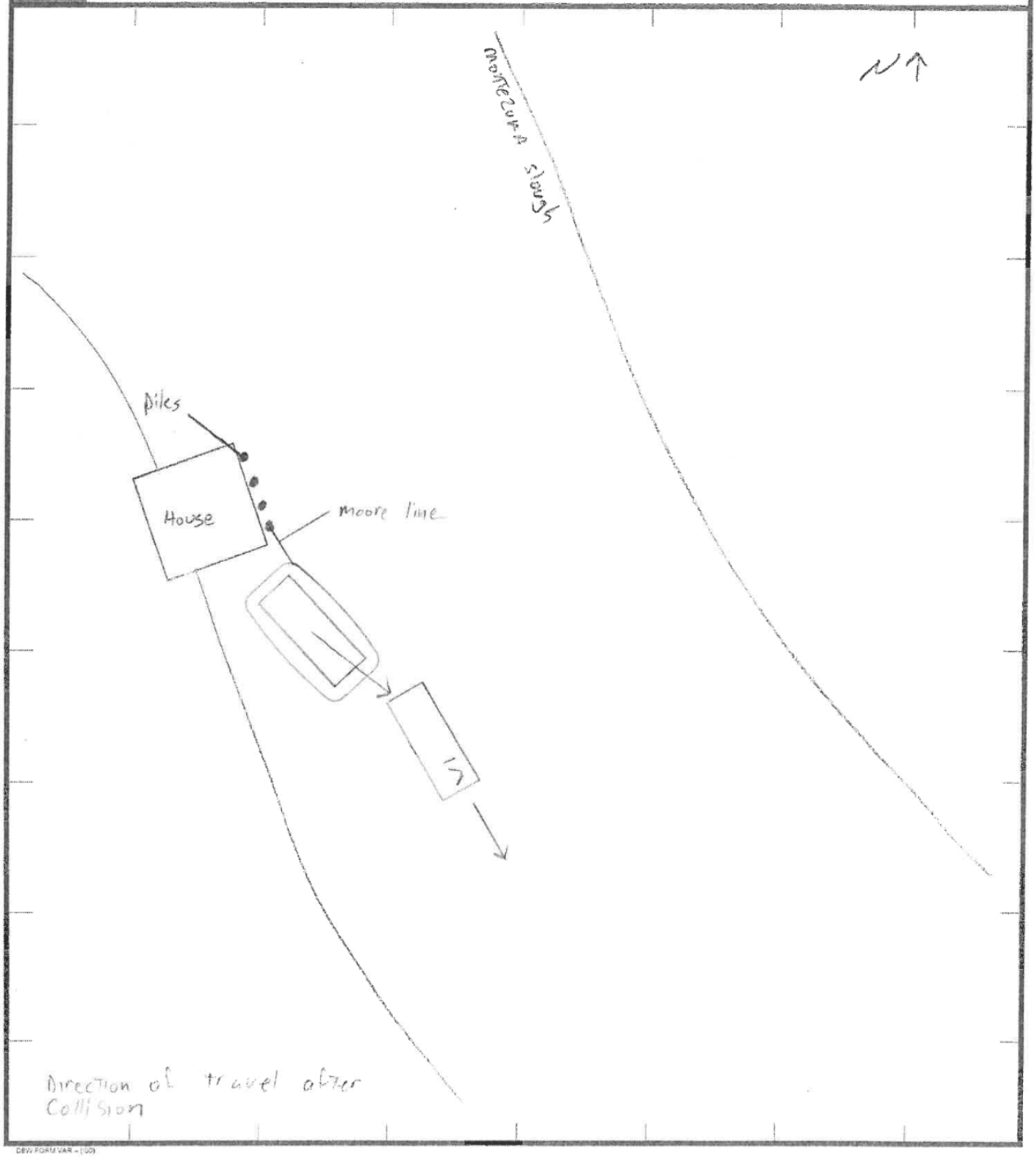
CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS PAGE 1 2 OF

FACTUAL DIAGRAM – NARRATIVE CONTINUATION

DATE OF ORIGINAL ACCIDENT			TIME (2400)	REPORT NUMBER
08	26	2017	1000	CR 1514

OFFICER NAME	OFFICER ID
DEPUTY MICHAEL OTTO	1L53

ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =)



DEV FORM VAR – (10)

Exhibit 7

VESSEL ACCIDENT REPORT

DEPARTMENT OF BOATING AND WATERWAYS PAGE 17 OF

SUPPLEMENTAL / NARRATIVE (CHECK ONE)	DATE OF ACCIDENT	TIME (2400)	REPORT NUMBER	CITATION NUMBER
Narrative Continuation Vessel Accident Report	082617	1000	CR17-4514	CR17-4514
Supplemental Vessel Accident Report	LOCATION MONTEZUMA SLOUGH			BEAT 5
X Other	CITY COLLINSVILLE	COUNTY SOLANO		AGENCY SOLANO CO.

PHOTO LOG

MO-1	OVERHEAD	OVERHEAD INCIDENT LOCATION
MO-2	VESSEL 1	BEFORE PHOTO OF VESSEL 1
M0-3	VESSEL 1	UNLAWFUL MOORE TAG 060117
M0-4	TAG	UNLAWFUL MOORE TAG 060117
M0-5	VESSEL 1	VESSEL 1 MOORED 072717
M0-6	VESSEL 1	VESSEL 1 MOORED 072717
MO-7	VESSEL 1	VESSEL 1 ADRIFT 082217
MO-8	VESSEL 1	VESSEL 1 ADRIFT 082417
M0-9	VESSEL1	VESSEL 1 SUNK
M0-10	DEBRIS	VARIOUS DEBRIS
M0-11	DEBRIS	VARIOUS DEBRIS
MO-12	DEBRIS	VARIUOS DEBRIS
MO-13	VESSEL 1	VESSEL 1 HOUSE PORTION
MO-14	VESSEL 1	VESSEL 1 BEING MARKED WITH NAVIGATIONAL HAZARD MARKERS

PREPARED BY (NAME RANK)	DATE	ID NUMBER	REVIEWED BY (NAME, RANK)	DATE	ID NUMBER
DEPUTY MICHAEL OTTO	09 09 17	1L53	SGT.	09 25 17	154

DBW FORM VAR – 2 (1/00)

Exhibit 7

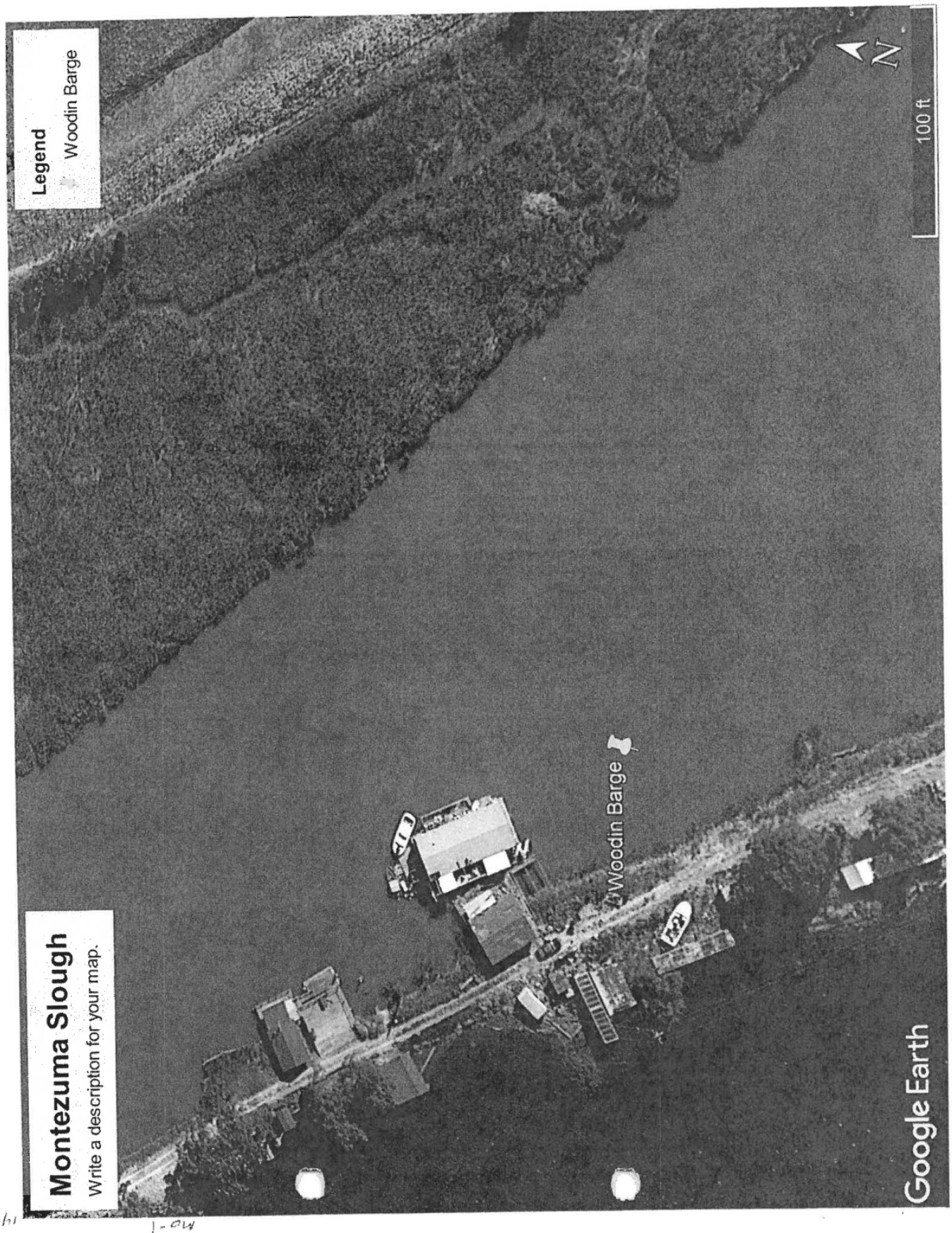

Montezuma Slough
Write a description for your map.
Legend
Woodin Barge
Woodin Barge
100 ft
N
Google Earth

Exhibit 7

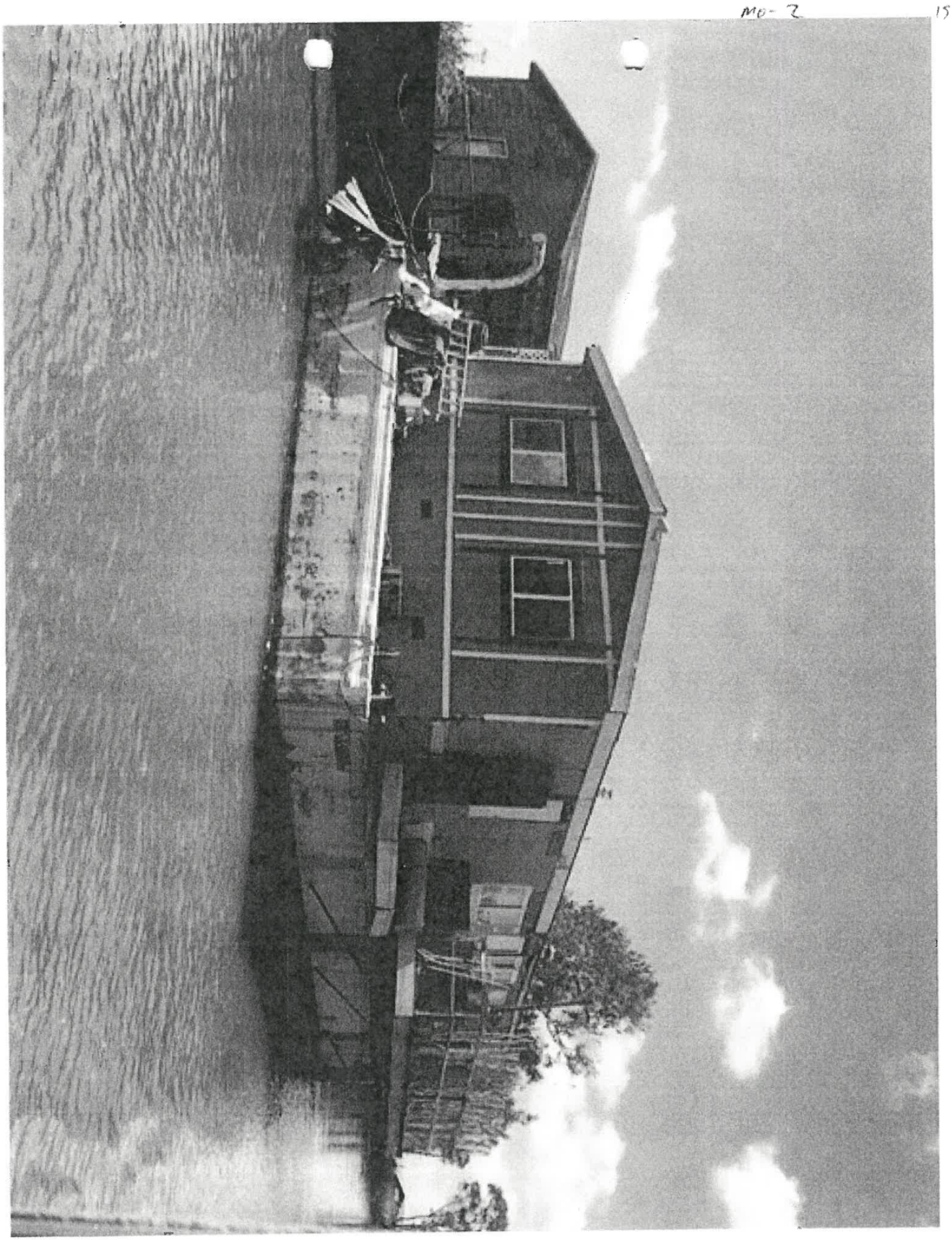


Exhibit 7

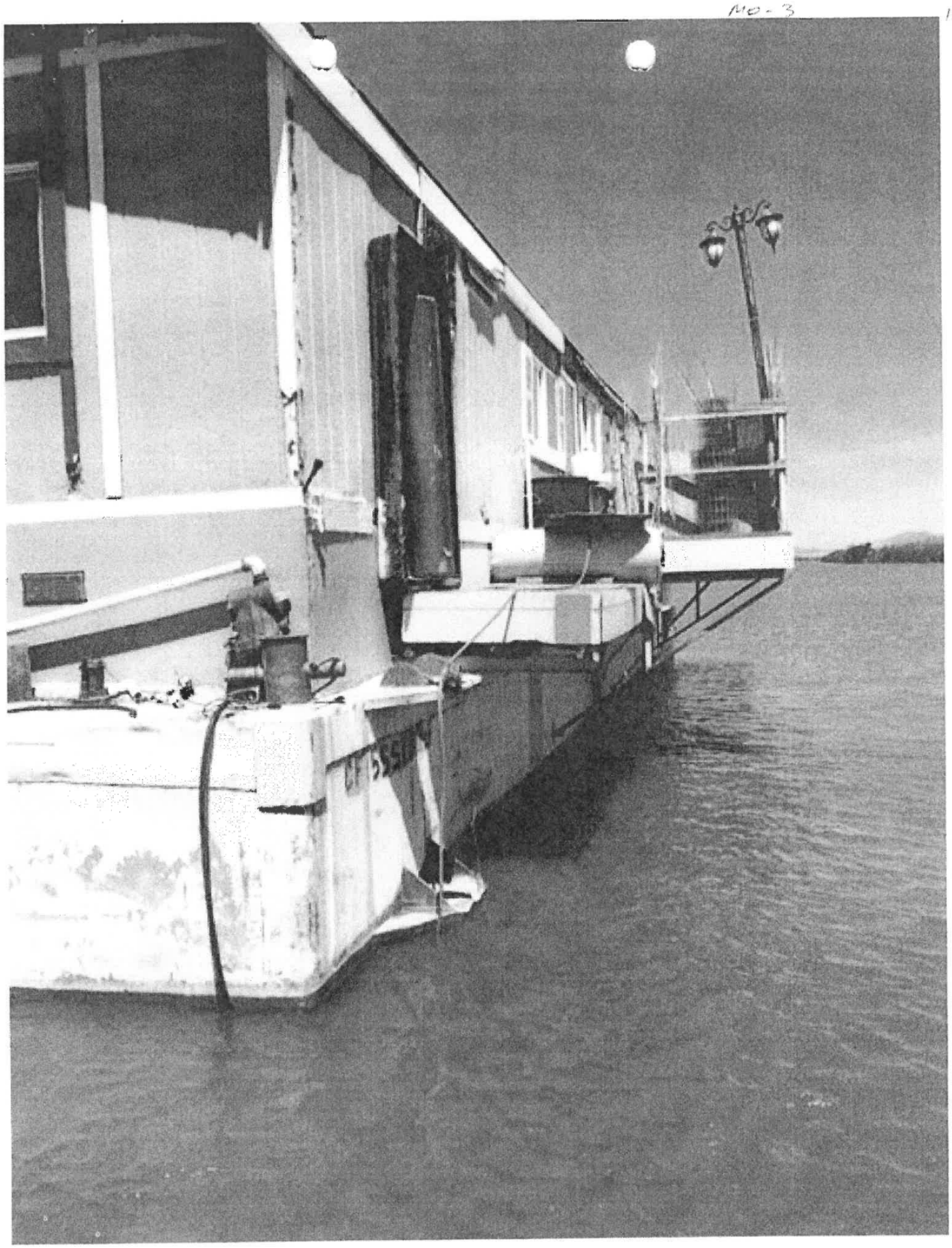


Exhibit 7

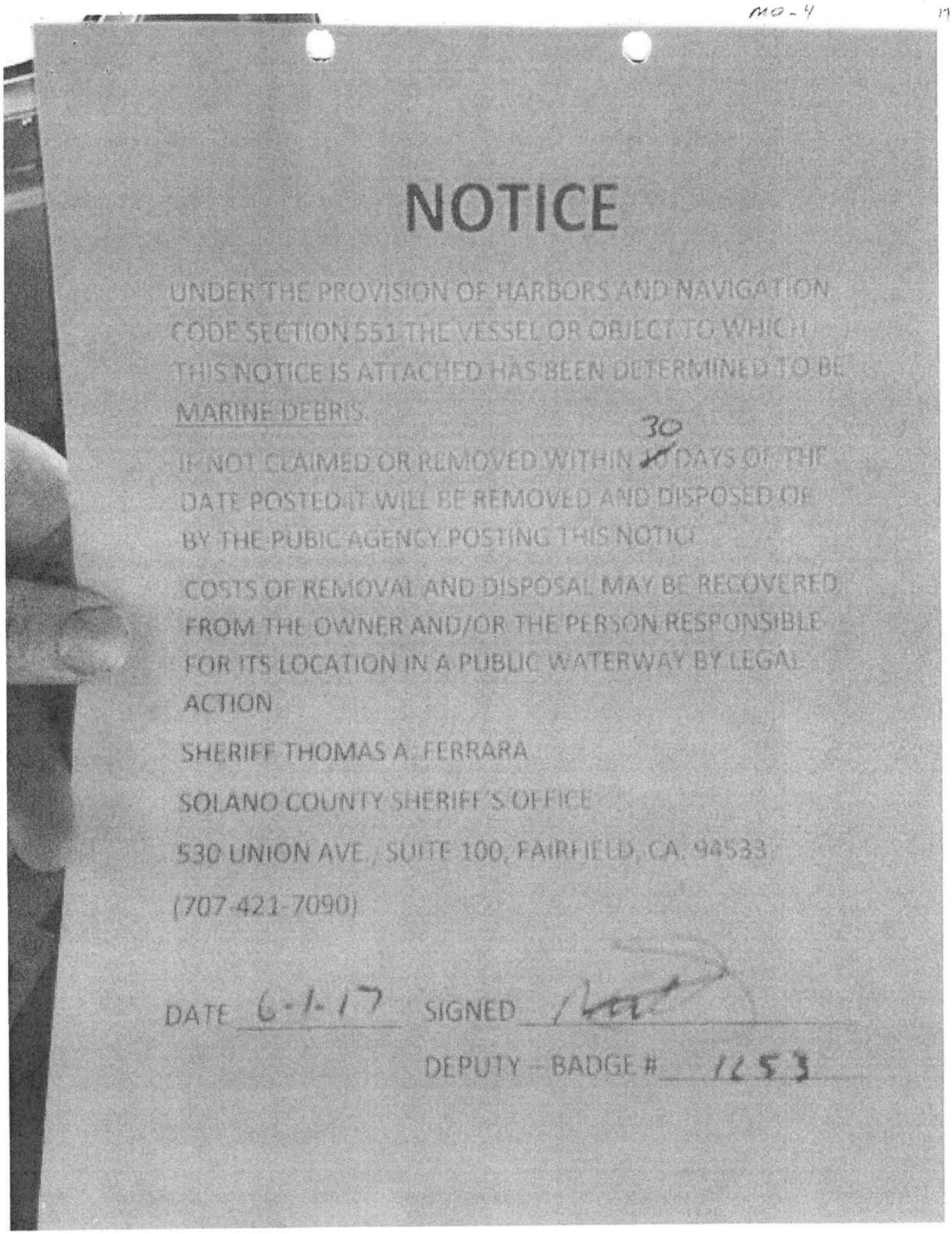
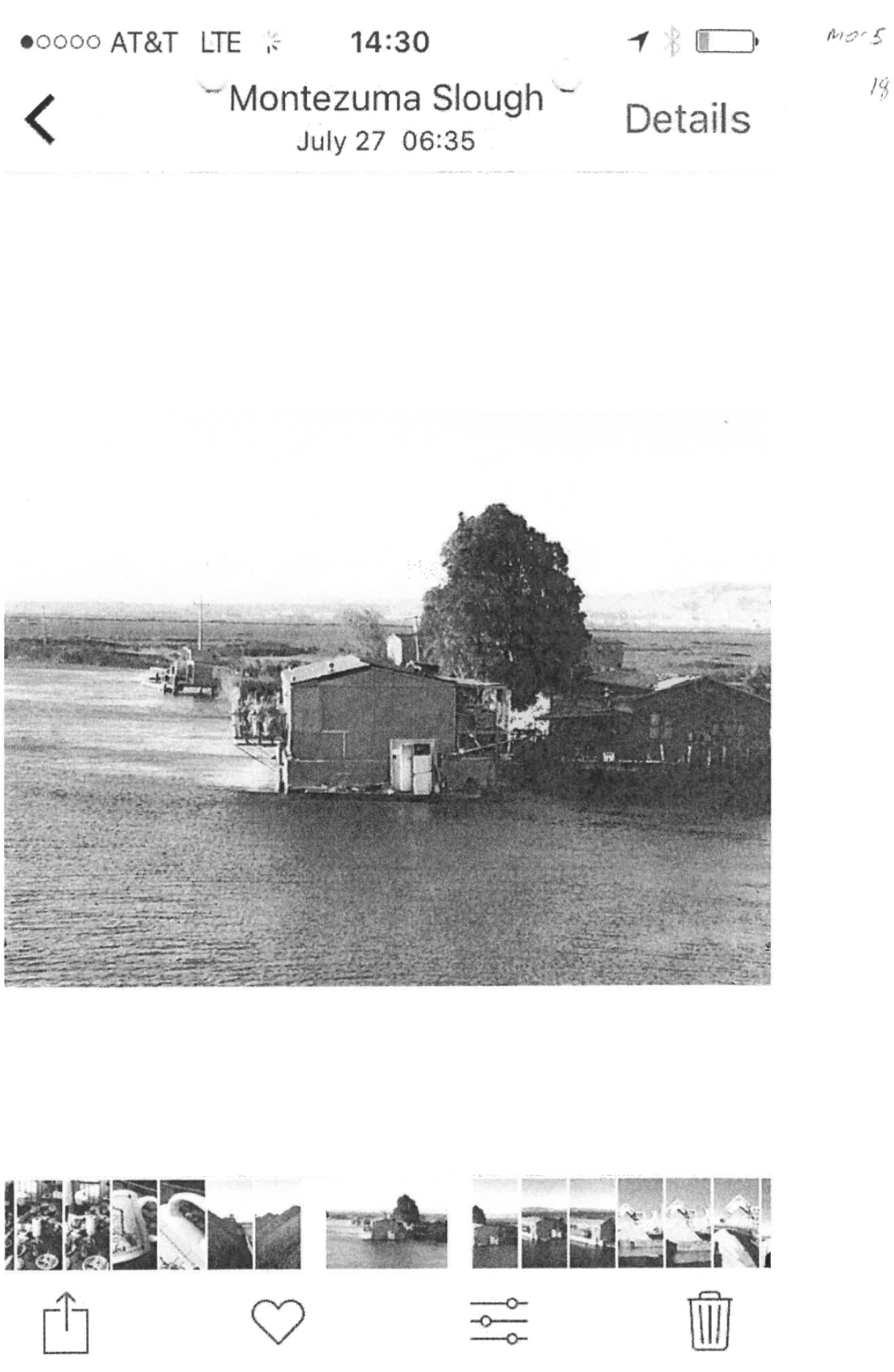

NO-4
NOTICE
UNDER THE PROVISION OF HARBORS AND NAVIGATION CODE SECTION 551 THE VESSEL OR OBJECT TO WHICH THIS NOTICE IS ATTACHED HAS BEEN DETERMINED TO BE MARINE DEBRIS.
IF NOT CLAIMED OR REMOVED WITHIN 30 DAYS OF THE DATE POSTED IT WILL BE REMOVED AND DISPOSED OF BY THE PUBIC AGENCY POSTING THIS NOTICE
COSTS OF REMOVAL AND DISPOSAL MAY BE RECOVERED FROM THE OWNER AND/OR THE PERSON RESPONSIBLE FOR ITS LOCATION IN A PUBLIC WATERWAY BY LEGAL ACTION
SHERIFF THOMAS A. FERRARA
SOLANO COUNTY SHERIFF'S OFFICE
530 UNION AVE., SUITE 100, FAIRFIELD, CA. 94533
(707-421-7090)
DATE 6-1-17 SIGNED
DEPUTY – BADGE # 1253

Exhibit 7



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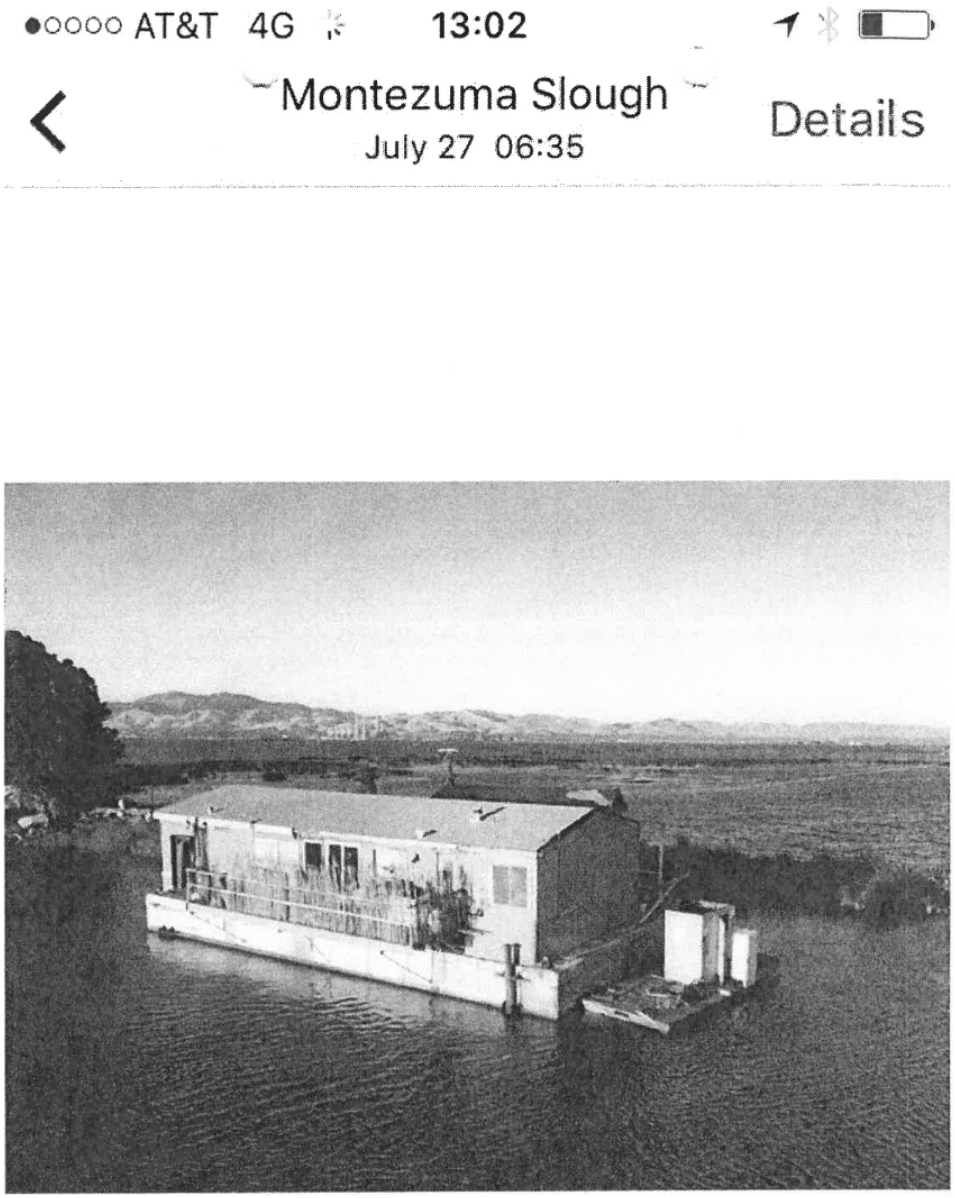

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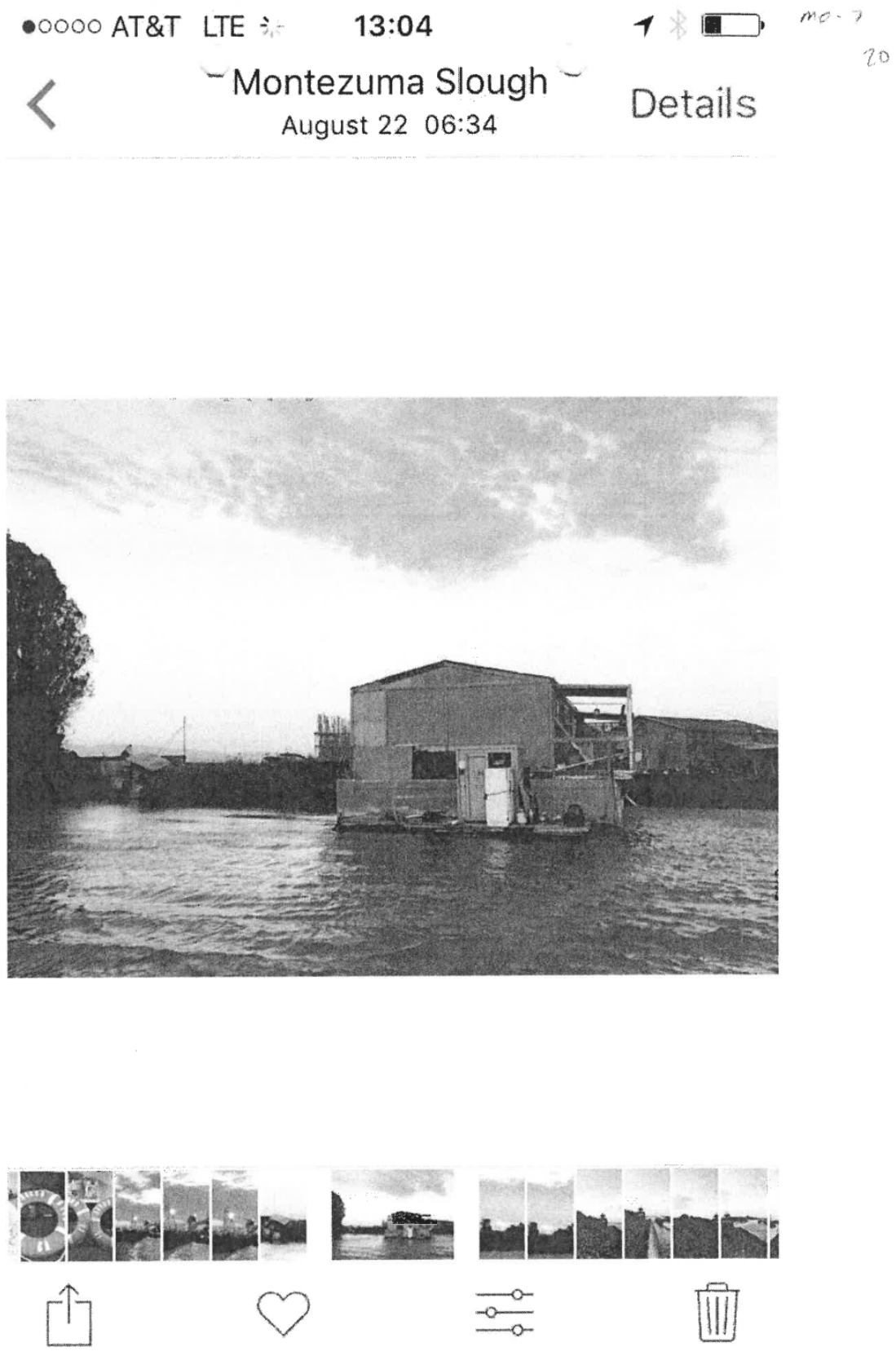

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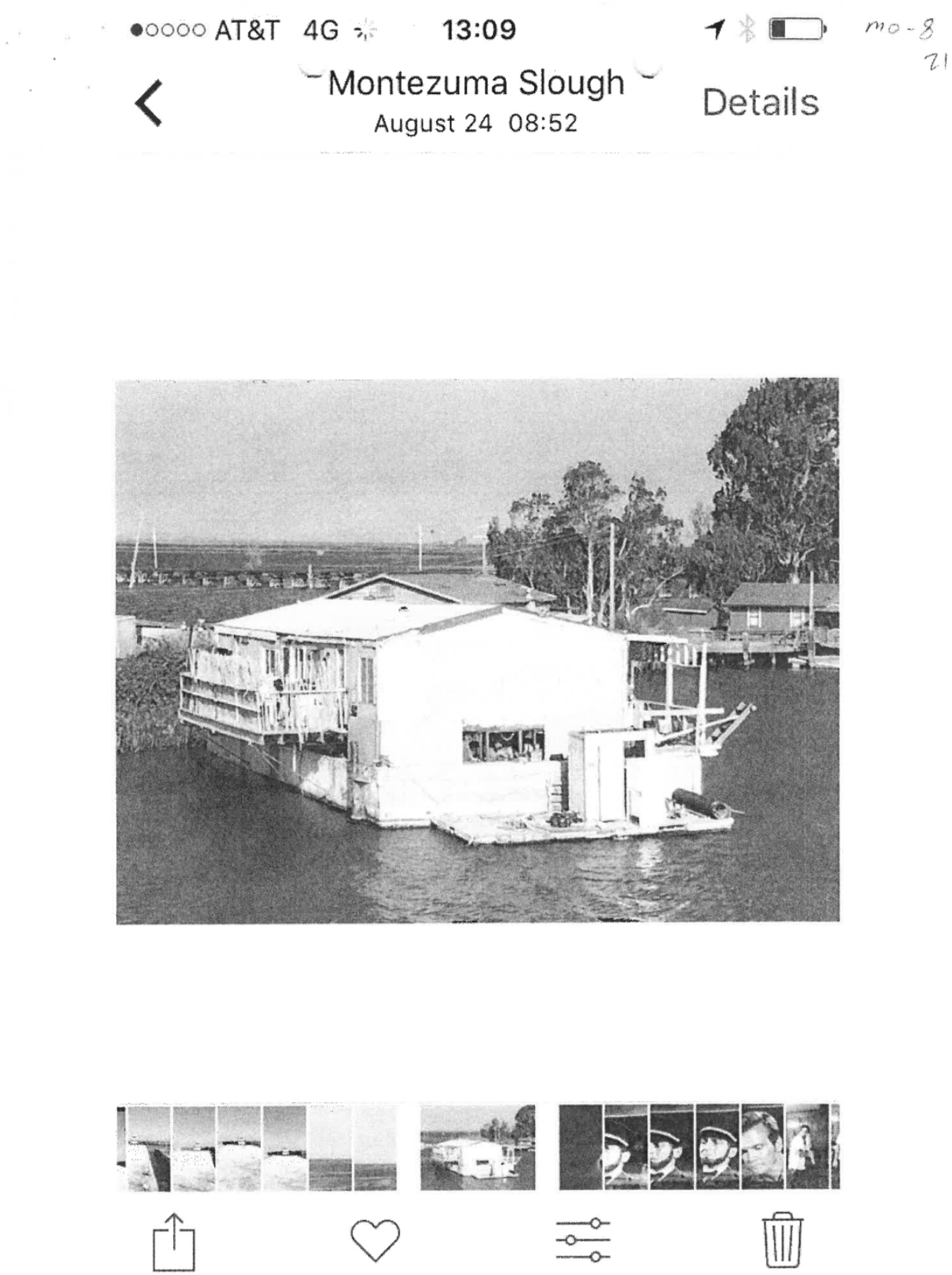

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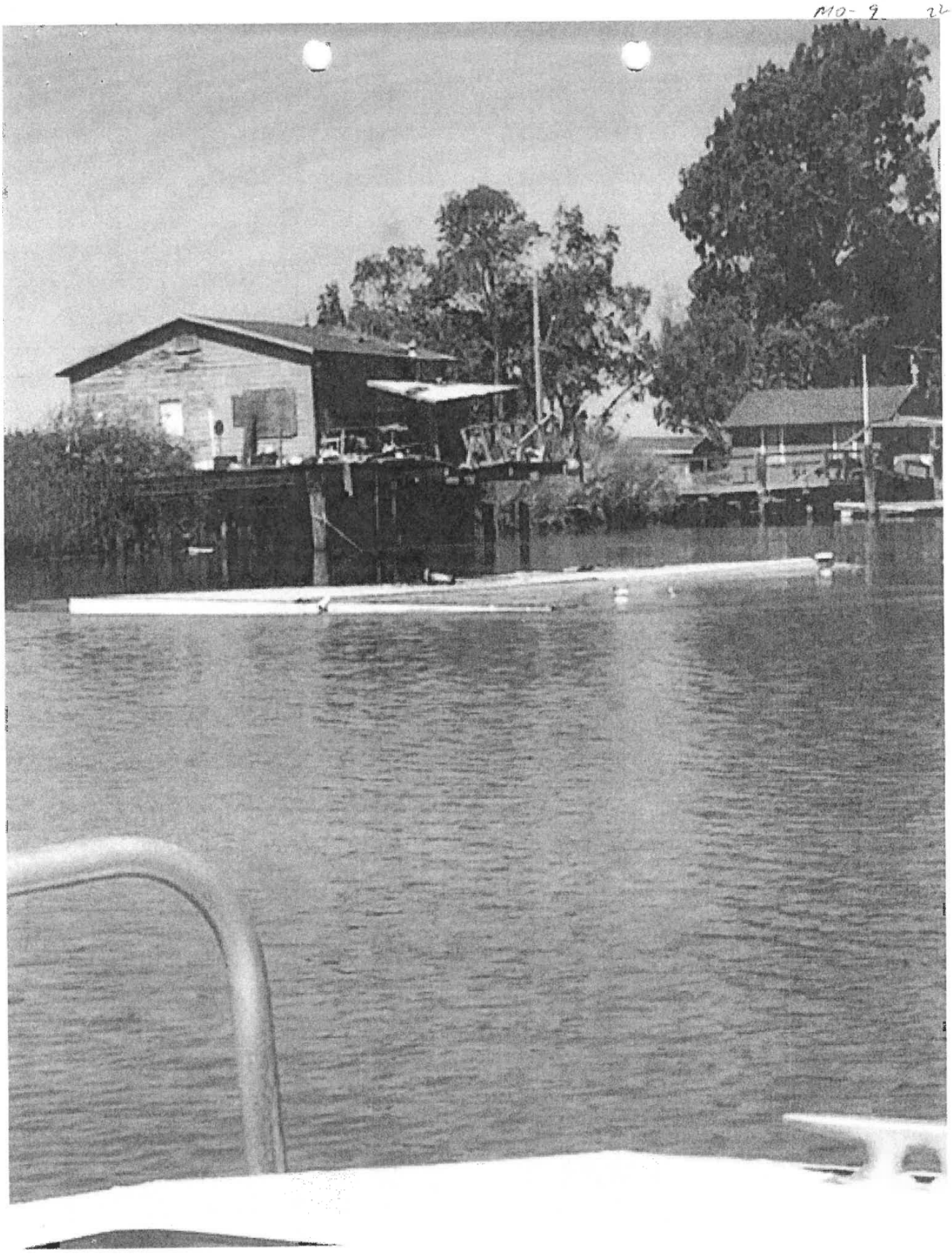
Exhibit 7



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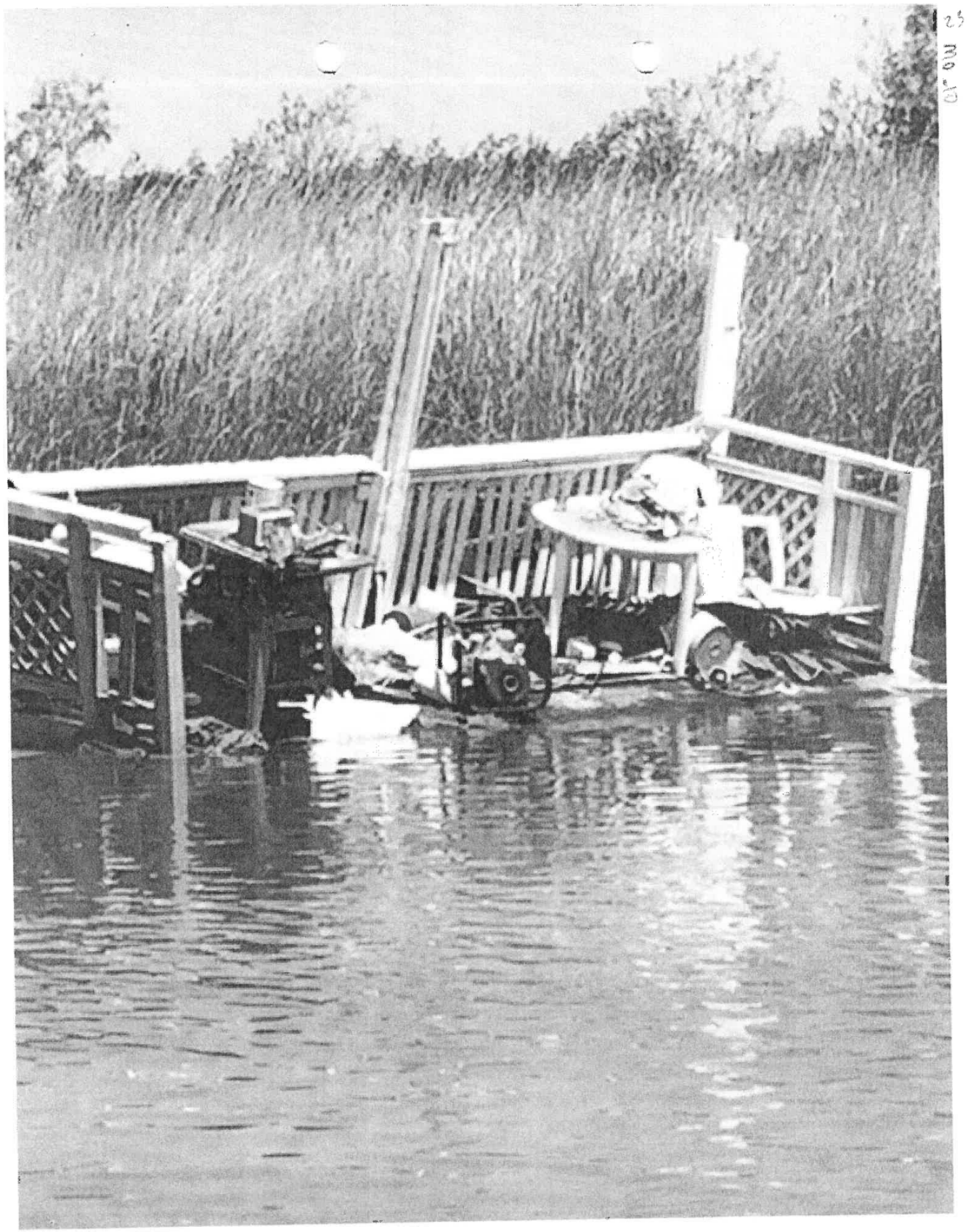

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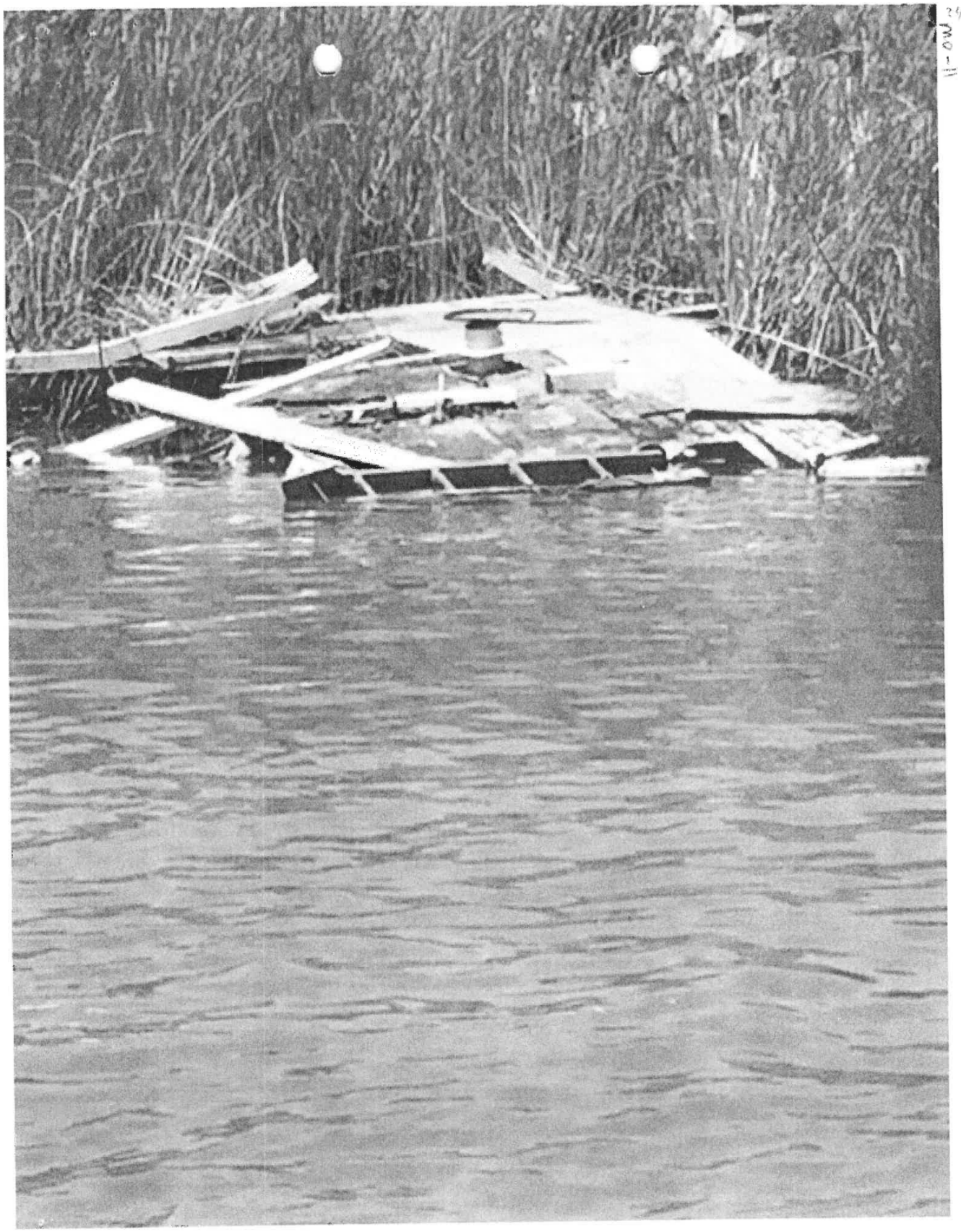

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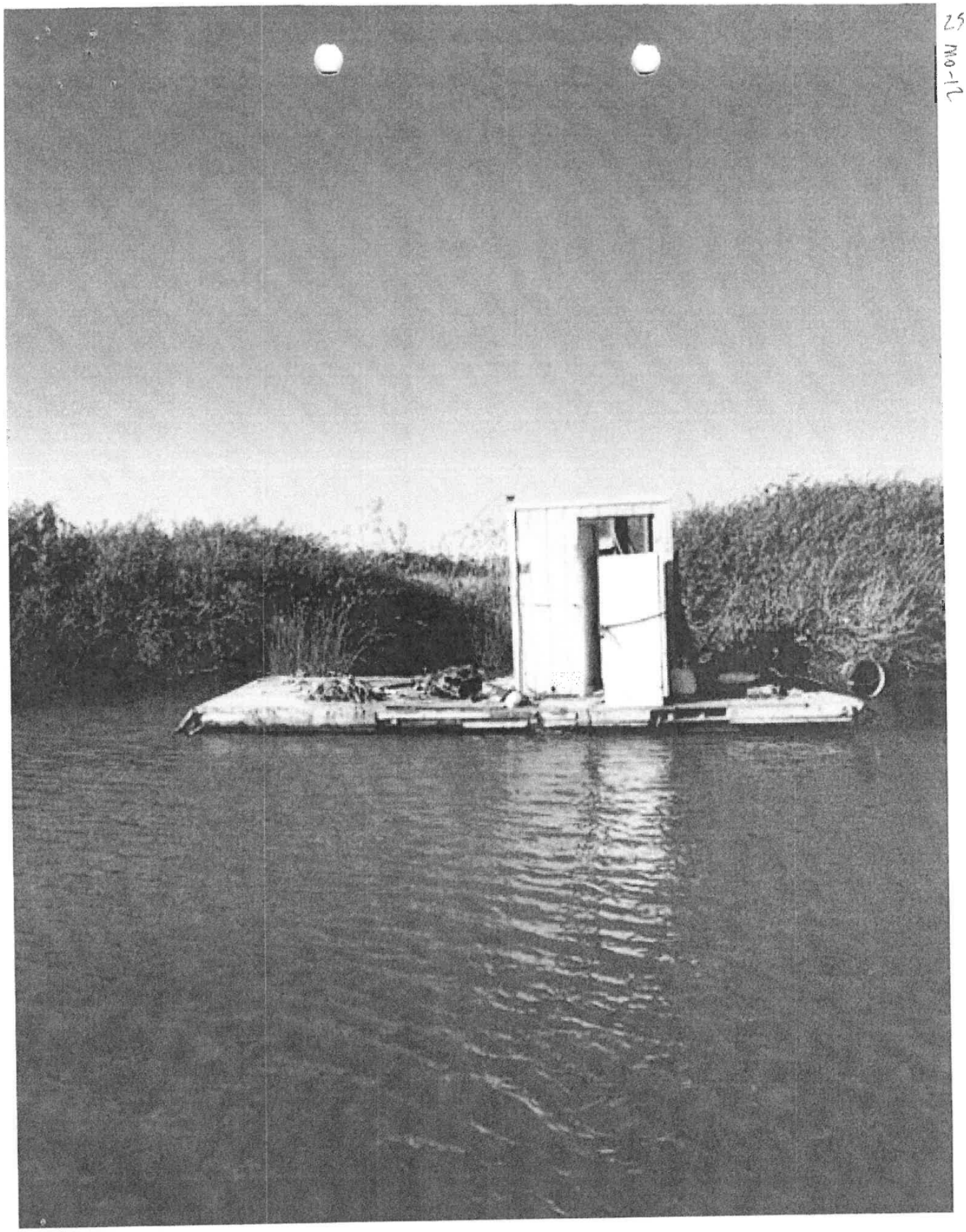

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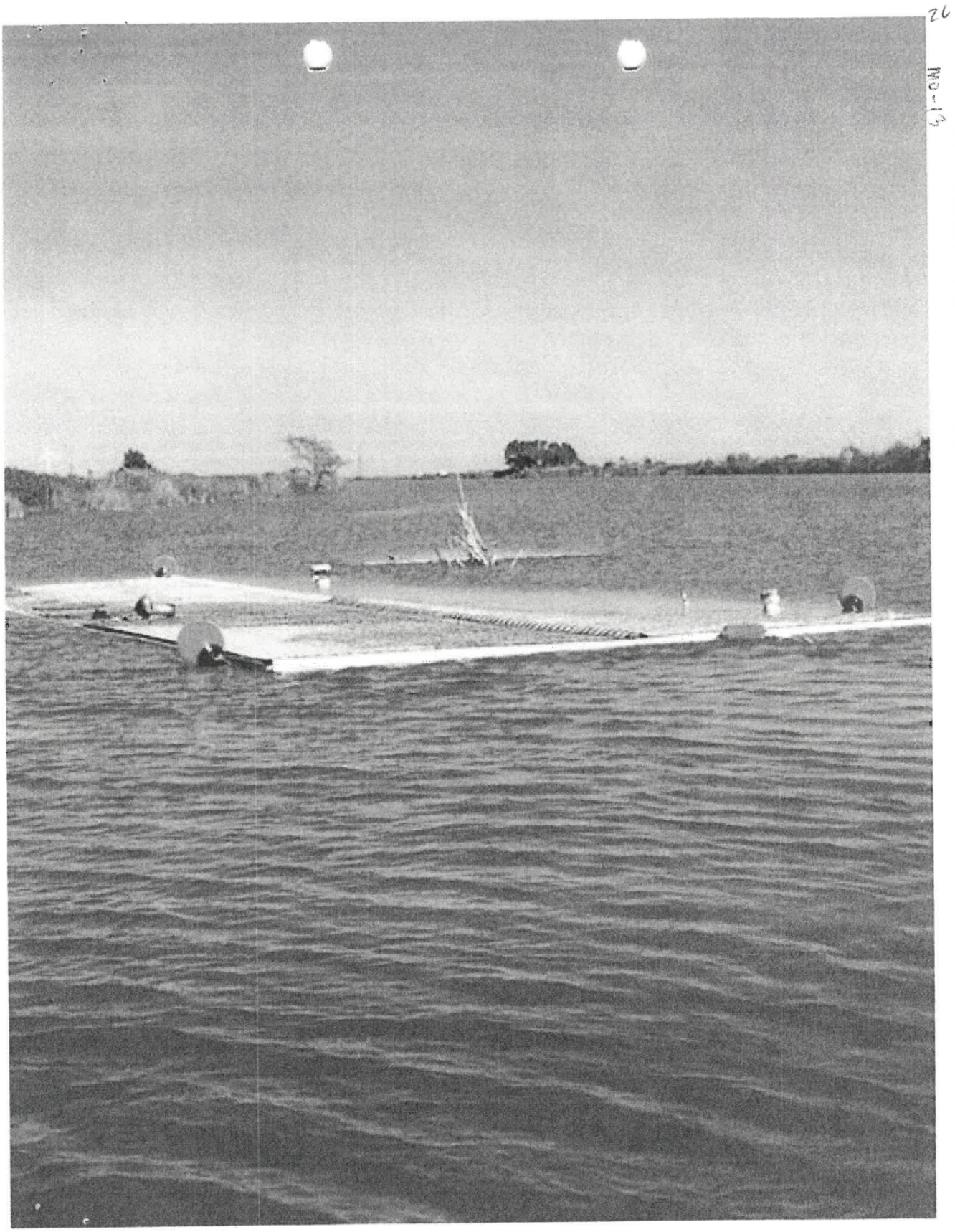

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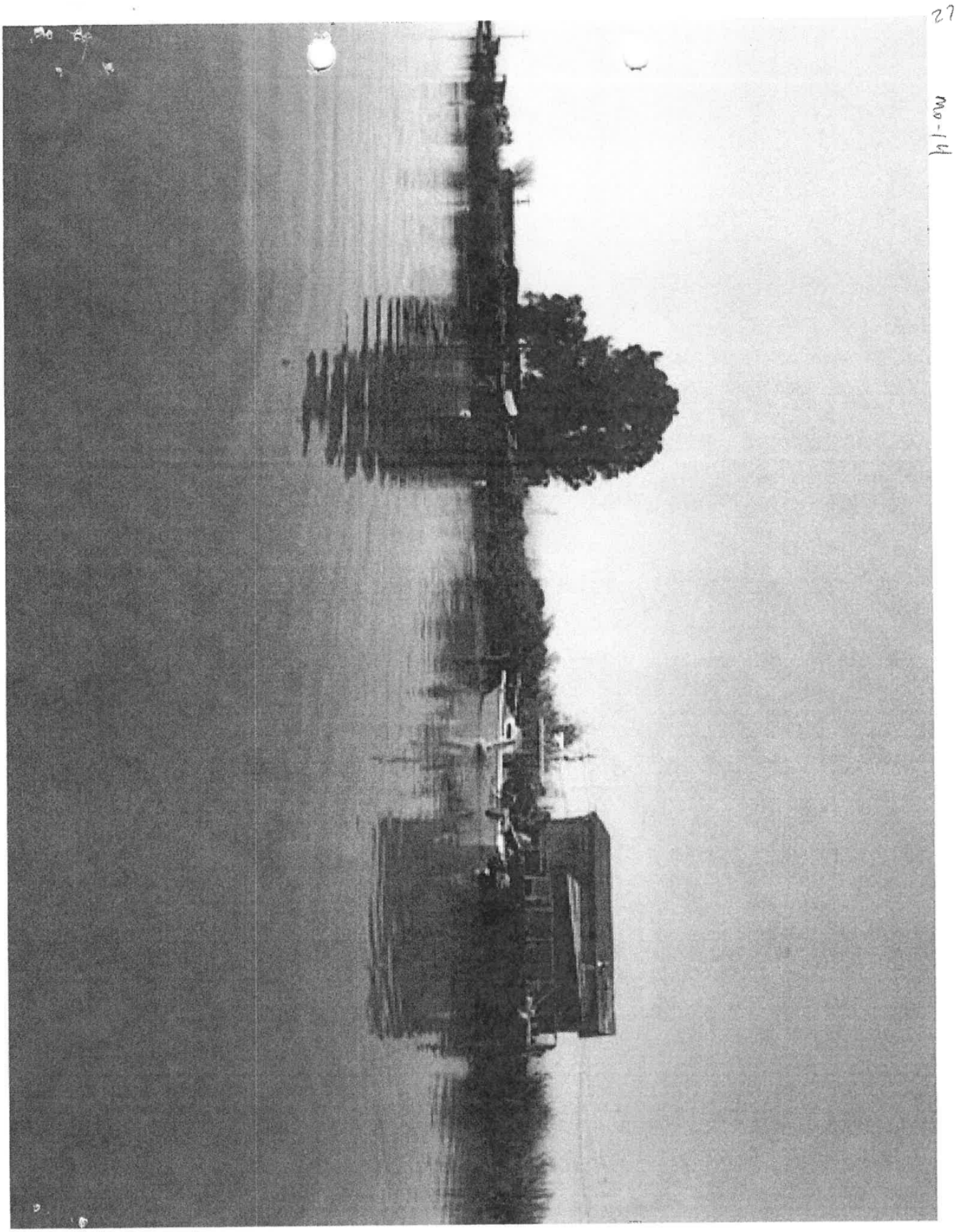

Exhibit 7

Outlook

RE: Case inquiry involving vessel traffic in the Montezuma Slough

From Davis, James R MIL USCG CGIS PAC REG (USA) <James.R.Davis@uscg.mil>
Date Thu 5/22/2025 9:33 AM
To Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>

Good morning, Anne,
I just got off of the phone again with USCG VTS San Francisco, and they informed me they only keep their records for 30 days, and they do not have anything from August 2017. Sorry for the delay in the response, just wanted to be thorough and accurate.

Respectfully,

James R. Davis
SPECIAL AGENT
COAST GUARD INVESTIGATIVE SERVICE
ALAMEDA RESIDENT AGENT OFFICE
PACIFIC FIELD OFFICE
(C) 510-421-1391
JAMES.R.DAVIS@USCG.MIL

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From: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Sent: Friday, May 9, 2025 12:49 PM
To: Davis, James R MIL USCG CGIS PAC REG (USA) <James.R.Davis@uscg.mil>
Subject: [Non-DoD Source] Case inquiry involving vessel traffic in the Montezuma Slough

Hi Agent Davis,

Enormous thanks for your help with my case - I really appreciate it! Again, I wanted to see if the Coast Guard's Vessel Traffic Service tracks barges, tug boats, and other commercial vessels that transit through the Montezuma Slough in the Suisun Marsh - or at least did so in August 2017.

If so, I wanted to see if it has tracking data from any vessels operated by the Dutra Group that travelled through the slough from Aug. 25-27, 2017. I'm asking because I'm examining whether one may have struck a barge with a house on it that sunk in the slough on Aug. 25 or 26 of that year. They probably would have been transiting in both directions through it. I have confirmed that a Dutra tug and possibly another vessel were in the area on Aug. 22 and 24.

Thanks very much.
Regards,
Anne

Exhibit 7

Anne Usher

Enforcement Policy Analyst

(415) 352-3662

Anne.Usher@bcdc.ca.gov

San Francisco Bay Conservation and Development Commission

http://bcdc.ca.gov/enforcement

375 Beale St., Suite 510

San Francisco, CA 94105

FAX: (415) 352-3606

Main Number: (415) 352-3600

Business Days & Hours: M-F 8:30a – 5:00p

Exhibit 7

A staff photo from a site visit on Dec. 11, 2024. The two objects above the water mark where the barge lies.



Exhibit 7

BARGE VIOLATION SUMMARY

Thad Woodin's two barges, moored in the Montezuma Slough near his parcel on Van Sickle Island, were evident in Google Earth satellite imagery taken on Sept. 30, 2011. The red circle shows his home. One of the barges had a house atop it and the other served as a platform for his equipment.



That year, the State Lands Commission sued Thad over his barges and boats in the slough (SLC September 2011 staff report). SLC has jurisdiction in the Montezuma Slough up to the mean high tide line but doesn't within Van Sickle. It secured a judgment against him in November 2012 requiring him to remove his vessels and docks from the water. The barge that served as a houseboat is no longer evident in Google Earth satellite imagery taken on May 30, 2012, below.

Exhibit 7



By Jan. 30, 2013, Thad had removed the other barge from the slough and had moved a floating platform that had been alongside it to the front of his house (see below). Thad had moved his barges to a location where the county said it was illegal to moor them. In March of that year, Solano County Deputy Brian Miller asked him to give the county a verifiable mooring lease, docking agreement, or other legal documentation allowing him to moor and/or move his barges. Miller warned him that if he doesn't furnish this, they will remove the barges soon (emails that Thad shared).

Exhibit 7



By 2016, the platform was in two pieces, below.



By May of 2017, his barge with the house atop it—or one that is nearly identical—is back. This time, the roof is pitched.

Exhibit 7



A former Solano County Marine Patrol officer, Sgt. Brady Graham, shared this photo, below, of the houseboat before it sunk.



Thad said the house, which he claims was not insured, sat atop a metal lash barge, a four-piece platform that measured 68 feet by 33 feet. The marine patrol estimated that it was 60 feet x 22 feet and said that it was registered to Thad. Built in 1988, the house was partly constructed of wood. Solano County Deputy Mike Otto stated in an accident report that he filed on the barge's sinking that it had been unlawfully moored next to Thad's home since around April 2017 (Accident Report #CR17-4514).

Exhibit 7

On or shortly before the morning of Aug. 26, 2017, the barge sank and the house broke apart. Otto's report stated that it sunk around 10 a.m. on that date. Christopher Lanzafame, the secretary of Van Sickle Island's reclamation district, took a photo of the top of the house just above the water line on the same day, but said he recalled taking it a day or two after it began to sink.

Thad told BCDC staff that he believes that a barge or tug operated by the Dutra Group struck his barge and Otto's report notes a collision. Dutra denies the accusation and Otto concluded that Thad was responsible for the barge's sinking, stating it was moored insufficiently and illegally and that Thad said his houseboat had sunk in the past, had been at his property around the time of the incident, and had failed to reposition the houseboat so that it did not pose a navigational hazard. The Solano County Sheriff's Office cited Thad for 'harbors and navigation' hazards (case number CR17-4513).

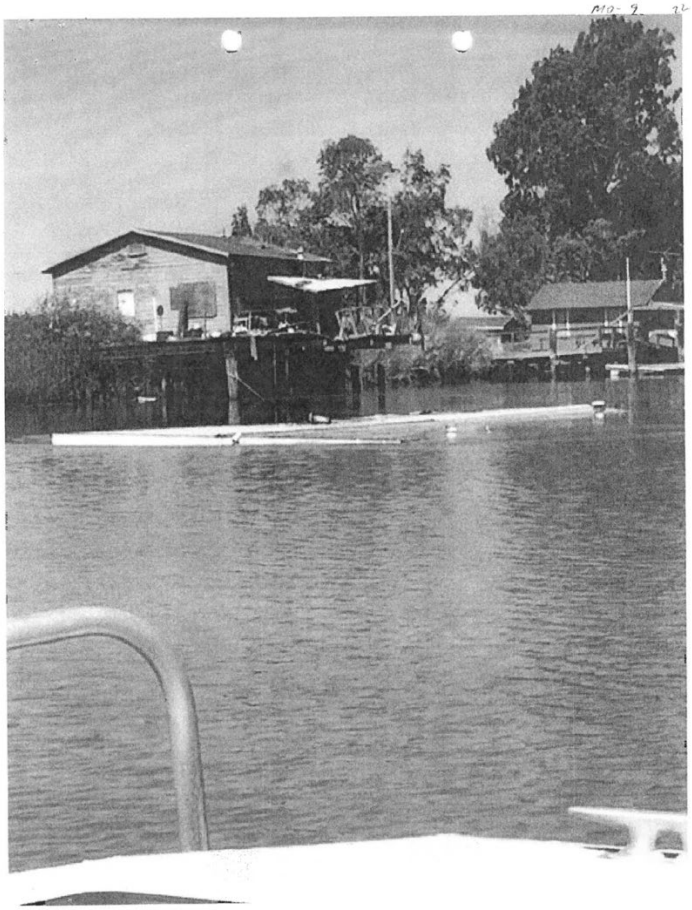
Denis Salyer, a Dutra manager, gave Otto photos showing that the houseboat posed a navigational hazard—stating that it had broken loose from its mooring lines earlier in the week and had floated out into the middle of the channel—and told Otto that the barge had been listing and sinking (accident report and photos dated July 27, 2017, and Aug. 22 and 24, 2017).

Portions of a logbook that Dutra provided to BCDC corroborate that a Dutra vessel transited through the Montezuma Slough on Aug. 22 and 24, 2017. Entries on Aug. 25 and 28, 2017, also show this activity.

A Dutra barge, accompanied by a tugboat, travels up the slough several times a year to work at the Salinity gate just a few hundred meters to the north of Thad's house, Lanzafame said. Dutra was a subcontractor to Unico for this work for the Department of Water Resources, but the contract started in 2020, implying that it was performing other work at the time of the incident (Judy Li, chief of the contract development section of DWR's engineering division).

The photo below was included in Otto's accident report.

Exhibit 7



Lanzafame took the photo below.

Exhibit 7



Woodin estimated the total damage, including what was the house inside, at $250,000.

Lanzafame said that within a few days, the house floated away from the site and broke into pieces. Parts of it, he said, traveled across the Sacramento River to Pittsburg and rested near the PGE power plant. Thad said that he found the pieces of the house on the shoreline in west Pittsburg, about 1,000 yards west of a wharf, about a week after it sank.

Graham said the barge platform is resting about 50 feet south (downstream) from Thad's house, about 19 feet underwater and filled with silt. He said that Solano County has applied for a grant to remove it, requesting $800,000. The winners are expected to be announced in the fall.

As you can see in this Google Earth image below from 2018, the barge is not visible.

Exhibit 7

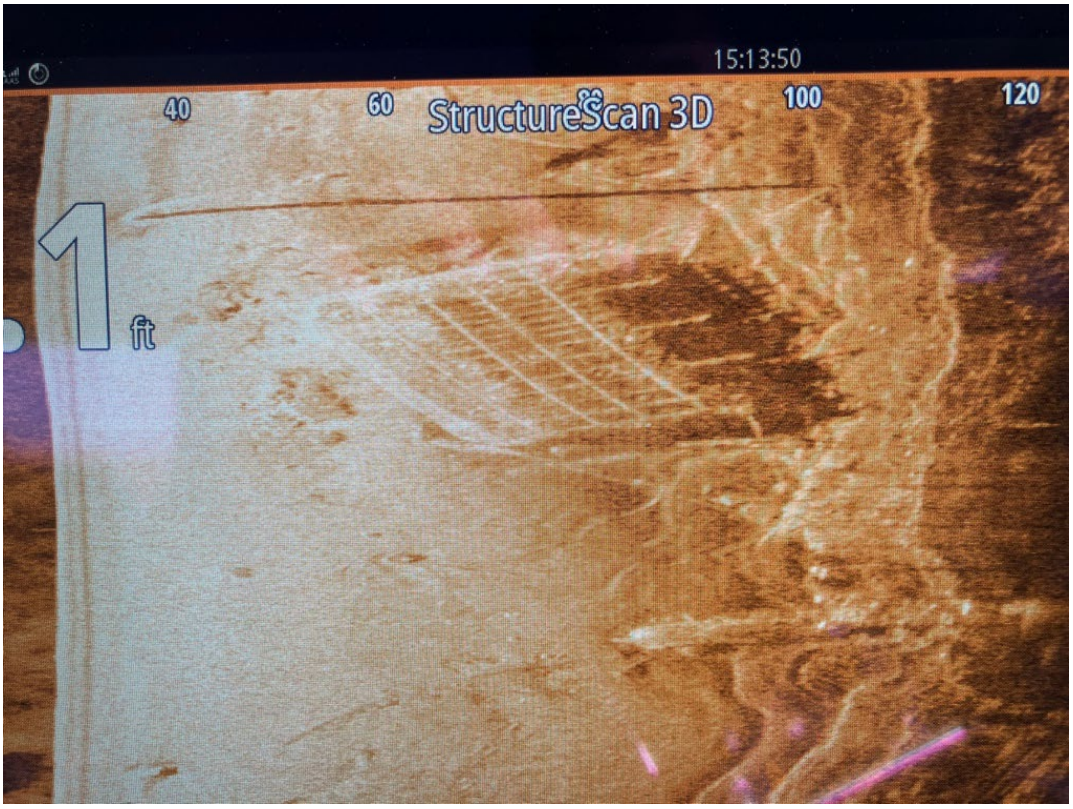


In this staff photo from a site visit on Dec. 11, 2024, the two objects above the water mark where the barge lies.



Exhibit 7

The marine patrol took these underwater images of the barge on Nov. 12, 2024.



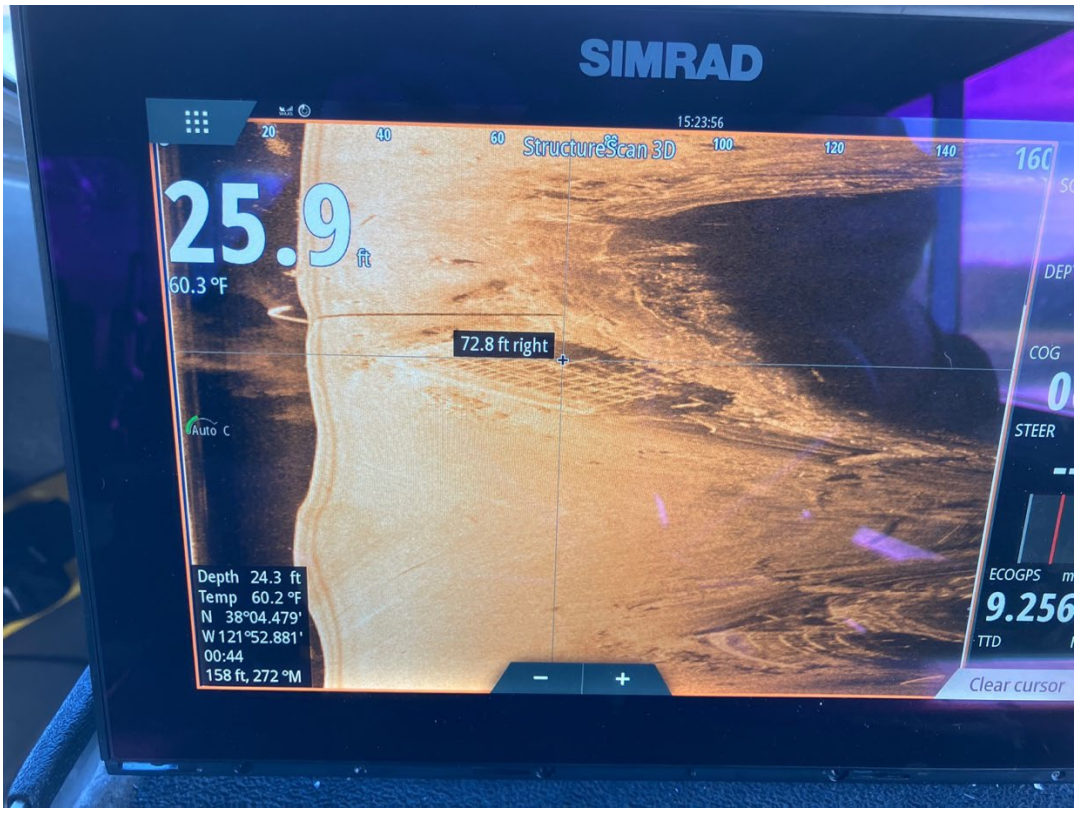


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Exhibit 8

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

Via Certified Mail

February 5, 2025

Steve and Lesley Belcher
PO Box 1322
Discovery Bay, CA 94505

SUBJECT: Initial Contact Letter (BCDC Enforcement Case ER2025.001.00)

Dear Mr. and Ms. Belcher:

On Sept. 24, 2024, BCDC staff documented an unauthorized activity at your parcel on Van Sickle Island (APN 0090-120-030), as described below.

Alleged Activity:	**This action represents a violation(s) of the following statute:**
Unauthorized fill on the levee that cuts across this parcel in the commission's 100-foot shoreline band. This includes, but is not limited to, a recreational vessel. The levee is in the Primary Management Area of the Suisun Marsh.	Section 66632(a) of the McAteer-Petris Act (MPA) Section 29500 of the Suisun Marsh Preservation Act (SMPA)

Section 66632 (a) of the MPA states, "Any person or governmental agency wishing to place fill, to extract materials, or to make any substantial change in use of any water, land or structure, within the area of the commission's jurisdiction shall secure a permit from the commission and, if required by law or by ordinance, from any city or county within which any part of the work is to be performed. For purposes of this title, "fill" means earth or any other substance or material, including pilings or structures placed on pilings, and structures floating at some or all times and moored for extended periods, such as houseboats and floating docks. For the purposes of this section "materials" means items exceeding twenty dollars ($20) in value."

Section 29500 of the SMPA states, "In addition to obtaining any other permit required by law from any local government or from a state, regional, or local agency, on and after January 1, 1978, any person wishing to perform or undertake any development in the marsh shall obtain a marsh development permit."

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Section 29114 of the SMPA defines development as, "on land, or in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water or in access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes." Development does not include either a change in the intensity of use of water or the removal or harvesting of major vegetation where such change, removal, or harvesting is to maintain or improve wildfowl habitat and does not have a significant, adverse effect on other fish and wildlife resources in the marsh.

After an initial review of the available information related to this matter, we have opened BCDC Enforcement Case ER2025.001.00.

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.

We request that you respond within 15 days of the date of this letter and provide any additional information that you believe that we should consider, including, as appropriate, evidence that the violation has been resolved. Please submit this information to me.

Pursuant to the McAteer-Petris Act and its regulations, BCDC is authorized to conduct enforcement investigations and commence administrative enforcement actions. While this letter does not commence a formal enforcement proceeding, we reserve the right to take formal action, including imposing fines or penalties. A prompt response will be considered in determining the next steps that BCDC pursues.

Further, while the report we received focused on the activity identified above, we recognize the potential that there may be other violations at the site.

Thank you for your attention to this matter.

Sincerely,

DocuSigned by:
Anne Usher
798061AD3AB64EF...

ANNE USHER
Enforcement Analyst

Docusign Envelope ID: C1C8D704-23FE-480B-95E4-05AD8B4AB06C

San Francisco Bay Conservation and Development Commission
375 Beale Street, Suite 510
San Francisco, California 94105
Tel: 415-352-3662
Fax: 415-352-3606
Email: anne.usher@bcdc.ca.gov
Website: www.bcdc.ca.gov/enforcement

cc: Greg Scharff, BCDC general counsel (via e-mail) greg.scharff@bcdc.ca.gov
Chris Lanzafame, secretary, Reclamation District 1607 (via e-mail) chris@lanzafame.com
Steven Chappell, executive director, Suisun Resource Conservation District (via e-mail) schappell@suisunrcd.org
Cyrus Yaghobi, dam and levee safety program manager, USACE (via e-mail) cyrus.m.yaghobi@usace.army.mil
Vicki Caldwell, compliance officer, California State Lands Commission (via e-mail) Vicki.Caldwell@slc.ca.gov

Encl: Photo attachment.

AU / mm

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BCDC staff took these photos on Dec. 11, 2024.





Docusign Envelope ID: C1C8D704-23FE-480B-95E4-05AD8B4AB06C

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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

Via Certified Mail

February 5, 2025

ATTN: Alan Kanady
1000 Paru Street
Alameda, CA 94501

SUBJECT: Initial Contact Letter (BCDC Enforcement Case ER2025.002.00)

Dear Mr. Kanady:

On Sept. 24, 2024, BCDC staff documented an unauthorized activity at your parcel on Van Sickle Island (APN 0090-120-190), as described below.

Alleged Activity:	**This action represents a violation of the following statute:**
Multiple items have been abandoned on the levee that cuts across your parcel, posing a threat to marsh habitat. These include an Argo and two boats. And a sunk barge is partially on your parcel. The levee is in the Primary Management Area of the Suisun Marsh.	Section 66632(a) of the McAteer-Petris Act (MPA) Section 29500 of the Suisun Marsh Preservation Act (SMPA)

Section 66632 (a) of the MPA states, “Any person or governmental agency wishing to place fill, to extract materials, or to make any substantial change in use of any water, land or structure, within the area of the commission's jurisdiction shall secure a permit from the commission and, if required by law or by ordinance, from any city or county within which any part of the work is to be performed. For purposes of this title, "fill" means earth or any other substance or material, including pilings or structures placed on pilings, and structures floating at some or all times and moored for extended periods, such as houseboats and floating docks. For the purposes of this section "materials" means items exceeding twenty dollars ($20) in value.”

Section 29500 of the SMPA states, “In addition to obtaining any other permit required by law from any local government or from a state, regional, or local agency, on and after January 1, 1978, any person wishing to perform or undertake any development in the marsh shall obtain a marsh development permit.”

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Section 29114 of the SMPA defines development as, "on land, or in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water or in access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes." Development does not include either a change in the intensity of use of water or the removal or harvesting of major vegetation where such change, removal, or harvesting is to maintain or improve wildfowl habitat and does not have a significant, adverse effect on other fish and wildlife resources in the marsh.

After an initial review of the available information related to this matter, we have opened BCDC Enforcement Case ER2025.002.00.

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.

We request that you respond within 15 days of the date of this letter and provide any additional information that you believe that we should consider, including, as appropriate, evidence that the violation has been resolved. Please submit this information to me.

Pursuant to the McAteer-Petris Act and its regulations, BCDC is authorized to conduct enforcement investigations and commence administrative enforcement actions. While this letter does not commence a formal enforcement proceeding, we reserve the right to take formal action, including imposing fines or penalties. A prompt response will be considered in determining the next steps that BCDC pursues.

Further, while the report we received focused on the activity identified above, we recognize the potential that there may be other violations at the site.

Thank you for your attention to this matter.

Sincerely,

DocuSigned by:
Anne Usher
79896...

ANNE USHER
Enforcement Analyst
San Francisco Bay Conservation and Development Commission

Docusign Envelope ID: C1C8D704-23FE-480B-95E4-05AD8B4AB06C

375 Beale Street, Suite 510
San Francisco, California 94105
Tel: 415-352-3662
Fax: 415-352-3606
Email: anne.usher@bcdc.ca.gov
Website: www.bcdc.ca.gov/enforcement

cc: Greg Scharff (via e-mail) greg.scharff@bcdc.ca.gov
Chris Lanzafame, secretary, Reclamation District 1607 (via e-mail) chris@lanzafame.com
Steven Chappell, executive director, Suisun Resource Conservation District (via e-mail) schappell@suisunrcd.org
Cyrus Yaghobi, dam and levee safety program manager, USACE (via e-mail) cyrus.m.yaghobi@usace.army.mil
Vicki Caldwell, compliance officer, California State Lands Commission (via e-mail) Vicki.Caldwell@slc.ca.gov

Encl: Photo attachment

AU / mm

Docusign Envelope ID: C1C8D704-23FE-480B-95E4-05AD8B4AB06C

BCDC staff took this photo on Dec. 11, 2024.



Docusign Envelope ID: C1C8D704-23FE-480B-95E4-05AD8B4AB06C

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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

Via Certified Mail

February 5, 2025

ATTN: William Woodin
4281 Oakdale Place
Pittsburg, CA 94565-6228

SUBJECT: Initial Contact Letter (BCDC Enforcement Case ER2025.003.00)

Dear Mr. Woodin:

On Sept. 24, 2024, BCDC staff documented an unauthorized activity at one of your parcels on Van Sickle Island (APN 0090-120-170), as described below.

Alleged Activity:	**This action represents a violation of the following statute:**
Unauthorized fill on the levee that cuts across this parcel in the commission's 100-foot shoreline band. These include, but are not limited to, a green truck; an automobile; three boats; an ATV; and a large, circular, rusted piece of iron. The levee is in the Primary Management Area of the Suisun Marsh.	Section 66632(a) of the McAteer-Petris Act (MPA) Section 29500 of the Suisun Marsh Preservation Act (SMPA)

Section 66632 (a) of the MPA states, "Any person or governmental agency wishing to place fill, to extract materials, or to make any substantial change in use of any water, land or structure, within the area of the commission's jurisdiction shall secure a permit from the commission and, if required by law or by ordinance, from any city or county within which any part of the work is to be performed. For purposes of this title, "fill" means earth or any other substance or material, including pilings or structures placed on pilings, and structures floating at some or all times and moored for extended periods, such as houseboats and floating docks. For the purposes of this section "materials" means items exceeding twenty dollars ($20) in value."

Section 29500 of the SMPA states, "In addition to obtaining any other permit required by law from any local government or from a state, regional, or local agency, on and after January 1, 1978, any person wishing to perform or undertake any development in the marsh shall obtain a marsh development permit."

Docusign Envelope ID: C1C8D704-23FE-480B-95E4-05AD8B4AB06C

Section 29114 of the SMPA defines development as, "on land, or in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water or in access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes." Development does not include either a change in the intensity of use of water or the removal or harvesting of major vegetation where such change, removal, or harvesting is to maintain or improve wildfowl habitat and does not have a significant, adverse effect on other fish and wildlife resources in the marsh.

After an initial review of the available information related to this matter, we have opened BCDC Enforcement Case ER2025.003.00.

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.

We request that you respond within 15 days of the date of this letter and provide any additional information that you believe that we should consider, including, as appropriate, evidence that the violation has been resolved. Please submit this information to me.

Pursuant to the McAteer-Petris Act and its regulations, BCDC is authorized to conduct enforcement investigations and commence administrative enforcement actions. While this letter does not commence a formal enforcement proceeding, we reserve the right to take formal action, including imposing fines or penalties. A prompt response will be considered in determining the next steps that BCDC pursues.

Further, while the report we received focused on the activities identified above, we recognize the potential that there may be other violations at the site.

Thank you for your attention to this matter.

Sincerely,

DocuSigned by:
Anne Usher
798061AD3AB64EF...

ANNE USHER
Enforcement Analyst

Docusign Envelope ID: C1C8D704-23FE-480B-95E4-05AD8B4AB06C

San Francisco Bay Conservation and Development Commission
375 Beale Street, Suite 510
San Francisco, California 94105
Tel: 415-352-3662
Fax: 415-352-3606
Email: anne.usher@bcdc.ca.gov
Website: www.bcdc.ca.gov/enforcement

cc: Greg Scharff, BCDC lead enforcement attorney (via e-mail) gregscharff@bcdc.ca.gov
Chris Lanzafame, secretary, Reclamation District 1607 (via e-mail) chris@lanzafame.com
Steven Chappell, executive director, Suisun Resource Conservation District (via e-mail) schappell@suisunrcd.org
Cyrus Yaghobi, dam and levee safety program manager, USACE (via e-mail) cyrus.m.yaghobi@usace.army.mil
Vicki Caldwell, compliance officer, California State Lands Commission (via e-mail) Vicki.Caldwell@slc.ca.gov

Encl: Photo attachment.

AU / mm

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BCDC staff took these photos on Dec. 11, 2024.





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Docusign Envelope ID: 20D5C672-33C4-4F4C-B3CE-89BD96ED0F1A

Exhibit 8

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

Via Certified Mail

February 21, 2025

Kittrell Estate
ATTN: Marchele Turnage, trustee
5525 Nebraska Drive
Concord, CA 9452

SUBJECT: Initial Contact Letter (BCDC Enforcement Case ER2025.004.00)

Dear Ms. Marchele:

On Sept. 24, 2024, BCDC staff documented an alleged unauthorized activity at your parcel on Van Sickle Island (APN 0090-120-160), as described below.

Alleged Activity:	**This action represents a violation of the following statute:**
Impermissible fill in the 100-foot shoreline band including, but not limited to, a white truck and a partly submerged boat on the levee that cuts across your parcel. The levee is in the Primary Management Area of the Suisun Marsh.	Section 66632(a) of the McAteer-Petris Act (MPA) Section 29500 of the Suisun Marsh Preservation Act (SMPA)

Section 66632 (a) of the MPA states, “Any person or governmental agency wishing to place fill, to extract materials, or to make any substantial change in use of any water, land or structure, within the area of the commission's jurisdiction shall secure a permit from the commission and, if required by law or by ordinance, from any city or county within which any part of the work is to be performed. For purposes of this title, "fill" means earth or any other substance or material, including pilings or structures placed on pilings, and structures floating at some or all times and moored for extended periods, such as houseboats and floating docks. For the purposes of this section "materials" means items exceeding twenty dollars ($20) in value.”

Section 29500 of the SMPA states, “In addition to obtaining any other permit required by law from any local government or from a state, regional, or local agency, on and after January 1, 1978, any person wishing to perform or undertake any development in the marsh shall obtain a marsh development permit.”

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Section 29114 of the SMPA defines development as, "on land, or in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water or in access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes." Development does not include either a change in the intensity of use of water or the removal or harvesting of major vegetation where such change, removal, or harvesting is to maintain or improve wildfowl habitat and does not have a significant, adverse effect on other fish and wildlife resources in the marsh.

After an initial review of the available information related to this matter, we have opened BCDC Enforcement Case ER2025.004.00.

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.

We request that you respond within 15 days of the date of this letter and provide any additional information that you believe that we should consider, including, as appropriate, evidence that the violation has been resolved. Please submit this information to me.

Pursuant to the McAteer-Petris Act and its regulations, BCDC is authorized to conduct enforcement investigations and commence administrative enforcement actions. While this letter does not commence a formal enforcement proceeding, we reserve the right to take formal action, including imposing fines or penalties. A prompt response will be considered in determining the next steps that BCDC pursues.

Further, while the report we received focused on the activity identified above, we recognize the potential that there may be other violations at the site.

Thank you for your attention to this matter.

Sincerely,

DocuSigned by:
Anne Usher
798061AD3AB64EF...

ANNE USHER
Enforcement Analyst

Docusign Envelope ID: 20D5C672-33C4-4F4C-B3CE-89BD96ED0F1A

San Francisco Bay Conservation and Development Commission
375 Beale Street, Suite 510
San Francisco, California 94105
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Fax: 415-352-3606
Email: anne.usher@bcdc.ca.gov
Website: www.bcdc.ca.gov/enforcement

cc: Greg Scharff, BCDC general counsel (via e-mail) gscharff@bcdc.ca.gov
Chris Lanzafame, secretary, Reclamation District 1607 (via e-mail) chris@lanzafame.com
Steven Chappell, executive director, Suisun Resource Conservation District (via e-mail) schappell@suisunrcd.org Cyrus Yaghobi, dam and levee safety program manager, USACE (via e-mail) cyrus.m.yaghobi@usace.army.mil Vicki Caldwell, compliance officer, California State Lands Commission (via e-mail) Vicki.Caldwell@slc.ca.gov

Encl: Photo attachment.

AU / mm

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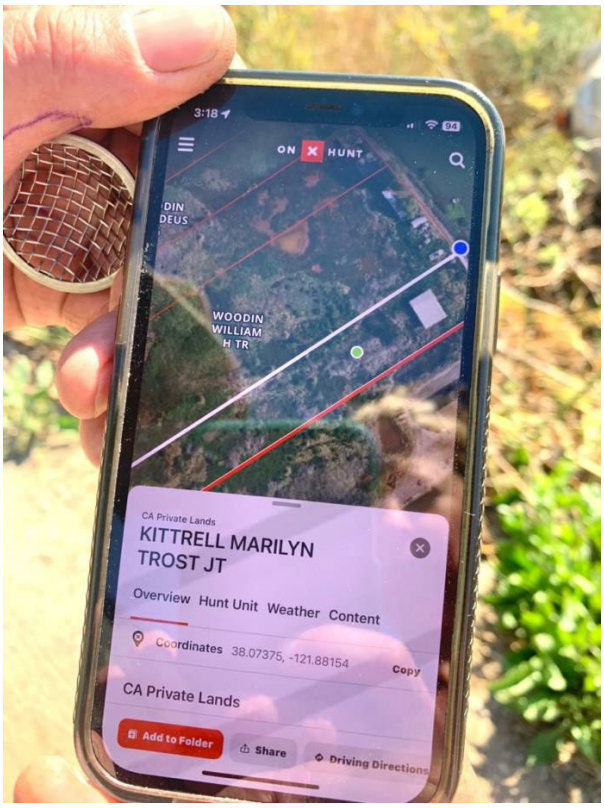
BCDC staff took these photos on Sept. 24, 2024.





Docusign Envelope ID: 20D5C672-33C4-4F4C-B3CE-89BD96ED0F1A



BCDC staff took this photo on Dec. 11, 2024.



Exhibit 8

Steve Belcher, 2/13/2025

Property – ’52 or ’54. Will be no expansion. Just repairs. His dock and gangway – washed away. And decking came off.

Hasn’t been out in last 3-4 years. That has shot several people; in Pittsburgh. I don’t go. It’s far too dangerous.

I didn’t know it was there.

Spoke w Chris about it. Need to do something with it. (The boat)

catearthmovers@yahoo.com

Yes, have permission.

He’ll reach out to Thad.

Worst case scenario, I’ll get his boat off the property when it’s dry enough to do so.

Exhibit 8

William (Bill) Woodin, 2/26/2025

Asked if I had seen the property (yes).

Noted his two lots.

I clarified what unpermitted fill.

Said his house trailer.

Said he's mowed around the trailer.

Nobody wants the junk out of it more than I do. When bought, was only the green truck. This letter's helped me put a little pressure on him.

He said he's going to work with Thad to remove the items when the levee is dry in the spring or early summer.

Exhibit 8

Todd Trost, Kittrell Estate

Feb. 28, 2025

I explained what “fill” means in this context and the reason for the ICL: It’s his parcel so he’s responsible for the illegal fill, despite the fact that the fill – the truck and small vessel – are Thad’s.

I also explained that we will decide next week whether this case will be a formal violation – vs standardized fines – and what each would entail and pledged to let him know shortly thereafter.

I told him about the letters to other parcel holders on Van Sickle who have also received ICLs because Thad has abandoned items on their parcels and noted that I’ve spoken with Thad and that we had to put a removal effort on ice because it’s winter.

Todd:

Thad first put the truck there 8-10 years ago. They didn’t like how it looked (but didn’t deal with it).

He asked if he could drive the truck about six feet so that it’s off his parcel. I asked him not to do so now given our concern about the potential harm to the levee. (It’s still moist/vulnerable from rains).

He wants to do what he can/when he can to get Thad’s items removed.

Exhibit 8

Outlook

Re: Following up about contact letter sent to you

From Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Date Tue 4/8/2025 10:41 AM
To Allen Kanady <allen@omegapest.com>

Hi Allen,

Thanks very much for getting back to me. I really appreciate it.

Your neighbor is Thad Woodin and he's acknowledged placing many of the items. I'm going out there on Friday to walk the levee with him and I'll let you know if he admits to doing so with your parcel. (Chris Lanzafame has said that all of the items are Thad's and I believe that's the case).

You are liable for the items listed in my letter but do have recourse. You can submit a contribution claim against Thad. We are in the process of drawing up our violation report, which will go to BCDC's Enforcement Committee.

Please let me know if you'd like to further discuss this.

Regards,
Anne

From: Allen Kanady <allen@omegapest.com>
Sent: Tuesday, April 8, 2025 9:51 AM
To: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Subject: Re: Following up about contact letter sent to you

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Good morning Anne

It is my understanding that the majority of the items on my parcel were dumped there by my neighbor(I don't know their name). Do I have any recourse against them? Have they been sent any violation notices? I will follow up when the levees dry out. Thanks.

Allen Kanady
Owner
(510) 562-1333

OMEGA
TERMITE & PEST CONTROL

Exhibit 8

From: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Sent: Tuesday, April 1, 2025 1:20 PM
To: Allen Kanady <allen@omegapest.com>
Subject: Following up about contact letter sent to you

Dear Mr. Kanady,

I wanted to reach out to you regarding the letter that was sent to you last month regarding your parcel on Van Sickle Island. First, I apologize for misspelling your name.

I would be happy to answer any questions that you may have about the violations. We have removed the alleged violation of the sunken barge because the parcel lines do not extend into the slough; that is the State Lands Commission's jurisdiction. But the other items still constitute unpermitted fill in our shoreline jurisdiction and need to be removed.

Given the season, as we stated, we 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. Given the season, it may be necessary to wait until the levee road has completely dried, most likely by late spring/early summer.

Sincerely,
Anne

Anne Usher
Enforcement Policy Analyst
(415) 352-3662
Anne.Usher@bcdc.ca.gov

San Francisco Bay Conservation and Development Commission
http://bcdc.ca.gov/enforcement
375 Beale St., Suite 510
San Francisco, CA 94105
FAX: (415) 352-3606
Main Number: (415) 352-3600
Business Days & Hours: M-F 8:30a – 5:00p

Exhibit 8

Thad Woodin, Van Sickle Island.

11/15/2024

Regarding the small recreational vessel:

About a year ago, I brought in and parked it in the dock. The sheriff sank it. I asked why they would do it. (He said he has ongoing problems with them.)

(He says it's not in his custody but then confessed this) I brought it down there. Was tied up on dock. Has equipment that could do that. Get it on a trailer. Would take a minute.

Regarding the barge:

They sued me. Took my barge from me. Claimed this without proper authority.

(He claimed they (county?) dropped a million-dollar tort because he taped them.)

They took custody of my barge and gave part to (Dutra and McPherson? Couldn't make it out) under a nuisance law. They took it and sold it.

(He had two barges).

About 5 years ago.

They sunk one.

(He claims someone rammed it.)

It was tied up and parked on a dock. The house was 47 feet wide. So it was enough space for someone to go past. Dutra (company) was nearby. I got a call that my houseboat was sinking. Got a call from PG&E. They documented it. Three or four years ago.

(He wants the barge pulled up, too.)

Regarding the reg flag on the house:

I stayed away for five years. We were back for a clean-up (assuming he's referring to his father). And a couple officers were there.

They (the county) put a 'real' red tag. I'd been away for the past year or two.

I was about to clean up messes. I said I was going to do work.

(He said he could fix the foundation). If had time - in 20 days.

The county said they need to be involved – I need to get a permit – to do a fix.

(Thad says has the means to fix it and said that he can give me a drawing of his plans).

Regarding the cars and boats on the levee:

I will move the car. And the trailer.

(He said the boats that belong to him are the two big ones. One he thinks is ok.)

Next steps:

I said I'll be in touch on Monday re next steps.

He said he's going to write up the history re the problems and send it to me; he's shooting for Tuesday.

Exhibit 9

Thad Wooden, phone conversation 6/23/2025

Thad acknowledged owning the blue recreational vessel on the Belcher parcel and said that he will remove it.

He wants to keep it and the trailer that it's been placed on and noted that the trailer itself also is valuable.

I told him that Chris mentioned that Steve Belcher plans to remove the boat soon and he said that he would reach out to Chris.

He said that he plans to visit his parcel this week and start cleaning things up and removing some items.

Exhibit 9

Thad Wooden, phone conversation 6/23/2025

Thad acknowledged owning the blue recreational vessel on the Belcher parcel and said that he will remove it.

He wants to keep it and the trailer that it's been placed on and noted that the trailer itself also is valuable.

I told him that Chris mentioned that Steve Belcher plans to remove the boat soon and he said that he would reach out to Chris.

He said that he plans to visit his parcel this week and start cleaning things up and removing some items.

Exhibit C1

Statement of Defense Form

Enforcement Case ER2025.002.00

Allen Kanady

FAILURE (1) TO COMPLETE THIS FORM, (2) TO INCLUDE WITH THE COMPLETED FORM ALL DOCUMENTS, DECLARATIONS UNDER PENALTY OF PERJURY, AND OTHER EVIDENCE YOU WANT PLACED IN THE RECORD AND TO BE CONSIDERED BY THE COMMISSION, (3) TO LIST ANY WITNESSES WHOSE DECLARATION IS PART OF THE STAFF'S CASE AS IDENTIFIED IN THE VIOLATION REPORT THAT YOU WISH TO CROSS-EXAMINE, THE AREA OF KNOWLEDGE ABOUT WHICH YOU WANT TO CROSS-EXAMINE THE WITNESS, AND THE INFORMATION YOU HOPE TO ELICIT BY CROSS-EXAMINATION, AND (4) TO RETURN THE COMPLETED FROM AND ALL INCLUDED MATERIALS TO THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION STAFF OR TO CONTACT **ANNE USHER** OF THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION ENFORCEMENT STAFF BY August 12, 2025, **MEANS THAT THE COMMISSION CAN REFUSE TO CONSIDER SUCH STATEMENTS AND EVIDENCE WHEN THE COMMISSION HEARS THIS MATTER.**

DEPENDING ON THE OUTCOME OF FURTHER DISCUSSIONS THAT OCCUR WITH THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION ENFORCEMENT STAFF AFTER YOU HAVE COMPLETED AND RETURNED THIS FORM, ADMINISTRATIVE OR LEGAL ENFORCEMENT PROCEEDINGS MAY NEVERTHELESS BE INITIATED AGAINST YOU, IF THAT OCCURS, ANY STATEMENTS THAT YOU MAKE ON THIS FORM WILL BECOME PART OF THE ENFORCEMENT RECORD AND MAY BY USED AGAINST YOU.

YOU MAY WISH TO CONSULT WITH OR RETAIN AND ATTORNEY BEFORE YOU COMPLETE THIS FORM OR OTHERWISE CONTACT THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION ENFORCEMENT STAFF.

This form is enclosed with a violation report. The violation report indicates that you may be responsible for or in some way involved in either a violation of the Commission's laws, a Commission permit, or a Commission cease and desist order. The violation report summarizes what the possible violation involves, who may be responsible for it, where and when it occurred, if the Commission staff is proposing any civil penalty and, if so, how much, and other pertinent information concerning the possible violation.

This form requires you to respond to the alleged facts contained in the violation report, to raise any affirmative defenses that you believe apply, to request any cross-examination that you believe necessary, and to inform the staff of all facts that you believe may exonerate you of any legal responsibility for the possible violation or may mitigate your responsibility. This form also requires you to enclose with the completed statement of defense form copies of all written documents, such as letters, photographs, maps drawings, etc. and written declarations under penalty of perjury that you want the Commission to consider as part of this enforcement hearing. This form also requires you to identify by name any person whom you may want to cross-examine prior to the enforcement hearing on this matter, the area of knowledge that you want to cover in the cross-examination, the nature of the testimony that you hope to elicit, and the reasons that you believe other means of producing this evidence are unsatisfactory. Finally, if the staff is only proposing a civil penalty, i.e., no issuance of either a cease or desist order or a permit revocation order, this form allows you alternatively to pay the proposed fine without contesting the matter subject to ratification of the amount by the Commission.

IF YOU WANT TO CROSS-EXAMINE ANY PERSON ON WHOSE TESTIMONY THE STAFF HAS RELIED IN THE VIOLATION REPORT, YOU MUST COMPLETE PARAGRAPH SEVEN TO THIS STATEMENT OF DEFENSE FORM. THIS PARAGRAPH REQUIRES YOU TO SET OUT (1) THE NAME(S) OF THE PERSON(S) YOU WANT TO CROSS-EXAMINE, ()2) REFERENCES TO ANY DOCUMENTS ABOUT WHICH YOU WANT TO CROSS-EXAMINE THE PERSON, (3) THE AREA OF KNOWLEDGE ABOUT WHICH YOU WANT TO CROSS-EXAMINE THE PERSON, (4) THE INFORMATION THAT YOU BELIEVE CAN BE ELICITED BY CROSS-EXAMINATION, AND (5) THE REASON WHY YOU BELIEVE THIS INFORMATION CANNOT BE PRESENTED BY DECLARATION OR OTHER DOCUMENT.

You should complete the form as fully and accurately as you can as quickly as you can and return it no later than 35 days after its having been mailed to you to the Commission's enforcement staff at the address:

San Francisco Bay Conservation and Development Commission
375 Beale Street, Suite 510
San Francisco, California 94105

The forms should also be emailed to Margie Malan at margie.malan@bcdc.ca.gov.

If you believe that you have good cause for not being able to complete this form within 35 days of its having been mailed, please complete it to the extent that you can and within 35 days of the mailing of the violation report send the statement of defense form completed as much as possible with a written explanation of what additional information you need to complete the form in its entirety, how long it will take to obtain the additional information needed to complete the form, and why it will take longer than 35 days to obtain the additional information, send all of this to the Commission's staff at the above address. Following this procedure does not mean that the Executive Director will automatically allow you to take the additional time to complete the form. Only if the Executive Director determines that you have shown good cause for the delay and have otherwise complete the form as much as is currently possible will be grant an extension to complete the form.

If the staff violation report that accompanied this statement of defense form included a proposed civil penalty, you may, if you wish, resolve the civil penalty aspect of the alleged violation by simply providing to the staff a certified cashier's check in the amount of the proposed fine within the 35-day time period. If you choose to follow this alternative, the Executive Director will cash your check and place a brief summary of the violation and proposed penalty along with a notation that you are choosing to pay the penalty rather than contesting it on an administrative permit listing. If no Commissioner objects to the amount of the penalty, your payment will resolve the civil penalty portion of the alleged violation. If a Commissioner objects to the proposed payment of the penalty, the Commission shall determine by a majority of those present and voting whether to let the proposed penalty stand. If such a majority votes to let the proposed penalty stand, your payment will resolve the civil penalty portion of the alleged violation. If such a majority does not let the proposed penalty stand, the Commission shall direct the staff to return the money paid to you and shall direct you to file your completed statement of defense form and all supporting documents within 35 days of the Commission's action. Of course, you also have the opportunity of contesting the fine from the outset by completing this form and filing it and all supporting documents within 35 days of its having been mailed to you.

If you have any questions, please contact as soon as possible **ANNE USHER** of the Commission Enforcement Staff at telephone number **415-352-3662**.

1. Facts or allegations contained in the violation report that you admit (with specific reference to the paragraph number in the violation report/Complaint):

None

2. Facts or allegations contained in the violation report that you deny (with specific reference to paragraph number in the violation report/Complaint):

Unknown - See paragraph 4

3. Facts or allegations contained in the violation report of which you have no personal knowledge (with specific reference to paragraph number in the violation report/Complaint):

I have no knowledge of any of these allegations

4. Other facts which may exonerate or mitigate your possible responsibility or otherwise explain your relationship to the possible violation (be as specific as you can; if you have or know of any documents, photographs, maps, letters, or other evidence that you believe are relevant, please identity it by name, date, type, and any other identifying information and provide the original or a copy if you can):

I own the property but have not visited it in 20 years, so I have no knowledge of the current condition.

If the items on my property are owned by Thad Woodin, he acknowledged ownership of said items,

and states that he will take responsibility for their removal, then why have I been sent a violation?

5. If the Executive Director is proposing that the Commission impose an administrative civil penalty as part of this enforcement proceeding and if you would be unable to pay the proposed penalty or paying the proposed penalty would have a substantial adverse effect on your ability to continue in business, provide factual information establishing such inability to pay or such adverse effect. Submit all relevant supporting documentation which may include but not limited to audited financial statements and reports (or if not audited, then those that are the basis of tax returns or regulatory filings), balance sheets, profit and loss statements, statements of net worth, annual budgets, bond prospectuses, and tax returns including supporting forms and schedules as may be applicable. Before submitting this information redact (cover or blackout) all personal information including your social security or tax-payer identification number, driver's license/state identification number, financial account number and any other private non-public personal information including a residential address, telephone numbers, or personal email address.

6. Any other information, statement, etc. that you want to make:

I am concerned about possible litigation from Mr. Woodin if I dispose of his property. If I move these items back onto Mr. Woodin's property, at least 100 feet away from the levee, will this satisfy BCDC? Specifically pertaining to the complaint against me?

7. Documents, exhibits, declarations under penalty of perjury or other materials that you have attached to this statement to support your answers or that you want to be made part of the administrative record for this enforcement proceeding (Please list in chronological order by date, author, title and enclose a copy with this completed form):

8. Name of any person whose declaration under penalty of perjury was submitted with the violation report/complaint as being part of the staff's case who the respondent wants to cross-examine, identify all documents referred to in such person's declaration about which you want to cross-examine the person, the area or areas of information about which the respondent wants to cross-examine the person, and the information that the respondent hopes to elicit in cross-examination, and state the reason(s) why some other method of proving this information is unsatisfactory.

9. Name of any person whose declaration under penalty of perjury was listed in the violation report as being part of the staff's case who the respondent wants to cross-examine, all documents about which you want to cross-examine the person, area or areas of information about which the respondent wants to cross-examine the witness, information that the respondent hopes to elicit in cross-examination, and the reason(s) why some other method of proving this information is unsatisfactory:

Exhibit C2

Outlook

Belcher Van Sickle

From Steve Belcher <catearthmovers@yahoo.com>
Date Wed 7/9/2025 6:53 PM
To Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>

[You don't often get email from catearthmovers@yahoo.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Hi Anne,

As we originally discussed in February, today we transported and used heavy equipment to remove Thad Woodin's blue boat from within our property boundaries.

The second (white) boat referred to as " straddling the property" was found to not be on the legal parcel of the Belchers property. The true property line is the Utility Power Pole set approximately 50' back from the white boat's location which was pushed against Thad Woodin's building.

Since we did have heavy equipment onsite, at an enormous cost, we went ahead and moved the white boat into Thad Woodin's property further as a courtesy to BCDC.

Once again, the delay in moving Thad Woodin's blue boat in question was due to the order of our Reclamation District by their engineer that has deemed the levees unsafe, due to instability and breaches within the levees surrounding the island for the past two years preventing safe access to and from the Belcher property. Notices and postings witnessed today onsite showing these warnings are attached for your review. In response to your notice, we forged ahead and risked our safety to timely respond to the sudden and unexpected urgency of BCDC and moved Thad Woodin's personal property back to within his real property boundaries.

It should be noted that the Belchers have taken reasonable and responsible steps to remediate a problem that was not of their making. The Belchers are victims as well to the debris scattered and littered throughout the area due to Thad Woodin's illegal activities, making the Belcher's property virtually unusable.

We respectfully request that you extend the deadline for all other property owners who have been included in this enforcement file, the date to clear their properties of Thad Woodin's junk until September 2025, or at least 120 days after the Reclamation district engineers have cleared the levees surrounding Van Sickle island for safe travel. The Belchers are professionals in the heavy equipment industry and with the weak levees, this was an extraordinary dangerous activity. It would be unconscionable to have unskilled persons attempt to perform junk removal activities with the levees in their current condition and could lead to serious property and personal injuries.

Exhibit C2



Exhibit C2


Reclamation District No. 1607
VAN SICKLE ISLAND-SOLANO COUNTY, CALIFORNIA
Posted Warning
Vehicle Traffic Over This Levee Is
UNSAFE!
Due to wet, muddy and unsafe conditions, use of street vehicles is now prohibited on our earthen levees until further notice. Reclamation District 1607 takes no responsibility for damage to property, injury of death to anyone who travels over these levees. Violators will be solely responsible for their safety and damages.

Exhibit C2



Exhibit C2



Exhibit C2



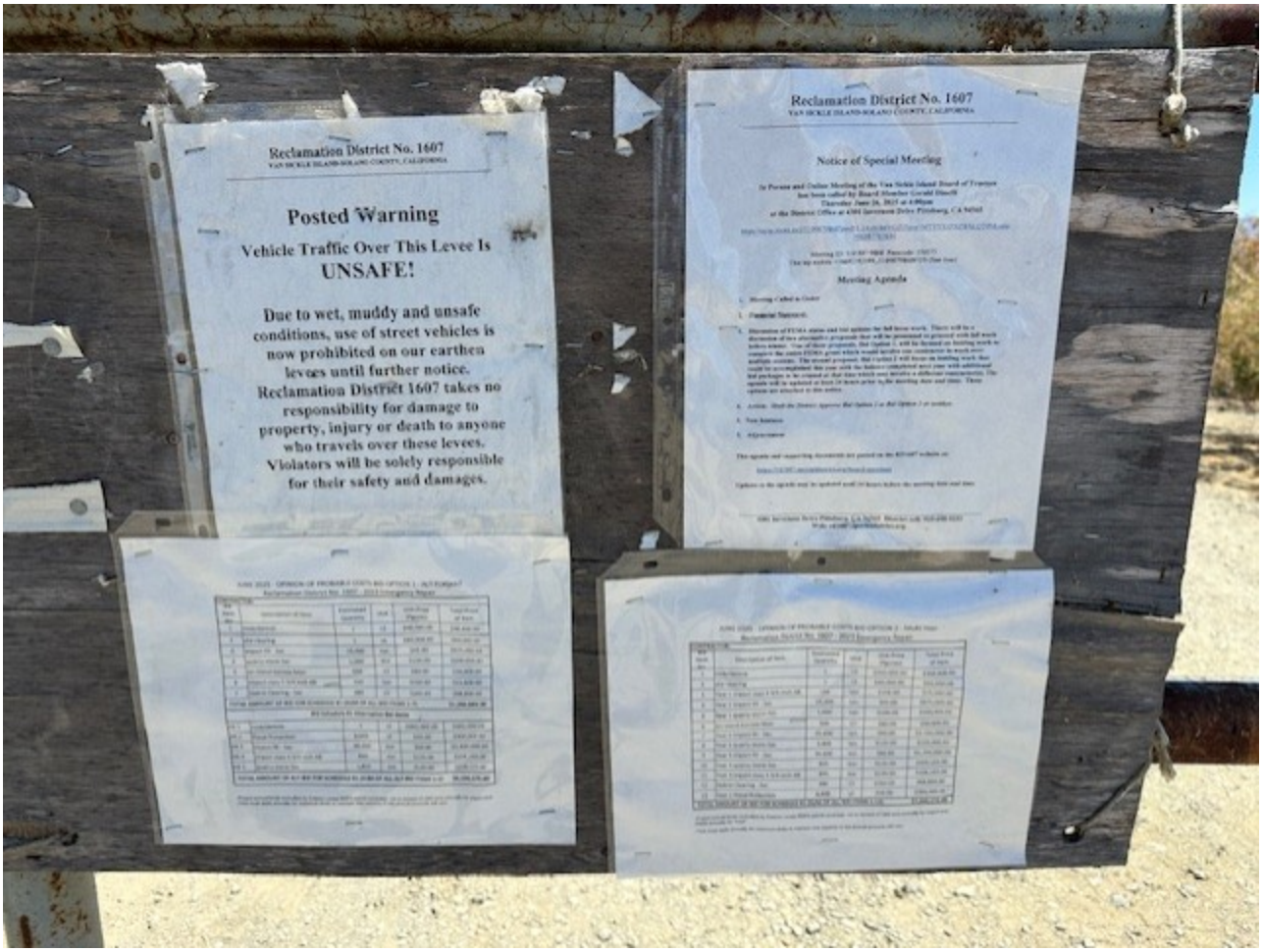
Exhibit C2



Exhibit C2



Exhibit C2



Sent from my iPhone

Exhibit C3

Statement of Defense Form

Enforcement Case ER2025.003.00

William Woodin

FAILURE (1) TO COMPLETE THIS FORM, (2) TO INCLUDE WITH THE COMPLETED FORM ALL DOCUMENTS, DECLARATIONS UNDER PENALTY OF PERJURY, AND OTHER EVIDENCE YOU WANT PLACED IN THE RECORD AND TO BE CONSIDERED BY THE COMMISSION, (3) TO LIST ANY WITNESSES WHOSE DECLARATION IS PART OF THE STAFF'S CASE AS IDENTIFIED IN THE VIOLATION REPORT THAT YOU WISH TO CROSS-EXAMINE, THE AREA OF KNOWLEDGE ABOUT WHICH YOU WANT TO CROSS-EXAMINE THE WITNESS, AND THE INFORMATION YOU HOPE TO ELICIT BY CROSS-EXAMINATION, AND (4) TO RETURN THE COMPLETED FROM AND ALL INCLUDED MATERIALS TO THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION STAFF OR TO CONTACT **ANNE USHER** OF THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION ENFORCEMENT STAFF BY August 12, 2025, **MEANS THAT THE COMMISSION CAN REFUSE TO CONSIDER SUCH STATEMENTS AND EVIDENCE WHEN THE COMMISSION HEARS THIS MATTER.**

DEPENDING ON THE OUTCOME OF FURTHER DISCUSSIONS THAT OCCUR WITH THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION ENFORCEMENT STAFF AFTER YOU HAVE COMPLETED AND RETURNED THIS FORM, ADMINISTRATIVE OR LEGAL ENFORCEMENT PROCEEDINGS MAY NEVERTHELESS BE INITIATED AGAINST YOU, IF THAT OCCURS, ANY STATEMENTS THAT YOU MAKE ON THIS FORM WILL BECOME PART OF THE ENFORCEMENT RECORD AND MAY BY USED AGAINST YOU.

YOU MAY WISH TO CONSULT WITH OR RETAIN AND ATTORNEY BEFORE YOU COMPLETE THIS FORM OR OTHERWISE CONTACT THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION ENFORCEMENT STAFF.

This form is enclosed with a violation report. The violation report indicates that you may be responsible for or in some way involved in either a violation of the Commission's laws, a Commission permit, or a Commission cease and desist order. The violation report summarizes what the possible violation involves, who may be responsible for it, where and when it occurred, if the Commission staff is proposing any civil penalty and, if so, how much, and other pertinent information concerning the possible violation.

This form requires you to respond to the alleged facts contained in the violation report, to raise any affirmative defenses that you believe apply, to request any cross-examination that you believe necessary, and to inform the staff of all facts that you believe may exonerate you of any legal responsibility for the possible violation or may mitigate your responsibility. This form also requires you to enclose with the completed statement of defense form copies of all written documents, such as letters, photographs, maps drawings, etc. and written declarations under penalty of perjury that you want the Commission to consider as part of this enforcement hearing. This form also requires you to identify by name any person whom you may want to cross-examine prior to the enforcement hearing on this matter, the area of knowledge that you want to cover in the cross-examination, the nature of the testimony that you hope to elicit, and the reasons that you believe other means of producing this evidence are unsatisfactory. Finally, if the staff is only proposing a civil penalty, i.e., no issuance of either a cease or desist order or a permit revocation order, this form allows you alternatively to pay the proposed fine without contesting the matter subject to ratification of the amount by the Commission.

IF YOU WANT TO CROSS-EXAMINE ANY PERSON ON WHOSE TESTIMONY THE STAFF HAS RELIED IN THE VIOLATION REPORT, YOU MUST COMPLETE PARAGRAPH SEVEN TO THIS STATEMENT OF DEFENSE FORM. THIS PARAGRAPH REQUIRES YOU TO SET OUT (1) THE NAME(S) OF THE PERSON(S) YOU WANT TO CROSS-EXAMINE, ()2) REFERENCES TO ANY DOCUMENTS ABOUT WHICH YOU WANT TO CROSS-EXAMINE THE PERSON, (3) THE AREA OF KNOWLEDGE ABOUT WHICH YOU WANT TO CROSS-EXAMINE THE PERSON, (4) THE INFORMATION THAT YOU BELIEVE CAN BE ELICITED BY CROSS-EXAMINATION, AND (5) THE REASON WHY YOU BELIEVE THIS INFORMATION CANNOT BE PRESENTED BY DECLARATION OR OTHER DOCUMENT.

You should complete the form as fully and accurately as you can as quickly as you can and return it no later than 35 days after its having been mailed to you to the Commission's enforcement staff at the address:

San Francisco Bay Conservation and Development Commission
375 Beale Street, Suite 510
San Francisco, California 94105

Exhibit C3

The forms should also be emailed to Margie Malan at margie.malan@bcdc.ca.gov.

If you believe that you have good cause for not being able to complete this form within 35 days of its having been mailed, please complete it to the extent that you can and within 35 days of the mailing of the violation report send the statement of defense form completed as much as possible with a written explanation of what additional information you need to complete the form in its entirety, how long it will take to obtain the additional information needed to complete the form, and why it will take longer than 35 days to obtain the additional information, send all of this to the Commission's staff at the above address. Following this procedure does not mean that the Executive Director will automatically allow you to take the additional time to complete the form. Only if the Executive Director determines that you have shown good cause for the delay and have otherwise complete the form as much as is currently possible will be grant an extension to complete the form.

If the staff violation report that accompanied this statement of defense form included a proposed civil penalty, you may, if you wish, resolve the civil penalty aspect of the alleged violation by simply providing to the staff a certified cashier's check in the amount of the proposed fine within the 35-day time period. If you choose to follow this alternative, the Executive Director will cash your check and place a brief summary of the violation and proposed penalty along with a notation that you are choosing to pay the penalty rather than contesting it on an administrative permit listing. If no Commissioner objects to the amount of the penalty, your payment will resolve the civil penalty portion of the alleged violation. If a Commissioner objects to the proposed payment of the penalty, the Commission shall determine by a majority of those present and voting whether to let the proposed penalty stand. If such a majority votes to let the proposed penalty stand, your payment will resolve the civil penalty portion of the alleged violation. If such a majority does not let the proposed penalty stand, the Commission shall direct the staff to return the money paid to you and shall direct you to file your completed statement of defense form and all supporting documents within 35 days of the Commission's action. Of course, you also have the opportunity of contesting the fine from the outset by completing this form and filing it and all supporting documents within 35 days of its having been mailed to you.

If you have any questions, please contact as soon as possible **ANNE USHER** of the Commission Enforcement Staff at telephone number **415-352-3662**.

1. Facts or allegations contained in the violation report that you admit (with specific reference to the paragraph number in the violation report/Complaint):

I, William H. Woodin, hereby agree that listed violation five (5) of fill are on lot APN0090-120-170; not on APN0090-120-180. Lot APN0090-120-180 is clean of debris. Listed items green truck, one(1) automobile, 4(four) boats & one(1) ATV to be removed.

2. Facts or allegations contained in the violation report that you deny (with specific reference to paragraph number in the violation report/Complaint):

I, William H. Woodin, hereby state I have no knowledge as to to when (time) & where fill came from on lot APN0090-120-170.

Exhibit C3

3. Facts or allegations contained in the violation report of which you have no personal knowledge (with specific reference to paragraph number in the violation report/Complaint):

I, William H. Woodin, state material on APN 0090-120-170 appeared over a period of times during a twelve (12) year time period. I personally have No knowledge as to "how or when & by whom it appeared. (Violation 5)

4. Other facts which may exonerate or mitigate your possible responsibility or otherwise explain your relationship to the possible violation (be as specific as you can; if you have or know of any documents, photographs, maps, letters, or other evidence that you believe are relevant, please identity it by name, date, type, and any other identifying information and provide the original or a copy if you can):

I, William H. Woodin, hereby acknowledge I go to APN 0090-180, maintain and keep clean. I have noted various fill but have no knowledge to when & by whom deposited material on APN 0090-120-170

5. If the Executive Director is proposing that the Commission impose an administrative civil penalty as part of this enforcement proceeding and if you would be unable to pay the proposed penalty or paying the proposed penalty would have a substantial adverse effect on your ability to continue in business, provide factual information establishing such inability to pay or such adverse effect. Submit all relevant supporting documentation which may include but not limited to audited financial statements and reports (or if not audited, then those that are the basis of tax returns or regulatory filings), balance sheets, profit and loss statements, statements of net worth, annual budgets, bond prospectuses, and tax returns including supporting forms and schedules as may be applicable. Before submitting this information redact (cover or blackout) all personal information including your social security or tax-payer identification number, driver's license/state identification number, financial account number and any other private non-public personal information including a residential address, telephone numbers, or personal email address.

I, William H. Woodin, personally never deposited any fill on APN 0090-120-170. Therefore, as an 84 year old retiree, on a fixed income, should be imposed an administrative civil penalty. If this does occur I will address the situation.

Exhibit C3

6. Any other information, statement, etc. that you want to make:

I, William H. Woodin, hereby acknowledge my Son, Thaddeus G. Woodin purchased ~~15th~~ WW Island property with the knowledge I would buy APN 0090-120-180. At a later date he quick-claimed Lot APN 0090-120-170 to me

7. Documents, exhibits, declarations under penalty of perjury or other materials that you have attached to this statement to support your answers or that you want to be made part of the administrative record for this enforcement proceeding (Please list in chronological order by date, author, title and enclose a copy with this completed form):

I, William H. Woodin, hereby State I have no documents.

8. Name of any person whose declaration under penalty of perjury was submitted with the violation report/complaint as being part of the staff's case who the respondent wants to cross-examine, identify all documents referred to in such person's declaration about which you want to cross-examine the person, the area or areas of information about which the respondent wants to cross-examine the person, and the information that the respondent hopes to elicit in cross-examination, and state the reason(s) why some other method of proving this information is unsatisfactory.

Not Applicable

9. Name of any person whose declaration under penalty of perjury was listed in the violation report as being part of the staff's case who the respondent wants to cross-examine, all documents about which you want to cross-examine the person, area or areas of information about which the respondent wants to cross-examine the witness, information that the respondent hopes to elicit in cross-examination, and the reason(s) why some other method of proving this information is unsatisfactory:

Not applicable

To the best of my ability
I have answered the above
allegations for Violation 5, APN 0090-120-170

William H. Woodin
Dated July 31, 2025

Wm H. Woodin
#281 Oakdale Pl.
Pittsburg, Ca 94565





RECEIVED

AUG 05 2025

BAMC Copy Center

San Francisco Bay Conservation
& Development Commission
375 Beale St., Suite 510
San Francisco, Ca 94105

Attention: Anne Usher
Enforcement Analyst

9410582177 0028

Exhibit C4

August 8, 2025

San Francisco Bay Conservation & Development
375 Beale Street, Suite 510.
San Francisco, CA 94105

The Kittrell Estate
Todd Trost
8291 Lone Tree Way
Brentwood, CA 94513

SUBJECT: Statement of Defense Form
Enforcement case ER 2025.004.00
Kittrell Estate

Dear BCDC,

Enclosed is the Kittrell Estates completed Statement of Defense Form along with additional statements and attachments. This will be emailed to Anne Usher along with a mailed copy to be sent.

Sincerely, Todd Trost

Exhibit C4

The forms should also be emailed to Margie Malan at margie.malan@bcdc.ca.gov.

If you believe that you have good cause for not being able to complete this form within 35 days of its having been mailed, please complete it to the extent that you can and within 35 days of the mailing of the violation report send the statement of defense form completed as much as possible with a written explanation of what additional information you need to complete the form in its entirety, how long it will take to obtain the additional information needed to complete the form, and why it will take longer than 35 days to obtain the additional information, send all of this to the Commission's staff at the above address. Following this procedure does not mean that the Executive Director will automatically allow you to take the additional time to complete the form. Only if the Executive Director determines that you have shown good cause for the delay and have otherwise complete the form as much as is currently possible will be grant an extension to complete the form.

If the staff violation report that accompanied this statement of defense form included a proposed civil penalty, you may, if you wish, resolve the civil penalty aspect of the alleged violation by simply providing to the staff a certified cashier's check in the amount of the proposed fine within the 35-day time period. If you choose to follow this alternative, the Executive Director will cash your check and place a brief summary of the violation and proposed penalty along with a notation that you are choosing to pay the penalty rather than contesting it on an administrative permit listing. If no Commissioner objects to the amount of the penalty, your payment will resolve the civil penalty portion of the alleged violation. If a Commissioner objects to the proposed payment of the penalty, the Commission shall determine by a majority of those present and voting whether to let the proposed penalty stand. If such a majority votes to let the proposed penalty stand, your payment will resolve the civil penalty portion of the alleged violation. If such a majority does not let the proposed penalty stand, the Commission shall direct the staff to return the money paid to you and shall direct you to file your completed statement of defense form and all supporting documents within 35 days of the Commission's action. Of course, you also have the opportunity of contesting the fine from the outset by completing this form and filing it and all supporting documents within 35 days of its having been mailed to you.

If you have any questions, please contact as soon as possible **ANNE USHER** of the Commission Enforcement Staff at telephone number **415-352-3662**.

1. Facts or allegations contained in the violation report that you admit (with specific reference to the paragraph number in the violation report/Complaint):

Regarding Violation 6, Kittrell Estate property
We admit we were first informed, by Anne Usher, Enforcement Analysis, of the silver truck being partially on our property on Feb. 28, 2025 and where the property line was located based on aerial photos. She advised us not to move the truck until the levee dries so there is no damage to the already failing levee. We removed the truck from our property on July 26, 2025.

2. Facts or allegations contained in the violation report that you deny (with specific reference to paragraph number in the violation report/Complaint):

Regarding Violation 6, Kittrell Estate property
The silver truck is not owned by any family member of the Kittrell Estate nor was it placed onto the Kittrell Estate property by any family member. It is an admitted fact by Thad Woodin to Anne Usher that the truck belongs to him and was put there by him.

Exhibit C4

3. Facts or allegations contained in the violation report of which you have no personal knowledge (with specific reference to paragraph number in the violation report/Complaint):

Regarding Violation 6, Kittrell Estate property. We had no confirmed knowledge of where the property line was located. There are no fences, no markers to refer to. We were told by the previous owner of the adjoining property, who was an elderly man, that his opinion of the location of the property line was in the area of where the truck was parked so when the truck was placed there years later we thought it was on the adjoining property without knowing for ourselves where specifically the property line was.

4. Other facts which may exonerate or mitigate your possible responsibility or otherwise explain your relationship to the possible violation (be as specific as you can; if you have or know of any documents, photographs, maps, letters, or other evidence that you believe are relevant, please identity it by name, date, type, and any other identifying information and provide the original or a copy if you can):

When we were notified in Feb. 2025 by Anne Usher, Enforcement Analysis, that Thad Woodins silver truck was partially on our property and it had to be removed we were also told not to move it at the time. We needed to wait until the levee was completely dried so that there would be no damage to the already failing levee. So on July 26, 2025 we relocated the silver truck completely off our parcel completely onto Thad Woodin's property which is the adjoining property that the majority of the truck was already on.
Photos enclosed.

5. If the Executive Director is proposing that the Commission impose an administrative civil penalty as part of this enforcement proceeding and if you would be unable to pay the proposed penalty or paying the proposed penalty would have a substantial adverse effect on your ability to continue in business, provide factual information establishing such inability to pay or such adverse effect. Submit all relevant supporting documentation which may include but not limited to audited financial statements and reports (or if not audited, then those that are the basis of tax returns or regulatory filings), balance sheets, profit and loss statements, statements of net worth, annual budgets, bond prospectuses, and tax returns including supporting forms and schedules as may be applicable. Before submitting this information redact (cover or blackout) all personal information including your social security or tax-payer identification number, driver's license/state identification number, financial account number and any other private non-public personal information including a residential address, telephone numbers, or personal email address.

Thad Woodin has costed us enough time and money for not knowing where his property line was and has drug us into this disgusting mess he has made to this Island.

Exhibit C4

6. Any other information, statement, etc. that you want to make:

We think its wrong for anyone else to be held responsible for Thad Woodins ignorance and disregard for others and for any of his violations that he has committed. We request that we be removed from any and all responsibility and fines of the citation and violation report as the truck is no longer on the Kittrell Estate property and it is Thad Woodins property and his responsibility. = Continue to attachment

7. Documents, exhibits, declarations under penalty of perjury or other materials that you have attached to this statement to support your answers or that you want to be made part of the administrative record for this enforcement proceeding (Please list in chronological order by date, author, title and enclose a copy with this completed form):

We have complied within the 35 days of your request to remove the silver truck of your letter of July 8, 2025 even though it wasnt our truck and our responsibility. Our first notification of this issue was Feb 28, 2025 and we moved the truck from our property on July 26, 2025. Continued to attachment =

8. Name of any person whose declaration under penalty of perjury was submitted with the violation report/complaint as being part of the staff's case who the respondent wants to cross-examine, identify all documents referred to in such person's declaration about which you want to cross-examine the person, the area or areas of information about which the respondent wants to cross-examine the person, and the information that the respondent hopes to elicit in cross-examination, and state the reason(s) why some other method of proving this information is unsatisfactory.

9. Name of any person whose declaration under penalty of perjury was listed in the violation report as being part of the staff's case who the respondent wants to cross-examine, all documents about which you want to cross-examine the person, area or areas of information about which the respondent wants to cross-examine the witness, information that the respondent hopes to elicit in cross-examination, and the reason(s) why some other method of proving this information is unsatisfactory:

Exhibit C4

Continuation of question #7

We have been in contact with Anne Usher since February 2025 and we have complied to the best of our ability and feel that we shouldn't be responsible for anything more associated with this violation. We were not informed that if we removed the truck from our property that we could still be fined. We feel this is unfair to us as the truck did not belong to us and was only partially (adledgedly) on our property and the owner, Thad Woodin, admitted it was his and placed it there. Also we were told by Anne Usher that Thad Woodin stated he was going to work on removing his vehicles, etc. Some time was spent waiting for Thad to move his silver truck on his own.

Exhibit C4



Truck moved and pictures taken on July 26, 2025.



Exhibit C4

Continuation of question #6

There seems to be a question on the exact location of the property lines from the emails between Anne Usher and Chris Rodgers. Refer to Exhibit H in the Exhibits to the Violation report and complaint. Chris Rodgers stated "the GIS can be imprecise in some areas" and that "the GIS unit is constantly working to get the parcel layer more congruent with the aerial imagery." So basically your agency is saying that Thads truck is partially on our property but your evidence of the location of the property lines could be flawed. If there is a possibility of us facing a $9,000.00 fine by your agency you should have the property surveyed to confirm you have the correct location of the property lines. Especially because we are only talking feet.

Exhibits to the Violation report

Exhibit 4

Exhibit C4



Exhibits to the violation report

Exhibit C4

Exhibit 4

Outlook

RE: Van Sickle Island parcel map question

From Rodgers, Chris <CJRodgers@SolanoCounty.gov>
Date Tue 3/18/2025 2:12 PM
To Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Cc Srivastava, Shweta <SSrivastava@SolanoCounty.gov>

WARNING This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Hi Anne,

Assessor maps cannot be used as a legal instrument, hence why we have a disclaimer note at the bottom of the page. For many of these parcels the legal instrument is going to be the description seen in their respective grant deeds. We try to visualize the descriptions as best as we can on our assessment maps.

Let me know if you need a grant deed for a particular parcel, that's easy to send.

Cheers

Chris Rodgers – Cadastral Mapping Tech III
Solano County Assessor / Recorder
675 Texas St. Suite 2700
Fairfield, CA 94533
Direct: 707-784-6249
cjrodgers@solanocounty.gov

From: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Sent: Tuesday, March 18, 2025 1:12 PM
To: Rodgers, Chris <CJRodgers@SolanoCounty.gov>
Cc: *Srivastava, Shweta <SSrivastava@SolanoCounty.gov>*
Subject: Re: Van Sickle Island parcel map question

Hi Chris,

Ok, thanks. So they are the still the best legal instrument to use, correct? (I'm wondering because the *tax assessment map that Robert Chiang's lawyer used for that case in the White Slough was not the* legal instrument, for example).

From: Rodgers, Chris <CJRodgers@SolanoCounty.gov>
Sent: Tuesday, March 18, 2025 1:06 PM
To: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Cc: Srivastava, Shweta <SSrivastava@SolanoCounty.gov>
Subject: RE: Van Sickle Island parcel map question

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Exhibit C4

Exhibit 4

Hi Anne,

I believe our county GIS is based on assessment mapping for their parcel layer, but can be imprecise in some areas. Hence the reason these parcels look like they extend into the water.

That said, our GIS unit is constantly working to get the parcel layer more congruent with the aerial imagery. When in doubt I would refer to our assessment maps.

Sincerely,

Chris Rodgers – Cadastral Mapping Tech III
Solano County Assessor / Recorder
675 Texas St. Suite 2700
Fairfield, CA 94533
Direct: 707-784-6249
cjrodgers@solanocounty.gov

From: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Sent: Tuesday, March 18, 2025 12:56 PM
To: Rodgers, Chris <CJRodgers@SolanoCounty.gov>
Cc: Srivastava, Shweta <SSrivastava@SolanoCounty.gov>
Subject: Re: Van Sickle Island parcel map question

Hi Chris,

Thanks again. Just to double-check, the county's parcel map viewer uses the actual parcels - not those just used for tax assessments - correct?

(This one:https://solanocountygis.com/portal/apps/webappviewer/index.html?id=b2a40316824143fc9f361d5d81c51a7a)

Best,
Anne

From: Rodgers, Chris <CJRodgers@SolanoCounty.gov>
Sent: Tuesday, March 18, 2025 7:40 AM
To: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Cc: Srivastava, Shweta <SSrivastava@SolanoCounty.gov>
Subject: RE: Van Sickle Island parcel map question

You don't often get email from cjrodgers@solanocounty.gov. Learn why this is important

WARNING This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Good Morning Anne,

If I recall correctly, these island parcels in the delta region are typically bound either by a levee or by the high tide line. The state owns all navigable waterways.

Sincerely,

Chris Rodgers – Cadastral Mapping Tech III
Solano County Assessor / Recorder
675 Texas St. Suite 2700
Fairfield, CA 94533
Direct: 707-784-6249
cjrodgers@solanocounty.gov

Exhibits to the Violation report

Exhibit C4

Exhibit 5

This is portion of Chris Lanzafame phone conversation on 9/27

He was trying to sell scrap metal. That's what led to him accumulating so many cars and boats. (To get money). Chris said that Thad's absolutely capable (in principle) of removing everything if he had the cash.

Another boat in the water (I saw this one): The boat's a cabin cruiser and is 20-25 feet long.

Chris pushed him 2-3 weeks to hire someone to clear the parcel. He's had to push him in the past to move vehicles etc off the narrow road on top of the levee to clear it.

I think he said that Thad has (or at least had) two pitbulls. He's got a handgun. Has behaved in a threatening manner in the past and people are scared about potential actions that he could take.

Thad has been a problem on the island for many years. He was suspected on stealing things from other peoples properties. Derek Trost, co-owner of Kittrell Estate, upon arriving to the property caught Thad and his girlfriend near our house. He saw that the door was kicked open and a box full of belongings from our house was sitting on our porch. He walked over to and asked Thad if he had seen anyone by our house and he said he didnt see anyone. Because of other issues that Thad has had with other property owners Derek didnt push it with him but they were the only ones out there. Thad told Derek that he was decorating his house.

Exhibit C5

LAWRENCE S. BAZEL (114641)
BRISCOE PROWS KAO IVESTER & BAZEL LLP
235 Montgomery Street, Suite 935
San Francisco, CA 94104
Telephone (415) 402-2700
lbazel@briscoelaw.net

Attorneys for Respondents Steve and Lesley Belcher

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

In the matter of:

VIOLATION REPORT AND COMPLAINT FOR ADMINISTRATIVE CIVIL PENALTIES

ENFORCEMENT CASE ER2025.001.00

Thaddeus (Thad) Woodin et al., Respondents.

STEVE AND LESLEY BELCHER'S STATEMENT OF DEFENSE

Accompanying documents:
Declaration of Steve Belcher
Declaration of Lawrence S. Bazel

Exhibit C5

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I. INTRODUCTION

On February 12, 2025, Steve and Lesley Belcher received by mail an Initial Contact Letter from BCDC Enforcement Analyst Anne Usher notifying them that their neighbor had left a blue boat and trailer on their property on Van Sickle Island, and telling them that they must clear this illicit fill from their parcel. Mr. Belcher called Ms. Usher that same day and connected with her the following day. During that call, Ms. Usher acknowledged that vehicles could not travel on the levee road until late spring or early summer. She said that it would be fine to remove the boat during that time frame and that there would be no fines or penalties. She said that it was not a big rush, and that BCDC just wanted the boat gone eventually. Mr. Belcher agreed to move the boat during late spring or early summer.

Mr. Belcher kept his part of the bargain. Beginning in late June, he started to make arrangements to remove the boat on July 9. On July 1, however, Ms. Usher called Mr. Belcher to notify him that he would be fined. When he reminded her of their agreement she said that she had a new boss and that the agreement didn't matter; he was going to be fined anyway. He told her that he would be removing the boat on July 9, but that did not matter either. There was no mention of a second boat or a white boat on the Belcher's property.

On July 8, the Belchers received the Violation Report, which notified the Belchers for the first time that they were also being required to remove a white boat and trailer that supposedly straddled their property line. On July 9, Mr. Belcher removed both the blue boat and the white boat from the Belcher's parcel.

The Belchers, therefore, behaved exactly as they should have. They responded immediately to the initial letter; they reached an agreement with BCDC about removing the boat at an appropriate time; they complied with that agreement; and when BCDC demanded that they remove a second boat the removed that within 24 hours. It does not take a legal education to realize that BCDC should not prosecute the Belchers for their good behavior, and certainly should not be fining them. BCDC should comply with the agreement it entered into.

Nevertheless, the Violation Report proposes a penalty of $18,000 for Penalty 3, which applies to the Belchers and Thad Woodin. For seven reasons, no penalty should be imposed on the Belchers.

First, the doctrine of promissory estoppel binds BCDC to its promise not to impose fines if the Belchers removed the blue boat in the summer, when the road was safe, which is exactly what they did. Promissory estoppel, which can be applied against government agencies, makes a promise binding even without a contract when the promisor should know that the recipience will rely on it, the respondent does rely on it, and enforcement will avoid injustice. Here it would be unjust to penalize the Belchers for doing exactly what they agreed with BCDC to do.

Second, although the *Leslie Salt* case gave BCDC authority to fine property owners, that case also stands for the proposition that BCDC *cannot* fine property owners who are not committing a nuisance under the common law. Under the common law, and *Leslie Salt* itself explains, property owners are not liable if they make reasonable efforts to abate the nuisance within a reasonable time. Here the Belchers make more than reasonable efforts—the completely abated the nuisance—with a reasonable time—when it was safe to use the road.

Third, the Belchers cannot be penalized for the white boat because it was not on their land. Both the Solano County software apparently used by BCDC and the Belcher's own calculations should that the white boat was outside their property lines.

Fourth, BCDC has not complied with §66640.1, which requires BCDC to create and implement four sets of procedures relating to penalties, including a penalty matrix. Although BCDC has created a penalty matrix, the evidence strongly implies that it was not applied in this case. There is no evidence that BCDC has complied, in this case, with the other three requirements.

Fifth, BCDC should not be admitting evidence that was not submitted under penalty of perjury, as BCDC regulations imply. Here none of the evidence offered against the Belchers was submitted under penalty of perjury, and none should be admitted. Without evidence BCDC cannot hold the Belchers liable.

Sixth, BCDC's penalties violates due process because they fund BCDC. Prosecuting agencies who make money from fines are too biased to be fair.

Seventh, BCDC's procedures for cross-examination violate due process because they eliminate the element of surprise by requiring the cross-examiner to disclose the questions to be asked.

The Belchers should not be penalized.

II. BACKGROUND

A. Thad Woodin Has Dispossessed The Belchers From Their Property

The Belchers appreciate BCDC's efforts to clean up the part of Van Sickle Island that Thad Woodin has littered with unused boats and other trash. (Declaration of S. Belcher, ¶ 2.)

More than ten years ago, the Belchers had several encounters with Mr. Woodin that have prevented them from using their property on the island since. Mr. Woodin owned two pit bulls that roamed freely on the island and acted viciously towards the Belchers. On one family visit to the property, Mr. Woodin's pit bulls came onto the Belcher property and threatened Mrs. Belcher and one of her children, who had to retreat into their small house. The incident was traumatic. The Belcher family cut their visit short. The Belchers later learned that one of Mr. Woodin's dogs was shot at a duck club when he attacked or threatened a member, and that Mr. Woodin threatened to kill that duck-club member. (*Id.*, ¶ 3.)

On another visit, the Belchers arrived to find several bullet holes in the front-door of their guest house. The glass in that door had been shattered. Many items had been stolen from the house and garage, including a metal fishing boat, gasoline, tools, and parts. The Belchers were told, by the police among others, that Mr. Woodin had been stealing a lot of items on the island. The Belchers were warned to be careful of Mr. Woodin because he was a convicted felon, had a substance abuse problem, and could be very erratic. (*Id.*, ¶ 4.)

A few months later, when the Belchers arrived at the property with plans to perform landscaping maintenance, Mr. Woodin came onto their property and told them to leave. He was carrying a gun and did not appear mentally stable. The Belchers quickly left. (*Id.*, ¶ 5.)

Since then, the Belchers have not used their property on Van Sickle Island. It is unsafe. Mr. Woodin owns the parcel just to the south of them, and drives past their house on the levee road to get to his. (*Id.*, ¶ 6.)

Because Mr. Woodin has dispossessed the Belchers from their property, they were not aware of the blue boat on the property until they received the Initial Contact Letter from BCDC. (*Id.*, ¶ 7.)

B. The Belchers Responded Immediately To BCDC's Initial Contact Letter

On February 12, 2025, Mr. Belcher received the Initial Contact Letter, which had been sent by certified mail. (*Id.*) That letter referred to "a recreational vessel" within the 100-foot shoreline band, and included pictures of an abandoned blue boat on the Belchers' property. (Violation Report, ex. 8.)

That same day, Mr. Belcher called Anne Usher and left a voicemail, and then texted her the next morning at 9:30 a.m. Ms. Usher called that morning at 10:50 a.m. She provided Mr. Woodin's e-mail and phone number. She reported that Mr. Woodin had confirmed ownership of the blue boat on the Belchers' property and said he would remove it. Mr. Belcher said that if Mr. Woodin did not remove the boat he would. Ms. Usher acknowledged that the island levees had been extremely damaged by three years of harsh winters, and that vehicles could not travel on the levees until late spring or early summer. She agreed that it would be fine to remove the boat during that timeframe and that there would be no fines or penalties if Mr. Belcher did so. She said that it was not a big rush, they just wanted the boat gone eventually. (Belcher Decl., ¶ 7.)

Immediately after that call, Mr. Belcher texted and e-mailed Mr. Woodin and asked him to remove the boat. Mr. Woodin never responded. (*Id.*, ¶ 8.)

C. Vehicular Use Of The Road Was Prohibited Because It Was "UNSAFE!"

The levee road is a narrow dirt road. Several locations of the island's levee roads have been heavily damaged, compromised, or destroyed by the past three years of extreme storms. Reclamation District No. 1607 has prohibited street vehicles from using levee roads, and has posted signs saying that travel on the levee is "UNSAFE":



(*Id.*, ¶ 9 and Exhibit A.)

In June, Mr. Belcher corresponded with Chris Lanzafame, Secretary of the reclamation district. Mr. Lanzafame reported that Mr. Woodin had not removed the boat, and provided the following picture of it:



(*Id.*, ¶ 10 and Exhibit B.)

Mr. Lanzafame also reported that he "talked with Anne from BCDC and told her not to push it until we have some contractors working out there which may start pretty soon". In July, after the Violation Report had gone out, he reported that and that he "let her know that [he] thought that no one should be fined except Thad". (*Id.*, ¶ 11 and Exhibits C and D.)

In an e-mail dated July 9, Ms. Usher acknowledged that the road was unsafe when it was wet: "Regarding the levee safety, I've had many discussions with Chris [Lanzafame] over that and it is safe on a seasonal basis—when it's dry—to use the road to remove [the boats]." (*Id.*, ¶ 12 and Exhibit E.) In fact, the Violation Report itself notes that, during an interview in April in which Mr. Woodin offered to remove the boats, "BCDC staff agreed that it would be best for him to wait until the levee road had completely dried before removing the items." (Violation Report at 6.)

D. On July 8, BCDC Identified A Second Boat

In late June Mr. Belcher began making plans to remove the blue boat from his property. On July 1, Ms. Usher called him and asked for his e-mail address. When he asked what it was about, she told him it was to notify him about the violation and fine. Mr. Belcher explained that he was scheduled to remove the boat on July 9, in just a few days. Ms. Usher said that she had a new boss, that the lawyers were running the show, and that their agreement on timing didn't matter: He was going to be fined anyway. (Belcher Decl., ¶ 13.)

During that call, there was no mention of the second white boat. The Belchers first learned about the white board when they received the Violation Report on July 8. (*Id.*, ¶ 14.) The Violation Report's cover letter refers to "a white recreational vessel that straddles your parcel and Thaddeus Woodin's parcel".

E. On July 9, Mr. Belcher Removed Both Boats, But BCDC Refused To Reconsider

On July 9, Mr. Belcher removed the blue boat and its accompanying trailer from the Belcher property. He also removed the white boat and its accompanying trailer from its location next to the Woodin's house. The white boat's trailer extended over the deck alongside Mr. Woodin's house to his foundation. Both boats were not in movable condition and had to be extracted with specialized equipment. (*Id.*, ¶ 15.) The removal of both boats should have fully resolved BCDC's concerns.

On that same day, Mr. Belcher e-mailed Ms. Usher and texted photos explaining that both boats had been removed. Ms. Usher responded that she would "discuss this action with our lawyer".

Nevertheless, BCDC has not taken any action to eliminate the penalty, remove the Belchers from the penalty proceeding, or reach any type of settlement with them. (*Id.*, ¶¶ 16-17 and Exhibits F-E.)

F. The White Boat Was Not On The Belchers' Property

In that same e-mail exchange, Mr. Belcher explained that the white boat was not on the Belchers' property. Ms. Usher responded by encouraging him to include a parcel survey that shows off his property boundary. When he contacted a surveyor, however, he was told that a boundary survey could not be performed because the relevant markers were under water in the damaged flooded part of the island. (*Id.*, ¶ 18 and Exhibit G.)

The Violation Report and its exhibits do not appear to include any evidence that would put the white boat on the Belchers' property. The reader is referred to Exhibit 4, which includes a map from the Solano County Parcel Viewer. That map does not provide any information on the white boat, any overlay of the parcel lines on an aerial photo, or any other evidence to show that the white boat is on the Belchers' property.

In March 2025 Ms. Usher was told by the Solano County's Assessor's Office that "[a]ssessor maps cannot be used as a legal instrument" and offered to provide a grant deed for particular parcels. (*Id.*, ¶ 19 and Exhibit H.)

Although the Violation Report does not include an overlay of the parcel lines on an aerial photograph, the county's parcel-viewer software can generate that kind of overlay with a few clicks. That overlay, however, shows that the white boat IS NOT on the Belchers' property:

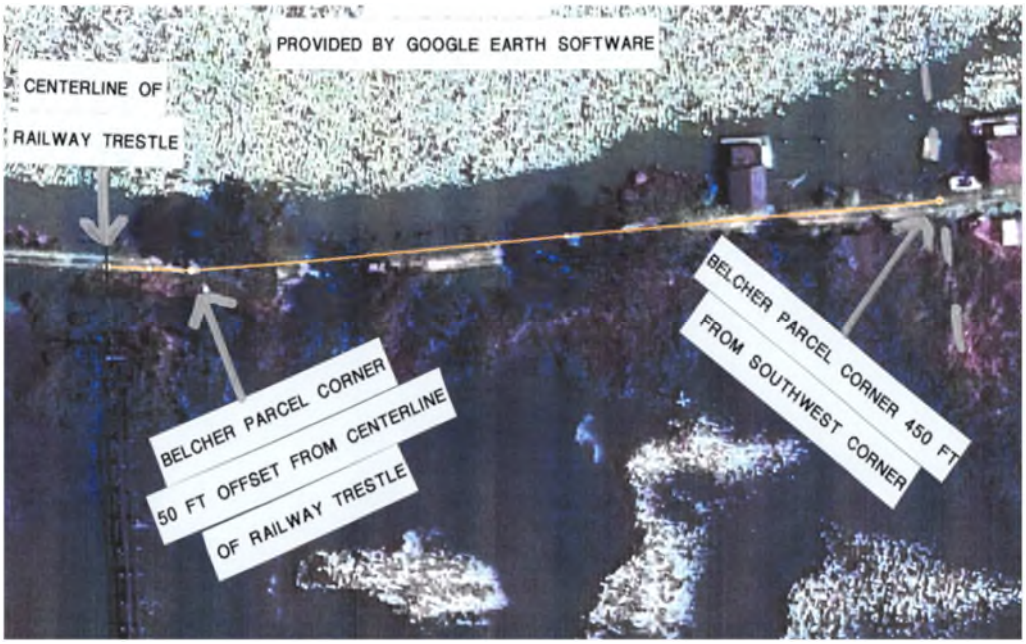


The two blue arrows show the edges of the Belchers' parcel (the blue arrows are within the property lines), and the red line shows the white boat at issue. (Declaration of Lawrence S. Bazel, ¶ 2 and Exhibit AA (arrows added; original shows Belcher property lines in blue; *see* Violation Report at 3 (boat is "near Thad Woodin's house).) The white boat is well outside of the property lines.

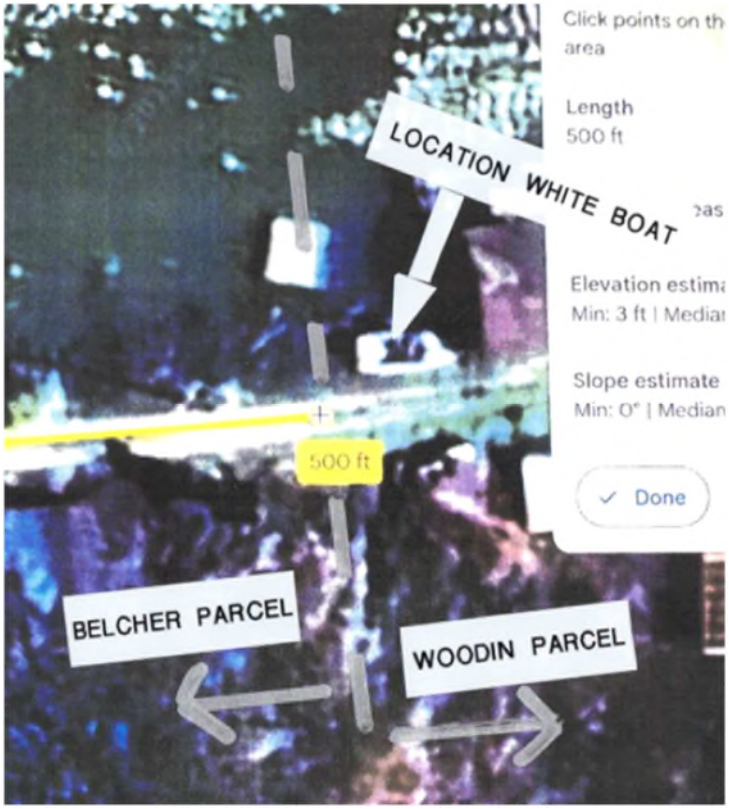
This overlay does not show *who* owns the property where the white boat is located, and there is good reason to think that the location of the property lines on this overlay is wrong. But if the lines are wrong then the overlay should not be used. BCDC regulations limit admissible evidence to "the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs". (14 CCR §11329.) Because the assessor's maps do not identify the owner of the property on which the white boat was located, they do not meet that standard, and the Belchers object to the use of the assessor's maps to impose liability on the Belchers for the white boat.

The Violation Report also refers to "OnXHunt App maps", although no map from this app is included in the exhibits. BCDC has not provided any information on how these maps apply to the white boat, and therefore has not established that they are any better than the assessor's maps. The Belchers object to them on the same grounds.

The real property lines should, of course, be determined from the description in the grant deed. That is what the Belchers have done, as best they can in these circumstances. He learned from his correspondence with a surveyor that one of their parcel corners is 50 feet from the centerline of a railway trestle that can be seen on Google Earth. Using the measuring tools in that software, and the 450-foot length in their grant deed, they identified a distance 500 feet from the railway-trestle centerline:



Here is a closeup showing that the Belchers' parcel is to the left of the dashed line, the Woodin parcel is to the right of the dashed line, and the white boat is fully to the right of the dashed line: fully on the Woodin parcel:



(*Id.*, ¶ 20 and Exhibits I, J, and K (correspondence with surveyor about relationship of property line to center of trestle).)

The Belchers' analysis, therefore, shows that the white boat was never on their property. The Violation Report does not include any maps (or any other information) to the contrary. Although BCDC seems to have relied on Solano County's software, the map generated by that software is not admissible because it is not sufficiently reliable. And even if it is admitted, it shows that the white boat is not on the Belchers' parcel. The evidence that the white boat has never been on the Belchers' parcel, therefore, is undisputed.

G. Responses To The Form

BCDC's standard form for a statement of defense calls for information about facts and allegations admitted, denied, and beyond the personal knowledge of the persons responding. The Belchers admit they own property on Van Sickle Island and that a blue boat was on that property until they removed it. Except as specifically admitted in this Statement, the Belchers deny all facts

and allegations related to them. The Violation Report includes facts and allegations related to actions by others, and in response to these the Belchers generally do not have personal knowledge, and on that ground deny them. Other facts that may exonerate the Belchers are identified in this Statement. Accompanying this Statement is the declaration of Steve Belcher and the declaration of Lawrence S. Bazel. The Belchers would like to cross-examine Ms. Usher, as explained below.

III. ARGUMENTS

A. Promissory Estoppel Binds BCDC To Its Promise Not To Impose Fines

"'A promise which the promisor should reasonably expect to induce action or forbearance on the part of the promisee or a third person and which does induce such action or forbearance is binding if injustice can be avoided only by enforcement of the promise....'". (*US Ecology, Inc. v. State of California* (2001) 92 Cal.App.4th 113, 130, quoting *Kajima/Ray Wilson v. Los Angeles County Metropolitan Transportation Authority* (2000) 23 Cal.4th 305, 310.) "These principles apply to claims against the government, particularly where the application of the doctrine would further public policies and prevent injustice." (*Id*. at 131.) The facts in *US Ecology* "fit within the classic model of a promissory estoppel claim":

> (1) the Department [of Health Services] made promises…; (2) the Department should reasonably have expected these promises to induce action on the part of Ecology; (3) Ecology did in fact detrimentally rely on the promises…; and (4) the Department violated its promises…

(*Id*. at 131.) Those are the facts here. BDCD made a promise to the Belchers (they could remove the blue boat in summer without being fined); it should reasonably have expected that promise to induce reliance (the Belchers would wait until summer, when it was safe to remove the boat); the Belchers did in fact detrimentally rely on the promise; and BCDC violated its promise (it imposed a fine). BCDC is therefore bound by its promise.

In *US Ecology*, the State of California argued that promissory estoppel could not be asserted against a government agency because the agency lacked statutory authority to make the promise and because enforcing the promise would be against public policy. The court rejected both these arguments. It concluded that specific statutory authorization to enter into a contract was not required: "an administrative agency has the power to contract on a particular matter if this power may be fairly implied from the general statutory scheme." (*Id*. at 132, citing inter alia *Youngman v.*

Nevada Irrigation Dist. (1969) 70 Cal.2d 240, 248.) Here, there is no doubt that BCDC can enter into a contract not to impose penalties if fill is removed within a specified time.

The court in *US Ecology* recognized that "promissory estoppel may not be invoked against a governmental body where it would operate to defeat the effective operation of a policy adopted to protect the public." (*Id*. at 135, quotation marks omitted.) The court rejected that argument because the agency's breach of its promise was alleged to have been made "solely because of political considerations rather than environmental or safety concerns". (*Id*.) In this case BCDC breached its promise for reasons that are not related to protecting the public interest or the environment. Fining people for not removing a boat *when it is unsafe to do so* is not in the public interest. Nor is it in the public interest to fine people who are cooperating with BCDC.

When Ms. Usher told the Belchers that they could wait until it was safe to remove the boat she was acting consistently with how BCDC has acted historically. People who agree to remove abandoned boats are given a reasonable time to remove the boats. That historic policy was in the public interest because it encouraged the regulated community to solve a problem that they may not have been aware of—removing abandoned boats—rather than spending money on lawyers and devoting unnecessary time to hearings. BCDC should not penalize people who cooperate.

B. Consistent With *Leslie Salt,* The Belchers Cannot Be Penalized Because They Acted Within A Reasonable Time

The Violation Report alleges a violation of §66632(a) of the McAteer-Petris Act, which provides that "[a]ny person or governmental agency wishing to place fill" in specified areas to obtain a permit from BCDC. (Government Code §66632(a).) In *Leslie Salt*, the company argued that it could not be held liable under this statute because it had not placed the fill. The court rejected this argument on the ground that the statute should be "construed in light of common law principles bearing upon the same subject" and that "[u]nder the common law, liability for a public nuisance may result *from the failure to act* as well as from affirmative conduct." (*Leslie Salt Co. v. San Francisco Bay Conservation etc. Com.* (1984) 153 Cal.App.3d 605, 619, emphasis in original.) As *Leslie Salt* explains, however, landowners are liable for failure to act *only if after a reasonable opportunity* they do not take reasonable steps:

> "A possessor of land is subject to liability for a nuisance caused while he is in possession by an abatable artificial condition on the land [such as the

> placement of fill], if…he has failed after a reasonable opportunity to take reasonable steps to abate the condition or to protect the affected persons against it."

(*Id*. at 619-620, quoting the Restatement Second of Torts §839; *see People ex rel. San Francisco Bay Conservation etc. Com. v. Smith* (1994) 26 Cal.App.4th 113, 125 (§66632(a) is "environmental legislation that represents the exercise by government of the traditional power to regulate public nuisances", quoting *Leslie Salt* at 618).)

Here the Belchers took reasonable steps (they removed the boats) within a very reasonable time (when the levee was dry enough to be safe). Consistent with *Leslie Salt*, therefore, they are not liable under §66632(a).

This conclusion is reinforced by *City of Modesto*, which followed *Leslie Salt* and interpreted the Porter-Cologne Act consistently with principles of the common law of nuisance. (*City of Modesto Redevelopment Agency v. Superior Court* (2004) 119 Cal.App.4th 28, 38.) In that case, however, the court recognized that '[w]hile liability for nuisance is broad…it is not unlimited" and held that the defendants' acts in that case "[do] not fall within the context of nuisance". (*Id*. at 39, 42.)

Here the Belchers' acts did not violate §66632(a) because that act, as *Leslie Salt* and *City of Modesto* make clear, must be interpreted consistently with the principles of the common law of nuisance. Although that common law may extend the statute to landowners who did not place the fill, as *Leslie Salt* held, that common law *does not* extend the statute to landowners who take reasonable steps, after a reasonable opportunity, to abate the nuisance. The Belchers took reasonable steps in response to the blue boat by removing the boat when the levee road was dry enough to be safe. The Belchers took reasonable steps to remove the white boat by removing it within 24 hours of notice.

C. The Belchers Cannot Be Penalized For The White Boat Because It Was Not On Their Land

BCDC does not contend that the Belchers are liable for boats *on other people's land* that the Belchers do not own and did not place there. To impose a fine on the Belchers, therefore, BCDC must prove that the white boat was on the Belchers' land. This they cannot do.

The Violation Report appears to rely on the Solano County Parcel Viewer software for its conclusion that the white boat straddles the Belchers' land. (Section II.F above.) But "[a]ssessor maps cannot be used as a legal instrument", as the Solano County Assessor's Office told BCDC. The Belchers have objected to the use of those maps for that purpose, and the evidence should not be admitted. (*Id.*) Without this evidence, BCDC cannot prove that the white boat was on the Belchers' property, and without that proof BCDC cannot impose a fine.

Even if the Solano County Parcel Viewer map is admitted, the result is the same because that map shows that the white boat *is not* on the Belchers' property. That map shows that it is outside the boundaries of the Belchers' property. (*Id.*) The Belchers are not arguing that the map *correctly* shows where the true boundary is. On the contrary, the map appears to be wrong. But if the map is wrong it is not reliable evidence and should not be admitted.

Finally, the Belchers have submitted their own evidence, which is derived from the property description in their grant deed. That evidence shows that the white boat is well *outside* the boundary of their property. (*Id.*)

The evidence submitted by both BCDC and the Belchers, therefore, show that the white boat is outside the boundary. There is no evidence showing that the boat is inside the boundary or that it straddles the boundary. The Belchers, therefore, cannot properly be held liable for that boat.

Ms. Usher suggested that the Belchers should hire a surveyor to prepare a proper boundary map. (*Id.*) But a proper boundary map is the obligation of BCDC, not the Belchers.

Moreover, the Belchers cannot be faulted for not submitting a proper boundary map because they responded to Ms. Usher's suggestion by contacting a surveyor, only to be told that a survey of their property could not be done because the boundary markers were under water.

The response of the Belchers to the white boat was faultless. They removed it within 24 hours of being told they should remove it, even though the boat was never on their property. They should not be penalized for it.

D. BCDC Has Not Complied With §66640.1

Section 66640.1 requires BCDC to create and *implement* several procedural provisions:

> The commission shall create and implement all of the following by the end of the 2020–21 fiscal year:

> (a) A procedure to ensure that managers perform a documented review of staff decisions in enforcement cases.
>
> (b) Timelines for resolving enforcement cases.
>
> (c) A penalty matrix for assessing fines and civil penalties.
>
> (d) A method for assessing civil penalties in cases involving multiple violations.

There is no evidence that BCDC has complied with any of these, and some evidence showing that it has violated subsections (c) and (d).

The Violation Report presents no evidence that BCDC managers have provided a documented review of staff decisions. Unless some evidence is presented, subsection (a) is violated.

There is no evidence that BCDC has created timelines for resolving enforcement cases or implemented them in this case. According to the Violation Report, this enforcement proceeding has been pending since 2019. (Violation Report at 9.)

The penalty matrix, required by subsection (c), is found in BCDC's Appendix J, its Administrative Civil Penalty Policy. The Violation Report provides a "summary of the penalty calculation methodology" but does not *implement it*. (Violation Report at 8.) So, for example, the policy requires, in step 1, a determination of the "total initial base penalty", followed by "[a]djustments specific to the violator" in step 2 ("the violator's degree of culpability for the violation", step 3 ("any history of violations by the violator"), and step 4 ("any voluntary removal or resolution efforts and cooperation by the violator"). (Appendix J, Section I, Penalty Calculation Methodology.) These steps were not applied to the Belchers.

The Violation Report proposes an $18,000 penalty for Violation 3. (Violation Report at 8.) It identifies the responsible persons for Violation 3 as "Steve and Lesley Belcher and Thad Woodin". (*Id*. at 2.) According to Ms. Usher, the Belchers are responsible for half this amount, or $9,000. (Belcher Decl., ¶ 21 and Exhibit L.) But if the same $9,000 penalty is being imposed both the Belchers and Mr. Woodin, then the matrix cannot have been implemented. As noted above, the matrix requires "[a]djustments specific to the violator", including adjustments for degree of culpability and voluntary resolution efforts. Here Mr. Woodin's culpability is far greater than any culpability that the Belchers may have: He's the person, as he admits, who put the boats where they

are. *He* has a history of violations—he has left boats and other "unpermitted fill" on the property of many other people—whereas the Belchers have none. The Belchers lived up to their agreement with BCDC and removed the blue boat (and, when it was identified, the white boat), whereas Mr. Woodin, who also talked about removing the boats, did not. Because the Belchers and Mr. Woodin would have very different penalties if the matrix had been applied, the matrix cannot have been applied.

The differences in culpability here highlight the need for BCDC to comply with subsection (d) of §66640.1, which requires BCDC to create and implement a "method for assessing civil penalties in cases involving multiple violations". Here Mr. Woodin has committed multiple violations, some of which have been committed on the Belchers' property. Although *Leslie Salt* may give BCDC leave to impose liability on a landowner under the right circumstances, that case does not give BCDC leave to ignore subsection (d), which if implemented would have provided a coherent way of apportioning liability among the perpetrators and the property owners.

Because BCDC has not complied with §66640.1, it should not impose a penalty on the Belchers.

E. Facts Alleged In The Violation Report Should Not Be Admitted Because They Were Not Supported By Declarations

BCDC's statement of defense form directs the respondent to "[n]ame of any person *whose declaration under penalty of perjury was listed in the violation report* as being part of the staff's case who the respondent wants to cross-examine". (Paragraph 9, emphasis added.) The implication is that the *only* people who can be cross-examined are those whose testimony is in a declaration. That makes sense because BCDC should be considering *only* evidence submitted under penalty of perjury.

Here, however, the evidence offered against the Belchers is not supported by any declarations make under penalty of perjury. It should therefore not be admitted or considered. Without evidence against them, the Belchers cannot be held liable.

F. BCDC's Penalties Violate Due Process Because They Fund BCDC

When a government official imposes penalties that go to fund that government agency, it creates a "situation in which an official perforce occupies two practically and seriously inconsistent

positions, one partisan and the other judicial, and *necessarily involves a lack of due process* of law in the trial of defendants charged with crimes before him". (*Ward v. Village of Monroeville, Ohio* (1972) 409 U.S. 57, 60, emphasis added, quotation marks and parentheses omitted.) BCDC is in exactly this position. The commission imposes penalties that go to BCDC, thereby giving the commissioners an unconstitutional pecuniary interest in the outcome.

Penalties imposed by BCDC go into the Bay Fill Clean-up and Abatement Fund, and "all moneys paid into the fund shall be available for expenditure by the commission or the executive director, when appropriated by the Legislature". (Government Code §66647(a)-(b).)

BCDC's penalty procedures therefore violate due process.

G. BCDC Regulations Violate Due Process Because They Prevent Effective Cross-Examination

BCDC regulations require respondents to identify not just the person to be cross-examined, but also "a specific reference to the fact or information respondent disputes, the information that respondent believes can be elicited by cross-examination, and the reasons the respondent believes that the information can best be provided by cross-examination rather than by the submittal of declarations or other written evidence". (14 CCR § 11322(b).) This regulation prevents respondents from using cross-examination effectively. Because the witness knows what questions are coming, the witness can prepare beforehand.

This regulation is inconsistent with Evidence Code § 769, which specifies that "In examining a witness concerning a statement or other conduct by him that is inconsistent with any part of his testimony at the hearing, it is not necessary to disclose to him any information concerning the statement or other conduct."

This regulation is also inconsistent with case law holding that cross-examiners should be given wide latitude: "While the trial judge has broad discretion to control the ultimate scope of cross-examination designed to test the credibility or recollection of a witness, yet wherever possible that examination should be given wide latitude…" (*Jennings v. Superior Court of Contra Costa County* (1967) 66 Cal.2d 867, 877, citations and quotation marks omitted.)

The BCDC regulation on cross-examination, and its application here, violate due process.

IV. CROSS EXAMINATION

The Belchers want to cross-examine Ms. Usher about the agreement entered into with the Belchers not to impose penalties, the breach of that agreement, the documents relating to the conclusion that the white boat in on the Belchers' property, the "procedure to ensure that managers perform a documented review of staff decisions" as required by subsection (a) of §66640.1, BCDC' timelines for resolving enforcement cases as required by subsection (b) of that section and how they were applied in this case, whether and how the penalty matrix was applied to assessing the fine in this case as required by subsection (c), and whether and how BCDC created and applied a "method for assessing civil penalties in cases involving multiple violations" as required by subsection (d). The Belchers hope to elicit testimony confirming the agreement and its breach, the fact that the white boat was never on the Belchers' property, and BCDC's violations of §66640.1.

V. CONCLUSION

The Belchers should not be penalized.

DATED: August 12, 2025

BRISCOE PROWS KAO IVESTER & BAZEL LLP

By: _____
Lawrence S. Bazel
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Exhibit C5

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SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

In the matter of:

VIOLATION REPORT AND COMPLAINT FOR ADMINISTRATIVE CIVIL PENALTIES

ENFORCEMENT CASE ER2025.001.00

Thaddeus (Thad) Woodin et al., Respondents.

DECLARATION OF STEVE BELCHER

I, Stephen L. Belcher, declare as follows:

1. I am a party to this proceeding. My wife Lesley is also a party to this proceeding. I have personal knowledge of the following facts.

2. My wife and I appreciate BCDC's efforts to clean up the part of Van Sickle Island that Thad Woodin has littered with unused boats and other trash.

3. More than ten years ago, my wife and I had several encounters with Mr. Woodin that have prevented us from using our property on the island since. Mr. Woodin owned two pit bulls that roamed freely on the island and acted viciously towards us. On one family visit to the property, Mr. Woodin's pit bulls came onto our property and threatened my wife and one of my children, who had to retreat into our small house. The incident was traumatic, and we cut our visit short. I later learned that one of Mr. Woodin's dogs was shot at a duck club when he attacked or threatened a member, and that Mr. Woodin threatened to kill that duck-club member.

4. On another visit, we arrived to find several bullet holes in the front door of our guest house. The glass in that door had been shattered. Many items had been stolen from the house and garage, including a metal fishing boat, gasoline, tools, and parts. We were told, by the police, among others, that Mr. Woodin had been stealing a lot of items on the island. We were warned to be careful of Mr. Woodin because he was a convicted felon, had a substance abuse problem, and could be very erratic.

5. A few months later, when we arrived at the property with plans to perform landscaping maintenance, Mr. Woodin came onto our property and told us to leave. He was carrying a gun and did not appear mentally stable. We quickly left.

6. Since then, we have not used our property on Van Sickle Island. It is unsafe. Mr. Woodin owns the parcel just to the south of us and drives past our house on the levee road to get to his.

7. On February 12, 2025, I received the Initial Contact Letter, which had been sent by certified mail. That same day, I called Anne Usher and left a voicemail, and then texted her the next morning at 9:30 a.m. Ms. Usher called that morning at 10:50 a.m. She provided Mr. Woodin's e-mail and phone number. She reported that Mr. Woodin had confirmed ownership of the blue boat on our property and said he would remove it. I said that if Mr. Woodin didn't remove it, I would.

Ms. Usher acknowledged that the island levees had been extremely damaged by three years of harsh winters, and that vehicles could not travel on the levees until late spring or early summer. She agreed that it would be fine to remove the boat during that timeframe and that there would be no fines or penalties if I did so. She said that it was not a big rush, they just wanted the boat gone eventually.

8. Immediately after that call, I texted and e-mailed Mr. Woodin and asked him to remove the boat. Mr. Woodin never responded.

9. The levee road is a narrow dirt road. Several locations of the island's levee roads have been heavily damaged, compromised or destroyed by the past three years of extreme storms without repair. This has led to Reclamation District No. 1607 prohibiting street vehicles to travel on the levee roads due to these "UNSAFE", wet or muddy conditions, and they have posted multiple signs prohibiting street vehicles from using the levee without proper repair. Photographs accurately showing one of the signs are attached as Exhibit A.

10. In June, I corresponded with Chris Lanzafame, Secretary of the reclamation district. Mr. Lanzafame reported that Mr. Woodin had not removed the boat and provided a picture of it. An accurate copy of that picture is attached as Exhibit B.

11. Mr. Lanzafame also reported that he "talked with Anne from BCDC and told her not to push it until we have some contractors working out there [to repair the damaged levees] which may start pretty soon". In July, after the Violation Report had gone out, he reported that and that he "let her know that [he] thought that no one should be fined except Thad". Accurate copies of those texts are attached as Exhibits C and D.

12. In an e-mail dated July 9, Ms. Usher acknowledged that the road was unsafe when it was wet: "Regarding the levee safety, I've had many discussions with Chris [Lanzafame] over that and it is safe on a seasonal basis—when it's dry—to use the road to remove [the boats]." An accurate copy of that e-mail is attached as Exhibit E.

13. In late June I began making plans to remove the blue boat from our property. On July 1, Ms. Usher called me and asked for my e-mail address. When I asked what it was about, she told me it was to notify me about the violation and fine. I explained that I was scheduled to remove the

boat on July 9, in just a few days. Ms. Usher said that she had a new boss, that the lawyers were running the show, and that their agreement on timing didn't matter, I was going to be fined anyway.

14. During that call, there was no mention of the second white boat. The first I learned about the white boat was when I received the Violation Report on July 8.

15. On July 9, I removed the blue boat and its accompanying trailer from our property. I also removed the white boat and its accompanying trailer from its location next to the Woodin's house. The white boat's trailer extended over the deck alongside Mr. Woodin's house to his foundation. Both boats were not in movable condition and had to be extracted with specialized equipment.

16. On that same day, I e-mailed Ms. Usher and texted photos explaining that both boats had been removed. Ms. Usher responded that she would "discuss this action with our lawyer". An accurate copy of that e-mail is attached as Exhibit F.

17. Nevertheless, BCDC has not taken any action to eliminate the penalty, remove us from the penalty proceeding, or reach any type of settlement with them.

18. In that same e-mail exchange, I explained that the white boat was not on our property. Ms. Usher responded by encouraging me to include a parcel survey that shows off our property boundary. When I contacted a surveyor, however, I was told that a boundary survey could not be performed because the relevant markers were under water in the damaged flooded part of the island. An accurate copy of the relevant portion of that e-mail is attached as Exhibit G.

19. In March 2025 Ms. Usher was told by the Solano County's Assessor's Office that "[a]ssessor maps cannot be used as a legal instrument" and offered to provide a grant deed for particular parcels. An accurate copy of that e-mail, as she provided it to me, is attached as Exhibit H.)

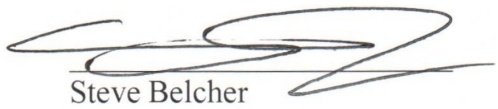
20. Through correspondence with a surveyor, I learned that one of our parcel corners is 50 feet from the centerline of a railway trestle that can be seen on Google Earth. Using the measuring tools in that software, and the 450-foot length in their grant deed, they identified a distance 500 feet from the railway-trestle centerline. An accurate copy of that map is attached as Exhibit I, and an accurate closeup is attached as Exhibit J. The labels and figures are mine. The

closeup, in particular, shows that the location of the white boat is entirely on the Woodin parcel. An accurate copy of my correspondence with the surveyor is attached as Exhibit K.

21. Ms. Usher informed me that I could avoid the hearing and satisfy the penalty by paying $9,000. An accurate copy of that e-mail is attached as Exhibit L.

I declare under penalty of perjury under the laws of the State of California that the factual statements made in this declaration are true and correct.

DATED: August 12, 2025



Steve Belcher

EXHIBIT A

Exhibit C5


Reclamation District No. 1607
VAN SICKLE ISLAND-SOLANO COUNTY, CALIFORNIA
Posted Warning
Vehicle Traffic Over This Levee Is
UNSAFE!
Due to wet, muddy and unsafe conditions, use of street vehicles is now prohibited on our earthen levees until further notice. Reclamation District 1607 takes no responsibility for damage to property, injury of death to anyone who travels over these levees. Violators will be solely responsible for their safety and damages.

Exhibit C5



EXHIBIT B

Exhibit C5

10:23

CL

Chris >

Sat, Jun 21 at 3:30 PM

4 Photos



Thads boat is still there
Here are a few shots
from today

+ iMessage

EXHIBIT C

Exhibit C5

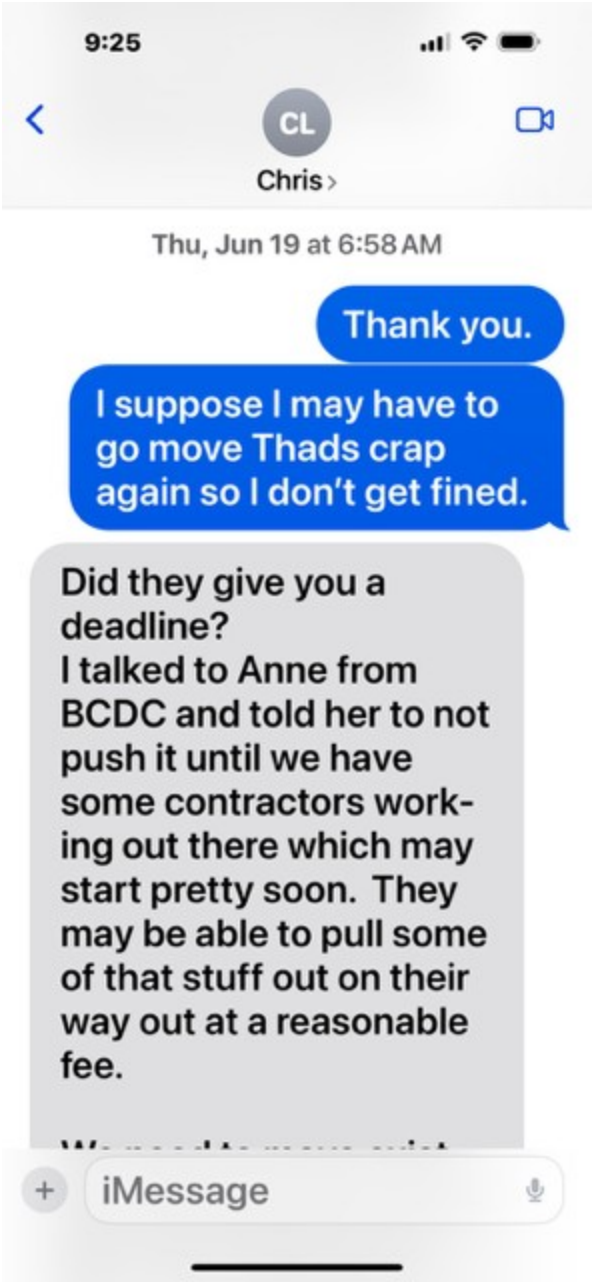

9:25
CL
Chris
Thu, Jun 19 at 6:58 AM
Thank you.
I suppose I may have to go move Thads crap again so I don't get fined.
Did they give you a deadline?
I talked to Anne from BCDC and told her to not push it until we have some contractors work-ing out there which may start pretty soon. They may be able to pull some of that stuff out on their way out at a reasonable fee.
iMessage

Exhibit C5

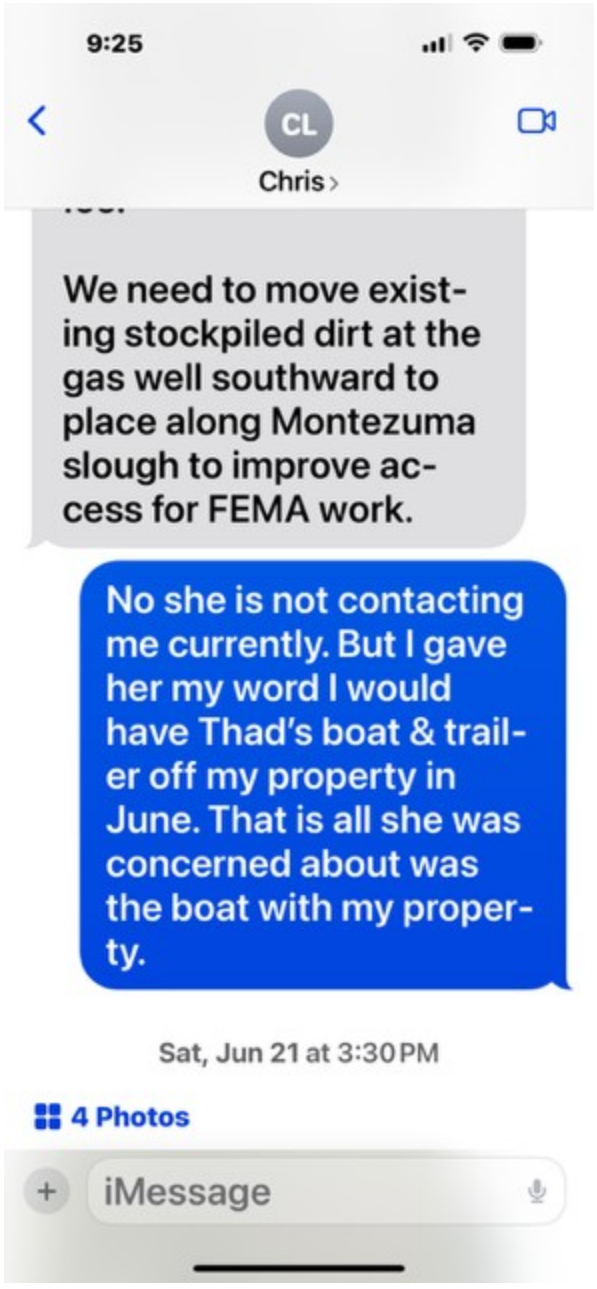

9:25
CL
Chris
We need to move existing stockpiled dirt at the gas well southward to place along Montezuma slough to improve access for FEMA work.
No she is not contacting me currently. But I gave her my word I would have Thad's boat & trailer off my property in June. That is all she was concerned about was the boat with my property.
Sat, Jun 21 at 3:30 PM
4 Photos
iMessage

EXHIBIT D

Exhibit C5

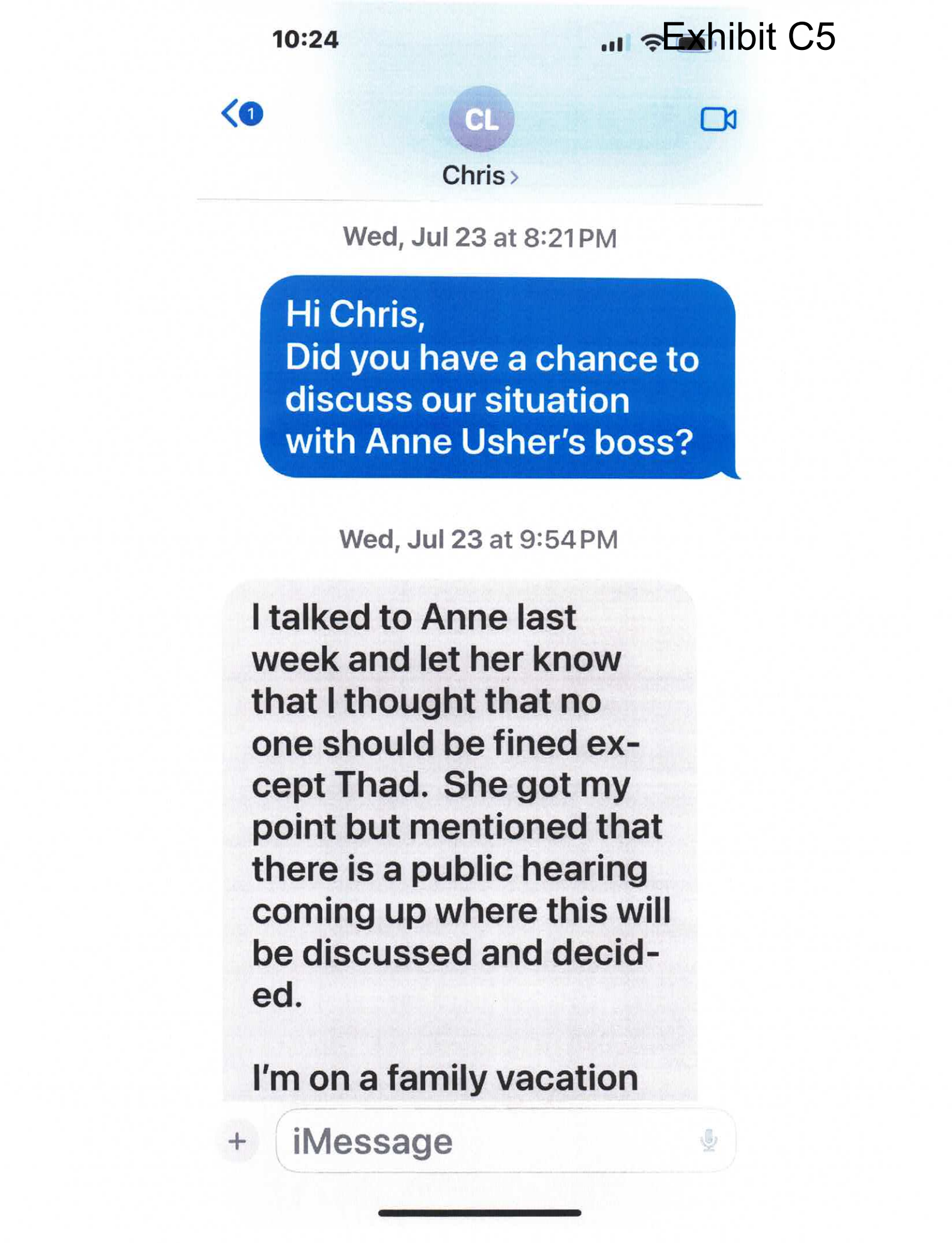

10:24
1
CL
Chris
Wed, Jul 23 at 8:21 PM
Hi Chris,
Did you have a chance to discuss our situation with Anne Usher's boss?
Wed, Jul 23 at 9:54 PM
I talked to Anne last week and let her know that I thought that no one should be fined except Thad. She got my point but mentioned that there is a public hearing coming up where this will be discussed and decided.
I'm on a family vacation
iMessage

Exhibit C5

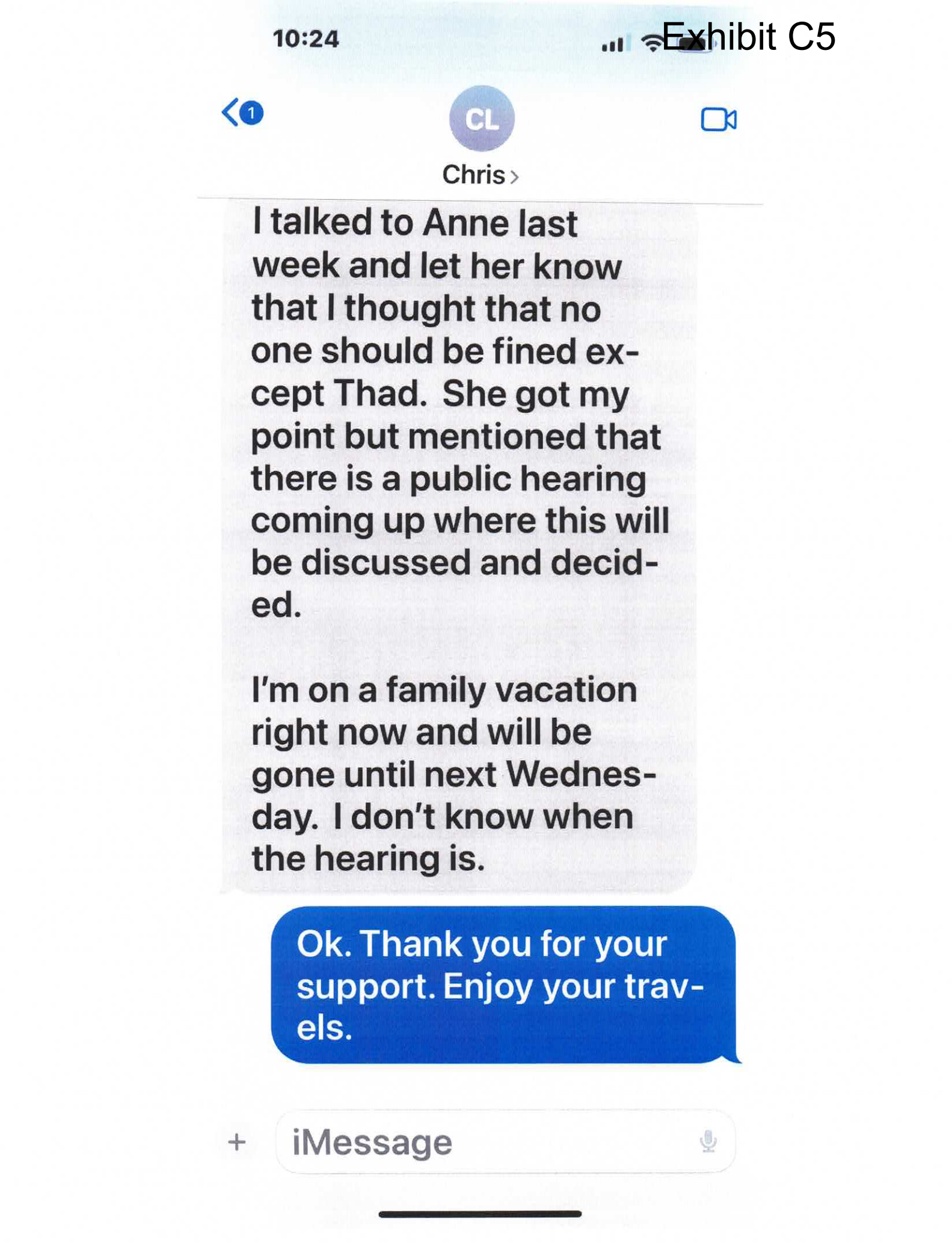

10:24
1
CL
Chris >
I talked to Anne last week and let her know that I thought that no one should be fined except Thad. She got my point but mentioned that there is a public hearing coming up where this will be discussed and decided.
I'm on a family vacation right now and will be gone until next Wednesday. I don't know when the hearing is.
Ok. Thank you for your support. Enjoy your travels.
+
iMessage

EXHIBIT E

Exhibit C5

Fwd: Belcher Van Sickle

From: Steve Belcher (catearthmovers@yahoo.com)

To: belcher1460@att.net

Date: Thursday, July 10, 2025 at 06:58 AM PDT

FYI
Sent from my iPhone

Begin forwarded message:

From: "Usher, Anne@BCDC" <anne.usher@bcdc.ca.gov>
Date: July 9, 2025 at 10:02:45 PM PDT
To: Steve Belcher <catearthmovers@yahoo.com>
Subject: Re: Belcher Van Sickle

Hi Steve,

Thanks again for taking the initiative to move his items off your parcel.

I appreciate the full statement but it's not a statement of defense, per se. I included the form for one in the mailing that you were given. You have until Aug. 11 to submit that to me. In the meantime, I appreciate this evidence of the removal and will include it with your case files and discuss this action with our lawyer, as I mentioned to you.

Regarding the levee safety, I've had many discussions with Chris over that and it is safe on a seasonal basis - when it's dry - to use the road to remove these items. The blue boat, for example, has been on a trailer. I do understand that removing the other boat was substantially more difficult.

As part of your defense statement, I would encourage you to include a parcel survey that shows your property boundary. I used various records and the county parcel lines can be off.

Best,
Anne

From: Steve Belcher <catearthmovers@yahoo.com>
Sent: Wednesday, July 9, 2025 6:53 PM
To: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Subject: Belcher Van Sickle

[You don't often get email from catearthmovers@yahoo.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

EXHIBIT F

Exhibit C5

Hi Anne,

As we originally discussed in February, today we transported and used heavy equipment to remove Thad Woodin's blue boat from within our property boundaries.

The second (white) boat referred to as " straddling the property" was found to not be on the legal parcel of the Belchers property. The true property line is the Utility Power Pole set approximately 50' back from the white boat's location which was pushed against Thad Woodin's building.

Since we did have heavy equipment onsite, at an enormous cost, we went ahead and moved the white boat into Thad Woodin's property further as a courtesy to BCDC.

Once again, the delay in moving Thad Woodin's blue boat in question was due to the order of our Reclamation District by their engineer that has deemed the levees unsafe, due to instability and breaches within the levees surrounding the island for the past two years preventing safe access to and from the Belcher property. Notices and postings witnessed today onsite showing these warnings are attached for your review. In response to your notice, we forged ahead and risked our safety to timely respond to the sudden and unexpected urgency of BCDC and moved Thad Woodin's personal property back to within his real property boundaries.

It should be noted that the Belchers have taken reasonable and responsible steps to remediate a problem that was not of their making. The Belchers are victims as well to the debris scattered and littered throughout the area due to Thad Woodin's illegal activities, making the Belcher's property virtually unusable.

We respectfully request that you extend the deadline for all other property owners who have been included in this enforcement file, the date to clear their properties of Thad Woodin's junk until September 2025, or at least 120 days after the Reclamation district engineers have cleared the levees surrounding Van Sickle island for safe travel. The Belchers are professionals in the heavy equipment industry and with the weak levees, this was an extraordinary dangerous activity. It would be unconscionable to have unskilled persons attempt to perform junk removal activities with the levees in their current condition and could lead to serious property and personal injuries.

Exhibit C5



Exhibit C5

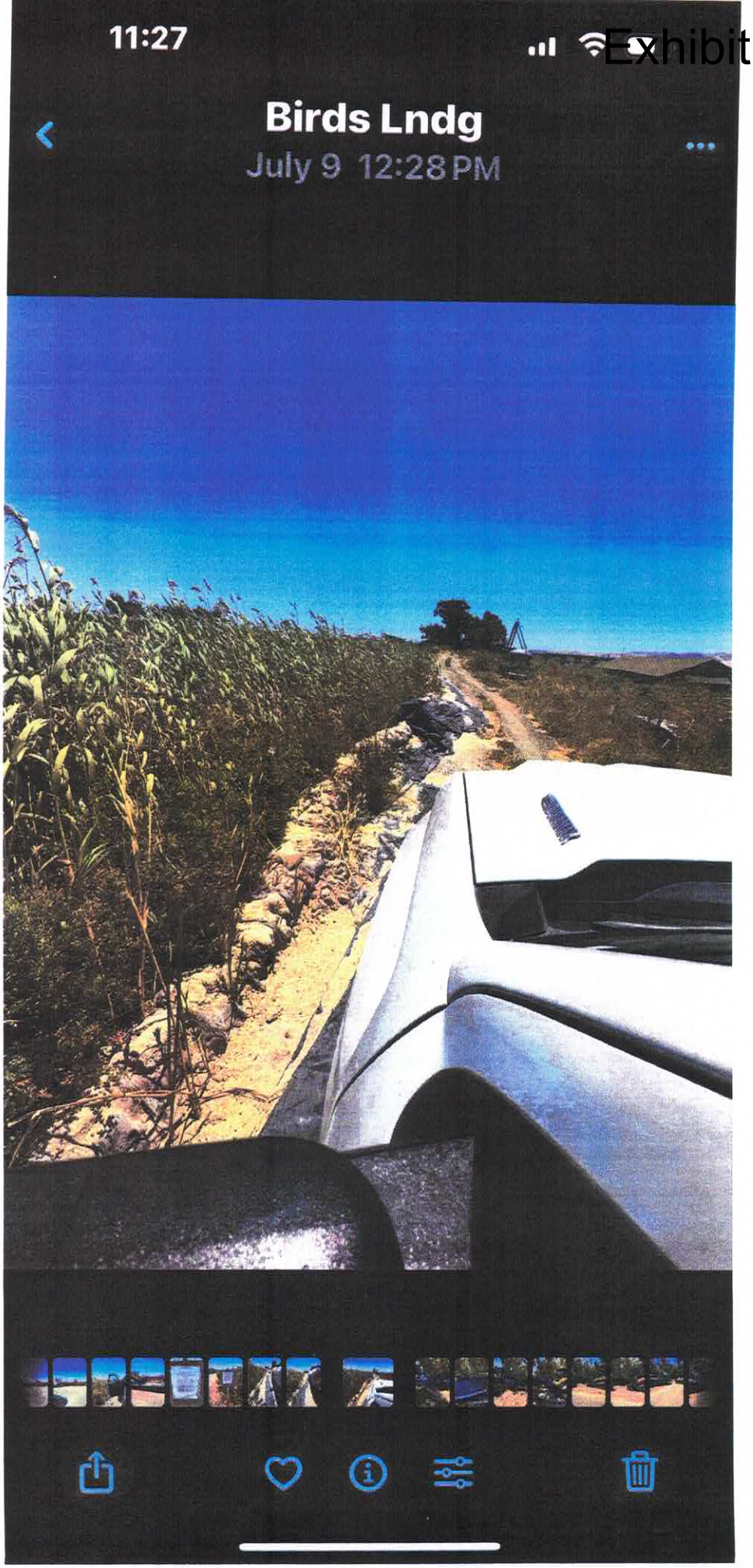


Exhibit C5

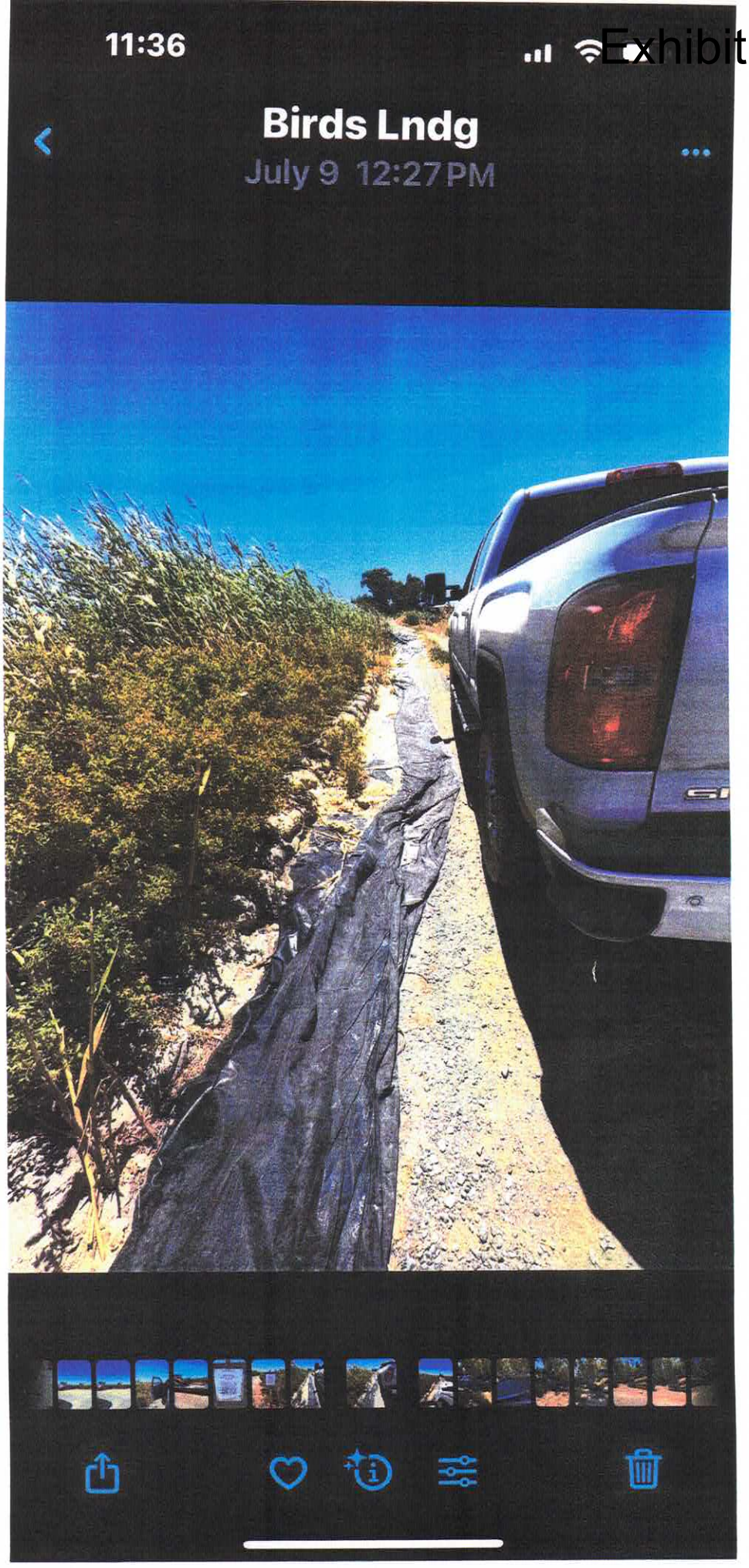


Exhibit C5

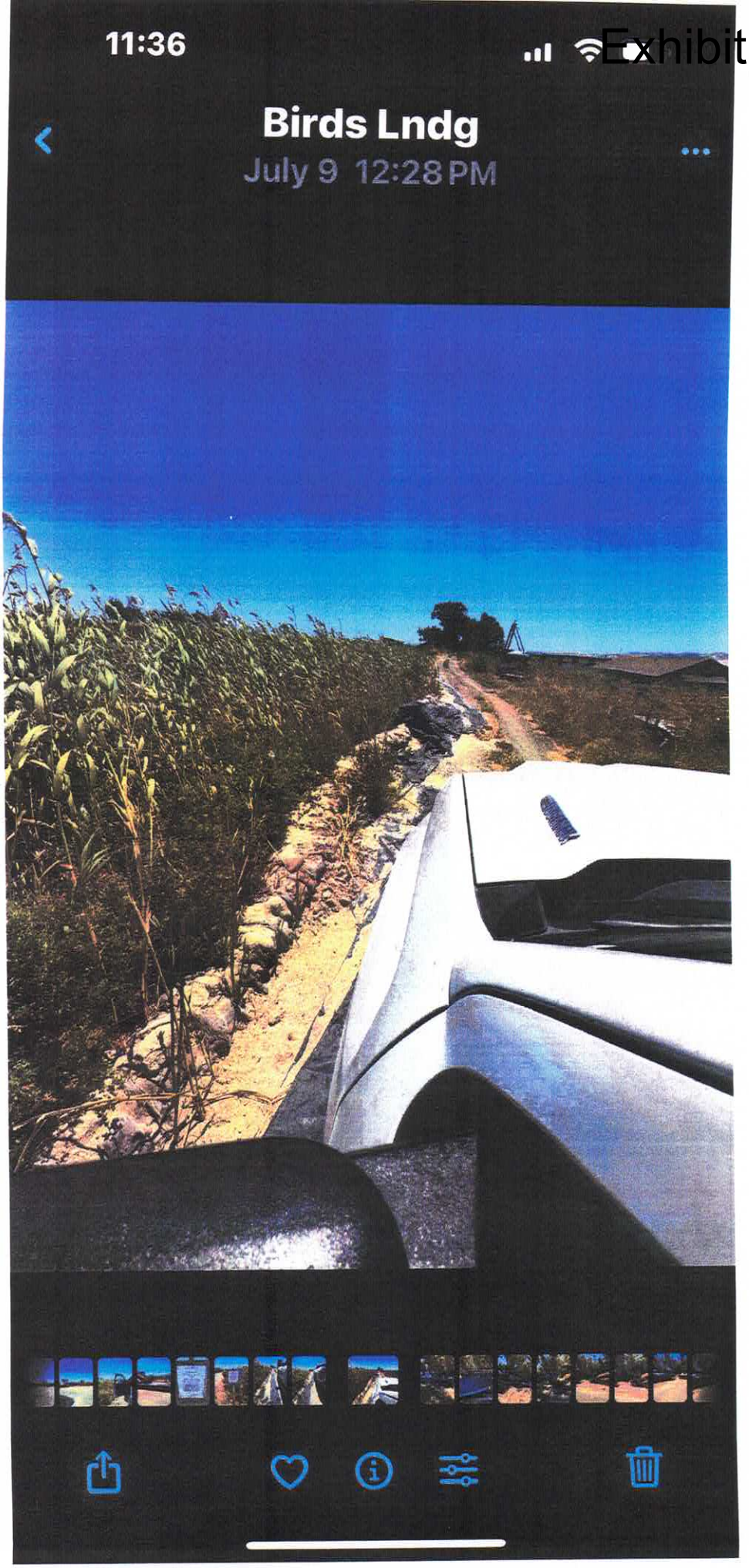


Exhibit C5


Reclamation District No. 1607
VAN SICKLE ISLAND-SOLANO COUNTY, CALIFORNIA
Posted Warning
Vehicle Traffic Over This Levee Is
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Exhibit C5



Exhibit C5

Exhibit C5

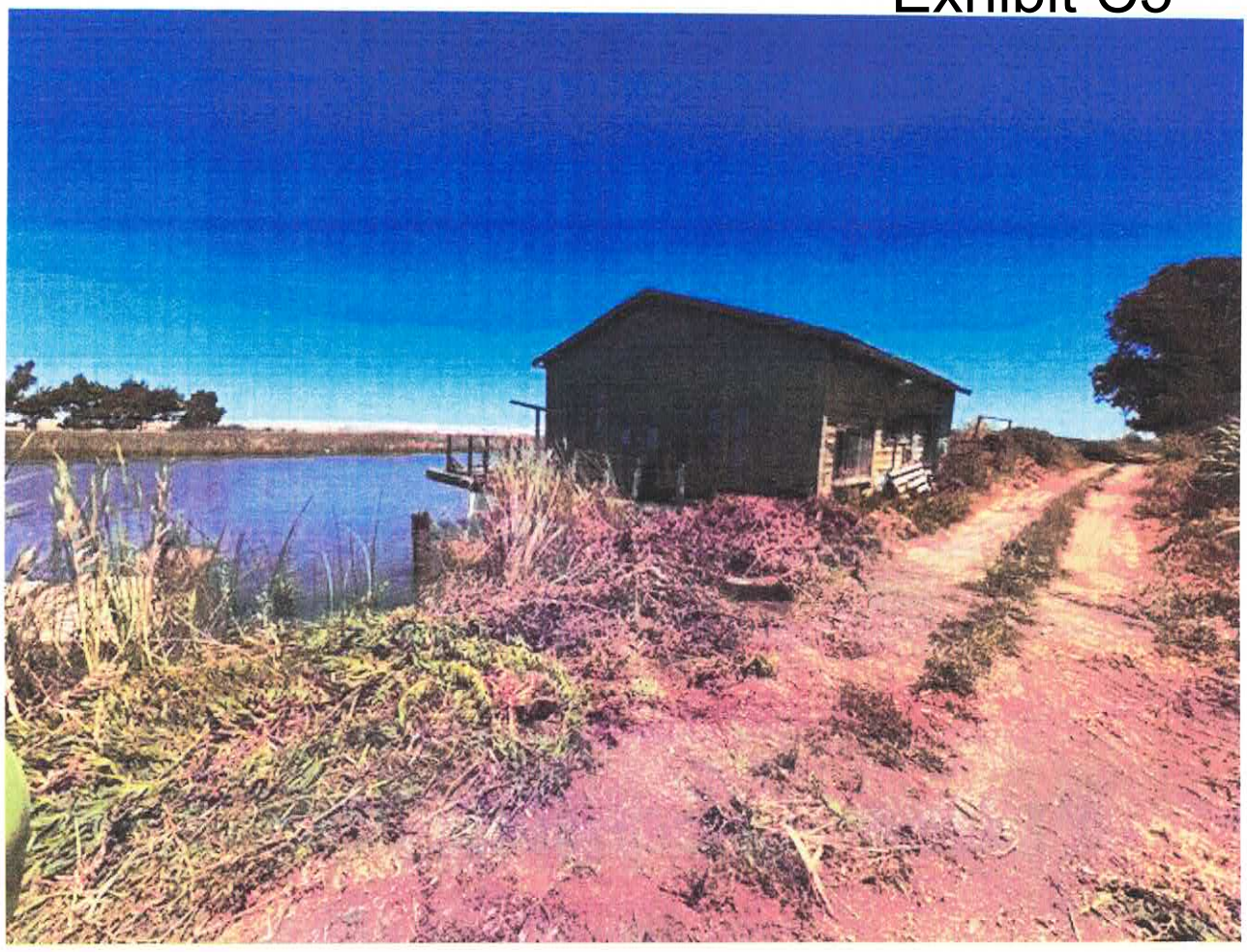

Exhibit C5



Exhibit C5



Exhibit C5



Sent from my iPhone

From: Steve Belcher
<sbelcher@corerentsusa.com>
Sent: Thursday, July 24, 2025 1:56 PM
To: Usher, Anne@BCDC
<anne.usher@bcdc.ca.gov>
Subject: Public Meeting Van Sickle ??

You don't often get email from sbelcher@corerentsusa.com. Learn why this is important

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Hi Anne,

Chris Lanzafame, Van Sickle Island Reclamation District Secretary mentioned to me that there is an upcoming public meeting regarding the exact situation we are involved with at Van Sickle Island? Is this a meeting that I can attend? If yes, can you give me all the inf and agenda?

Regards,

Steve L. Belcher
President
CORE Equipment Leasing, LLC
2800 E. 18th Street
Antioch, CA. 94509
Direct: 408-309-2022
www.corerentsusa.com

EXHIBIT G

Exhibit C5

Fwd: Belcher Van Sickle

From: Steve Belcher (catearthmovers@yahoo.com)

To: belcher1460@att.net

Date: Thursday, July 10, 2025 at 06:58 AM PDT

FYI
Sent from my iPhone

Begin forwarded message:

From: "Usher, Anne@BCDC" <anne.usher@bcdc.ca.gov>
Date: July 9, 2025 at 10:02:45 PM PDT
To: Steve Belcher <catearthmovers@yahoo.com>
Subject: Re: Belcher Van Sickle

Hi Steve,

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I appreciate the full statement but it's not a statement of defense, per se. I included the form for one in the mailing that you were given. You have until Aug. 11 to submit that to me. In the meantime, I appreciate this evidence of the removal and will include it with your case files and discuss this action with our lawyer, as I mentioned to you.

Regarding the levee safety, I've had many discussions with Chris over that and it is safe on a seasonal basis - when it's dry - to use the road to remove these items. The blue boat, for example, has been on a trailer. I do understand that removing the other boat was substantially more difficult.

As part of your defense statement, I would encourage you to include a parcel survey that shows your property boundary. I used various records and the county parcel lines can be off.

Best,
Anne

From: Steve Belcher <catearthmovers@yahoo.com>
Sent: Wednesday, July 9, 2025 6:53 PM
To: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Subject: Belcher Van Sickle

[You don't often get email from catearthmovers@yahoo.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

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Exhibit C5

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EXHIBIT H

Exhibit C4

Outlook

RE: Van Sickle Island parcel map question

From Rodgers, Chris <CJRodgers@SolanoCounty.gov>
Date Tue 3/18/2025 2:12 PM
To Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Cc Srivastava, Shweta <SSrivastava@SolanoCounty.gov>

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Hi Anne,

Assessor maps cannot be used as a legal instrument, hence why we have a disclaimer note at the bottom of the page. For many of these parcels the legal instrument is going to be the description seen in their respective grant deeds. We try to visualize the descriptions as best as we can on our assessment maps.

Let me know if you need a grant deed for a particular parcel, that's easy to send.

Cheers

Chris Rodgers – Cadastral Mapping Tech III
Solano County Assessor / Recorder
675 Texas St. Suite 2700
Fairfield, CA 94533
Direct: 707-784-6249
cjrodgers@solanocounty.gov

From: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Sent: Tuesday, March 18, 2025 1:12 PM
To: Rodgers, Chris <CJRodgers@SolanoCounty.gov>
Cc: Srivastava, Shweta <SSrivastava@SolanoCounty.gov>
Subject: Re: Van Sickle Island parcel map question

Hi Chris,

Ok, thanks. So they are the still the best legal instrument to use, correct? (I'm wondering because the tax assessment map that Robert Chiang's lawyer used for that case in the White Slough was not the legal instrument, for example).

From: Rodgers, Chris <CJRodgers@SolanoCounty.gov>
Sent: Tuesday, March 18, 2025 1:06 PM
To: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Cc: Srivastava, Shweta <SSrivastava@SolanoCounty.gov>
Subject: RE: Van Sickle Island parcel map question

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Exhibit C4

Hi Anne,

I believe our county GIS is based on assessment mapping for their parcel layer, but can be imprecise in some areas. Hence the reason these parcels look like they extend into the water.

That said, our GIS unit is constantly working to get the parcel layer more congruent with the aerial imagery. When in doubt I would refer to our assessment maps.

Sincerely,

Chris Rodgers – Cadastral Mapping Tech III
Solano County Assessor / Recorder
675 Texas St. Suite 2700
Fairfield, CA 94533
Direct: 707-784-6249
cjrodgers@solanocounty.gov

From: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Sent: Tuesday, March 18, 2025 12:56 PM
To: Rodgers, Chris <CJRodgers@SolanoCounty.gov>
Cc: Srivastava, Shweta <SSrivastava@SolanoCounty.gov>
Subject: Re: Van Sickle Island parcel map question

Hi Chris,

Thanks again. Just to double-check, the county's parcel map viewer uses the actual parcels - not those just used for tax assessments - correct?

(This one:https://solanocountygis.com/portal/apps/webappviewer/index.html?id=b2a40316824143fc9f361d5d81c51a7a)

Best,
Anne

From: Rodgers, Chris <CJRodgers@SolanoCounty.gov>
Sent: Tuesday, March 18, 2025 7:40 AM
To: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Cc: Srivastava, Shweta <SSrivastava@SolanoCounty.gov>
Subject: RE: Van Sickle Island parcel map question

You don't often get email from cjrodgers@solanocounty.gov. Learn why this is important

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Good Morning Anne,

If I recall correctly, these island parcels in the delta region are typically bound either by a levee or by the high tide line. The state owns all navigable waterways.

Sincerely,

Chris Rodgers – Cadastral Mapping Tech III
Solano County Assessor / Recorder
675 Texas St. Suite 2700
Fairfield, CA 94533
Direct: 707-784-6249
cjrodgers@solanocounty.gov

Exhibit C4

From: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Sent: Monday, March 17, 2025 5:21 PM
To: Rodgers, Chris <CJRodgers@SolanoCounty.com>
Subject: Van Sickle Island parcel map question

Hi Chris,

Thanks again for your help with the Chiang parcels. I've got a quick question for you about Solano County's parcel map viewer, when you have time.

I'm trying to verify the lines for five parcels on Van Sickle Island. Do the map viewer's parcel boundaries accurately portray whether a boundary extends into the Montezuma Slough? I see that if you zoom in on some parcels, as I've done in one of my two attachments, some of them do so.

I'm asking because I've got a case in which someone has dumped boats and cars on a levee near the edge of the slough - and brought in a small rec vessel that's now mostly submerged in the marsh just off someone else's parcel. That particular parcel's line doesn't extend into the marsh in the county parcel viewer.

Huge thanks!
Best,
Anne

Anne Usher

Enforcement Policy Analyst

(415) 352-3662

Anne.Usher@bcdc.ca.gov

San Francisco Bay Conservation and Development Commission

http://bcdc.ca.gov/enforcement

375 Beale St., Suite 510

San Francisco, CA 94105

FAX: (415) 352-3606

Main Number: (415) 352-3600

Exhibit C4

Business Days & Hours: M-F 8:30a – 5:00p

[EXTERNAL Email Notice!] External communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

[EXTERNAL Email Notice!] External communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

[EXTERNAL Email Notice!] External communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

Exhibit C4

Chris Lanzafame site visit parcel walk-through, Dec. 11, 2025.



Exhibit C4

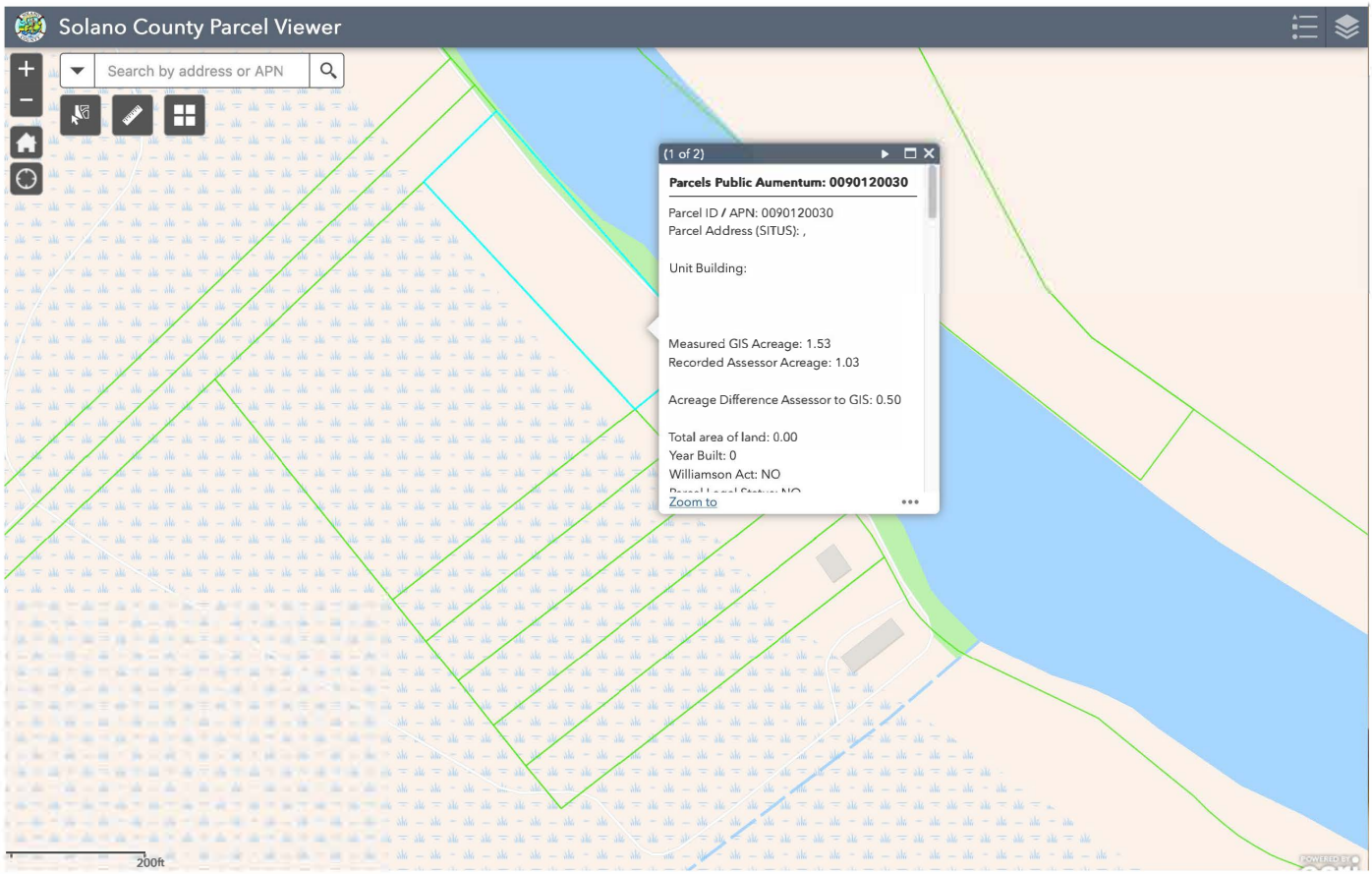

Solano County Parcel Viewer
Search by address or APN
(1 of 2)
Parcels Public Aumentum: 0090120030
Parcel ID / APN: 0090120030
Parcel Address (SITUS): ,
Unit Building:
Measured GIS Acreage: 1.53
Recorded Assessor Acreage: 1.03
Acreage Difference Assessor to GIS: 0.50
Total area of land: 0.00
Year Built: 0
Williamson Act: NO
Zoom to
200ft

Exhibit C4

Property Detail Report

For Property Located At :
,, CA

CoreLogic RealQuest

Owner Information

Owner Name:	**BELCHER STEPHEN/BELCHER LESLEY**
Mailing Address:	**PO BOX 1322, DISCOVERY BAY CA 94505-7322 B103**
Vesting Codes:	HW / / JT

Location Information

Legal Description:	**SEC 29 T3N R1E**		
County:	SOLANO, CA	APN:	0090-120-030
Census Tract / Block:	/	Alternate APN:	
Township-Range-Sect:	3N-1E-29	Subdivision:	VAN SICKLES ISLAND
Legal Book/Page:		Map Reference:	4-B5 /
Legal Lot:		Tract #:	
Legal Block:		School District:	FAIRFIELD SUISUN MON
Market Area:		School District Name:	FAIRFIELD SUISUN MON
Neighbor Code:		Munic/Township:	UNINCORPORATED

Owner Transfer Information

Recording/Sale Date:	/	Deed Type:	
Sale Price:		1st Mtg Document #:	
Document #:			

Last Market Sale Information

Recording/Sale Date:	08/31/2011 / 08/28/2011	1st Mtg Amount/Type:	/
Sale Price:	$35,000	1st Mtg Int. Rate/Type:	/
Sale Type:	FULL	1st Mtg Document #:	
Document #:	76540	2nd Mtg Amount/Type:	/
Deed Type:	GRANT DEED	2nd Mtg Int. Rate/Type:	/
Transfer Document #:		Price Per SqFt:	
New Construction:		Multi/Split Sale:	MULTIPLE
Title Company:	OLD REPUBLIC TITLE		
Lender:			
Seller Name:	VESCO JOHN M TRUST		

Prior Sale Information

Prior Rec/Sale Date:	/	Prior Lender:	
Prior Sale Price:		Prior 1st Mtg Amt/Type:	/
Prior Doc Number:		Prior 1st Mtg Rate/Type:	/
Prior Deed Type:			

Property Characteristics

Year Built / Eff:	/	Total Rooms/Offices		Garage Area:	
Gross Area:		Total Restrooms:		Garage Capacity:	
Building Area:		Roof Type:		Parking Spaces:	
Tot Adj Area:		Roof Material:		Heat Type:	
Above Grade:		Construction:		Air Cond:	
# of Stories:		Foundation:		Pool:	
Other Improvements:		Exterior wall:		Quality:	
		Basement Area:		Condition:	

Site Information

Zoning:		Acres:	1.03	County Use:	MARSH LAND (6100)
Lot Area:	44,866	Lot Width/Depth:	x	State Use:	
Land Use:	WASTE LAND	Res/Comm Units:	/	Water Type:	
Site Influence:	WATERFRONT			Sewer Type:	

Exhibit C4

Tax Information

Total Value:	$43,092	Assessed Year:	2024	Property Tax:	$490.74
Land Value:	$12,310	Improved %:	71%	Tax Area:	060053
Improvement Value:	$30,782	Tax Year:	2024	Tax Exemption:	
Total Taxable Value:	$43,092				

EXHIBIT I

Exhibit C5

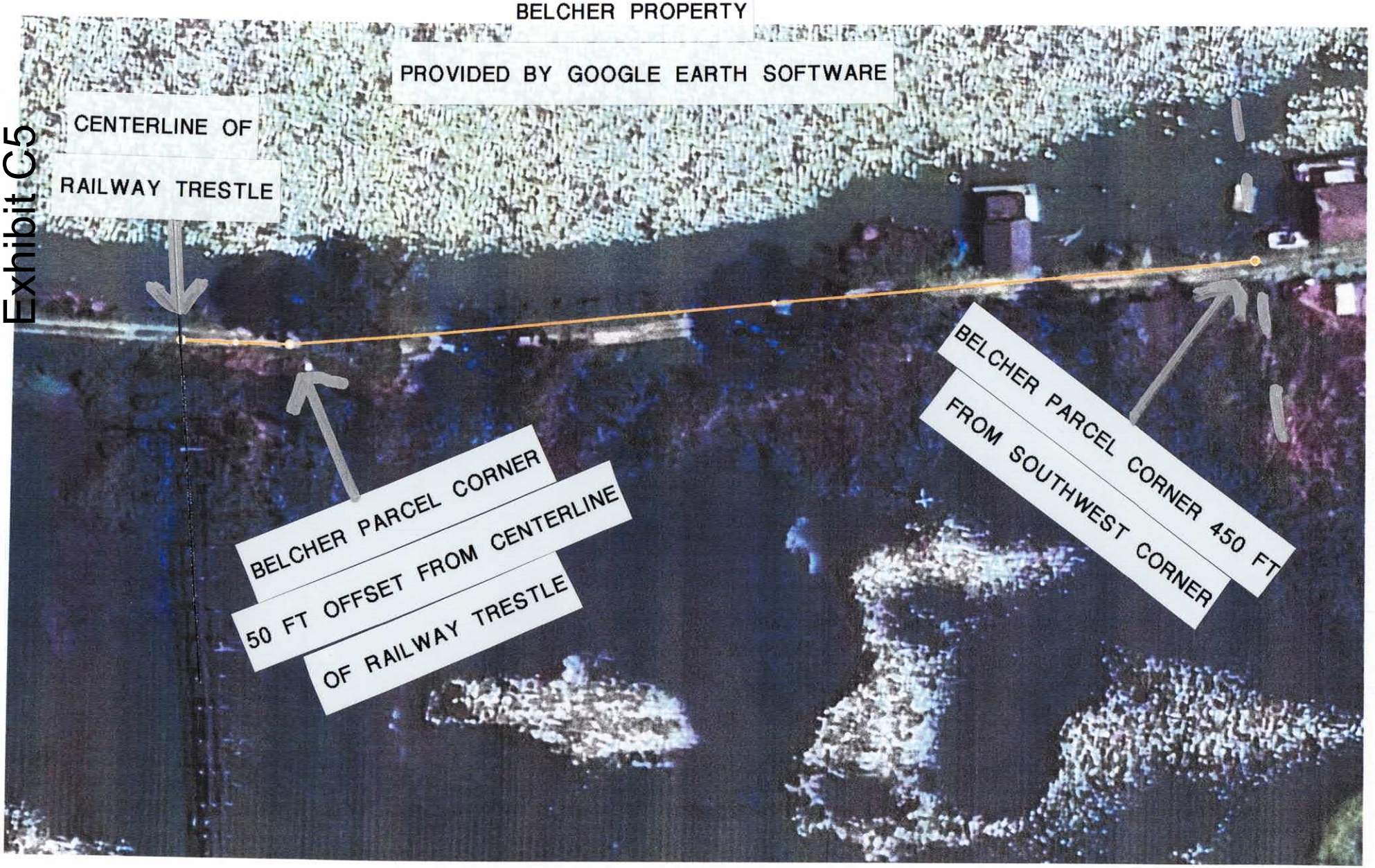

BELCHER PROPERTY
PROVIDED BY GOOGLE EARTH SOFTWARE
CENTERLINE OF
RAILWAY TRESTLE
BELCHER PARCEL CORNER
50 FT OFFSET FROM CENTERLINE
OF RAILWAY TRESTLE
BELCHER PARCEL CORNER 450 FT
FROM SOUTHWEST CORNER

EXHIBIT J

Exhibit C5


PROPERTY LINE
LOCATION WHITE BOAT
Measure
Click points on the map to measure distances and area
Length
500 ft
Elevation estimate
Min: 3 ft | Median: 5 ft | Max: 6 ft
Slope estimate
Min: 0° | Median: 1.7° | Max: 7.3°
Done
500 ft
BELCHER PARCEL
WOODIN PARCEL

EXHIBIT K

Exhibit C5

ORDER NO. : 0435013049-CG

EXHIBIT A

The land referred to is situated in the unincorporated area of the County of Solano, State of California, and is described as follows:

Parcel One: **BELCHER PARCEL**

That portion of the 10.30 acre tract on Van Sickle's Island, described in Deed to Carl Perquin, recorded June 17, 1925 in Book 286 of Deeds, Page 215, Instrument No. 2117, that is described as Beginning at the most Northerly corner of the 10.30 acre tract described in said Deed, thence Southwesterly along the Southeast line of the right-of-way of the Sacramento and San Francisco Railroad Company to a point that is 100 feet along said line from the Westerly high water line of Montezuma Slough, thence Southeasterly in a straight line a distance of 450 feet to a point that is 100 feet distant at right angles, from the aforementioned Westerly high water line of Montezuma Slough, thence Northeasterly along the line parallel to the railroad right-of-way to the Westerly high water line of Montezuma Slough, thence Northwesterly along said high water line to the point of beginning.

APN: 0090-120-030

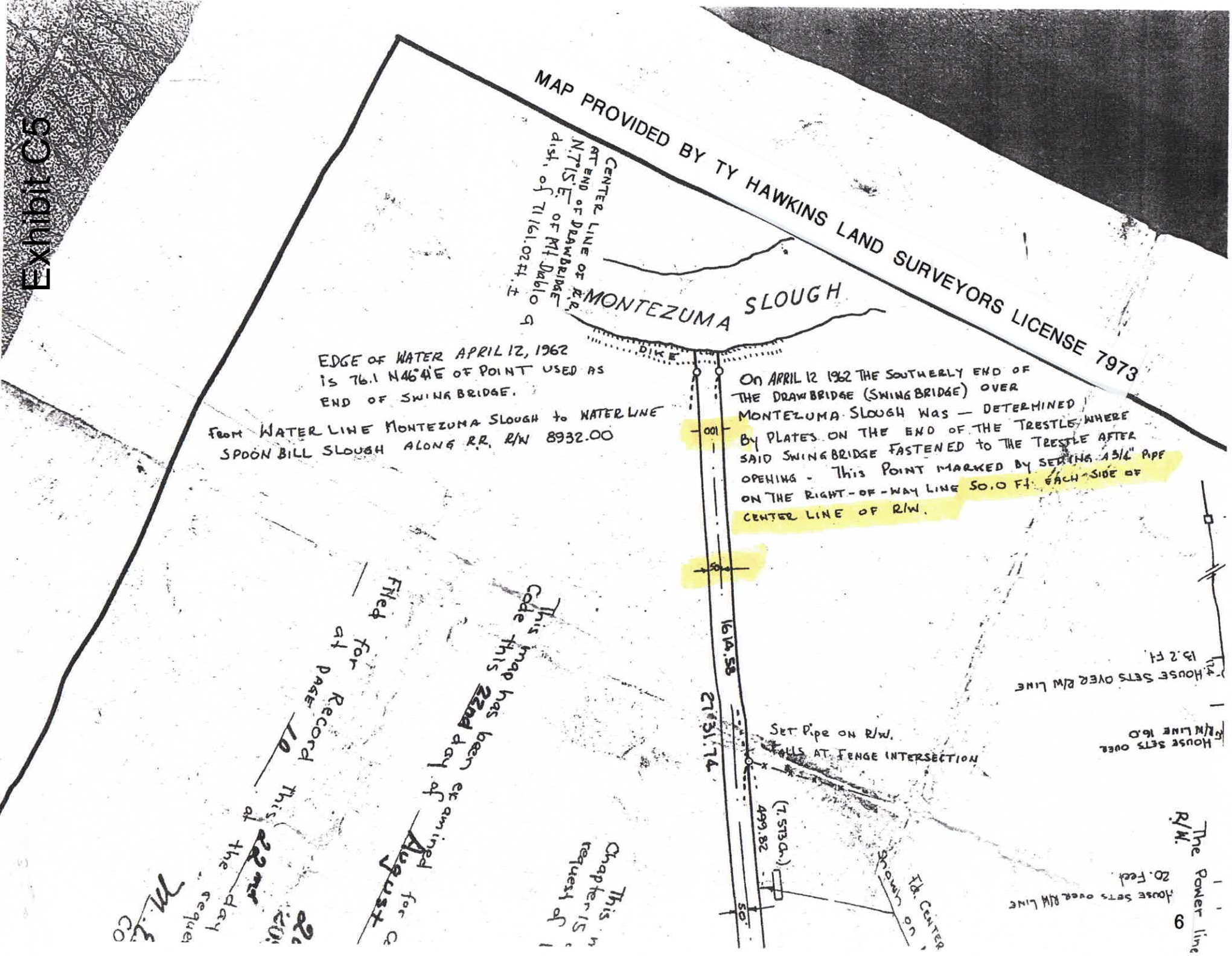
Parcel Two:

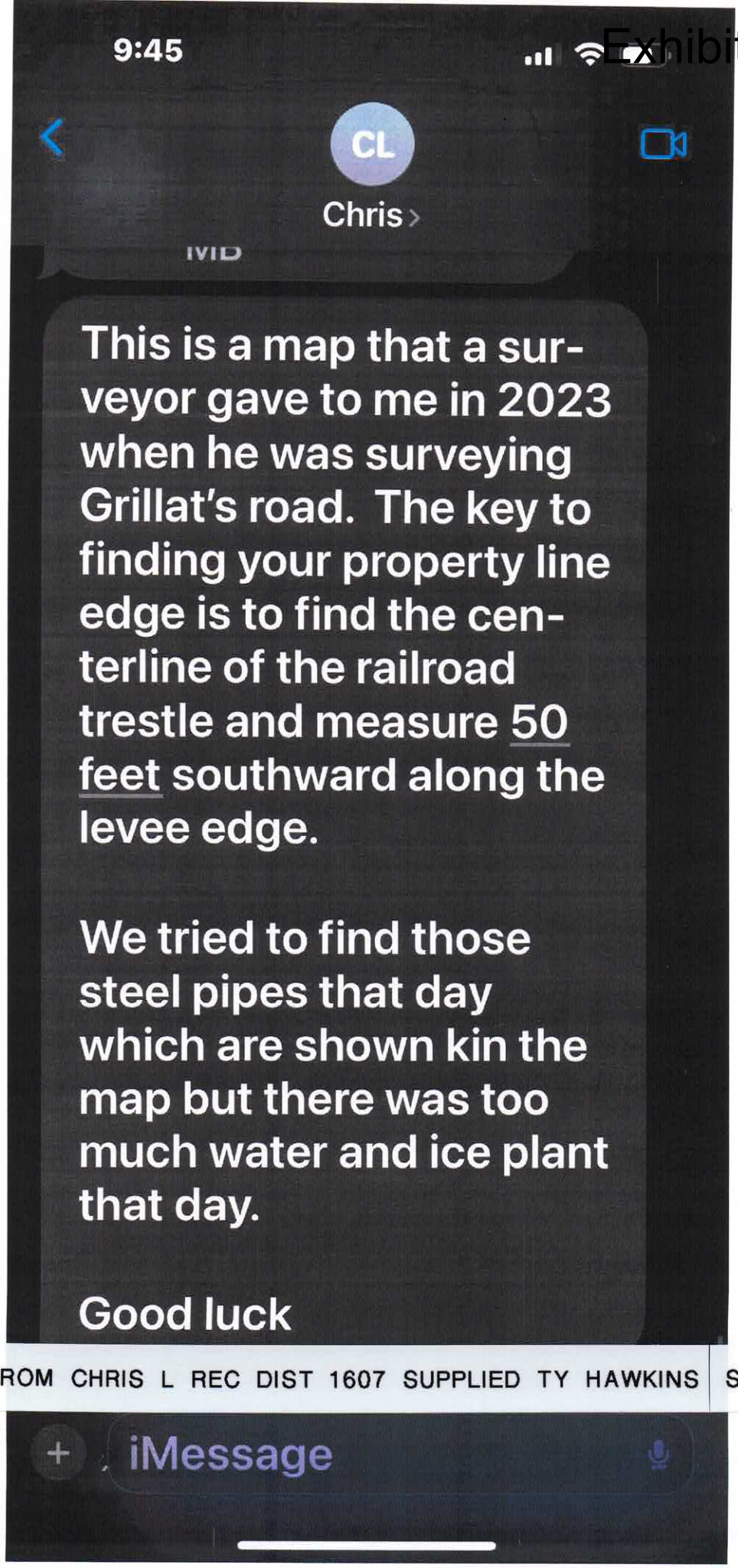
That portion of the 10.30 acre tract on Van Sickle's Island described in Deed to Carl Perquin, recorded June 17, 1925 in Book 286 of Deeds, Page 215, Instrument No. 2117, that is described as Beginning at the most Northerly corner of the 10.30 acre tract described in Deed, thence Southwesterly along the Southeast line of the right of way of the Sacramento and San Francisco Railroad Company to a point that is 100 feet along said line from the Westerly high water line of Montezuma Slough, said point also being the Northwesterly corner described in Deed to Martin T. Rehling, et ux, dated March 6, 1962 and recorded March 12, 1962 in Book 1129 of Official Records, at Page 8, Instrument No. 6071; thence along the Westerly line of said Rehling Parcel Southeasterly in a straight line a distance of 450 feet to a point that is 100 feet, distant at right angles from the aforementioned Westerly high water line of Montezuma Slough; said point also being the Southwesterly corner of said Rehling Parcel; thence South 55° East to a point on the Westerly line of 10.30 acre tract; thence along the Westerly line of said 10.30 acre tract in a Northwesterly direction to a point on the Southeasterly line of the Sacramento and San Francisco Railroad Company, thence Northeasterly along the Southeasterly line of said railroad right-of-way to the point of beginning.

SAVING AND EXCEPTING THEREFFROM all of the oil, gas and other hydrocarbons and minerals now or at any time hereafter situate therein and thereunder, together with all easements and rights necessary, incidental, convenient, or otherwise appurtenant to the exploration for, production, storage and transportation thereof, as saved and excepted in the Deed from Erickson et ux, to George C. Ashoff, et al Dated June 9, 1953 recorded June 19, 1953 in Book 674 of Official Records at Page 282, Instrument No. 9939.

APN: 0090-120-210

Exhibit C5


MAP PROVIDED BY TY HAWKINS LAND SURVEYORS LICENSE 7973
MONTEZUMA SLOUGH
DIKE
CENTER LINE OF R.R. AT END OF DRAWBRIDGE N.7°15'E. OF Mt Diablo dist. of 71161.02 ft. ±
EDGE OF WATER APRIL 12, 1962 is 76.1 N46°41'E OF POINT USED AS END OF SWING BRIDGE.
FROM WATER LINE MONTEZUMA SLOUGH to WATER LINE SPOON BILL SLOUGH ALONG R.R. R/W 8932.00
On APRIL 12 1962 THE SOUTHERLY END OF THE DRAWBRIDGE (SWING BRIDGE) OVER MONTEZUMA SLOUGH Was — DETERMINED By PLATES ON THE END OF THE TRESTLE WHERE SAID SWING BRIDGE FASTENED to THE TRESTLE AFTER OPENING - This POINT MARKED BY SETTING A 3/4" PIPE ON THE RIGHT-OF-WAY LINE 50.0 Ft. EACH SIDE OF CENTER LINE OF R/W.
001
50
1614.58
27131.74
Set Pipe on R/W.
FALLS AT FENCE INTERSECTION
499.82
(7.573 Ch.)
50
Fd. CENTER
HOUSE SETS OVER R/W LINE 13.2 Ft
HOUSE SETS OVER R/W LINE 16.0
HOUSE SETS OVER R/W LINE 20. Feet
The Power line R/W.
This map has been examined for Chapter 15 request of
This Code this 22nd day of August
Filed for Record at page 10 this 22nd day at the



TEXT FROM CHRIS L REC DIST 1607 SUPPLIED TY HAWKINS | SURVEY 2023

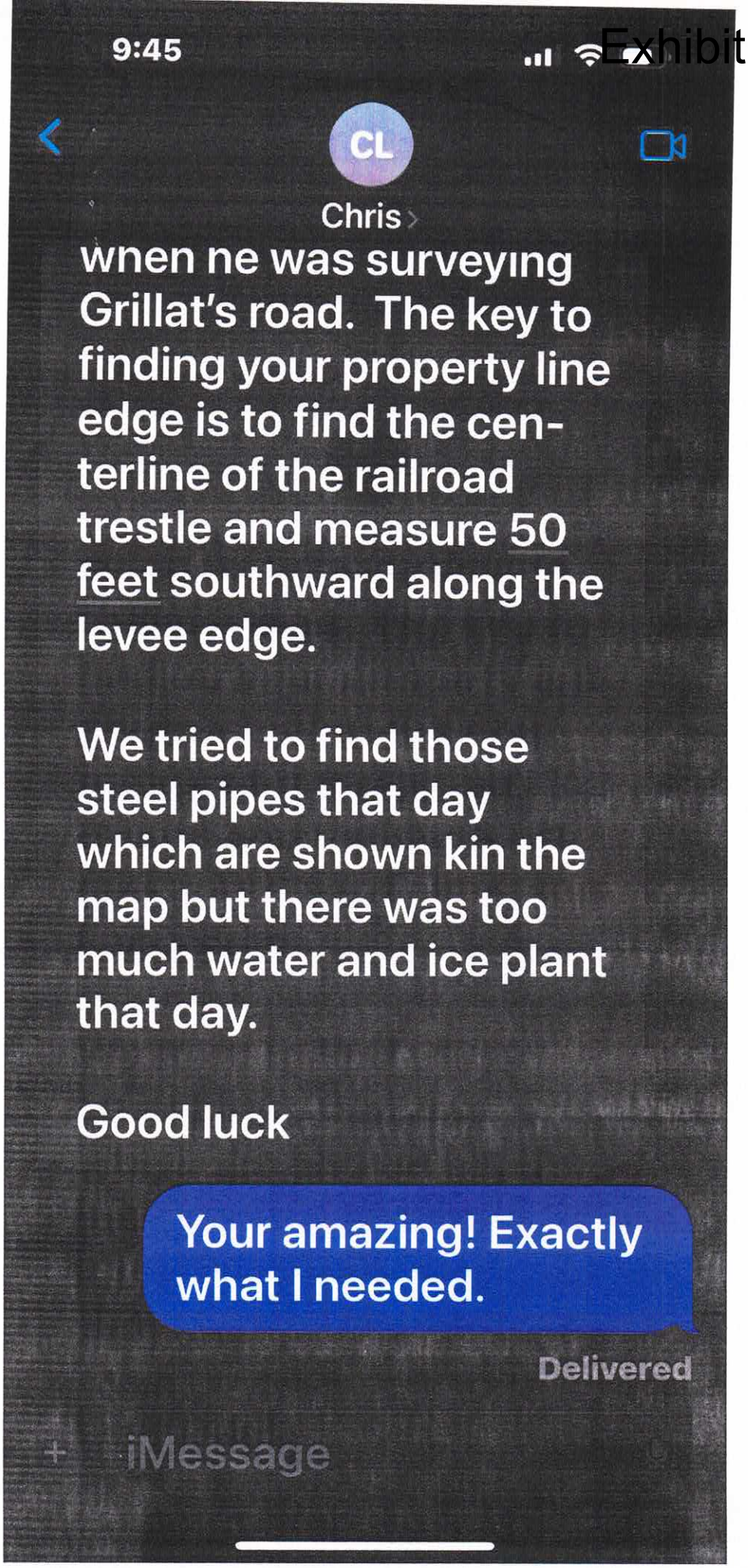

9:45
CL
Chris
when he was surveying Grillat's road. The key to finding your property line edge is to find the cen-terline of the railroad trestle and measure 50 feet southward along the levee edge.
We tried to find those steel pipes that day which are shown kin the map but there was too much water and ice plant that day.
Good luck
Your amazing! Exactly what I needed.
Delivered
iMessage

Exhibit C5

IMG_8380 Amaro HEIC

File Edit View Help

3 of 12

Log in Sign up

27%

chris lanzafame shared this file. Want to do more with it? Log in Sign up

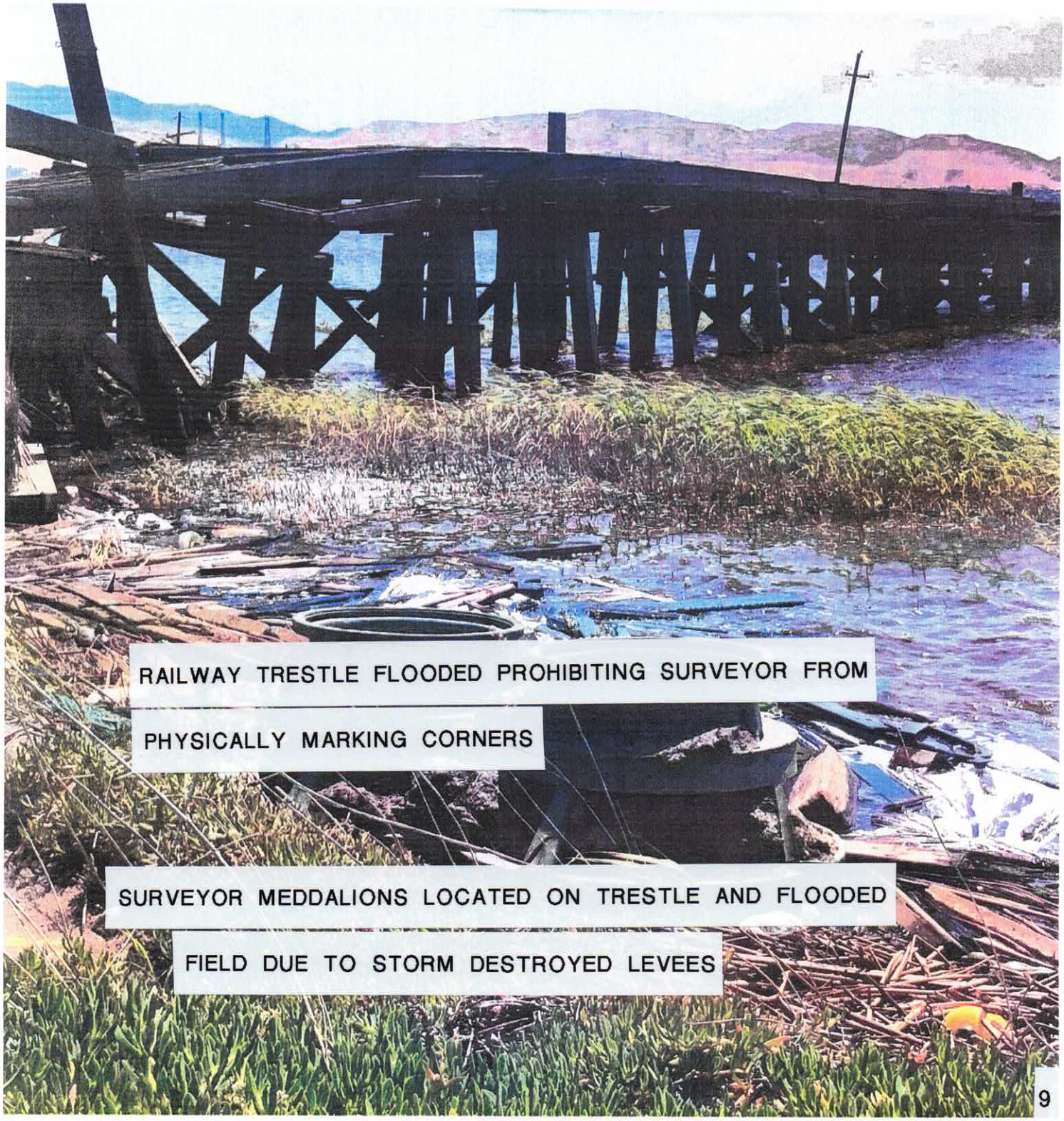


Exhibit C5

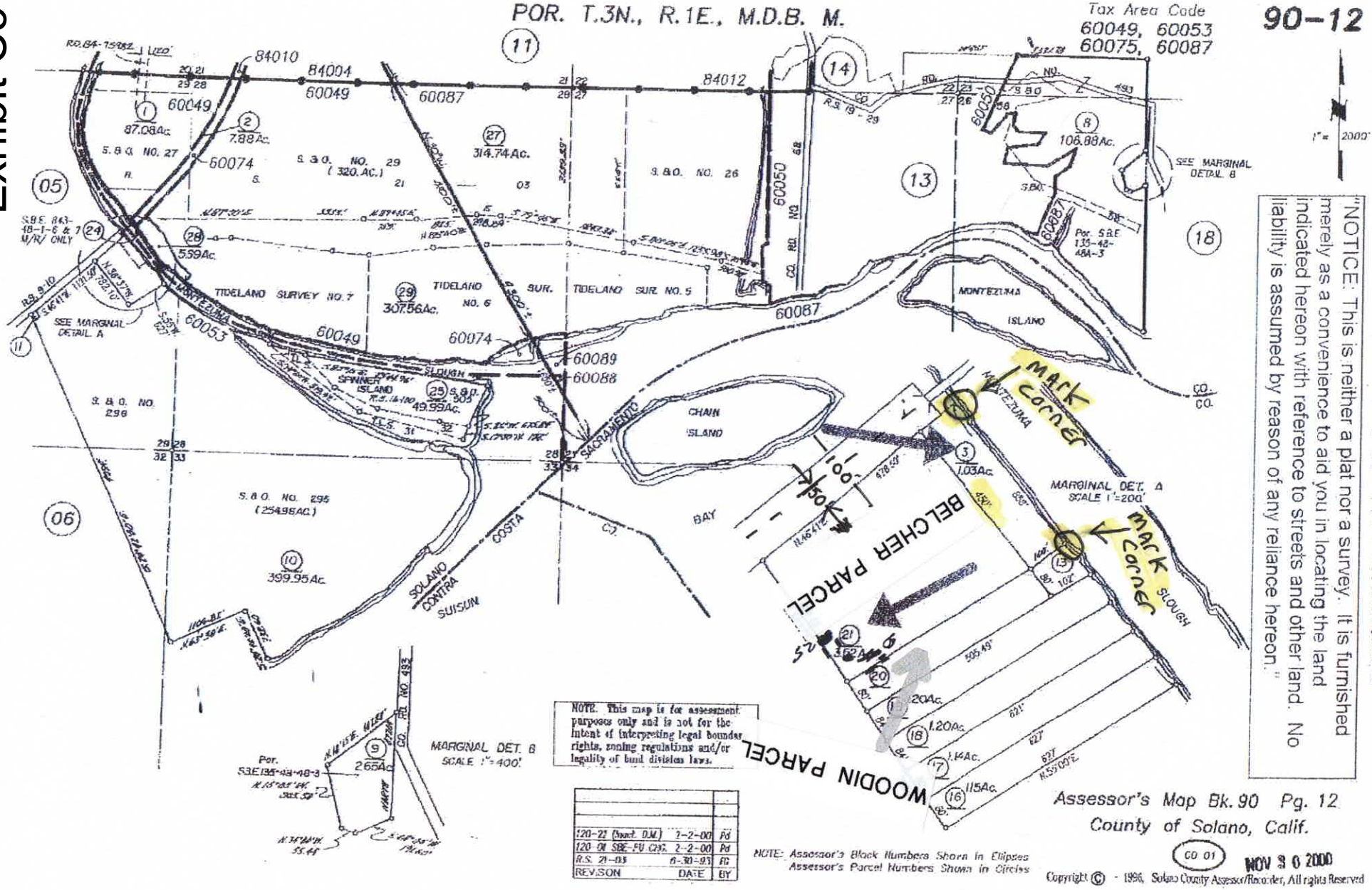

POR. T.3N., R.1E., M.D.B. M.
Tax Area Code
60049, 60053
60075, 60087
90-12
1" = 2000'
"NOTICE: This is neither a plat nor a survey. It is furnished merely as a convenience to aid you in locating the land indicated hereon with reference to streets and other land. No liability is assumed by reason of any reliance hereon."
TIDELAND SURVEY NO. 7
TIDELAND SUR. NO. 6
TIDELAND SUR. NO. 5
MONTEZUMA ISLAND
SPINNER ISLAND
CHAIN ISLAND
BAY
SLOUGH
SACRAMENTO
SOLANO
CONTRA COSTA
SUISUN
BELCHER PARCEL
WOODIN PARCEL
MARK Corner
MARK Corner
MARGINAL DET. A
SCALE 1"=200'
MARGINAL DET. B
SCALE 1"=400'
SEE MARGINAL DETAIL A
SEE MARGINAL DETAIL B
S. & O. NO. 27
S. & O. NO. 29 (320. AC.)
S. & O. NO. 26
S. & O. NO. 295
S. & O. NO. 296
87.08Ac.
7.88Ac.
314.74Ac.
106.88Ac.
5.59Ac.
307.56Ac.
49.99Ac.
1.03Ac.
399.95Ac.
2.65Ac.
1.20Ac.
1.14Ac.
1.15Ac.
NOTE: This map is for assessment purposes only and is not for the intent of interpreting legal boundar rights, zoning regulations and/or legality of land division laws.
NOTE: Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles
Assessor's Map Bk. 90 Pg. 12
County of Solano, Calif.
CO 01
NOV 3 0 2000
Copyright © - 1996, Solano County Assessor/Recorder, All rights Reserved

Exhibit C5

Re: Survey APN 0090-120-030

From: Steve Belcher (catearthmovers@yahoo.com)

To: tyhawkinsls@gmail.com

Date: Friday, August 1, 2025 at 08:36 PM PDT

Unfortunately the inside of the levee is wet due to a breached levee a couple of years ago. I think this will hinder us.

SB
Sent from my iPhone

> On Aug 1, 2025, at 8:09 PM, Ty Hawkins <tyhawkinsls@gmail.com> wrote:
>
> Steve, If it is dry enough to get around on the inside of the levee and everything went well it could be possible.
>
> Ty Hawkins LS 7973
> 3636 Oak Canyon Lane
> Vacaville CA 95688
> ph. 707-974-9890
> fx. 707-447-7171
> ty@hawkinslandsurveying.com
> www.hawkinslandsurveying.com
>
> On Fri, Aug 1, 2025, 7:50 PM Steve Belcher <catearthmovers@yahoo.com> wrote:
>
> > Ty,
> >
> > Thank you for the proposal. I have reviewed my timeline requirements. Unfortunately I will need this project completed by 5:00 pm this upcoming Thursday. It appears there are too many hours required for you to meet our requirement? If you can possibly expedite this project, and be completed by 5:00 pm August 7th, we can move forward with you. Probably wishful thinking on my part. Let me know if the deadline is obtainable.
> >
> > Regards,
> >
> > Steve Belcher
> > Mobile: 408-309-2022
> > Sent from my iPhone
> >
> > On Aug 1, 2025, at 3:28 PM, Ty Hawkins <tyhawkinsls@gmail.com> wrote:
> >
> > Hello Steve,
> >
> > Attached is a cost proposal for the boundary survey work on Van Sickle Island. I was last out that way in 2019, and prior to that in 2011 at the Southwest end of the island.
> >
> > Unfortunately the evidence that I will need to search for to establish the old railroad right of way is inside of the levee, see attached overview.
> >
> > I am available to begin field work next week. If you have any questions please let me know.
> >
> > Thanks
> >
> > Ty Hawkins LS 7973
> > 3636 Oak Canyon Lane
> > Vacaville CA 95688
> > ph. 707-974-9890
> > fx. 707-447-7171
> > ty@hawkinslandsurveying.com
> > www.hawkinslandsurveying.com
> >
> > On Fri, Aug 1, 2025 at 8:43 AM Steve Belcher <catearthmovers@yahoo.com> wrote:
> >
> > > Hi Ty,
> > >
> > > Thank you for your time on the phone. Property map & Description attached in PDF. We would like the two levee property corners marked on the mentioned parcel. The inside of the levee is too wet for access. The levee is dry and we can drive to the property through Grizzly Island Refuge. The property is located on Van Sickle Island. Please let me know what an estimated price would be to perform this work and the soonest date you may have available to complete this project.
> > >
> > > Sincerely,
> > >
> > > Steve L. Belcher
> > > 408-309-2022
> > <Survey Proposal.pdf>
> > <Overview.pdf>

EXHIBIT L

Exhibit C5

From: **Usher, Anne@BCDC**
anne.usher@bcdc.ca.gov
Subject: **Re: Public Meeting Van Sickle ??**
Date: **Jul 24, 2025 at 3:15:02 PM**
To: **Steve Belcher**
sbelcher@corerentsusa.com

Hi Steve,

Yes, as I said, there will be an Enforcement Committee meeting for this case on Aug. 27. We haven't set up a Zoom invitation for it yet but I'll send it to all of you when that happens. You can also attend in person.

Your statement of defense is your opportunity to present your case. That's why submitting that form to me (with your answers) is so important. The alternative is to pay half of amount listed for your violation in the violation report that was sent to you. (Half because Thad is on record for placing the items so the violation amount was split).

Regards,
Anne

Exhibit C5

LAWRENCE S. BAZEL (114641)
BRISCOE PROWS KAO IVESTER & BAZEL LLP
235 Montgomery Street, Suite 935
San Francisco, CA 94104
Telephone (415) 402-2700
lbazel@briscoelaw.net

Attorneys for Respondents Steve and Lesley Belcher

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

In the matter of:

VIOLATION REPORT AND COMPLAINT FOR ADMINISTRATIVE CIVIL PENALTIES

ENFORCEMENT CASE ER2025.001.00

Thaddeus (Thad) Woodin et al., Respondents.

DECLARATION OF LAWRENCE S. BAZEL

I, Lawrence S. Bazel, declare as follows:

1. I am counsel for Steven and Lesley Belcher in this proceeding. I have personal knowledge of the following facts.

2. I prepared the figure attached as Exhibit AA. I used the Solano County Parcel Viewer software available to the public at https://solanocountygis.com/portal/apps/webappviewer/index.html?id=b2a40316824143fc9f361d5d81c51a7a. I entered the parcel number and obtained a parcel map similar to the one in Exhibit 4 attached to the Violation Report. On the right-hand side of the map produced by the software there were "layers" that could be turned on, including aerial-photograph layers. I turned them on and the software generated an overlay of the parcel lines on an aerial photograph. Exhibit AA is an accurate copy of the relevant portion of the overlay produced by the software, except for the arrows, which I added to identify the property lines and the boat, and except that in the original the parcel lines for the Belcher property were in blue rather than green. When I cut and pasted the map into Microsoft Word they turned green, and I could not figure out how to get them blue again.

I declare under penalty of perjury under the laws of the State of California that the factual statements made in this declaration are true and correct.

DATED: August 12, 2025



Lawrence S. Bazel

EXHIBIT AA

Exhibit C5



KeyCite Yellow Flag
Distinguished by Diaz v. City of Los Angeles, Cal.App. 2 Dist., June 30, 2022

153 Cal.App.3d 605, 200 Cal.Rptr. 575

LESLIE SALT COMPANY, Plaintiff and Respondent,
v.
SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION, Defendant and Appellant; SAVE SAN FRANCISCO BAY ASSOCIATION, Intervener and Appellant.

No. AO15397.
Court of Appeal, First District, Division 2, California.
Mar 26, 1984.

SUMMARY

The trial court entered a judgment directing the San Francisco Bay Conservation and Development Commission to set aside a cease and desist order requiring a landowner to remove fill material placed on marshy wetlands on parcels located within the commission's permit jurisdiction. A factfinding committee appointed by the commission had conducted hearings and received evidence, and then had adopted findings and recommendations, subsequently adopted by the commission, mandating such removal and providing that the landowner would be subject to penalties for each day in which the violation persisted. No evidence had been presented that the landowner had knowledge of the fill activities prior to the commission's investigation, nor did the commission expressly find that the landowner was negligent in failing to prevent the fill. In directing the commission to set aside the cease and desist order, the court found that the language of the McAteer-Petris Act (Gov. Code, §§ 66600 et seq.), which created the commission and defines its jurisdiction and powers, does not contain any authority for the commission to issue a cease and desist order against a person other than one who actually placed the fill upon the landowner's property. The court also held that, in the absence of evidence that the landowner placed the fill or authorized others to do so, there was no substantial evidence to support the commission's actions. (Superior Court of Santa Clara County, No. 456832, John R. Kennedy, Judge.)

The Court of Appeal reversed. The court held that, in order to effectuate the purposes of the McAteer-Petris Act, it is not only reasonable but necessary to broadly construe the pertinent provisions involved in the instant case, including Gov. Code, § 66638, which authorizes the commission to issue cease and desist orders (to anyone who has undertaken activities requiring a permit without having obtained one). Thus, the court held that ***606** pursuant to § 66638, one who is undertaking or is threatening to undertake the proscribed activities refers not simply to one responsible for the actual placement of unauthorized fill but also to one whose property is misused by others for that purpose and who even passively countenances the continued presence of such fill on his land. The court further held that, given such broad construction, it was entirely appropriate that a landowner be strictly liable for unauthorized bay fill placed on its property by unknown third persons, even in the absence of express legislative direction to do so. Thus, it held that the cease and desist order in question was properly issued. (Opinion by Kline, P. J., with Rouse and Smith, JJ., concurring.)

HEADNOTES

Classified to California Digest of Official Reports

(1)
Appellate Review § 145--Review--Questions of Law and Fact--Function of Appellate Court.
Where the facts are not in significant dispute, an appellate court is not bound by the trial court's conclusions of law but must independently ascertain the conclusion that must properly be drawn from the pertinent facts set forth in the record.

(2a, 2b, 2c)
Pollution and Conservation Laws § 9--Conservation--San Francisco Bay Conservation and Development Commission--Powers--Landowner's Responsibility for Unauthorized Bay Fill.
In order to effectuate the purposes of the McAteer-Petris Act (Gov. Code, § 66600 et seq.), which created the San Francisco Bay Conservation and Development Commission and defines its jurisdiction and powers, it is not only reasonable but necessary to broadly construe the provisions of Gov. Code, § 66638, authorizing the commission to issue cease and desist orders (to anyone who has undertaken activities requiring a permit without having obtained one). Thus, under § 66638, one who has undertaken or is threatening to undertake the proscribed activities refers not simply to one responsible for the actual placement of unauthorized bay fill but also to one whose property is misused by others for that purpose and who even passively countenances the continued presence of

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such fill on his land. Accordingly, the McAteer-Petris Act allows the commission to hold a landowner responsible for unauthorized bay fill placed on his property by unknown third persons.

(3)
Statutes § 29--Construction--Language--Legislative Intent.
In analyzing the legislative usage of certain words, the objective sought ***607** to be achieved by a statute as well as the evil to be prevented is of prime consideration. The courts thus resist blind obedience to the putative plain meaning of a statutory phrase where literal interpretation would defeat the Legislature's central objective. The intention of the lawgivers is to be deduced from a view of the whole and of every part of a statute, taken and compared together. The real intention, when accurately ascertained, will always prevail over the literal sense of terms.

[See **Cal.Jur.3d,** Statutes, § 96 et seq.; **Am.Jur.2d,** Statutes, § 155 et seq.]

(4)
Statutes § 29--Construction--Language--Legislative Intent.
The mere literal construction of a section in a statute ought not to prevail if it is opposed to the intention of the Legislature apparent by the statute. If the words are sufficiently flexible to admit of some other construction it is to be adopted to effectuate that intention. The intent prevails over the letter, and the letter will, if possible, be so read as to conform to the spirit of the act. An appellate court may not, of course, give an unreasonable construction to the statute.

(5)
Statutes § 29--Construction--Language--Legislative Intent.
A principle which must be applied in analyzing the legislative usage of a word is that the objective sought to be achieved by the statute as well as the evil to be prevented is of prime consideration in the word's interpretation, and where a word of common usage has more than one meaning, the one which will best attain the purposes of the statute should be adopted, even though the ordinary meaning of the word is enlarged or restricted and especially in order to avoid absurdity or to prevent injustice.

(6)
Public Officers and Employees § 14--Powers; Conflicts of Interest-- Additional Powers--Implied From Statute.
Governmental officials may exercise such additional powers as are necessary for the due and efficient administration of powers expressly granted by statute, or as may fairly be implied from the statute granting the powers.

(7a, 7b)
Pollution and Conservation Laws § 9--Conservation--San Francisco Bay Conservation and Development Commission--Strict Liability Offense--Public Nuisance.
Since it is necessary that a broad construction be given to the civil enforcement provisions of the McAteer-Petris Act, (Gov. Code, § 66600 et seq.), which created the San Francisco Bay Conservation and Development Commission and ***608** defines its jurisdiction and powers, it is entirely appropriate that a landowner is strictly liable for unauthorized bay fill placed on its property by unknown third persons, even in the absence of express legislative direction to do so. Where, under such circumstances, specific conduct in the nature of a public nuisance is proscribed by statute, then, consistent with the common law rule, one may be held in violation of that statute even though his interference with a public right was purely accidental and unintentional. Liability, in other words, may be strict.

(8)
Pollution and Conservation Laws § 9--Conservation--San Francisco Bay Conservation and Development Commission--Regulation of Public Nuisance.
The McAteer-Petris Act (Gov. Code, § 66600 et seq.), which created the San Francisco Bay Conservation and Development Commission and defines its jurisdiction and powers, is the sort of environmental legislation that represents the exercise by government of the traditional power to regulate public nuisances. Such legislation constitutes but a sensitizing of and refinement of nuisance law. Where, as under such circumstances, such legislation does not expressly purport to depart from or alter the common law, it will be construed in light of common law principles bearing upon the same subject.

COUNSEL
John K. Van de Kamp, Attorney General, N. Gregory Taylor, Assistant Attorney General, Dennis M. Eagan and Kathleen W. Mikkelson, Deputy Attorneys General, for Defendant and Appellant.
E. Clement Shute, Jr., Alletta d'A. Belin and Shute, Mihaly & Weinberger for Intervener and Appellant.
Edgar B. Washburn, Nancy J. Stivers, J. Lynn Lambert and Washburn & Kemp for Plaintiff and Respondent.

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KLINE, P. J.

This case presents the question whether the McAteer-Petris Act (Gov. Code, § 66600 et seq.)[1], which created the San Francisco Bay ***609** Conservation and Development Commission (BCDC) and defines its jurisdiction and powers, allows BCDC to hold a landowner responsible for unauthorized bay fill placed on its property by unknown third persons.

Facts

The facts are not materially in dispute. Some time between August 11, 1971, and October 4, 1976, fill consisting of several hundred tons of earth, gravel, asphalt, broken concrete and other demolition materials, along with a barge-like structure, was placed on marshy wetlands in the Alviso Slough and adjacent shoreline on parcels located in Santa Clara County owned by respondent Leslie Salt Company (Leslie). These fill activities took place within BCDC permit jurisdiction.[2]

BCDC discovered the fill in December 1979 and initiated administrative enforcement procedures almost immediately. Pursuant to section 66643, BCDC appointed a fact-finding committee, consisting of five of its members, to conduct hearings and receive evidence. Six months later the committee adopted findings and recommendations which it presented to BCDC at its July 17, 1980, meeting. BCDC adopted the committee's findings and recommendations. The findings, as pertinent, may be summarized as follows:

Between August 11, 1971, and October 4, 1976, approximately 19,400 square feet of area on property then and now owned by Leslie were filled with earth and similar fill materials, the major portion of which was placed prior to June 17, 1973. During that same period, a barge-like structure approximately 30 feet by 100 feet was relocated from a portion of property owned by Leslie to an area partly within that parcel and partly on other land.

A permit for such fill or barge relocation was required after September 17, 1965, pursuant to section 66632, subdivision (a), and none had been granted.

The filled area was not licensed by Leslie to anyone at the time the illegal filling occurred, although the adjacent area to the west and south of the filled area was under license to Marshland Development Inc. (Marshland) ***610** as of January 8, 1974. No evidence was introduced that Leslie placed the fill itself or authorized anyone else to do so.

Employees of Leslie regularly visited salt ponds close to the area of the fill but no reports of filling activity were received by the company. The manager of real property for Leslie was not aware of any fill activity on parcels owned by Leslie until December 1979. Leslie did not as a matter of company policy assume responsibility for policing or regularly inspecting the land in question owned by it.[3]

Gates controlled the entry of unauthorized vehicles and persons onto the adjacent Marshland site; but no gates or fences were maintained by Leslie to control access to the property in question.

No evidence was presented that Leslie had knowledge of the fill activities prior to the BCDC investigation; nor did BCDC expressly find Leslie negligent in failing to prevent the fill. BCDC instead issued a cease and desist order providing, inter alia, that Leslie was to remove the fill material within six months or be subject to penalties of $6,000 for each day in which the violation persisted.[4] BCDC staff calculated that it would cost Leslie $60,500 to remove the fill; but Leslie claimed the correct cost figure was $100,000. Although BCDC expressed an interest in considering mitigation proposals, Leslie declined to submit any.

Thereafter, Leslie filed a petition for writ of mandate in the Santa Clara County Superior Court pursuant to Code of Civil Procedure section 1094.5.[5] By this petition, Leslie sought a writ directing BCDC to set aside the cease and desist order and a stay of the order pending determination of the validity of that administrative order. BCDC stipulated to the stay pending ***611** the instant appeal. Appellant Save San Francisco Bay Association intervened in the action on the side of BCDC pursuant to stipulation of the parties.

The trial court rendered judgment for Leslie, and issued a peremptory writ directing BCDC to set aside the cease and desist order. The court found that the language of sections 66632 and 66638 was plain, clear and unambiguous and required 'the person who places the fill to obtain a permit or the person who violates the statute to suffer the consequences.' The court ruled that the McAteer-Petris Act 'does not contain any authority for BCDC to issue a cease and desist order against a person other than one who actually placed the fill upon Leslie's land.' In the absence of evidence

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that Leslie placed the fill or authorized others to do so, there was 'not substantial evidence in light of the whole record to support BCDC's issuance of [the] Cease and Desist Order No. CCD5-79(A).' BCDC and Save San Francisco Bay Association thereafter filed this appeal.

(1)Where, as here, the facts are not in significant dispute, we are not bound by the trial court's conclusions of law but must independently ascertain the conclusion that must properly be drawn from the pertinent facts set forth in the record. (*People* ex rel. *S. F. Bay etc. Com. v. Town of Emeryville* (1968) 69 Cal.2d 533, 543 [72 Cal.Rptr. 790, 446 P.2d 790], and cases there cited.)

Our conclusion that the McAteer-Petris Act does provide authority for BCDC to issue the subject cease and desist order, and that the trial court erred, results from a two-part analysis. We first determine that the broad interpretation of the words in question urged by BCDC is consistent with the entire enactment in which those words appear and that the competing interpretation advanced by Leslie is inconsistent with that enactment. We then determine that the exposure to strict liability that results from such broad interpretation is an appropriate traditional consequence of the possession and control of land.

I.

Section 66632 requires a person or government agency wishing to place fill [6] within the area of BCDC's jurisdiction to secure a permit from the ***612** commission. [7] That section further provides that '[a]ny person who places fill ... within the area of the commission's jurisdiction without securing a permit from the commission as required by this title is guilty of a misdemeanor.' (§ 66632, subd. (a).) Section 66638, which is an alternative enforcement device and the one utilized in the instant case, authorizes BCDC to issue cease and desist orders against any person or governmental agency that 'has undertaken, or is threatening to undertake, any activity' that requires a permit or is inconsistent with any permit previously issued by the commission. [8]

Section 66640 provides a mechanism whereby the Attorney General may seek an injunction in superior court to restrain any person or persons from continuing any activity in violation of the cease and desist order issued by BCDC. Section 66641 provides that '[a]ny person or governmental agency who intentionally or negligently violates any cease and desist order issued, reissued, or amended by the commission or the executive director may be liable civilly in a sum of not to exceed six thousand dollars ($6,000) for each day in which such violation persists.' (§ 66641, subd. (a).) This section also provides that '[r]emidies under this section are in addition to, and do not supersede or limit, any and all other remedies, civil or criminal.' (§ 66641, subd. (d).)

(2a)Leslie contends that the plain meaning of the McAteer-Petris Act, and particularly section 66638, precludes its application to any person or entity other than the one who actually placed the fill. Leslie's contention that the statute is clear and unambiguous in this respect is built upon its reading of the crucial phrase in section 66638 that BCDC may only issue a cease and desist order against a person or agency that 'has undertaken, or is threatening to undertake' any unauthorized fill activity. (***613** § 66638, subd. (a).) Leslie contends, in other words, that the word 'undertaken' can only be interpreted to refer to one who actually performs (or threatens to perform) the physical act proscribed. As so construed, Leslie urges, it cannot refer to one who simply does not affirmatively interfere in the unlawful placement of fill by others. Because this language is assertedly so unambiguous, Leslie also maintains that its meaning is not amenable to judicial interpretation.

Leslie heavily and repeatedly relies on the oft-expressed principle that '[w]here the meaning of the statute is plain there is no room or justification for judicial interpretation, and the only function of the court is the application of the enactment to the facts at bar.' (*Riley v. Robbins* (1934) 1 Cal.2d 285, 287-288 [34 P.2d 715].) [9] This rule is deceptive, however, because it may erroneously be taken to imply that words have intrinsic meanings. In reality 'words do not have single, fixed, and immutable meanings established by some authority in nature or supernature, ... instead, they have only such meanings as are given to them from time to time when they are spoken, written, heard, or read by persons endeavoring to participate in the communication process.' [10] (2A Sutherland, Statutory Construction (4th ed. 1973) § 45.01, p. 2; see also § 46.02, p. 51.) In short, whether the words of a statute are clear is a more complicated question than is often supposed by the party who, in reliance upon an asserted 'plain meaning,' objects to judicial interpretation. Such an objection can never really be sustained for, regardless whether the proposition be judicially acknowledged, it requires interpretation even to agree with the meaning claimed by the objecting party. ***614**

The meaning of the words of a statute or, to use the alternative approach favored by many courts, the intent of the Legislature, [11] can only be determined with reference to the context in which the words are used; that is, with reference to such purpose as may be discerned from examining the entire enactment of which the words are part. A statutory phrase may be said to be clear and unambiguous if the meaning assigned to it is not in conflict with other language in the same act. (See *In re Ricky H.* (1981) 30 Cal.3d 176, 187 [178 Cal.Rptr. 324, 636 P.2d 13]; *Wells v. Marina City Properties, Inc.* (1981) 29 Cal.3d 781, 788 [176 Cal.Rptr. 104, 632 P.2d 217]; *California Mfrs. Assn. v. Public Utilities Com.* (1979) 24 Cal.3d 836, 844 [157 Cal.Rptr. 676, 598 P.2d 836]; and *Great Lakes Properties, Inc. v. City of El Segundo* (1977) 19 Cal.3d 152, 155-156 [137 Cal.Rptr. 154, 561 P.2d 244]; see also Chief Justice Marshall's opinion in *Sturges v. Crowninshield* (1819) 17 U.S. (4 Wheat) 122, 202-203 [4 L.Ed. 529, 550]) for one of the earliest and most comprehensive statements of the principle.) (3) Thus, 'in analyzing the legislative usage of certain words, ''the objective sought to be achieved by a statute as well as the evil to be prevented is of prime consideration ....'' (*People* ex rel. *S. F. Bay etc. Com. v. Town of Emeryville* (1968) 69 Cal.2d 533, 543 ... (hereinafter *Town of Emeryville*.)' (*Blumenfeld v. San Francisco Bay Conservation etc. Com.* (1974) 43 Cal.App.3d 50, 55 [117 Cal.Rptr. 327].) The courts resist blind obedience to the putative 'plain meaning' of a statutory phrase where literal interpretation would defeat the Legislature's central objective. [12] (*People* ex rel. *Flournoy v. Yellow Cab Co.* (1973) 31 Cal.App.3d 41, 45 [106 Cal.Rptr. 874].)

For example, in *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247 [104 Cal.Rptr. 761, 502 P.2d 1049], the Supreme Court was obliged to construe the term 'project' in ***615** Public Resources Code section 21151, which requires *local government agencies* to file an environmental impact report 'on any project they intend to carry out ... which may have a significant effect on the environment.' In rejecting the contention that, as used in this statute, 'project' plainly meant 'public works,' the court stated at pages 259-260: 'Because the legislative intent provisions dictate that we give a broad interpretation to the act's operative language, we begin from that vantage point. Once a particular legislative intent has been ascertained, it must be given effect ''even though it may not be consistent with the strict letter of the statute.'' (*Dickey v. Raisin Proration Zone No. 1* (1944) 24 Cal.2d 796, 802 ....) (4)As we stated nearly a half century ago in *In re Haines* (1925) 195 Cal. 605, 613 ...: ''The mere literal construction of a section in a statute ought not to prevail if it is opposed to the intention of the legislature apparent by the statute; and if the words are sufficiently flexible to admit of some other construction it is to be adopted to effectuate that intention. The intent prevails over the letter, and the letter will, if possible, be so read as to conform to the spirit of the act.'' [¶] Our task then is to determine whether the word 'project' is 'sufficiently flexible' so as to effectuate the broad legislative intent that private activities should be brought within the ambit of the act. We may not, of course, give an unreasonable construction to the statute [Citations.]' (5)The *Friends of Mammoth* court also referred to the rule declared in *Town of Emeryville*, *supra.*, 69 Cal.2d 533, 543-544 [72 Cal.Rptr. 790, 446 P.2d 790] that: 'A principle 'which must be applied in analyzing the legislative usage of the word 'project' [in the McAteer-Petris Act] is that 'the objective sought to be achieved by a statute as well as the evil to be prevented is of prime consideration in [the word's] interpretation, and where a word of common usage has more than one meaning, the one which will best attain the purposes of the statute should be adopted, even though the ordinary meaning of the word is enlarged or restricted and especially in order to avoid absurdity or to prevent injustice.''' (*Friends of Mammoth*, *supra.*, at p. 260; see also *Dickey v. Raisin Proration Zone No. 1* (1944) 24 Cal.2d 796, 802 [151 P.2d 505, 157 A.L.R. 324]; *People v. Shirokow* (1980) 26 Cal.3d 301, 306-307 [162 Cal.Rptr. 30, 605 P.2d 859]; and *Pennisi v. Department of Fish & Game* (1979) 97 Cal.App.3d 268, 273 [158 Cal.Rptr. 683].)

The Legislature's recognition of the importance of San Francisco Bay as a natural resource and the vital role of regulation by BCDC of fill activities both in the bay and along its shoreline is manifest in the act itself and has been judicially reiterated on numerous occasions. (See, e.g., *Blumenfeld v. San Francisco Bay Conservation etc. Com.*, *supra.*, 43 Cal.App.3d 50, *Candlestick Properties, Inc. v. San Francisco Bay Conservation etc. Com.* (1970) 11 Cal.App.3d 557 [89 Cal.Rptr. 897]; *Town of Emeryville*, *supra.*, 69 Cal.2d 533.) In *Town of Emeryville* the Supreme Court perceived that ***616** '[t]he 'objective sought to be achieved' by the McAteer-Petris Act is depicted with remarkable clarity.' The court quoted extensively from the legislative findings set forth in the act's opening sections, noting particularly the provisions of section 66601 that stress the 'dangers inherent in self-generated and unregulated fill activities.' (*Id.*, at p. 544.) In its present form, that section expresses the finding and declaration 'that uncoordinated, haphazard filling in San Francisco Bay threatens the bay itself and is therefore inimical to the welfare of both present and future residents of the area

surrounding the bay; that while some individual fill projects may be necessary and desirable for the needs of the entire bay region, and while some cities and counties may have prepared detailed master plans for their own bay lands, a governmental mechanism must exist for evaluating individual projects as to their effect on the entire bay; and that further piecemeal filling of the bay may place serious restrictions on navigation in the bay, may destroy the irreplaceable feeding and breeding grounds of fish and wildlife in the bay, may adversely affect the quality of bay waters and even the quality of air in the bay area, and would therefore be harmful to the needs of the present and future population of the bay region.' [13] (Gov. Code, § 66601; see also *Town of Emeryville*, *supra.*, at p. 544; and *Candlestick Properties, Inc.*, *supra.*, 11 Cal.App.3d at p. 564.)

The Legislature then finds that BCDC has prepared 'a comprehensive and enforceable plan for the conservation of the water of the bay and the development of its shoreline, entitled the San Francisco Bay Plan.' (§ 66603.) In section 66604 the Legislature empowers BCDC to 'issue or deny permits, after public hearings, for any proposed project that involves placing fill ... within the area of the commission's jurisdiction.' In section 66638, as we have earlier described, the Legislature authorizes BCDC to issue cease and desist orders when it determines that 'any person or governmental agency has undertaken, or is threatening to undertake, any activity that (1) requires a permit from the commission without securing a permit, or (2) is inconsistent with any permit previously issued by the commission ....'

(2b)The courts have consistently interpreted provisions of the McAteer-Petris Act broadly so as to effectuate its purpose of comprehensive regulation ***617** of development of the bay and shoreline. (See, e.g., *Town of Emeryville*, *supra.*, 69 Cal.2d 533 [interpretation of 'project' in the act's grandfather clause as a word of limitation precluding exemption from the act for certain fill activities by the city]; *Candlestick Properties, Inc.*, *supra.*, [upholding BCDC authority to deny a request to fill land located within a reclamation district where that land is also within BCDC jurisdiction]; *Blumenfeld v. San Francisco Bay Conservation etc. Com.*, *supra.*, 43 Cal.App.3d 50 [liberally construing 'subject to tidal action' to include property connected to the bay solely by means of a man-made culvert where water reached the property through the culvert occasionally during high tide at certain seasons].)

To deny BCDC the power to enforce the act by issuance of cease and desist orders against landowners whose property contains fill placed there by others in violation of the act would 'frustrate the effectiveness of the act' (*Friends of Mammoth v. Board of Supervisors*, *supra.*, at p. 263) by materially impairing BCDC's ability to prevent and remedy haphazard and detrimental filling of the Bay. (§ 66601; cf. *People v. Shirokow*, *supra.*, at p. 309.) Unless the responsible person were 'caught in the act' of placing the fill, [14] or the landowner were proved to have authorized its placement by others, BCDC would be unable to order removal of the fill. Such a narrow rendition of BCDC's authority ascribes no significance to a landowner's ability to prevent the placement of fill on his land by others and, if adopted by the courts, would diminish the incentive for landowners to manage their properties so as to reduce the prospect of illegal fill, a result that is also clearly repugnant to the legislative purpose.

The courts have previously recognized that BCDC 'must have the power to regulate *any* proposed project that involves placing fill in the Bay. (Gov. Code, § 66604.)' (*Candlestick Properties, Inc.*, *supra.*, at p. 572, italics added.) In our view, BCDC's ability to effectively regulate filling of the Bay requires that its cease and desist power extend to landowners regardless whether they actually placed the fill or know its origin. (6)'It is well settled in this state that governmental officials may exercise such additional powers as are necessary for the due and efficient administration of powers expressly granted by statute, or as *may fairly be implied* from the statute granting the powers. [Citations.]' (*Dickey v. Raisin Proration Zone No. 1*, *supra.*, at p. 810, italics in original.) ***618**

(2c)Accordingly, since we do not consider the words in question to be inflexible, we hold that in order to effectuate the important purpose of the McAteer-Petris Act it is not only reasonable but necessary to construe section 66638 broadly, so that one who 'has undertaken, or is threatening to undertake' the proscribed activities refers not simply to one responsible for the actual placement of unauthorized fill but also to one whose property is misused by others for that purpose and who even passively countenances the continued presence of such fill on his land.

II.

(7a)Leslie's contention that the broad interpretation we adopt would impose strict liability on landowners without any express legislative direction to do so, while correct, does not dissuade us. Leslie argues that if the Legislature had intended to hold landowners strictly liable for illegal fill and thus subject to possible criminal sanctions under section 66632

and civil fines of up to $6,000 per day for violation of a cease and desist order pursuant to section 66641, the Legislature would have done so explicitly. [15]

Preliminarily, we need not determine whether a landowner in Leslie's position can be held criminally liable for the misdemeanor offense defined in section 66632, subdivision (a), as a 'person who places fill' because Leslie was not prosecuted under that statute. The instant action arises out of a cease and desist order issued pursuant to section 66638, subdivision (a), which applies to any person or governmental agency who 'has undertaken' activities requiring a permit without first having obtained one. The sanctions for violating section 66638, subdivision (a), are civil in nature: the possible ordering of affirmative action, including fill removal, or civil penalties, or both. (See §§ 66638, subd. (b), 66641.)

(8)It needs to be emphasized at this point that the McAteer-Petris Act is the sort of environmental legislation that represents the exercise by government of the traditional power to regulate public nuisances. (*CEEED v. California Coastal Zone Conservation Com.* (1974) 43 Cal.App.3d 306, 318 [118 Cal.Rptr. 315].) Such legislation 'constitutes but 'a sensitizing of and refinement of nuisance law.'' (*Id.*, at p. 319.) Where, as here, such legislation does not expressly purport to depart from or alter the common law, ***619** it will be construed in light of common law principles bearing upon the same subject. (*People v. Curtis* (1969) 70 Cal.2d 347, 352, fn. 2 [74 Cal.Rptr. 713, 450 P.2d 33]; *Estate of Elizalde* (1920) 182 Cal. 427, 433 [188 P. 560]; *Centeno v. Roseville Community Hospital* (1979) 107 Cal.App.3d 62, 69 [167 Cal.Rptr. 183]; *Dry Creek Valley Assn., Inc. v. Board of Supervisors* (1977) 67 Cal.App.3d 839, 844 [135 Cal.Rptr. 726].)

'At common law public nuisance came to cover a large, miscellaneous and diversified group of minor criminal offenses, all of which involved some interference with the interests of the community at large—interests that were recognized as rights of the general public entitled to protection .... In each of these instances the interference with the public right was so unreasonable that it was held to constitute a criminal offense. For the same reason it also constituted a tort.' (Rest.2d Torts, § 821B, com. b, p. 88.) (7b)All that is required to establish that particular conduct constitutes the tort or common law crime of public nuisance is that it interferes with a right common to the general public. [16] However, if specific conduct of this sort is proscribed *by statute*—as clearly it is by the McAteer-Petris Act—then, consistent with the common law rule, one may be held in violation of that statute 'even though his interference with the public right was purely accidental and unintentional .... There is a clear analogy to the doctrine of negligence as a matter of law, under which a legislative act is taken as laying down a specific rule of conduct that substitutes for the general standard of what a reasonable prudent man would do in like circumstances.' (*Id.*, com. e, at p. 90.) Liability, in other words, may be strict. (See also, 58 Am.Jur.2d., Nuisances, § 34, pp. 597-599.)

Under the common law, liability for a public nuisance may result *from the failure to act* as well as from affirmative conduct. Thus, for example, section 839 of the Restatement Second of Torts declares that 'A possessor of land is subject to liability for a nuisance caused while he is in possession by an abatable artificial condition on the land [such as the placement of fill], if the nuisance is otherwise actionable [e.g., prohibited by statute], and [¶] (a) the possessor knows or should know of the condition and the nuisance or unreasonable risk of nuisance involved, and [¶] (b) he knows or should know that it exists without the consent of those affected by it, and [¶] (c) he has failed after a reasonable opportunity to take reasonable steps to abate ***620** the condition or to protect the affected persons against it.' (Rest.2d Torts, § 839.)

People v. Southern Pac. Co. (1957) 150 Cal.App.2d Supp. 831 [311 P.2d 200], provides an illustration of the common law of nuisance at work in a situation similar to that presented in the present case and demonstrates the interplay of that common law in both the civil and criminal law. In *Southern Pacific* the defendant was convicted of the misdemeanor violation of Health and Safety Code section 24242, which then prohibited the 'discharge' of contaminants into the air. Although it was undisputed that the fire in question in that case was on property owned by the defendant, there was no competent evidence that the fire was started, or the contaminants 'discharged,' by employees or agents of the defendant. There was also no evidence, however, that the defendant made any effort to control the fire. (*Id.*, at p. 833.) After assaying various statutes (Civ. Code, § 3483 and Health & Saf. Code, § 13008) and case law (*City of Turlock v. Bristow* (1930) 103 Cal.App. 750 [284 P. 962]) that relate to *civil* liability for nuisance, the court affirmed the *criminal* conviction. In so doing, the court declared it to be the law 'that the owner or person in control of real property who has notice or knowledge that a continuing condition exists on such property which violates the said smog law and who thereafter fails to use reasonable care to abate such condition, is liable

therefor in the same manner as the one who first created it.' (150 Cal.App.2d Supp. at p. 833.) In sum, the court utilized a common law definition of public nuisance [17] to construe a penal statute and justify the imposition of a criminal penalty. [18] ***621** The fact that the defendant in *Southern Pacific* did not itself 'discharge' the contaminant was given little weight because, as at common law, '[t]he owner or occupier of land, after notice or knowledge of a fire on his property, has the right to control it and thereupon becomes a person who discharges the smoke into the atmosphere; in other words, a duty to control the contaminant is by [Health & Saf. Code, § 24242] placed on such property owner or occupier.' (*Id.*, at p. 834.) By the same reasoning, an owner of land such as Leslie, which independently knows or certainly should know if the existence of several hundred tons of detritus and other fill materials on its land, and which has in any event received notice thereof from BCDC, has the right to control such placement and may therefore be deemed a person who 'undertakes' that unlawful act within the meaning of the McAteer-Petris Act. (§ 66638.)

The use of a theory of strict liability to impose criminal penalties for public nuisance offenses has been described in some cases as the 'public welfare exception' to the mens rea requirement that normally applies in criminal prosecutions. For example, in *People v. Chevron Chemical Co*. (1983) 143 Cal.App.3d 50 [191 Cal.Rptr. 537], we recently held that a chemical company could be held criminally liable under Fish and Game Code section 5650 for discharging fertilizer process wastes and storm water runoff into a tributary of San Pablo Bay despite the absence of any evidence of wrongful intent or criminal negligence on its part. In reaching this result we stated as follows: 'This principle, that strict liability is appropriate in regulatory offenses, has been followed in construing a variety of regulatory statutes: *Aantex Pest Control Co. v. Structural Pest Control Bd.* (1980) 108 Cal.App.3d 696 ... (use of unlicensed poison); *People v. Travers* (1975) 52 Cal.App.3d 111 ... (sale of improperly branded motor oil); *Brodsky v. Cal. State Bd. of Pharmacy* (1959) 173 Cal.App.2d 680... (liability of pharmacist for compounding of prescriptions by unlicensed person). [¶] Justice Traynor, in [*People v. Vogel* (1956) 46 Cal.2d 798, 801, fn. 2 (299 P.2d 850)], enunciated the well recognized *public welfare offenses* exception to the mens rea requirement in criminal prosecution. These public welfare crimes are most often based upon the violation of statutes purely regulatory in nature and involving widespread injury to the public.' (*People v. Chevron Chemical Co.*, *supra.*, at pp. 53-54.) [19] Development of the public welfare ***622** exception to the requirement of guilty intent corresponded with 'the demands of an increasingly complex social order [which] required additional regulation of an administrative character unrelated to questions of personal guilt.' (Sayre, *Public Welfare Offenses*, *supra.*, 33 Colum.L.Rev. at p. 67.) 'If violation threatens serious and widespread public injury, courts have no other course open to them. The orthodox fundamental principles of criminality must be sacrificed in such cases in the interests of enforcement.' (*Id.*, at p. 79, fn. omitted.)

Thus, whether the context be civil or criminal, liability and the duty to take affirmative action flow not from the landowner's active responsibility for a condition of his land that causes widespread harm to others or his knowledge of or intent to cause such harm but rather, and quite simply, from his very possession and control of the land in question. (See *Sprecher v. Adamson Companies* (1981) 30 Cal.3d 358, 369-370 [178 Cal.Rptr. 783, 636 P.2d 1121].) This principle that the private right to control land carries with it certain strictly enforceable public responsibilities is, as we have seen, a venerable idea; and it is one that grows progressively more vital in the law as the interdependencies in our society become more apparent and the threats to the integrity of our environment more ominous.

Finding, as we have, that the subject provisions of the McAteer-Petris Act must be broadly construed and that the strict liability that results from such construction is entirely appropriate, we conclude that the cease and desist order in question was properly issued. Accordingly, the judgment is reversed.

Rouse, J., and Smith, J., cncurred.

A petition for a rehearing was denied April 18, 1984, and respondent's petition for a hearing by the Supreme Court was denied May 24, 1984. Kaus, J., and Lucas, J., were of the opinion that the petition should be granted. ***623**

Footnotes

1 All statutory references herein are to the Government Code unless otherwise indicated.

2 A permit from BCDC is required for fill placed on land subject to tidal action and within 100 feet of the shoreline band. (Gov. Code, §§ 66610 and 66632.) BCDC has exercised bay jurisdiction over the area since the agency was created in 1965 and shoreline jurisdiction over the area since 1969.

3 In a declaration filed with BCDC, James W. Walton, a vice president of Leslie and its land manager, stated as follows: 'While Leslie will not knowingly permit any activity on its land that does not conform to the various laws and regulations, Leslie does not as a policy assume the responsibility of acting as the policing agent for the regulations of governmental agencies as they may affect the operations of those entering and using our land whether as lessees, licensees, permittees or trespassers.'

4 No recommendation for restoration of the land or referral to the district attorney for misdemeanor prosecution was made. (See § 66632, subd. (a).)

5 Any aggrieved party may file with the superior court a petition for writ of mandate for review of the BCDC's cease and desist order pursuant to Code of Civil Procedure section 1094.5. (§ 66639, subd. (a).) 'The evidence before the court in any proceeding to review an order of the commission described in subdivision (a) shall consist of the record before the commission, and in cases where it is claimed that the findings are not supported by the evidence, abuse of discretion is established only if the court determines that the findings are not supported by substantial evidence in the light of the whole record.' (§ 66639, subd. (b).)

6 'Fill' is defined in section 66632 as 'earth or any other substance or material, including pilings or structures placed on pilings, and structures floating at some or all times and moored for extended periods, such as houseboats and floating docks.'

7 Section 66632 provides in relevant part as follows: '(a) During the existence of the San Francisco Bay Conservation and Development Commission, any person or governmental agency wishing to place fill, to extract materials, or to make any substantial change in use of any water, land or structure, within the area of the commission's jurisdiction shall secure a permit from the commission and, if required by law or by ordinance, from any city or county within which any part of such work is to be performed ....'

FN8 Subdivisions (a) and (b) of section 66638 provide in their entirety as follows: '(a) When the commission, after public hearing, determines that any person or governmental agency has undertaken, or is threatening to undertake, any activity that (1) requires a permit from the commission without securing a permit, or (2) is inconsistent with any permit previously issued by the commission, the commission may issue an order requiring such person or governmental agency to cease and desist. [¶] (b) Any cease and desist order issued by the commission may be subject to such terms and conditions as the commission may determine are necessary to insure compliance with the provisions of this title, including immediate removal of any fill or other material or the setting of a schedule within which steps must be taken to obtain a permit pursuant to this title.'

9 Leslie calls our attention as well to the following cases, which are to the same effect: *United States v. Lexington Mill Co*. (1914) 232 U.S. 399, 409-410 [58 L.Ed. 658, 661-662, 34 S.Ct. 337]; *Holder v. Superior Court* (1969) 269 Cal.App.2d 314, 317-318 [74 Cal.Rptr. 853]; *Pepper v. Board of Directors* (1958) 162 Cal.App.2d 1, 3, 5 [327 P.2d 928]; *Pac. Gas & E. Co. v. Shasta Dam Etc. Dist*. (1955) 135 Cal.App.2d 463, 468 [287 P.2d 841]; and *Copeland v. Raub* (1940) 36 Cal.App.2d 441, 445 [97 P.2d 859].

10 As stated by Justice Frankfurter, with particular reference to statutes: '[U]nlike mathematical symbols, the phrasing of a document, especially a complicated enactment, seldom attains more than approximate

precision. If individual words are inexact symbols, with shifting variables, their configuration can hardly achieve invariant meaning or assured definiteness. Apart from the ambiguity inherent in its symbols, a statute suffers from dubieties. It is not an equation or a formula representing a clearly marked process, nor is it an expression of an individual thought to which is imparted the definiteness a single authorship can give. A statute is an instrument of government partaking of its practical purposes but also of its infirmities and limitations, of its awkward and groping efforts.' (Frankfurter, *Some Reflections on the Reading of Statutes* (1947) 47 Colum.L.Rev. 527, 528. See also, Radin, *Statutory Interpretation* (1930) 43 Harv.L.Rev. 863, and Landis, *A Note on 'Statutory Interpretation'* (1930) 43 Harv.L.Rev. 886.)

11 This approach was disdained by Holmes, as indicated by his famous dictum that 'we do not inquire what the legislature meant; we ask only what the statute means.' Holmes, Collected Legal Papers (1920) page 207. See also, Frankfurter, *Some Reflections on the Reading of Statutes*, *supra.*, 47 Colum.L.Rev. at pages 538-540; and *Schwegmann Bros. v. Calvert Corp*. (1951) 341 U.S. 384, 395-397 [95 L.Ed. 1035, 1048-1049, 71 S.Ct. 745] (conc. opn. of Jackson, J.).

12 As stated by Chancellor Kent: 'It is an established rule in the exposition of statutes, that the intention of the lawgiver is to be deduced from a view of the whole and of every part of a statute, taken and compared together. The real intention, when accurately ascertained, will always prevail over the literal sense of terms. When the expression in a statute is special or particular, but the reason is general, the expression should be deemed general ... and the reason and intention of the lawgiver will control the strict letter of the law, when the latter would lead to palpable injustice, contradiction, and absurdity. ... When the words are not explicit, the intention is to be collected from the context; from the occasion and necessity of the law, from the mischief felt, and the remedy in view; and the intention is to be taken or presumed, according to what is consonant to reason and good discretion.' (1 Kent's Commentaries, p. 462, fns. ommitted.)

13 The threat the Legislature sought to address by the McAteer-Petris Act was in 1967 alternatively stated by one commentator as follows: 'San Francisco Bay has been disappearing at the rate of three and one-half square miles a year. Over the last hundred years, filling and diking have removed over 240 square miles from the Bay. At the present rate, it will take less than one hundred years to deprive the Bay of the 326 miles still susceptible of reclamation.' (Comment, *San Francisco Bay: Regional Regulation for its Protection and Development* (1967) 55 Cal.L.Rev. 728, fns. omitted.)

14 The extraordinary difficulty if not the physical impossibility of effective surveillance of BCDC's jurisdiction is manifest from any reasonably accurate map of the shoreline of San Francisco Bay, such as that set forth in Note, *Saving San Francisco Bay: A Case Study in Environmental Legislation* (1971) 23 Stan.L.Rev. 349, at page 354.

15 BCDC, it may be noted, advances the converse of this proposition; namely, that if the Legislature intended to exempt from liability a landowner which did not itself place the fill it would have done so expressly, as Congress did, for example, in certain provisions of the federal Water Pollution Control Act. (See, e.g., 33 U.S.C. § 1321(f)(2).) Since, as we later explain, strict liability for nuisance historically attends the possession and control of land, the contention of BCDC seems to us to be more forceful than that of Leslie.

16 And it is noteworthy in this connection that the statutory definition of 'nuisance' originally enacted in California in 1872 and still in effect includes '[a]nything which ... unlawfully obstructs the free passage or use, in the customary manner, of any navigable ... *bay* ...' (Civ. Code, § 3479, italics added.) Since a nuisance of this sort affects a 'considerable number of persons' it is a *public* nuisance. (Civ. Code, § 3480.)

17 The common law rule articulated in *Southern Pacific* (at p. 833) is essentially that set forth in section 839 of the Restatement Second of Torts, *supra.*, previously discussed.

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18 One commentator has identified *Regina v. Stephens* (1866) L.R. 1 Q.B. 702, as the ‘conscious beginning‘ in England of the movement to do away with the requirement of mens rea and the adoption of the civil notion of strict liability in criminal nuisance cases. (Sayre, *Public Welfare Offenses* (1933) 33 Colum.L.Rev. 55, 59.) The court stated in that case, per Mellor, J., as follows: ‘It is quite true that this in point of form is a proceeding of a criminal nature; but in substance I think it is in the nature of a civil proceeding, and I can see no reason why a different rule should prevail,‘ in a case of this nature, ‘between proceedings which are civil and proceedings which are criminal. I think there may be nuisances of such a character that the rule I am applying here would not be applicable to them; but here it is perfectly clear that the only reason for proceeding criminally is that the nuisance [rubbish from a quarry thrown into a previously navigable river by the defendant's workmen without his knowledge and against his orders], instead of being merely a nuisance affecting an individual, or one or two individuals, affects the public at large, and no private individual without receiving some special injury could have maintained an action .... The prosecutor cannot proceed by action, but must proceed by indictment; and if this were strictly a criminal proceeding, the prosecution would be met with the objection that there was no *mens rea*, that the indictment charged the defendant with a criminal offence when in reality there was no proof that the defendant knew of the act, or that he himself gave orders to his servants to do the particular acts he is charged with .... Inasmuch as the object of this indictment is not to punish the defendant, but really to prevent the nuisance from being continued, I think that the evidence which would support a civil action would be sufficient to support an indictment.‘ (*Regina v. Stephens*, *supra.*, L.R. 1 Q.B. at pp. 708-710, quoted in Sayre, *Public Welfare Offenses*, *supra.*, 33 Colum.L.Rev. at p. 59, fn. 16.)

19 We recognize that in *Chevron* the company itself discharged the contaminants, whereas here an unknown third party actually performed the prohibited act. But this distinction does not affect the propriety of imposing strict liability insofar as the objection thereto is grounded on the absence of evidence of intent or affirmatively negligent conduct.

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Exhibit E

Outlook

RE: County application for funds to remove Thad Woodin's barge from the Montezuma Slough

From Urlaub, William M. <WMUrlaub@SolanoCounty.gov>
Date Wed 8/6/2025 9:54 AM
To Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Cc Bennett, Richard J. <RJBennett@SolanoCounty.gov>; Simpson, Wesley E. <WESimpson@SolanoCounty.gov>; Trujillo, Robert A. <RATrujillo@SolanoCounty.gov>; Boyd, Amanda@BCDC <amanda.boyd@bcdc.ca.gov>; Ng, Michael@BCDC <michael.ng@bcdc.ca.gov>

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Ms. Usher,

I have received an update from the State of California.

We are being told that NOAA anticipates issuing award announcements late September 2025. If our application is selected for funding and there are no unforeseen obstacles, it's likely that the state could have subawards issued within 4-6 months from receiving the award notice from NOAA.

Given this timeline, I don't expect to be able to begin any work, if funded, until May 2026. Then with competitive bid process, scheduling and other factors, I don't see removal happening until mid to late summer of 2026.

Feel free to contact me with any further questions,

Michael Urlaub
Deputy Sheriff
Solano County Search & Rescue Coordinator (Land & Water)
Solano County Sheriff's Office
Marine Patrol Bureau
707-421-7090 – Dispatch (24 Hour – Non-Emergency)
707-784-1382 – Marine Patrol Office
http://www.solanocounty.com/sheriff
A smooth sea never made a skilled sailor.
- Franklin D Roosevelt

Please update my email address in your contacts. My email is changing from WMUrlaub@SolanoCounty.com to WMUrlaub@SolanoCounty.GOV .

From: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Sent: Friday, August 1, 2025 6:00 PM
To: Urlaub, William M. <WMUrlaub@SolanoCounty.gov>
Cc: Bennett, Richard J. <RJBennett@SolanoCounty.gov>; Simpson, Wesley E. <WESimpson@SolanoCounty.gov>; Trujillo, Robert A. <RATrujillo@SolanoCounty.gov>; Boyd, Amanda@BCDC <amanda.boyd@bcdc.ca.gov>; Ng, Michael@BCDC <michael.ng@bcdc.ca.gov>

Exhibit E

Subject: Re: County application for funds to remove Thad Woodin's barge from the Montezuma Slough

Hi Michael,

Enormous thanks for letting me know - this is a big help and we will adjust the language in our CDO to reflect the expectation (even if just an estimate now) for when this work may take place, should it be funded.

We're hoping of course that it is! If you or Robert could please keep me posted as things develop, I'd really appreciate it.

Thanks again!

Best,
Anne

From: Urlaub, William M. <WMUrlaub@SolanoCounty.gov>
Sent: Friday, August 1, 2025 5:46 PM
To: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Cc: Bennett, Richard J. <RJBennett@SolanoCounty.gov>; Simpson, Wesley E. <WESimpson@SolanoCounty.gov>; Trujillo, Robert A. <RATrujillo@SolanoCounty.gov>
Subject: RE: County application for funds to remove Thad Woodin's barge from the Montezuma Slough

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Ms. Usher,

Thank you for reaching out. I do not have an update on when it will be announced if the grant funding will be awarded but I have reached out for an update on that timeline. The grant is from NOAA that is being passed through the State of California. I do not know how long it will take the contractor to do the work and due to the cost of the project, it likely will have to go to bid once funding is secured. Depending on who is selected to do the work could dictate how long it takes to complete the project. I believe, I recall that if funding is awarded in the fall that work can't begin until 2026. With a competitive bid process, scheduling and other factors, I don't see removal happening until late 1st quarter into the 2nd quarter of 2026.

I hope this helps,

Michael Urlaub
Deputy Sheriff
Solano County Search & Rescue Coordinator (Land & Water)
Solano County Sheriff's Office
Marine Patrol Bureau
707-421-7090 – Dispatch (24 Hour – Non-Emergency)
707-784-1382 – Marine Patrol Office
http://www.solanocounty.com/sheriff

A smooth sea never made a skilled sailor.

- Franklin D Roosevelt

Please update my email address in your contacts. My email is changing from WMUrlaub@SolanoCounty.com to WMUrlaub@SolanoCounty.GOV .

From: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>

Exhibit E

Sent: Thursday, July 31, 2025 10:48 AM
To: Bennett, Richard J. <RJBennett@SolanoCounty.gov>; Urlaub, William M. <WMUrlaub@SolanoCounty.gov>
Subject: County application for funds to remove Thad Woodin's barge from the Montezuma Slough

Hi Sgt. Bennett and Deputy Urlaub,

I emailed Eric Oberreuter about this but forgot that he had retired. He suggested that I reach out to both of you.

We're bringing our case against Thad Woodin to BCDC's Enforcement Committee and Sgt. Brady Graham had mentioned to me a couple months ago that Solano County applied for an $800,000 grant to remove his barge from the Montezuma Slough. He said the funding awards will be announced in the fall.

Do you happen to know when in the fall, what entity is giving the award, and how long the contractor, if awarded, estimates the work will take? I need to give a rough estimate of when it might be reasonable to expect the barge to be removed (if the funds come through). I've reached out to Robert Trujillo, a county compliance officer, and he in turn has asked his legal department but I haven't heard back yet.

Many thanks.

Regards,
Anne

Anne Usher
Enforcement Policy Analyst
(415) 352-3662
Anne.Usher@bcdc.ca.gov

San Francisco Bay Conservation and Development Commission
http://bcdc.ca.gov/enforcement
375 Beale St., Suite 510
San Francisco, CA 94105
FAX: (415) 352-3606
Main Number: (415) 352-3600
Business Days & Hours: M-F 8:30a – 5:00p

[EXTERNAL Email Notice!] External communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

[EXTERNAL Email Notice!] External communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

Exhibit F

RECORDING REQUESTED BY:

Old Republic Title Company

Order No.: 1123006625-BR
APN: 0090-120-030, 0090-120-210

When Recorded Mail Document and Tax Statements to:

Stephen Belcher & Lesley Belcher
P.O. Box1322
Discovery Bay, CA 94505

10

Recorded in Official Records, Solano County
Marc C. Tonnesen
Assessor/Recorder

8/31/2011
8:00 AM
AR16
06

04 Old Republic Title Co

Doc#: 201100076540

Titles: 1 Pages: 2

Fees	16.00
Taxes	38.50
Other	0.00
PAID	$54.50

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

Grant Deed

The undersigned grantor(s) declare(s):
Documentary Transfer Tax is $38.50
(X) computed on full value of property conveyed, or
( ) computed on full value less of liens and encumbrances remaining at time of sale.
( ) Unincorporated area: (X) City of Suisun City

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
John M. Vesco, Trustee of the John M. Vesco Revocable Trust

hereby GRANT(S) to
Stephen Belcher and Lesley Belcher, husband and wife, as Joint Tenants

that property in City of Suisun City, Solano County, State of California, described as:
See "Exhibit A" attached hereto and made a part hereof.

Date: August 28, 2011

The John M. Vesco Revocable Trust

By: John M. Vesco
John M. Vesco, Trustee

State of California
County of Alameda

On 8/29/11 before me, Becca Rollins, a Notary Public, personally appeared John M. Vesco,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

Name Becca Rollins
(typed or printed)

BECCA ROLLINS
COMM. # 1895113
NOTARY PUBLIC - CALIFORNIA
ALAMEDA COUNTY
COMM. EXPIRES JULY 13, 2014

(Area reserved for official notarial seal)

Exhibit F

ORDER NO. : 1123006625-BR

EXHIBIT A

The land referred to is situated in the unincorporated area of the County of Solano, State of California, and is described as follows:

Parcel One:

That portion of the 10.30 acre tract on Van Sickle's Island, described in Deed to Carl Perquin, recorded June 17, 1925 in Book 286 of Deeds, Page 215, Instrument No. 2117, that is described as Beginning at the most Northerly corner of the 10.30 acre tract described in said Deed, thence Southwesterly along the Southeast line of the right-of-way of the Sacramento and San Francisco Railroad Company to a point that is 100 feet along said line from the Westerly high water line of Montezuma Slough, thence Southeasterly in a straight line a distance of 450 feet to a point that is 100 feet distant at right angles, from the aforementioned Westerly high water line of Montezuma Slough, thence Northeasterly along the line parallel to the railroad right-of-way to the Westerly high water line of Montezuma Slough, thence Northwesterly along said high water line to the point of beginning.

APN: 0090-120-030

Parcel Two:

That portion of the 10.30 acre tract on Van Sickle's Island described in Deed to Carl Perquin, recorded June 17, 1925 in Book 286 of Deeds, Page 215, Instrument No. 2117, that is described as Beginning at the most Northerly corner of the 10.30 acre tract described in Deed, thence Southwesterly along the Southeast line of the right of way of the Sacramento and San Francisco Railroad Company to a point that is 100 feet along said line from the Westerly high water line of Montezuma Slough, said point also being the Northwesterly corner described in Deed to Martin T. Rehling, et ux, dated March 6, 1962 and recorded March 12, 1962 in Book 1129 of Official Records, at Page 8, Instrument No. 6071; thence along the Westerly line of said Rehling Parcel Southeasterly in a straight line a distance of 450 feet to a point that is 100 feet, distant at right angles from the aforementioned Westerly high water line of Montezuma Slough; said point also being the Southwesterly corner of said Rehling Parcel; thence South 55° East to a point on the Westerly line of 10.30 acre tract; thence along the Westerly line of said 10.30 acre tract in a Northwesterly direction to a point on the Southeasterly line of the Sacramento and San Francisco Railroad Company, thence Northeasterly along the Southeasterly line of said railroad right-of-way to the point of beginning.

SAVING AND EXCEPTING THEREFFROM all of the oil, gas and other hydrocarbons and minerals now or at any time hereafter situate therein and thereunder, together with all easements and rights necessary, incidental, convenient, or otherwise appurtenant to the exploration for, production, storage and transportation thereof, as saved and excepted in the Deed from Erickson et ux, to George C. Ashoff, et al Dated June 9, 1953 recorded June 19, 1953 in Book 674 of Official Records at Page 282, Instrument No. 9939.

APN: 0090-120-210

END OF DOCUMENT

Exhibit G

Enforcement Unit Overview

Matthew Trujillo
Enforcement Policy Manager
Item 12
July 7, 2022

Outline

- Enforcement Program Goals
- Practical Effects of Procedural Improvements
- Case Management Improvements
- Case Resolution
- Progress on “Old” & “Oldest” Cases
- Available Resources
- Program Highlights
- Forecasts
- Next Steps

Enforcement Program Goals

- **Deterrence**: Remove incentive to violate BCDC laws, policies and regulations.
- **Transparency**: Clearly communicate expectations and ensure that processes are known and understood.
- **Consistency:** Maintain a clear, documented enforcement process that is publicly transparent and consistently applied.
- **Fairness:** Treat violations similar in nature and impact to the Bay and public access similarly (will not necessarily equate to the same outcome) and remove any competitive advantage gained from noncompliance.

Practical Effects of Procedural Improvements

Initial Contact Letters for new case reports

- Helps to distinguish between violators that respond to a lighter touch from those requiring more intensive enforcement staff oversight

Case Review Procedure

- Prioritize natural resources vulnerability
- Prioritize public access protection
- Promote normalization – promote certainty among the regulated community about the consequences of violations

Case Management Procedure Milestones

- Metrics provide data on resolution rates; aid in expectation-setting and strategy
- Helps to standardize and streamline data management

Case Management Improvements

Move Cases to Formal Enforcement

- Case docket

Coordinate Workload Priorities with Permit Units

- Mitigate for added workload due to revitalized enforcement program

Milestone Tracking

- Use technology to organize data and track deadlines

Enforcement Regulations revisions

- Effective October 1, 2022
- Allows for electronic distribution of violation reports, etc.

Exhibit G

Case Resolution

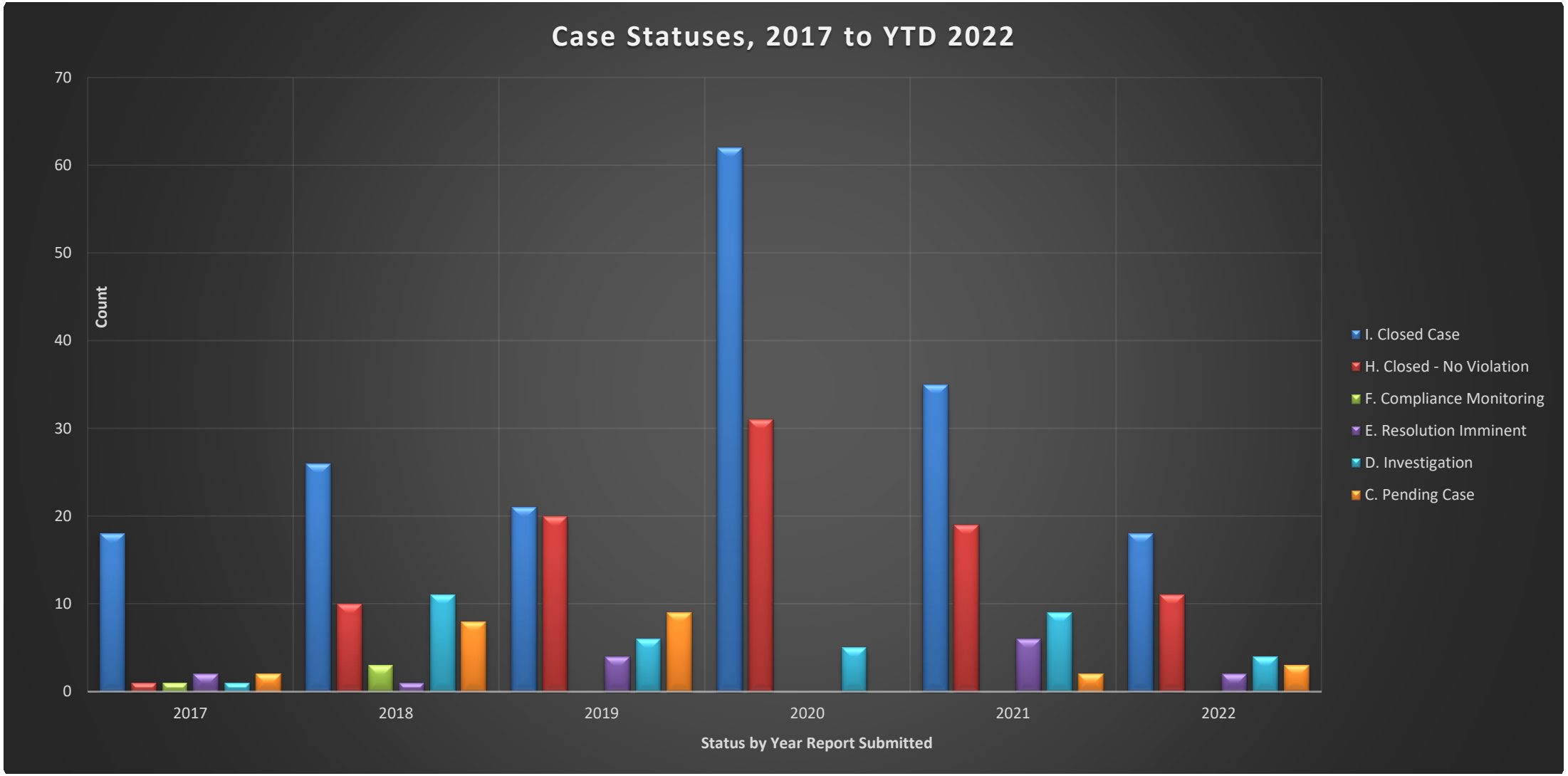
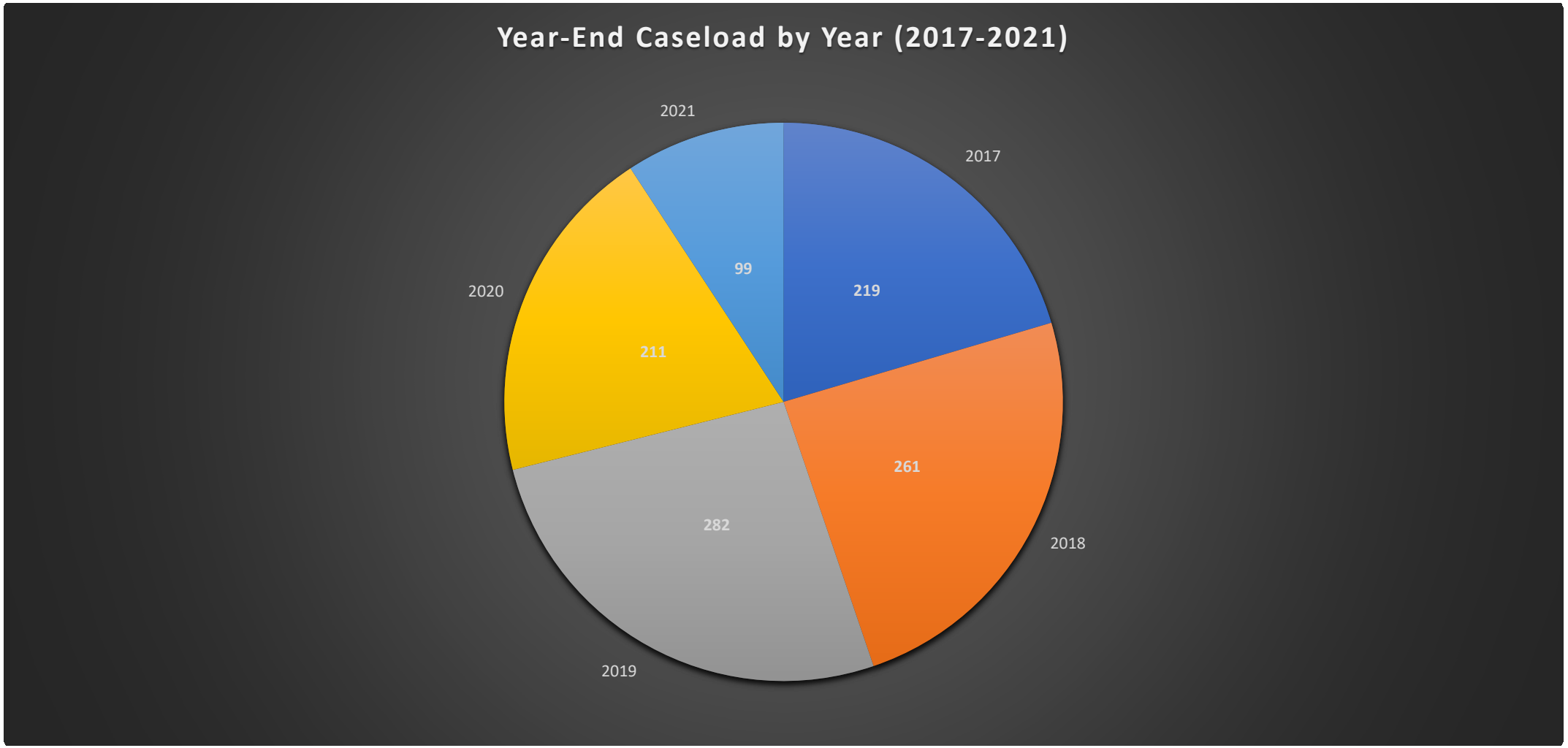


Exhibit G

Case Resolution



Progress on “Old” & “Oldest” Cases

Our case management procedure defines old cases as those opened in 2016 and prior and defines oldest cases as those opened in 2000 and prior.

Since 2019, the enforcement program has taken strides to eliminate the number of old and stale cases that use to number in the hundreds.

Currently, the number of oldest cases is 4 and the number of old cases (inclusive of oldest cases) is 30. Old and oldest cases comprise approximately one-third of the total caseload (93).

Available Resources

ArcGIS (BayRAT)—ongoing data integration to track cases and case resolution progress

1DocStop—tagging monitoring reports added to permits

Progress toward fully electronic enforcement record keeping

Template letters

Bay Development and Design Analysts

Engineer

Calls, emails, Teams and Zoom

Program Highlights

Brent's leadership in driving the enforcement hearing docket with his organizational tools and attention to process

Adrienne's leadership in driving interagency collaboration to address anchor-outs, abandoned and derelict vessel abatement, and shoreline encampment clean-up

John's critical assistance with case intake and evaluation

Margie's critical support in records management, coordination, and meeting scheduling/prep/coordination

Greg's support for staff's goals and strategies

Forecasts

Intensive team building over the next 6 months will build trust, cohesion, and efficiency.

New compliance staff will alleviate compliance monitoring workload and prevent emerging issues from becoming enforcement cases

A new Coastal Program Analyst I will help accelerate the case closure rate, once trained

Greater collaboration with Permits managers will help refine the workflow and produce more integrated permit, compliance, and enforcement processes

More formal enforcement will produce safer, more accessible and more enjoyable public access to the Bay and shoreline

Next Steps

Ongoing hearings on complex cases before the Enforcement Committee and the Commission

Standardize Case Resolution processes—template development for initial contact letters, notice of violation letters, compliance letters

Coordinated enforcement with permitting and incoming compliance units

Refine procedures based on lessons learned since 2019

More Chapter 13 Amendments

Questions?

Exhibit H

BCDC staff photos from a site visit on Aug. 12, 2025

Thad Woodin's parcel





Exhibit H



(The boat is on the Kanady parcel; this shows some of the trash on Thad Woodin's parcel)



Exhibit H

Kanady parcel





Exhibit H





Exhibit H

Bill Woodin’s parcel



Exhibit H





Exhibit I

Statement of Defense Form

Enforcement Case ER2019.038.00

Thaddeus Woodin

FAILURE (1) TO COMPLETE THIS FORM, (2) TO INCLUDE WITH THE COMPLETED FORM ALL DOCUMENTS, DECLARATIONS UNDER PENALTY OF PERJURY, AND OTHER EVIDENCE YOU WANT PLACED IN THE RECORD AND TO BE CONSIDERED BY THE COMMISSION, (3) TO LIST ANY WITNESSES WHOSE DECLARATION IS PART OF THE STAFF'S CASE AS IDENTIFIED IN THE VIOLATION REPORT THAT YOU WISH TO CROSS-EXAMINE, THE AREA OF KNOWLEDGE ABOUT WHICH YOU WANT TO CROSS-EXAMINE THE WITNESS, AND THE INFORMATION YOU HOPE TO ELICIT BY CROSS-EXAMINATION, AND (4) TO RETURN THE COMPLETED FROM AND ALL INCLUDED MATERIALS TO THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION STAFF OR TO CONTACT **ANNE USHER** OF THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION ENFORCEMENT STAFF BY August 12, 2025, **MEANS THAT THE COMMISSION CAN REFUSE TO CONSIDER SUCH STATEMENTS AND EVIDENCE WHEN THE COMMISSION HEARS THIS MATTER.**

DEPENDING ON THE OUTCOME OF FURTHER DISCUSSIONS THAT OCCUR WITH THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION ENFORCEMENT STAFF AFTER YOU HAVE COMPLETED AND RETURNED THIS FORM, ADMINISTRATIVE OR LEGAL ENFORCEMENT PROCEEDINGS MAY NEVERTHELESS BE INITIATED AGAINST YOU, IF THAT OCCURS, ANY STATEMENTS THAT YOU MAKE ON THIS FORM WILL BECOME PART OF THE ENFORCEMENT RECORD AND MAY BY USED AGAINST YOU.

YOU MAY WISH TO CONSULT WITH OR RETAIN AND ATTORNEY BEFORE YOU COMPLETE THIS FORM OR OTHERWISE CONTACT THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION ENFORCEMENT STAFF.

This form is enclosed with a violation report. The violation report indicates that you may be responsible for or in some way involved in either a violation of the Commission's laws, a Commission permit, or a Commission cease and desist order. The violation report summarizes what the possible violation involves, who may be responsible for it, where and when it occurred, if the Commission staff is proposing any civil penalty and, if so, how much, and other pertinent information concerning the possible violation.

This form requires you to respond to the alleged facts contained in the violation report, to raise any affirmative defenses that you believe apply, to request any cross-examination that you believe necessary, and to inform the staff of all facts that you believe may exonerate you of any legal responsibility for the possible violation or may mitigate your responsibility. This form also requires you to enclose with the completed statement of defense form copies of all written documents, such as letters, photographs, maps drawings, etc. and written declarations under penalty of perjury that you want the Commission to consider as part of this enforcement hearing. This form also requires you to identify by name any person whom you may want to cross-examine prior to the enforcement hearing on this matter, the area of knowledge that you want to cover in the cross-examination, the nature of the testimony that you hope to elicit, and the reasons that you believe other means of producing this evidence are unsatisfactory. Finally, if the staff is only proposing a civil penalty, i.e., no issuance of either a cease or desist order or a permit revocation order, this form allows you alternatively to pay the proposed fine without contesting the matter subject to ratification of the amount by the Commission.

IF YOU WANT TO CROSS-EXAMINE ANY PERSON ON WHOSE TESTIMONY THE STAFF HAS RELIED IN THE VIOLATION REPORT, YOU MUST COMPLETE PARAGRAPH SEVEN TO THIS STATEMENT OF DEFENSE FORM. THIS PARAGRAPH REQUIRES YOU TO SET OUT (1) THE NAME(S) OF THE PERSON(S) YOU WANT TO CROSS-EXAMINE, ()2) REFERENCES TO ANY DOCUMENTS ABOUT WHICH YOU WANT TO CROSS-EXAMINE THE PERSON, (3) THE AREA OF KNOWLEDGE ABOUT WHICH YOU WANT TO CROSS-EXAMINE THE PERSON, (4) THE INFORMATION THAT YOU BELIEVE CAN BE ELICITED BY CROSS-EXAMINATION, AND (5) THE REASON WHY YOU BELIEVE THIS INFORMATION CANNOT BE PRESENTED BY DECLARATION OR OTHER DOCUMENT.

You should complete the form as fully and accurately as you can as quickly as you can and return it no later than 35 days after its having been mailed to you to the Commission's enforcement staff at the address:

San Francisco Bay Conservation and Development Commission
375 Beale Street, Suite 510
San Francisco, California 94105

Exhibit I

The forms should also be emailed to Margie Malan at margie.malan@bcdc.ca.gov.

If you believe that you have good cause for not being able to complete this form within 35 days of its having been mailed, please complete it to the extent that you can and within 35 days of the mailing of the violation report send the statement of defense form completed as much as possible with a written explanation of what additional information you need to complete the form in its entirety, how long it will take to obtain the additional information needed to complete the form, and why it will take longer than 35 days to obtain the additional information, send all of this to the Commission's staff at the above address. Following this procedure does not mean that the Executive Director will automatically allow you to take the additional time to complete the form. Only if the Executive Director determines that you have shown good cause for the delay and have otherwise complete the form as much as is currently possible will be grant an extension to complete the form.

If the staff violation report that accompanied this statement of defense form included a proposed civil penalty, you may, if you wish, resolve the civil penalty aspect of the alleged violation by simply providing to the staff a certified cashier's check in the amount of the proposed fine within the 35-day time period. If you choose to follow this alternative, the Executive Director will cash your check and place a brief summary of the violation and proposed penalty along with a notation that you are choosing to pay the penalty rather than contesting it on an administrative permit listing. If no Commissioner objects to the amount of the penalty, your payment will resolve the civil penalty portion of the alleged violation. If a Commissioner objects to the proposed payment of the penalty, the Commission shall determine by a majority of those present and voting whether to let the proposed penalty stand. If such a majority votes to let the proposed penalty stand, your payment will resolve the civil penalty portion of the alleged violation. If such a majority does not let the proposed penalty stand, the Commission shall direct the staff to return the money paid to you and shall direct you to file your completed statement of defense form and all supporting documents within 35 days of the Commission's action. Of course, you also have the opportunity of contesting the fine from the outset by completing this form and filing it and all supporting documents within 35 days of its having been mailed to you.

If you have any questions, please contact as soon as possible **ANNE USHER** of the Commission Enforcement Staff at telephone number **415-352-3662**.

1. Facts or allegations contained in the violation report that you admit (with specific reference to the paragraph number in the violation report/Complaint):

I THADDEUS WOODIN IN A BLANKET STATEMENT ADMIT IF A ALLEDGED VIOLATION WAS COMMITTED ON MY NEARBY NEIGHBORING PARCELS OF BELLHOR KANADY, KATREL OR WOODIN. THE ITEMS THAT ALLEDGLY CAUSE THIS WERE MINE AND MINE ALONE. HOWEVER, THE ITEMS WERE AND ARE REGISTERED CARS OR BOATS THAT CAME OR TOWED IN UNDER IN FLATED TIRES.

2. Facts or allegations contained in the violation report that you deny (with specific reference to paragraph number in the violation report/Complaint):

I DENY IN ITS ENTIRE ALLEGATION THIS ENTIRE ~~[illegible]~~ ALLEDGED COMPLAINT BASED ON THE FACT THAT RECREATIONAL VEHICLES DO NOT CONSTITUTE FILL. OR UNPERMITTED FILL.

Exhibit I

3. Facts or allegations contained in the violation report of which you have no personal knowledge (with specific reference to paragraph number in the violation report/Complaint):

THERE ARE 3 BOATS AND A STOVE THAT WERE DUMPED ON MY PROPERTY WITH SOME HOUSEHOLD ITEMS.

4. Other facts which may exonerate or mitigate your possible responsibility or otherwise explain your relationship to the possible violation (be as specific as you can; if you have or know of any documents, photographs, maps, letters, or other evidence that you believe are relevant, please identity it by name, date, type, and any other identifying information and provide the original or a copy if you can):

WHEN I PURCHASED THIS PROPERTY IN 2012 EACH AND EVERY PARCEL I OWN HAS GRANDFATHERED IN BOATDOCK, HOUSE 1947 TRUCK & TWO TRACTORS. THE PARCEL 180 WAS BROUGHT IN FILL AND WAS USED AS A PARKING LOT. CALIFORNIAS 72 HR ABANDONMENT LAWS ARE UNTRIED OR MITIGATED IN A COURT.

5. If the Executive Director is proposing that the Commission impose an administrative civil penalty as part of this enforcement proceeding and if you would be unable to pay the proposed penalty or paying the proposed penalty would have a substantial adverse effect on your ability to continue in business, provide factual information establishing such inability to pay or such adverse effect. Submit all relevant supporting documentation which may include but not limited to audited financial statements and reports (or if not audited, then those that are the basis of tax returns or regulatory filings), balance sheets, profit and loss statements, statements of net worth, annual budgets, bond prospectuses, and tax returns including supporting forms and schedules as may be applicable. Before submitting this information redact (cover or blackout) all personal information including your social security or tax-payer identification number, driver's license/state identification number, financial account number and any other private non-public personal information including a residential address, telephone numbers, or personal email address:

IF YOU FINE ME A DISABLED MAN 62 YRS OLD ON A RETIRED FIXED INCOME IT WILL BE TREATING ME AS A CLASS OF ONE CREATING ADVERSE CONDITION IN MY LIFE.

Exhibit I

6. Any other information, statement, etc. that you want to make:

WHEN I HEARD OF THE ALLEGED DISCREPENCY, THIS ISLAND WAS AND IS IN A STATE OF EMERGENCY. BLDC ANNE MET WITH ME AND SAID DO NOT JEOPARDIZE LEVEES. GAVE ME ALL SUMMER TO CLEAN UP.

7. Documents, exhibits, declarations under penalty of perjury or other materials that you have attached to this statement to support your answers or that you want to be made part of the administrative record for this enforcement proceeding (Please list in chronological order by date, author, title and enclose a copy with this completed form):

I WILL OR WOULD LIKE TO KNOW IF YOUR ENFORCEMENT PROCEEDINGS HAVE BEEN BROUGHT BEFORE A JUDGE BEFORE

8. Name of any person whose declaration under penalty of perjury was submitted with the violation report/complaint as being part of the staff's case who the respondent wants to cross-examine, identify all documents referred to in such person's declaration about which you want to cross-examine the person, the area or areas of information about which the respondent wants to cross-examine the person, and the information that the respondent hopes to elicit in cross-examination, and state the reason(s) why some other method of proving this information is unsatisfactory.

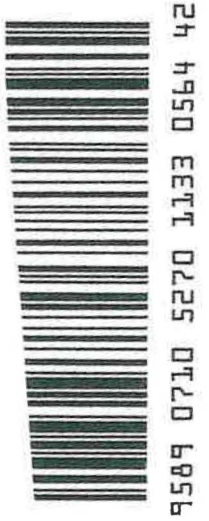
THIS ENTIRE REPORT IS BIASED HACE TRUTHS. I HAVE NEVER PLACED CHEMICALS UPON THE MARSH OR MY LEVEES.

9. Name of any person whose declaration under penalty of perjury was listed in the violation report as being part of the staff's case who the respondent wants to cross-examine, all documents about which you want to cross-examine the person, area or areas of information about which the respondent wants to cross-examine the witness, information that the respondent hopes to elicit in cross-examination, and the reason(s) why some other method of proving this information is unsatisfactory:

I WISH TO PUT ANNE OR THE STAND AND ASK HER HOW SHE KNOWS PRECISELY WHERE 100' IS. HAVE YOU PAID TO HAVE A SURVEY I WILL BE PLACING CERTAIN TRACTOR & TRUCK BEHIND 100' WHERE I SAY 100' LIES

[signature]

Exhibit I



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375 BEALE STREET SUITE 510
SAN FRANCISCO CA CA 94105

94105$2177 C028

Exhibit J1

From: Usher, Anne@BCDC
To: t.trost@att.net; outa.there2005@icloud.com
Subject: Hearing postponed
Date: Tuesday, August 26, 2025 3:54:38 PM
Attachments: Outlook-uvamumf5.png

Hi Todd and Marchele,

Thanks again. I sincerely appreciate it. As discussed, BCDC has informed you that due to a medical emergency on behalf of one respondent, there is a request to postpone the hearing scheduled for Wednesday, August 27, 2025, concerning Violation Report and Complaint for Administrative Imposition of Civil Penalties, issued July 8, 2025. This is to confirm that you have agreed to postpone your hearing to a later date and waive the 60-day time limit to conduct the hearing pursuant to Government Code section 66641.6(b).

BCDC will promptly update you with more information on the rescheduled date of the hearing once confirmed. Please reach out immediately if you have any questions or concerns, thank you.

Best,

Anne

Anne Usher

Enforcement Policy Analyst

(415) 352-3662

Anne.Usher@bcdc.ca.gov



San Francisco Bay Conservation and Development Commission

http://bcdc.ca.gov/enforcement

Exhibit J1

375 Beale St., Suite 510

San Francisco, CA 94105

FAX: (415) 352-3606

Main Number: (415) 352-3600

Business Days & Hours: M-F 8:30a – 5:00p

Exhibit J2

From: Usher, Anne@BCDC
To: woodinmerc@comcast.net
Subject: Hearing postponed
Date: Tuesday, August 26, 2025 3:52:32 PM
Attachments: Outlook-ft12tx14.png

Hi Bill and Mercedes,

Thanks again for the call. I sincerely appreciate it. As discussed, BCDC has informed you that due to a medical emergency on behalf of one respondent, there is a request to postpone the hearing scheduled for Wednesday, August 27, 2025, concerning Violation Report and Complaint for Administrative Imposition of Civil Penalties, issued July 8, 2025. This is to confirm that you have agreed to postpone your hearing to a later date and waive the 60-day time limit to conduct the hearing pursuant to Government Code section 66641.6(b).

BCDC will promptly update you with more information on the rescheduled date of the hearing once confirmed. Please reach out immediately if you have any questions or concerns, thank you.

Best,

Anne

Anne Usher

Enforcement Policy Analyst

(415) 352-3662

Anne.Usher@bcdc.ca.gov



San Francisco Bay Conservation and Development Commission

http://bcdc.ca.gov/enforcement

375 Beale St., Suite 510

San Francisco, CA 94105

FAX: (415) 352-3606

Main Number: (415) 352-3600

Business Days & Hours: M-F 8:30a – 5:00p

Exhibit J3

From: Usher, Anne@BCDC
To: allen@omegapest.com
Subject: Hearing postponed
Date: Tuesday, August 26, 2025 3:48:36 PM
Attachments: Outlook-clhta1v4.png
Importance: High

Hi Allen,

Thanks again for the call. I sincerely appreciate it. As discussed, BCDC has informed you that due to a medical emergency on behalf of one respondent, there is a request to postpone the hearing scheduled for Wednesday, August 27, 2025, concerning Violation Report and Complaint for Administrative Imposition of Civil Penalties, issued July 8, 2025. This is to confirm that you have agreed to postpone your hearing to a later date and waive the 60-day time limit to conduct the hearing pursuant to Government Code section 66641.6(b).

BCDC will promptly update you with more information on the rescheduled date of the hearing once confirmed. Please reach out immediately if you have any questions or concerns, thank you.

Best,

Anne

Anne Usher

Enforcement Policy Analyst

(415) 352-3662

Anne.Usher@bcdc.ca.gov

Exhibit J3



San Francisco Bay Conservation and Development Commission

http://bcdc.ca.gov/enforcement

375 Beale St., Suite 510

San Francisco, CA 94105

FAX: (415) 352-3606

Main Number: (415) 352-3600

Business Days & Hours: M-F 8:30a – 5:00p

Exhibit J4

From: Usher, Anne@BCDC
To: thaddeus woodin
Subject: Hearing postponed
Date: Tuesday, August 26, 2025 3:49:35 PM
Attachments: Outlook-p1zfizxb.png

Hi Thad,

Thanks again for the call. As discussed, BCDC has informed you that due to a medical emergency on behalf of one respondent, there is a request to postpone the hearing scheduled for Wednesday, August 27, 2025, concerning Violation Report and Complaint for Administrative Imposition of Civil Penalties, issued July 8, 2025. This is to confirm that you have agreed to postpone your hearing to a later date and waive the 60-day time limit to conduct the hearing pursuant to Government Code section 66641.6(b).

BCDC will promptly update you with more information on the rescheduled date of the hearing once confirmed. Please reach out immediately if you have any questions or concerns, thank you.

Best,

Anne

Anne Usher

Enforcement Policy Analyst

(415) 352-3662

Anne.Usher@bcdc.ca.gov



San Francisco Bay Conservation and Development Commission

http://bcdc.ca.gov/enforcement

Exhibit J4

375 Beale St., Suite 510

San Francisco, CA 94105

FAX: (415) 352-3606

Main Number: (415) 352-3600

Business Days & Hours: M-F 8:30a – 5:00p

Exhibit J5

From: Lawrence S. Bazel
To: Boyd, Amanda@BCDC
Cc: Scharff, Greg@BCDC; Ng, Michael@BCDC
Subject: Re: Agreement to Waive the 60-day Time Limitation for Hearing (Gov. Code sec. 66641.6)
Date: Tuesday, August 26, 2025 2:48:40 PM
Attachments: image592427.png
image617463.png

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Confirmed. On behalf of the Belchers, thanks very much for your consideration.

Larry

LAWRENCE S. BAZEL
lbazel@briscoefirm.com
235 Montgomery Street, Suite 935
San Francisco, California 94104
(415) 402-2711 Direct
briscoefirm.com

BRISCOE
PROWS KAO IVESTER & BAZEL LLP

On Aug 26, 2025, at 2:46 PM, Boyd, Amanda@BCDC <amanda.boyd@bcdc.ca.gov> wrote:

Hi Larry,

Thank you for the call just now. The Belchers have requested to postpone their hearing scheduled for Wednesday, August 27, to a later date to accommodate for a medical emergency. As discussed, the Belchers agree to waive the right to have their hearing in relation to Violation Report and Complaint for Administrative Imposition of Civil Penalties (ER2025.001.00), issued July 8, 2025, within the 60-day time limitation under Government Code section 66641.6(b). As such, BCDC agrees to postpone the hearing on certain violation(s) identified in the Violation Report as they pertain to the Belchers to a later date.

As the Belchers' legal representation, please respond in writing with confirmation of this agreement at your earliest convenience.

Sincerely,

Exhibit J5

Amanda

Amanda Boyd | Staff Attorney
SF Bay Conservation & Development Commission
375 Beale St., Suite 510
San Francisco, CA 94105
Phone: (415) 352-3643
amanda.boyd@bcdc.ca.gov

Exhibit K

From:	Allen Kanady
To:	Usher, Anne@BCDC
Cc:	Chris Lanzafame; Malan, Margie@BCDC; Boyd, Amanda@BCDC; Caldwell, Vicki@SLC; Kimball, Kacy@DWR; cespn-regulatory-info@usace.army.mil
Subject:	Re: BCDC Enforcement Committee Meeting Notice, Wednesday, August 27, 2025
Date:	Friday, August 29, 2025 10:17:33 AM
Attachments:	image.png image.png

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Good morning Anne

My property has been cleaned up and looks great. Please perform your inspection before Thad has the opportunity to throw more trash and/or move more of his personal belongings onto my parcel. Thanks

Allen Kanady

Owner

(510) 562-1333

OMEGA TERMITE & PEST CONTROL

From: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Sent: Wednesday, August 27, 2025 1:29 PM
To: Allen Kanady <allen@omegapest.com>
Cc: Chris Lanzafame <lanzafame711@gmail.com>; Malan, Margie@BCDC <margie.malan@bcdc.ca.gov>; Boyd, Amanda@BCDC <amanda.boyd@bcdc.ca.gov>; Caldwell, Vicki@SLC <Vicki.Caldwell@slc.ca.gov>; Kimball, Kacy@DWR <Kacy.Kimball@water.ca.gov>; cespn-regulatory-info@usace.army.mil <cespn-regulatory-info@usace.army.mil>
Subject: Re: BCDC Enforcement Committee Meeting Notice, Wednesday, August 27, 2025

Thanks for the update, Allen. We appreciate your efforts to remove all of the unauthorized fill from your property and are glad to hear that process is underway. Please keep us updated and provide photographic evidence of the removed fill as you have it.

On my last site visit, I found another item – mostly hidden in the bushes – that appears to be on your parcel. It's on the slough side of the levee road and I've attached a photo of it. Although this item is not part of the violation you are facing in the upcoming hearing, I recommend that you ask your crew to remove this debris as well. I have attached a photo of this item for your reference.

Regarding the letter we sent to you last February, please see attached a copy of that initial contact letter and the certified mail receipt we obtained. We further spoke about the fill on your property in subsequent phone calls on April 8 and August 15.

Please be aware that your responsibility as the property owner for ensuring there are no ongoing violations of BCDC laws and policies on your property remains. As such, you may continue to be liable for ongoing violations of BCDC laws and policies that occur on your property. Please be aware that you are facing administrative civil penalties for the duration of time that the unauthorized fill remained on your property, subject to the outcome of the upcoming hearing. You may refer to the Recommended Enforcement Decision at https://www.bcdc.ca.gov/event/august-27-2025-enforcement-committee-meeting/ for more information regarding the penalties you are facing.

Thanks again.

Sincerely,

Anne

From: Allen Kanady <allen@omegapest.com>
Sent: Wednesday, August 27, 2025 5:59 AM
To: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Cc: Chris Lanzafame <lanzafame711@gmail.com>; Malan, Margie@BCDC <margie.malan@bcdc.ca.gov>; Boyd, Amanda@BCDC <amanda.boyd@bcdc.ca.gov>; Caldwell, Vicki@SLC <Vicki.Caldwell@slc.ca.gov>; Kimball, Kacy@DWR <Kacy.Kimball@water.ca.gov>; cespn-regulatory-info@usace.army.mil <cespn-regulatory-info@usace.army.mil>
Subject: Re: BCDC Enforcement Committee Meeting Notice, Wednesday, August 27, 2025

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Dear Anne Usher,

Here is an update on my property.

Exhibit K

I met this morning with Chris Lanzafame and my contractor. There are two of Mr. Woodin's personal items still on my property and quite a bit of his smaller garbage. He has moved one of his boats back onto his property (the blue boat). I have included photos to support. One shows the area where he moved the boat and one is the space where it was previously parked.

I plan on moving his trailer and the other boat that is attached, and his ATV back onto his property. I will also be hiring several men to remove all of his garbage, and any of mine, that is still present on my parcel. The dumpster. My men will truck all the debris away. This will be extremely labor intensive that will cost me a minimum of $10,000 to complete.

I strongly disagree with the commission's decision to burden me and any other landowner with the cost to remove Mr. Woodin's belongings. However, in an effort to resolve this matter and put this headache behind me, I will absorb these costs.

This project will be completed by September 12th. After this date and once my parcel is clear of all current violations, I will not take any responsibility for removing Mr. Woodin's, or any other landowners, belongings afterwards.

I do not expect to incur and penalties from the commission. You have stated that I was first notified of these violations on February 5th, 2025. I never received any correspondence and have no record of such notice. And even if said notice was delivered (it wasn't), the area in question was flooded and the levee was extremely unstable, making removal of these items impossible. Only after I spoke with you on July 14th, 4 days removed from receiving my first notification, did I realize that the levee was stable enough to drive on. I sent you my Statement of Defense on that date, in full compliance with your request. You responded immediately thanking me for the Statement and replying you would be in contact regarding item #6. To this date I have not received a response regarding this information.

I can empathize with the San Francisco Bay Conservation and Development Commission's predicament. However, the only way to permanently resolve this issue, would be for the State to remove and dispose of all of Mr. Woodin's personal property. It is unreasonable and ineffective to place the burden on adjacent land owners to constantly clean-up this area. There have been no plans shared for a long-term solution to keeping this beautiful land unsoiled. I don't think anyone that is associated with these parcels thinks for a second that Mr. Woodin is not going to spread his personal belongings over the entire area again, violating your regulations. The current strategy that has been employed by the BCDC is comparable to "whack-a-mole" without addressing the source of the issue.

Exhibit K

Allen Kanady

Owner

(510) 562-1333

From: Malan, Margie@BCDC <margie.malan@bcdc.ca.gov>
Sent: Friday, August 15, 2025 12:36 PM
To: Malan, Margie@BCDC <margie.malan@bcdc.ca.gov>
Cc: Usher, Anne@BCDC <anne.usher@bcdc.ca.gov>
Subject: BCDC Enforcement Committee Meeting Notice, Wednesday, August 27, 2025

Dear Interested Parties:

The next Enforcement Committee meeting is scheduled for:

Wednesday, August 27, 2025
9:30AM to 12:00 PM
Via Zoom or at 375 Beale St. (Yerba Buena Room)

In accordance with SB 544 (2023), this meeting will be conducted in a hybrid format.

Click here to join the meeting via Zoom

Webinar Passcode: 980953
Teleconference numbers: (816) 423-4282
Teleconference code: 374334

Meeting Materials:

4. **Approval of Draft Minutes from November 14, 2024, Enforcement Committee meeting**
   Approval of Draft Minutes from July 23, 2025, Enforcement Committee Meeting

6. **Public Hearing and Vote on Recommended Enforcement Decision to Resolve Enforcement Cases ER2019.038.00, ER2025.001.00, ER2025.002.00, ER2025.003.00, and ER2025.004.00.**
   The Enforcement Committee will consider a Recommended Enforcement Decision

including Proposed Cease and Desist and Civil Penalty Order CCD2025.001.00 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 the Montezuma Slough on Van Sickle Island, Solano County.
(Amanda Boyd) [415/352-3643; amanda.boyd@bcdc.ca.gov]
Exhibit A. Proposed Cease and Desist and Civil Penalty Order CCD2025.001.00 // Exhibit B. Violation Report and Complaint with Exhibits // Exhibit C1 Allen Kanady Statement of Defense // Exhibit C2. Belcher Email Correspondence // Exhibit C3 William Woodin Statement of Defense // Exhibit C4 Kittrell Estate Statement of Defense // Exhibit C5 Steve and Lesley Belcher Statement of Defense // Exhibit D. Leslie Salt Co v San Francisco Bay Conservation // Exhibit E. Email Correspondence from Solano County Sheriffs Office // Exhibit F: Belchers Grant Deed // Exhibit G 2022 Q1/Q2 Enforcement Program Update // Exhibit H 2025.08.12 BCDC Staff Site Visit

The August 27, 2025, Enforcement Committee meeting materials can also be found at: https://www.bcdc.ca.gov/event/august-27-2025-enforcement-committee-meeting/

Guidance for presenters is available here.

If you would like to comment on an item scheduled for a public hearing, then you may do so by emailing comments in advance to publiccomment@bcdc.ca.gov.

Comments provided during the public comment portion of the meeting will be by telephone or via the web. Public speakers participating via web will be asked to raise their hands and speak when called upon.

If you have any technical difficulties, please contact helpdesk@bcdc.ca.gov for assistance.

We look forward to seeing you.

Sincerely,

Margie F. Malan, Legal Secretary
San Francisco Bay Conservation
and Development Commission (BCDC)
Bay Area Metro Center
375 Beale St, Suite 510
San Francisco, CA 94105
Direct: (415) 352-3675
Main: (415) 352-3600
Email: margie.malan@bcdc.ca.gov

Website: www.bcdc.ca.gov

Exhibit L

BCDC staff took these photos of Allen Kanady's parcel on September 22, 2025.





Exhibit L





Exhibit L



BCDC staff took these photos of Bill Woodin's two parcels the same day.

The northern parcel, APN 0090-120-180, had been clean but two boats that had been on Allen Kanady's parcel were now on it.

Exhibit L



No further removals had occurred on Bill Woodin's southern parcel, APN 0090-120-170.

Exhibit L





Exhibit L





Exhibit L





Exhibit M

San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 | Phone 415-352-3600
State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

August 15, 2025

TO: Enforcement Committee Members

FROM: Lawrence J. Goldzband, Executive Director, (415/352-3653; larry.goldzband@bcdc.ca.gov)
Amanda Boyd, Staff Attorney, (415/352-3643; amanda.boyd@bcdc.ca.gov)

SUBJECT: **Executive Director's Recommended Enforcement Decision and Proposed Cease and Desist and Civil Penalty Order No. CCD2025.001.00 in BCDC Enforcement Matter ER2019.038.00, ER2025.001.00, ER2025.002.00, ER2025.003.00, and ER2025.004.00 for Five Parcels, Unincorporated Areas of Solano County**
(For Enforcement Committee consideration on August 27, 2025)

Summary

The Executive Director recommends that the Enforcement Committee adopt this recommended enforcement decision as its recommendation to the full Commission. This recommendation includes issuing proposed Cease and Desist and Civil Penalty Order CCD2025.001.00 to require Thaddeus ("Thad") Woodin, Steve and Lesley Belcher, Allen Kanady, William ("Bill") Woodin, and Kittrell Estate ("Respondents") to do the following actions to resolve six violations:

1. Cease and desist from violating the McAteer-Petris Act and the Suisun Marsh Preservation Act.

2. If by March 31, 2026, Solano County has secured funding to remove the sunken barge described in Violation One of the Violation Report and Complaint, Thad Woodin must use best efforts to cooperate in the removal of the barge.

3. If by March 31, 2026, Solano County has not secured funding to remove the sunken barge described in Violation One of the Violation Report and Complaint, Thad Woodin must by June 30, 2026, use best efforts to apply for and obtain funding for the removal of the barge.

4. By September 30, 2026, Thad Woodin must remove the sunken barge described in Violation One of the Violation Report and Complaint.

5. By October 31, 2025, Respondents must remove all unauthorized fill, except the sunken barge described in Violation One of the Violation Report and Complaint, to a legal disposal site or other location outside BCDC's jurisdiction.

6. Pay $135,000 in administrative civil liabilities within thirty (30) days of Order issuance.

Background

Prior to November 23, 2022, fill consisting of large items, including cars, boats, and other materials was placed by Thad Woodin in the Montezuma Slough and adjacent shoreline on properties located in Solano County. The unauthorized fill is located across five different privately-owned

properties and an area of the Montezuma Slough controlled and managed by the State Lands Commission.

The reference materials attached indicate that 1) respondent Thad Woodin owns a parcel identified by APN 0090-120-130, 2) respondents Steve and Lesley Belcher own a parcel identified by APN 0090-120-030, 3) respondent Allen Kanady owns a parcel identified by APN 0090-120-190, 4) respondent Bill Woodin owns a parcel identified by APN 0090-120-170, and 5) respondent Kittrell Estate owns a parcel identified by APN 0090-120-160. (VR&C Exhibit 4). Each property is located in BCDC's shoreline band jurisdiction and the Primary Management Area of the Suisun Marsh. Further, a barge and recreational vessel owned by Thad Woodin both sit at the bottom of the Montezuma Slough at approximately 38°04'28.85"N 121°52'53.04"W, in the unincorporated community of Birds Landing in Solano County, within BCDC's Bay jurisdiction and the Primary Management Area of the Suisun Marsh. (VR&C Exhibit 7).

On November 23, 2022, September 24, 2024, and December 11, 2024, BCDC staff inspected the properties owned by Respondents and collected photographic evidence depicting the fill. (VR&C Exhibits 2 and 3).

The ownership and boundaries of Respondents' respective properties were confirmed using RealQuest, the Solano County tax assessment map viewer, a March 18, 2025 email with Chris Rodgers (a map expert with Solano County), and by walking the levee road during the December 11, 2024 site visit with Chris Lanzafame, the secretary of Reclamation District 1607 (the "District"). (VR&C Exhibit 4).

Letter correspondence dated September 13, 2012 to Respondent Thad Woodin from the District, an April 29, 2025 email exchange between staff and Mr. Lanzafame, and two interviews on September 27, 2024 and November 27, 2024 with Mr. Lanzafame revealed that the District is aware that Respondent Thad Woodin had placed large items on the levee since 2012. The District asked Respondent Thad Woodin to remove the items from the levee road and Mr. Lanzafame has tried to persuade Respondent Thad Woodin to remove them. Mr. Lanzafame asserted that all unauthorized fill belongs to Respondent Thad Woodin and advised staff on who owned the respective properties. (VR&C Exhibit 5).

On October 15, 2024, Andrew Kershen from the State Lands Commission confirmed via email that the State Lands Commission has jurisdiction within the Montezuma Slough adjacent to Respondent Thad Woodin's property, up to the mean high tide line. However, Mr. Kershen asserted that the State Lands Commission does not have jurisdiction within Van Sickle Island. (VR&C Exhibit 6).

On August 26, 2017, the Solano County Sheriff's Office responded to a report of Respondent Thad Woodin's barge sinking in the Montezuma Slough. The Sheriff's Office found in its report of the incident that Respondent Thad Woodin was solely and completely responsible for the sinking of his barge and that the barge was moored via insufficient means to prevent the barge from breaking loose from its mooring location. (VR&C Exhibit 7).

On November 12, 2024, Solano County Marine Patrol took underwater images of Respondent Thad Woodin's sunken barge and subsequently provided these images to BCDC staff on November 13, 2024. (VR&C Exhibit 7).

Respondent Thad Woodin alleged to staff that one of The Dutra Group's (Dutra) vessels struck his barge and caused the barge to sink. On May 22, 2025, John Wyma-Hughes, a Risk Manager for Dutra, via email denied any involvement in or liability arising from the sinking of Respondent Thad Woodin's barge. Staff reviewed daily logbook entries provided by Dutra for the tug Sarah Reed, the only Dutra vessel which traversed the Montezuma Slough at the time Respondent Thad Woodin's barge sank, and found no evidence that Dutra was responsible for the causing the barge to sink. (VR&C Exhibit 7).

On November 15, 2024, staff discussed the unauthorized fill with Respondent Thad Woodin and advised him that he needed to remove all items from BCDC's jurisdiction. Respondent Thad Woodin acknowledged owning the sunken barge, the car and trailer on his parcel, and the two largest boats parked on the levee. He also acknowledged placing the partially submerged recreational vessel in its present location but accused the Solano County Sheriff's Office of sinking it without providing any evidence. Respondent Thad Woodin said that he has equipment to remove the fill and would do so. (VR&C Exhibit 8). In an email on November 26, 2024, he denied owning a small white recreational vessel with a blue hull that is on his property.

On February 5, 2025, staff mailed initial contact letters to Respondents Steve and Lesley Belcher, Allen Kanady, and Bill Woodin describing the unauthorized fill and advising that each respondent "must clear all illicit items of fill from your parcel." On February 21, 2025, BCDC staff issued an initial contact letter to Respondent Kittrell Estate describing the unauthorized fill and also advising that the respondent "must clear all illicit items of fill from your parcel." (VR&C Exhibit 8).

On April 8, 2025, Solano County Marine Patrol Sgt. Brady Graham advised staff that Solano County had applied for a grant to remove Respondent Thad Woodin's barge from the Montezuma Slough.

BCDC staff conducted a site visit on April 11, 2025, with Respondent Thad Woodin to walk the levee and identify his items. Respondent Thad Woodin reconfirmed ownership of all items except for a small recreational vessel on his parcel. Respondent Thad Woodin offered to remove all items except for the sunken barge, including the vessel that he claims not to own. (VR&C Exhibit 9).

Prior to July 8, 2025, Respondents failed to demonstrate that the unauthorized fill identified in Violations One through Six was removed from BCDC's Bay and shoreline band jurisdiction and from the Primary Management Area. 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.

On July 9, 2025, Respondents Steve and Lesley Belcher emailed photographs to BCDC staff demonstrating that the unauthorized fill identified in Violation Three had been removed from

their property and placed onto Respondent Thad Woodin's parcel. On August 1, 2025, BCDC staff conducted a site visit to the properties and confirmed that the unauthorized fill identified in Violation Three was still in BCDC's shoreline band jurisdiction and the Primary Management Area. BCDC staff also discovered that the two boats identified in Violation Four were removed from BCDC's jurisdiction, while the Argo and large lawnmower identified in Violation Four remained on Respondent Allen Kanady's property. Finally, BCDC staff discovered that the unauthorized fill identified in Violation Six was removed from Respondent Kittrell Estate's property and placed onto Respondent Thad Woodin's parcel.

On July 14, 2025, Respondent Allen Kanady submitted his Statement of Defense ("SOD") form. On August, 5, 2025, Respondent Bill Woodin submitted his SOD form. On August 8, 2025, Respondent Kittrell Estate submitted its SOD form. On August 12, Respondents Steve and Lesley Belcher submitted their SOD form. Thad Woodin did not submit a SOD.

On August 6, 2025, Deputy Sheriff Michael Urlaub from the Solano County Sheriff's Office via email provided BCDC staff with additional information regarding when Solano County may expect to hear back regarding the results of the funding application to remove Respondent Thad Woodin's sunken barge. According to Deputy Sheriff Urlaub, Solano County expects to hear if it received funding to remove the sunken barge within four to six months from September 2025. If Solano County receives the funding, removal of the sunken barge is likely to occur in late summer of 2026. (Exhibit E).

On August 12, 2025, BCDC staff discovered that one item of unauthorized fill identified in Violation 5 (a silver car) had been removed from Respondent Bill Woodin's parcel and BCDC's jurisdiction but the other items remained. Staff also discovered that one of the boats identified in Violation 4 that appeared to have been removed was placed back on Respondent Allen Kanady's parcel and the Argo and some trash remained. Staff confirmed that the unauthorized fill identified on Respondent Thad Woodin's parcel in Violation 2, in addition to the two boats that Respondents Steve and Lesley Belcher moved onto his parcel (Violation 3), remained.

The Violation Report & Complaint issued on July 8, 2025, made six essential allegations, as follows:

A. **Violation One**. Respondent Thad Woodin is violating Section 66632(a) of the McAteer-Petris Act and Section 29500 of the Suisun Marsh Preservation Act for the placement of unauthorized fill consisting of: (1) 68- x 33-foot barge at the bottom of the Montezuma Slough, about 50 feet south of Thad Woodin's home on Van Sickle Island and under about 19 feet of water; and (2) a mostly submerged 20- to 25-foot-long recreational vessel about 10 feet away from the Kittrell Estate's parcel. (VR&C Exhibit 7).

B. **Violation Two**. Respondent Thad Woodin is violating Section 66632(a) of the McAteer-Petris Act and Section 29500 of the Suisun Marsh Preservation Act for the placement of unauthorized fill consisting of an abandoned car, silver trailer, and boat, in addition to plastic containers and other trash. (VR&C Exhibits 2, 3, 4, and 5).

C. **Violation Three**. Respondents Steve and Lesley Belcher and Thad Woodin are violating Section 66632(a) of the McAteer-Petris Act and Section 29500 of the Suisun Marsh Preservation Act for the placement of unauthorized fill consisting of: (1) a small, blue recreational vessel, close to the levee road and (2) a recreational vessel near Thad Woodin's house that is located on both the Belchers' and Thad Woodin's parcels. (VR&C Exhibits 3 and 4).

D. **Violation Four**. Respondents Allen Kanady and Thad Woodin are violating Section 66632(a) of the McAteer-Petris Act and Section 29500 of the Suisun Marsh Preservation Act for the placement of unauthorized fill consisting of an Argo (small amphibious craft), two boats, and a large lawn mower placed close to the levee road. (VR&C Exhibits 3 and 4).

E. **Violation Five**. Respondents Bill Woodin and Thad Woodin are violating Section 66632(a) of the McAteer-Petris Act and Section 29500 of the Suisun Marsh Preservation Act for the placement of unauthorized fill consisting of a green truck, an automobile, four boats, and an ATV. All are close to the levee road. (VR&C Exhibits 3 and 4).

F. **Violation Six**. Respondents Kittrell Estate and Thad Woodin are violating Section 66632(a) of the McAteer-Petris Act and Section 29500 of the Suisun Marsh Preservation Act for the placement of unauthorized fill consisting of a silver truck placed close to the levee road. (VR&C Exhibits 3 and 4).

As of August 15, 2025, the date of mailing of this Recommended Enforcement Decision to the Enforcement Committee, Respondents have failed to resolve in full all six allegations outlined in the Violation Report and Complaint.

As a result of Respondents' failure to remove the unauthorized fill despite multiple attempts by BCDC staff formally requesting Respondents to do so, BCDC staff was left with no other option than to commence formal enforcement proceedings to resolve these violations.

Admitted and Contested Essential Allegations

The following Respondents filed a Statement of Defense (SOD): Allen Kanady by email, received July 14, 2025; Bill Woodin by mail, received August 5, 2025; Todd Trost, on behalf of the Kittrell Estate, by email, received August 8, 2025; and Lawrence Bazel, on behalf of the Belchers, by email, received August 12, 2025 (including declarations by the Belchers' attorney Lawrence Bazel and by Steve Belcher). (Prior, respondents Steve and Lesley Belcher also contacted BCDC on July 9, 2025, via email correspondence with certain arguments.)

Respondent Thad Woodin did not file a SOD or provide any late-submitted evidence.

Respondent Allen Kanady admits that he owns the parcel identified by APN 0090-120-190. Respondents Steve and Lesley Belcher admit that one of the recreational vessels (a "blue boat") identified in Violation Three was "within our property boundaries." Respondent Bill Woodin

admits that he owns the parcel identified by APN 0090-120-170.[1] Respondent Bill Woodin further admits that the fill identified in Violation Five is on his property. Respondent Kittrell Estate admits that BCDC Enforcement Analyst Anne Usher informed them of the silver truck being partially on their property, based upon identification of their property as further informed by aerial photographs. Respondent Belchers admit they own property on Van Sickle Island and that a blue boat was on that property until they removed it.

Defenses and Mitigating Factors

Respondents Allen Kanady, Bill Woodin, Steve and Lesley Belcher, and the Kittrell Estate filed respective Statements of Defense (SOD) on or before August 12, 2025. In the case of the Belchers, they also filed along with their SOD declarations by their attorney Lawrence Bazel and by Steve Belcher. (Respondent Belchers also contacted BCDC on July 9, 2025 with photographs demonstrating that the unauthorized fill identified in Violation Three had been removed from their property and placed onto Respondent Thad Woodin's property.) Respondents made the following affirmative arguments:

1. Respondent Kanady states that he "ha[s] no knowledge of any" allegations included in the Violation Report and Complaint and that he "ha[s] not visited [his property] in 20 years, so [he] ha[s] no knowledge of the current condition".

2. Respondent Kanady states that "if the items on [his] property are owned by Thad Woodin, he acknowledged ownership of said items, and states that he will take responsibility for their removal" then Mr. Kanady should not have to take responsibility for the violation.

3. Respondent Bill Woodin states that he "personally never deposited any fill" on his property and that he has "no knowledge" as to "when and by whom deposited material" came to be on his property.

4. Respondent Kittrell Estate states that "the silver truck is not owned by any family member of the Kittrell Estate nor was it placed onto the Kittrell Estate property by any family member."

5. Respondent Kittrell Estate states that they "had no confirmed knowledge of where the property line was located" and that "there seems to be a question on the exact location of the property line from the emails between Anne Usher and Chris Rodgers" such that BCDC "is saying that Thad's truck is partially on our property but [BCDC's] evidence of the location of the property lines could be flawed."

6. Respondent Kittrell Estate states that they were notified on February 28, 2025 of the silver truck being partially situated on the Kittrell Estate's property but did not remove the truck

[1] Regrettably, the Violation Report and Complaint included the incorrect APN for a different parcel also owned by Respondent Bill Woodin. On July 17, 2025, BCDC staff clarified with Respondent Bill Woodin via email and phone call that the correct APN is 0090-120-170.

to Thad Woodin's adjoining property until July 26, 2025 because they were also told they "needed to wait until the levee was completely dried so that there would be no damage to the already failing levee" and "that Thad Woodin stated he was going to work on removing his vehicles, etc. [so] some time was spent waiting for Thad to move his silver truck on his own."

7. Respondent Kittrell Estate states that "we have complied within the 35 days of your request to remove the silver truck of your letter of July 8, 2025, even though it wasn't our truck and our responsibility."

8. Respondent Kitrell Estate states that "we were not informed that if we removed the truck from our property that we could still be fined."

9. Respondents Steve and Lesley Belcher demonstrated that they have removed the unauthorized fill identified in Violation Three off of their property and onto Respondent Thad Woodin's property.

10. Respondent Steve and Lesley Belcher state that "promissory estoppel binds BCDC to its promise not to impose fines."

11. Respondent Steve and Lesley Belcher state that "consistent with *Leslie Salt* [*Leslie Salt v. BCDC* (1984) 153 Cal.App.3d 605], the Belchers cannot be penalized because they acted within a reasonable time."

12. Respondent Steve and Lesley Belcher state that "the Belchers cannot be penalized for the white boat because it was not on their land."

13. Respondent Steve and Lesley Belcher state that "BCDC has not complied with [Government Code] §66640.1 [of the McAteer-Petris Act]."

14. Respondent Steve and Lesley Belcher state that "facts alleged in the Violation Report should not be admitted because they were not supported by declarations."

15. Respondent Steve and Lesley Belcher state that "BCDC's penalties violate due process because they fund BCDC."

16. Respondent Steve and Lesley Belcher state that "BCDC regulations violate due process because they prevent effective cross-examination."

Staff Rebuttal

1. **Respondent Kanady states that he "ha[s] no knowledge of any" allegations included in the Violation Report and Complaint and that he "ha[s] not visited [his property] in 20 years, so [he] ha[s] no knowledge of the current condition."** BCDC may hold a landowner

strictly responsible for unauthorized bay fill placed on their property by third persons. (*Leslie Salt Co. v. San Francisco Bay Conservation and Development Com.* (1984) 153 Cal.App.3d 605, 612-618; Exhibit D). In *Leslie Salt,* the Court of Appeal analyzed section 66638 of the McAteer-Petris Act (MPA) which authorizes BCDC to issue cease and desist orders against any person or governmental agency that "has undertaken, or is threatening to undertake, any activity" that requires a BCDC permit. *Id.* at 612. Recognizing that denying BCDC's ability to utilize its enforcement devices against landowners whose property contains fill placed there by others in violation of the MPA would materially impair BCDC's ability to prevent and remedy haphazard and detrimental filling of the Bay, the court concluded that BCDC's ability to issue cease and desist orders extends to landowners regardless of whether they actually placed the fill or had any knowledge of the existence of the fill activities. *Id.* at 605, 617. While the court in *Leslie Salt* refers specifically to BCDC's enforcement authority to issue cease and desist orders, this reasoning logically applies also to another of BCDC's enforcement devices, the imposition of administrative civil liability.

2. **Respondent Kanady states that "if the items on [his] property are owned by Thad Woodin, he acknowledged ownership of said items, and states that he will take responsibility for their removal" then Mr. Kanady should not have to take responsibility for the violation**. See the response to #1.

3. **Respondent Bill Woodin states that he "personally never deposited any fill" on his property and that he has "no knowledge" as to "when and by whom deposited material" came to be on his property.** See response to #1.

4. **Respondent Kittrell Estate states that "[t]he silver truck is not owned by any family member of the Kittrell Estate nor was it placed onto the Kittrell Estate property by any family member."** See response to #1.

5. **Respondent Kittrell Estate states that they "had no confirmed knowledge of where the property line was located" and that "there seems to be a question on the exact location of the property line from the emails between Anne Usher and Chris Rodgers" such that BCDC "is saying that Thad's truck is partially on our property but [BCDC's] evidence of the location of the property lines could be flawed."** Respondent Kittrell Estate questions the evidentiary sufficiency of BCDC staff's determination that the silver truck was situated at least partially upon the Kittrell Estate's property, but without providing any contrary evidence to rebut BCDC staff's determination and underlying evidence. See response to #5.

6. **Respondent Kittrell Estate states that they were notified on February 28, 2025, of the silver truck being partially situated on the Kittrell Estate's property but did not remove the truck to Thad Woodin's adjoining property until July 26, 2025, because they were also told they "needed to wait until the levee was completely dried so that there would be no damage to the already failing levee" and "that Thad Woodin stated he was going**

to work on removing his vehicles, etc. [so] [s]ome time was spent waiting for Thad to move his silver truck on his own." See response to #4.

7. **Respondent Kittrell Estate states that "[w]e have complied within the 35 days of your request to remove the silver truck of your letter of July 8, 2025, even though it wasn't our truck and our responsibility."** Respondent Kittrell Estate mistakenly cites to the 35-day deadline identified in the Violation Report and Complaint for Administrative Civil Liability that was sent to Respondents on July 8, 2025, which deadline applies to the filing of the Statement of Defense form.

8. **Respondent Kitrell Estate states that "[w]e were not informed that if we removed the truck from our property that we could still be fined."** See response to #3.

9. **Respondents Steve and Lesley Belcher demonstrated that they have removed the unauthorized fill identified in Violation Three off of their property and onto Respondent Thad Woodin's property.** BCDC staff confirmed on August 1, 2025, that the unauthorized fill is on Respondent Thad Woodin's property but is still located within BCDC's shoreline band jurisdiction and the Primary Management Area. Therefore, while the Belchers no longer must take further action to resolve Violation Three, Respondent Thad Woodin remains responsible for removing the unauthorized fill to a legal disposal site or a location outside of BCDC's jurisdiction. The Belchers remain liable for any administrative civil penalties associated with the time period during which the fill was on their property.

10. **Respondent Steve and Lesley Belcher state that: "promissory estoppel binds BCDC to its promise not to impose fines"; "BCDC made a promise to the Belchers (they could remove the blue boat in summer without being fined); it should reasonably have expected that promise induce reliance (the Belchers would wait until summer, when it was safe to remove the boat); the Belchers did in fact detrimentally rely on the promise, and BCDC violated its promise (it imposed a fine)"; "fining people for not removing a boat *when it is unsafe to do so* is not in the public interest. Nor is it in the public interest to fine people who are cooperating with BCDC"; and "BCDC should not penalize people who cooperate."** The elements of promissory estoppel are not present here. Respondent Belchers have not even established the existence of a "promise," which must be "clear and unambiguous in its terms," and because "estoppel cannot be established from preliminary discussions and negotiations." (*Garcia v. World Savings, FSB* (2010) 183 Cal.App.4th 1031, 1044.) Furthermore, "the unauthorized promise of an employee does not constitute grounds for an estoppel as to the governmental body by which he or she is employed where the means and limitations on its power to act are prescribed by statute." (*Page v. City of Montebello* (1980) 112 Cal.App.3d 658, 669.) Even accepting the allegation in Respondent Steve Belcher's Declaration that on February 12, 2025 "[Anne Usher] agreed that it would be fine to remove the boat during that timeframe [late spring or early summer] and that there would be no fines or penalties if I did so [wait until then to remove the blue boat]," it is clear that any such suggestion was part of preliminary discussions and negotiations by a staff-level employee. Respondent Steve Belcher's Declaration

acknowledges that this telephone conversation occurred on the same day that he received the Initial Contact Letter, which was signed by Anne Usher and in the second-to-last paragraph states: "While this letter does not commence a formal enforcement proceeding, ***we reserve the right to take formal action, including imposing fines or penalties***." (Emphasis added.) Given this express reservation of rights to pursue enforcement, it was not reasonable for Respondent Belchers to have relied upon any suggestion made in the telephone conversation with same BCDC staff who had provided a letter that directly conflicts with any such suggestion. At a minimum, this obvious discrepancy should have put Respondent Belchers on notice that there was no "clear and unambiguous" promise here. Furthermore, unlike *US Ecology, Inc. v. State of California*, 92 Cal.App.4th 113, the primary legal authority that Respondent Belchers cite to in support of their claim of promissory estoppel, critically missing from Respondent Belchers' claim of promissory estoppel is any elaboration as to how "the Belchers did in fact detrimentally rely on the promise." Legal Finding ZZ of the Civil Penalty Order expressly adjusts downward 20% the administrative civil penalty amount "on the basis of degree of culpability" and an ***additional*** 20% "on the basis of efforts to cooperate for Violation Three. Thus, Respondent Belchers' cooperative action in waiting to remove the blue boat until safe to do so in the summer has been taken into account in proposing a reduced penalty.

11. **Respondent Steve and Lesley Belcher state that: "consistent with *Leslie Salt* [*Leslie Salt v. BCDC* (1984) 153 Cal.App.3d 605], the Belchers cannot be penalized because they acted within a reasonable time"; "as *Leslie Salt* explains, however, landowners are liable for failure to act *only if after a reasonable opportunity* they do not take reasonable steps"; and "here, the Belchers took reasonable steps (they removed the boats) within a very reasonable time (when the levee was dry enough to be safe). Consistent with *Leslie Salt*, therefore, they are not liable under § 66632(a)."** In quoting *Leslie Salt*, Respondent Belchers omit a critical portion of the court's statement: "(a) the possessor knows or should know of the condition and the nuisance or unreasonable risk of nuisance involved, and (b) he knows or should know that it exists without the consent of those affected by it…" (153 Cal.App.3d 605, 619.) With this in mind, the court stated: "By the same reasoning, ***an owner of land*** such as Leslie, which independently knows or ***certainly should know*** if [sic] the existence of several hundred tons of detritus and other fill materials on its land, and which has in any event received notice thereof from BCDC, has the right to control such placement and may therefore be deemed a person who 'undertakes' that unlawful act within the meaning of the McAteer-Petris Act. (§ 66638.)" (*Id*. at 621.) As the property owner, Respondent Belchers should be deemed to have "constructive notice" (*i.e.*, should have known) that boats were situated upon their property as unpermitted fill. In *City of Turlock v. Bristow* (1930) 103 Cal.App. 750, the property owners contended that they were not served notice to abate a nuisance, which they alleged is a prerequisite to instituting an action for abatement. (*Id*. at 755.) In rejecting this argument, the court stated: "This was a continuing, visible, public nuisance which was permitted by the defendants to exist for many years. Under such circumstances they will be deemed to have had knowledge of the nuisance and notice thereof" and "[n]o specific notice to abate the nuisance in this case was necessary." (*Id*. at 755-56.) Similarly here, the abandonment of

the blue boat on Respondent Belchers' property constituted a continuing, visible, violation of BCDC's laws as unpermitted fill, which Respondents allowed to exist for many years. As reflected in Exhibit 3 of the Violation Report, BCDC staff documented abandonment of the blue boat on Respondents' property as of November 23, 2022. Under these circumstances, Respondents should be deemed to have had knowledge of the abandoned blue boat as unpermitted fill and notice thereof. Therefore, Respondent Belchers may be deemed a person who undertakes an unpermitted activity for purposes of Government Code sections 66632(a) and 66638(a) and may be subject to administrative civil liability "for each day in which that violation occurs or persists" as measured back starting from November 23, 2022. However, as explained in Legal Finding ZZ of the Civil Penalty Order, BCDC staff proposes adjusting downward the administrative civil liability by 20% because "staff communicated to Respondents Steve and Lesley Belcher that they should not remove the unauthorized fill until it was safe and environmentally responsible to do so (*i.e.*, late spring or summer)." As noted above in Staff Rebuttal 10, Respondent Belchers' cooperative action in waiting to remove the blue boat until safe to do so in the summer has been taken into account in proposing a reduced penalty.

12. **Respondent Steve and Lesley Belcher state that: "the Belchers cannot be penalized for the white boat because it was not on their land"; "[the Solano County Parcel Viewer] map shows that it is outside the boundaries of the Belchers' property. The Belchers are not arguing that the map correctly shows where the true boundary is. On the contrary, the map appears to be wrong. But if the map is wrong it is not reliable evidence and should not be admitted"; and "the Belchers have submitted their own evidence, which is derived from the property description in their grant. That evidence shows that the white boat is well outside the boundary of their property."** Respondent Belchers offer an alternative methodology for determining the parcel boundaries based on "correspondence with a surveyor that one of their parcel corners is 50 feet from the centerline of a railway trestle that can be seen on Google Earth." However, the legal description of the parcel attached as Exhibit A of the grant deed (NEW EXHIBIT) makes no reference to the corner of Respondent Belchers' parcel being 50 feet from the centerline of a railway trestle, so the methodology used to measure "the 450-foot length in their grant deed" was not fully and solely "determined from the description in the grant deed." To the extent that Respondent Belchers' SOD disputes the extent of their property boundary that runs parallel to Montezuma Slough, the legal description in the grant deed specifies that this boundary runs "along [the] high water line." Therefore, the property boundary that runs parallel to Montezuma Slough would be much closer to (abutting) the slough than how the parcel line boundaries are depicted in the Solano County parcel viewer and on that basis would include the white boat. (This assumes that the parcel boundary line perpendicular to the waterline of Montezuma Slough is accurate as depicted in the Solano County parcel viewer, which BCDC staff acknowledges that Respondent Belchers dispute.) Regardless, even if the white boat were to be discounted from the Violation Report and Civil Penalty Order, any such concession would not materially alter the proposed Civil Penalty Order because the administrative civil penalty amount assessed against Respondent Belchers could still be determined solely on the basis of the violations associated with the blue boat.

13. **Respondent Steve and Lesley Belcher state that: "BCDC has not complied with [Government Code] §66640.1 [of the McAteer-Petris Act]"; "there is no evidence that BCDC has complied with any of these [subdivisions (a)-(d) of section 66640.1], and some evidence showing that it has violated subsections (c) and (d)"; and "the penalty matrix, required by subsection (c), is found in BCDC's Appendix J, its Administrative Civil Penalty Policy. The Violation Report provides a 'summary of the penalty calculation methodology,' but does not implement it."** Preliminarily, Government Code section 66640.1 ("Section 66640.1") does not provide a basis for undermining the validity of the Civil Penalty Order depending on whether BCDC has complied with Section 66640.1 or not. Even if BCDC had not complied with Section 66640.1, which it has, this statutory provision does not specify as a consequence that any future Civil Penalty Orders are deemed invalid or vacated. Consider that during the pendency of the 2020-21 fiscal year, when BCDC was to comply with the requirements of Section 66640.1, BCDC was still able to and in fact did pursue enforcement cases. In any case, BCDC has complied with Section 66640.1. A 2022 Q1/Q2 program update was provided by the then-Enforcement Policy Manager to the Commission at its July 7, 2022, meeting, the first Enforcement program update to the Commission following the deadline set in Section 66640.1. (NEW EXHIBIT.) Slide 2 entitled "Practical Effects of Procedural Improvements" specifically references "Case Review Procedure," which directly pertains to the "procedure to ensure that managers perform a documented review of staff decisions in enforcement cases" per subdivision (a) of Section 66640.1. Slide 2 also references "Case Management Procedure Milestones," and Slide 3 entitled "Case Management Improvements" specifically references "Enforcement Regulations revisions," which directly pertains to "timeliness for resolving enforcement cases" per subdivision (b) of Section 66640.1. As admitted by Respondent Belchers, the penalty matrix required by subdivision (c) of Section 66640.1 is found at 14 CCR, Div. 5, App. J, BCDC's "Administrative Civil Penalty Policy." This policy satisfies subdivisions (c) and (d) of Section 66640.1, which require "a penalty matrix for assessing fines and civil penalties" and "a method for assessing civil penalties in cases involving multiple violations", respectively. While Respondent Belchers disputes the penalty calculation methodology as applied to them, the assertion that the Violation Report "does not implement [the Administrative Civil Penalty Policy]" is inaccurate. Each required step of the policy that Respondent Belcher criticizes as "not applied to the Belchers" is in fact applied in the Civil Penalty Order. The Civil Penalty Order speaks for itself in that regard: step 1 (total initial base penalty and adjustments specific to violator) is reflected in Legal Findings DD and QQ; step 2 (degree of culpability) is reflected in Legal Findings JJ and ZZ; steps 3 (history of violations) and 4 (voluntary removal efforts and cooperation) are also reflected in Legal Finding ZZ.

14. **Respondent Steve and Lesley Belcher state that: "facts alleged in the Violation Report should not be admitted because they were not supported by declarations"; and "the only people who can be cross-examined are those whose testimony is in a declaration. That makes sense because BCDC should be considering only evidence submitted under penalty of perjury."** The logical conclusions drawn by Respondent Belchers are both

unnecessary and flawed. Respondent Belchers are correct that BCDC's regulations pertaining to enforcement hearing procedure specifically states: "Neither cross-examination nor direct examination shall be allowed of any person who has not submitted a declaration under penalty of perjury which has become part of the enforcement record…" (14 CCR § 11327(g).) However, the legal conclusion that Respondent Belchers draw from this fact is wholly unsubstantiated. Notwithstanding Respondent Belchers' unsubstantiated assertion, BCDC's regulations on admissibility of evidence in enforcement proceedings states: "***Any relevant evidence shall be admitted*** if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule that might make improper the admission of such evidence over objection in civil actions." (14 CCR § 11329(a) [emphasis added].) In other words, the rules of evidence which may apply in a civil court action do not govern BCDC administrative enforcement proceedings. Furthermore, this regulation cites as a reference authority Evidence Code section 351, which states: "Except as otherwise provided by statute, all relevant evidence is admissible." In line with this rule, 14 CCR section 11329(b) of BCDC's regulations allow for consideration of hearsay evidence. This regulation states that hearsay evidence "may be admitted and used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in a civil action or unless it is in the form of a declaration under penalty of perjury and the declarant is subject to cross-examination…" Therefore, Respondent Belchers' assertion that "BCDC should be considering only evidence submitted under penalty of perjury" is only accurate in relation to ***hearsay evidence that might otherwise be relied upon to support a finding***.

15. **Respondent Steve and Lesley Belcher state that: "BCDC's penalties violate due process because they fund BCDC"; and, quoting a US Supreme Court case, *Ward v. Village of Monroeville, Ohio*, 409 US 57 ("*Ward*"), "when a government official imposes penalties that go to fund that government agency, it creates a situation in which an official perforce occupies two practically and seriously inconsistent positions, one partisan and the other judicial, and necessarily involves a lack of due process of law in the trial of defendants charged with crimes before him."** The quote in Respondent Belchers' SOD to a portion of *Ward* is factually inapposite to the current situation. The context for the quote pertained to a situation where a mayor is vested with both judicial power, including fees and costs levied against alleged violators, as well as executive power, including responsibilities for village finances. However, the US Supreme Court distinguished that scenario from another case ("*Dungan*") in which a mayor had judicial functions, but very limited executive authority because a city manager, together with a five-member city commission for which the mayor was also a member, "exercised all executive powers." (*Id*. at 60-61.) The US Supreme Court concluded: "In those circumstances, this Court held that the Mayor's relationship to the finances and financial policy of the city was too remote to warrant a presumption of bias towards conviction in prosecutions before him as judge." (*Id*.) This situation is like *Dungan* and not at all like *Ward*. Respondent Belchers' claim that BCDC enforcement procedures violate due process on the basis of Government Code section 66647 ("Section 66647") is flawed. First, subdivision (a) expressly states: "***There is***

in the State Treasury a Bay Fill Clean-Up and Abatement Fund" (emphasis added). The moneys collected civilly under enforcement proceedings are not even paid to BCDC, but to the State Treasury. Furthermore, subdivision (b) limits money paid into this fund for use by BCDC "when appropriated by the Legislature," indicating that BCDC does not have control of the money paid into the fund, which must be appropriated by the Legislature. Unlike *Ward*, there is no "union of the executive power and the judicial power" in the Commission with respect to imposing administrative civil liability and using money appropriated by the Legislature from the Bay Fill Clean-Up and Abatement Fund. Rather, like *Dungan*, the Commission's relationship to using money appropriated from that fund is too remote to warrant a presumption of bias towards considering Civil Penalty Orders before the Commission in enforcement proceedings. In any event, subdivision (a)(3) of section 66647 expressly identifies "moneys collective civilly under any proceeding brought pursuant to [the MPA and SMPA]" as money sources to be paid into the fund. So, to the extent Respondent Belchers allege this setup violates due process, they are attacking the constitutionality of a statutory provision of the MPA. It is settled law that "Statutes are presumed to be constitutional and will be given a construction consistent with validity if at all possible." (*Tos v. State* (2021) 72 Cal.App.5th 184, 195.)

16. **Respondent Steve and Lesley Belcher state that: "BCDC regulations [14 CCR § 11322(b)] violate due process because they prevent effective cross-examination"; "this regulation prevents respondents from using cross-examination effectively. Because the witness knows what questions are coming, the witness can prepare beforehand"; and "this regulation is inconsistent with Evidence Code § 769, which specifies that 'In examining a witness concerning a statement or other conduct by him that is inconsistent with any part of his testimony at the hearing, it is not necessary to disclose to him any information concerning the statement or other conduct."** Respondent Belchers' arguments presuppose, without any justification, that BCDC's administrative enforcement hearing procedures must adhere to judicial hearing procedures in a court of law. The law is clearly contrary to Respondent Belchers' assertion: "There is no requirement under California law that, in an administrative hearing, an accused is entitled to cross-examine witnesses." (*Doe v. Regents of University of California* (2016) 5 Cal.App.5th 1055, 1084 ["*Doe*"].) Even more directly on point, in the nuisance context (to which Respondent Belchers appeal – *see* Staff Rebuttal 11 above), a court held: "Balancing the probable value, if any, of a right of cross-examination in administrative nuisance abatement proceedings against the fiscal and administrative burdens that cross examination would entail [citations omitted], we conclude that such a right is not mandated by the due process clause." (*Mohilef v. Janovici* (1996) 51 Cal.App.4th 267, 301.) Here, BCDC's regulations actually do afford a limited opportunity for cross-examination and are otherwise consistent with the aforementioned judicial principles. While subdivision (b) of 14 CCR section 11322 ("Section 11322") allows a respondent to request cross-examination, subdivision (b) of 14 CCR section 11329 limits respondent's ***right*** to cross-examination to a declarant who introduces evidence into the record in the form of a declaration under penalty of perjury. This right to cross-examine a declarant is intended to provide a fair procedure by which Respondent Belchers may question the declarant's statements. Furthermore, the parameters governing the ability to

cross-examine that Respondent Belchers criticize in subdivision (b) of Section 11322 are intended to reasonably balance the probable value of cross-examination against the burdens that cross-examination would entail. For the above reasons, Respondent Belchers' request to cross-examine BCDC staff should be rejected in full. None of the subjects that Respondent Belchers desire to cross-examine BCDC staff about constitute hearsay evidence. Nor has any BCDC staff submitted declarations under penalty of perjury, a necessary precondition in order for a respondent to request cross-examination pursuant to subdivision (b) of Section 11322 and subdivision (g) of 14 CCR section 11327. Nor has Respondent Belchers even satisfied the specific elements required in subdivision (b) of Section 11322 to request cross-examination, including among other things "the reasons the respondent believes that the information can best be provided by cross-examination rather than by the submittal of declarations or other written evidence." Finally, "as a general proposition, administrative regulations are said to be 'shielded by a presumption of regularity' and presumed to be 'reasonable and lawful.' The party challenging such regulations has the burden of proving otherwise." (*Foster v. Britton* (2015) 242 Cal.App.4th 920, 933.) In light of the above discussion, Respondent Belchers have not satisfied their burden of proving that BCDC's regulations violate due process.

Unresolved Issues

There are no unresolved issues.

Previous Enforcement Actions

No prior enforcement actions have been taken in this matter.

Recommendation

The Executive Director recommends that the Enforcement Committee adopt this Recommended Enforcement Decision and recommend that the full Commission issue the proposed Cease and Desist and Civil Penalty Order.

For Violation One, unauthorized fill consisting of a barge at the bottom of the Montezuma Slough and a partially submerged recreational vessel in the Montezuma Slough within BCDC's Bay jurisdiction and the Primary Management Area, BCDC staff have determined that the gravity of harm is major, and the extent of deviation from the statutory requirement to remove the unauthorized fill is major. For Violation Two, unauthorized fill consisting of an abandoned car, silver trailer, and boat, in addition to plastic containers and other trash in the shoreline band and Primary Management Area, BCDC staff have determined that the gravity of harm is moderate, and the extent of deviation from the statutory requirement to remove the unauthorized fill is major. For Violation Three, unauthorized fill consisting of a small, blue recreational vessel and additional recreational vessel in the shoreline band and Primary Management Area, BCDC staff have determined that the gravity of harm is moderate, and the extent of deviation from the statutory requirement to remove the unauthorized fill is moderate. For Violation Four, unauthorized fill consisting of an Argo (small amphibious craft), two boats, and a large lawn mower in the shoreline

band and Primary Management Area, BCDC staff have determined that the gravity of harm is moderate, and the extent of deviation from the statutory requirement to remove the unauthorized fill is moderate. For Violation Five, unauthorized fill consisting of a green truck, an automobile, four boats, and an ATV in the shoreline band and Primary Management Area, BCDC staff have determined that the gravity of harm is moderate, and the extent of deviation from the statutory requirement to remove the unauthorized fill is moderate. For Violation Six, unauthorized fill consisting of a silver truck in the shoreline band and Primary Management Area, BCDC staff have determined that the gravity of harm is moderate, and the extent of deviation from the statutory requirement to remove the unauthorized fill is minor.

BCDC staff believes that the nature and extent of harm caused by these violations is significant. The Bay and shoreline in this area contain various large and small vehicles, machines, and other debris in varying stages of decay. As the unauthorized fill breaks down, they may leach harmful chemicals into the Montezuma Slough, a part of the Suisun Marsh, which provides habitat for resident and migratory fish and wildlife and plays an important role in providing wintering habitat for waterfowl of the Pacific Flyway or onto Van Sickle Island, an area of managed wetlands in the Suisun Marsh. (Cal. Pub. Res. Code § 29002). While staff believes the area can be restored, the introduction of pollutants to the Montezuma Slough and Van Sickle Island cannot be undone.

BCDC staff have assessed the Respondents degree of culpability, history of violations, resolution efforts, any economic benefit to the violators, violators' ability to pay, costs to the state in pursuing the enforcement action, and other facts as justice may require.

Staff believes that circumstances outside of Respondents' control may lessen their degree of culpability for each violation. The Solano County Sheriff's Office report, dated August 26, 2017, indicates that one of the mooring lines connecting Thad Woodin's barge to the shoreline broke, causing the barge to move into a 90-degree angle in the Montezuma Slough and ultimately sinking. (VR&C Exhibit 7). While it was Thad Woodin's responsibility to ensure the barge and recreational vessel were securely moored, staff believes that a downward adjustment is proper for Violation One, as the sunken barge appears to be the result of an accident or inadvertent omission. With respect to all other violations, staff previously communicated to Respondents that they should not yet remove the unauthorized fill due to unsafe conditions of the levee road during wet seasons and the environmentally sensitive nature of the area. Staff requested that each Respondent refrain from moving the unauthorized fill until it was safe and environmentally responsible to do so (*i.e.*, in late spring or summer). Staff believes that a downward adjustment for Violations Two, Three, Four, Five, and Six is appropriate on the basis that Respondents refrained from removing the unauthorized fill for a period of time on the advice of staff and that the timeframe during which Respondents could safely and responsibly remove the unauthorized fill was at times out of their control.

Additionally, Respondent Thad Woodin admitted to owning or placing all unauthorized fill identified in each violation, with the exception of a small recreational vessel located on his property. (VR&C Exhibit 9). Although Respondents Steve and Lesley Belcher, Kanady, Bill Woodin, and Kittrell Estate are responsible for abating any violations of the MPA and SMPA on their respective properties as property owners, staff believes that a downward adjustment is

appropriate on the basis that the violations were the result of inadvertent omissions on the part of the property owners to survey their properties to identify and remove fill placed by Respondent Thad Woodin.

Staff believes that the efforts to cooperate and resolve the violations on the part of Respondents Steve and Lesley Belcher, Bill Woodin, and Kittrell Estate support an additional downward adjustment because these Respondents have cooperated with the investigation in a timely manner and engaged in efforts to resolve Violations Three, Five, and Six, including planning to remove the fill as soon as possible.

Staff does not believe that Respondents derived any economic benefit from the placement of unauthorized fill on their respective properties. However, it is Respondents' burden to demonstrate an inability to pay, and Respondents did not introduce any such evidence into the record as part of their timely SODs.

Based on these penalty factors, staff finds Violation One is eligible for a $1900 penalty per day, with a start date for this violation on August 26, 2017, when the Solano County Sheriff's Office verified the existence of the sunken barge, and the violation has persisted for over 2,800 days.[2] Thus, Violation One is subject to the maximum allowable penalty of $30,000, however, staff believes a five percent downward adjustment is appropriate based on Respondent Thad Woodin's degree of culpability.

Further, staff finds that Violation Two is eligible for a $1400 penalty per day, Violation Three is eligible for a $800 penalty per day, Violation Four is eligible for a $900 penalty per day, Violation Five is eligible for a $800 penalty per day, and Violation Six is eligible for a $250 penalty per day, with the start date for each violation on November 23, 2022, when BCDC staff verified the existence of these violations. These violations have persisted for over 900 days. Thus, each violation is subject to the maximum allowable penalty of $30,000, however, staff believes the following downward adjustments are appropriate based on Respondents' degree of culpability and efforts to cooperate:

- Violation Two (Thad Woodin): 10 percent downward adjustment based on degree of culpability.
- Violation Three (Thad Woodin and Steve and Lesley Belcher): 20 percent downward adjustment based on degree of culpability and 20 percent downward adjustment based on efforts to cooperate.
- Violation Four (Thad Woodin and Allen Kanady): 15 percent downward adjustment based on degree of culpability.

[2] Although BCDC staff was confirmed the existence of the partially submerged recreational vessel – also included in Violation One – on September 24, 2024, the appropriate start date for Violation One is August 26, 2017. The recreational vessel was added to Violation One because of the proximity of the vessel to the sunken barge. Moreover, the addition of the recreational vessel to Violation One did not impact Respondent Thad Woodin's administrative civil penalty liability as the administrative civil penalty maximum was already reached due to the length of time that Respondent Thad Woodin's barge was in the Montezuma Slough.

- Violation Five (Thad Woodin and Bill Woodin): 20 percent downward adjustment based on degree of culpability and 20 percent downward adjustment based on efforts to cooperate.
- Violation Six (Thad Woodin and Kittrell Estate): 20 percent downward adjustment based on degree of culpability and 20 percent downward adjustment based on efforts to cooperate.

Accordingly, the following administrative civil penalties are appropriate: $28,500 for Violation One; $27,000 for Violation Two; $18,000 for Violation Three; $25,500 for Violation Four; $18,000 for Violation Five; and $18,000 for Violation Six. Therefore, the total administrative liability is $135,000.

A proposed Cease and Desist and Civil Penalty Order consistent with this recommendation is attached (Exhibit A).

Proposed Order CCD2025.001.00

Proposed Cease and Desist and Civil Penalty Order CCD2025.001.00 consistent with this recommendation is attached (Exhibit A), along with the Violation Report and Complaint dated July 8, 2025 (Exhibit B), Respondents' Statement of Defense or other correspondence (Exhibits C1-C4), *Leslie Salt Co. v. San Francisco Bay Conservation and Development Com.* (1984) 153 Cal.App.3d 605 (Exhibit D), and August 6, 2025 email correspondence from Solano County Sheriff's Office (Exhibit E).

Attachments: RED Exhibit A: Proposed Cease and Desist and Civil Penalty Order CCD2025.001.00

RED Exhibit B: Violation Report and Complaint with exhibits

RED Exhibit C1: Allen Kanady Statement of Defense

RED Exhibit C2: Belcher Email Correspondence, dated July 9, 2025

RED Exhibit C3: William Woodin Statement of Defense

RED Exhibit C4: Kittrell Estate Statement of Defense

RED Exhibit C5: Belchers Statement of Defense, including Declarations

RED Exhibit D: *Leslie Salt Co. v. San Francisco Bay Conservation and Development Com.* (1984) 153 Cal.App.3d 605

RED Exhibit E: Email Correspondence from Solano County Sheriff's Office, dated August 6, 2025

RED Exhibit F: Belchers Grant Deed

RED Exhibit G: 2022 Q1/Q2 Enforcement Program Update

Exhibit H: 2025.08.12 BCDC Staff Site Visit

Enforcement Committee Recommendation to the Full Commission:

Please check one of the three boxes indicating your decision, then sign and return the memorandum to BCDC Staff:

☐ By a vote of __ yeses, __ noes, and __ abstentions, the Enforcement Committee adopts the Executive Director's Recommended Enforcement Decision as its recommendation to the full Commission.

☐ By a vote of __ yeses, __ noes, and __ abstentions, the Enforcement Committee conditionally adopts the Executive Director's Recommended Enforcement Decision as its recommendation to the full Commission as specified in the attached memorandum.

☐ By a vote of __ yeses, __ noes, and __ abstentions, the Enforcement Committee declines to adopt the Executive Director's Recommended Enforcement Decision and recommends that the full Commission decline to issue the proposed Cease and Desist and Civil Penalty Order for the reasons specified in the attached memorandum.

_____
MARIE GILMORE, Enforcement Committee Chair
San Francisco Bay Conservation and Development Commission

_____
Date:

Exhibit N

San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 | Phone 415 352 3600
State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

Commission Cease and Desist and Civil Penalty Order:	CCD2025.001.00
Effective Date:	TBD [Effective upon execution by the Executive Director]
Respondents:	Thaddeus Woodin Steve and Lesley Belcher Allen Kanady William Woodin Kittrell Estate

To: Thaddeus Woodin, the Belchers, Allen Kanady, William Woodin, and Kittrell Estate

I. Commission Cease and Desist Order

Pursuant to Cal. Gov. Code § 66638, Thaddeus ("Thad") Woodin, Steve and Lesley Belcher, Allen Kanady, William ("Bill") Woodin, and Kittrell Estate (together, "Respondents") are hereby ordered to:

A. Cease and desist from violating the McAteer-Petris Act (MPA) and the Suisun Marsh Preservation Act (SMPA).

B. Respondent Thad Woodin must:
   1. By October 31, 2025, remove (i) the 20- to 25-foot-long recreational vessel identified in Section III.B, (ii) the fill identified in Section III.C and Section III.D(1), (iii) the two boats identified in Section III.D(2), and (iv) the fill identified in Section III.D(4) to a legal disposal site or location outside of BCDC's jurisdiction.
   2. Provide immediate written confirmation to BCDC staff upon learning whether Solano County received funding to remove the 68- x 33-foot barge at the bottom of the Montezuma Slough described in Section III.B.
   3. If by March 31, 2026, Solano County has secured funding to remove the 68- x 33-foot barge at the bottom of the Montezuma Slough described in Section III.B, use best efforts to cooperate with Solano County and its designated agents and/or contracted parties to remove the barge.
   4. If by March 31, 2026, Solano County has not secured funding to remove the 68- x 33-foot barge at the bottom of the Montezuma Slough described in Section III.B, then

by June 30, 2026, use best efforts to apply for and obtain funding for the removal of the barge.

5. By September 30, 2026, remove the 68- x 33-foot barge at the bottom of the Montezuma Slough described in Section III.B to a legal disposal site or location outside of BCDC's jurisdiction, irrespective of the results of any funding applications or efforts.

C. Respondents Thad Woodin and Allen Kanady must:
   1. By October 31, 2025, remove (i) the Argo and (ii) large lawnmower identified in Section III.D(2) to a legal disposal site or location outside of BCDC's jurisdiction.

D. Respondents Thad Woodin and Bill Woodin must:
   1. By October 31, 2025, remove the fill identified in Section III.D(3) to a legal disposal site or location outside of BCDC's jurisdiction.

E. Fully comply with the requirements of Sections I, II, IV, and V of this Cease and Desist and Civil Penalty Order ("Order").

II. Civil Penalty Order

Pursuant to Cal. Gov. Code § 66641.6, Respondents are hereby ordered to:

A. Pay administrative civil liability of one hundred thirty-five thousand dollars ($135,000) 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, and liability shall be apportioned, as follows:
   1. Twenty-eight thousand five hundred ($28,500) for the unpermitted fill in the Montezuma Slough within BCDC's Bay jurisdiction and the Primary Management Area consisting of: (1) 68- x 33-foot barge at the bottom of the slough, about 50 feet south of Thad Woodin's home on Van Sickle Island and under about 19 feet of water; and (2) a mostly submerged 20- to 25-foot-long recreational vessel about 10 feet off the Kitrell Estate's parcel (Thad Woodin);
   2. Twenty-seven thousand ($27,000) for the unpermitted fill within BCDC's 100-foot shoreline band jurisdiction and the Primary Management Area consisting of an abandoned car, silver trailer, and boat, in addition to plastic containers and other trash (Thad Woodin);
   3. Eighteen thousand ($18,000) for unpermitted fill within BCDC's 100-foot shoreline band jurisdiction and the Primary Management Area consisting of: (1) a small, blue recreational vessel, close to the levee road and (2) a recreational vessel near Thad

Woodin's house located on both the Belchers' and Thad Woodin's parcels (Thad Woodin and Steve and Lesley Belcher);

4. Twenty-five thousand five hundred ($25,500) for unpermitted fill within BCDC's 100-foot shoreline band jurisdiction and the Primary Management Area consisting of an Argo (small amphibious craft), two boats, and a large lawn mower placed close to the levee road (Thad Woodin and Allen Kanady);
5. Eighteen thousand ($18,000) for unpermitted fill within BCDC's 100-foot shoreline band jurisdiction and the Primary Management Area consisting of a green truck, an automobile, four boats, and an ATV. All are close to the levee road (Thad Woodin and Bill Woodin); and
6. Eighteen thousand ($18,000) for unpermitted fill within BCDC's 100-foot shoreline band jurisdiction and the Primary Management Area consisting of a silver truck placed close to the levee road (Thad Woodin and Kittrell Estate).

B. If administrative civil liability is not paid within 30 days of issuance of this Order the Executive Director is authorized to refer the matter to the Attorney General pursuant to Cal. Gov. Code § 66641.7(b), Cal. Gov. Code § 66641.5, and/or Cal. Gov. Code § 66641.

III. Findings

Factual Findings

This Commission Cease and Desist and Civil Penalty Order is based on the findings set forth 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. Each respondent owns a parcel located on Van Sickle Island, Solano County, as identified by the following Assessor Parcel Numbers (APN):
    1. APN 0090-120-130 (Thad Woodin);
    2. APN 0090-120-030 (Steve and Lesley Belcher);
    3. APN 0090-120-190 (Allen Kanady);
    4. APN 0090-120-170 (Bill Woodin); and
    5. APN 0090-120-160 (Kittrell Estate).

B. On or shortly before August 26, 2017, Respondent Thad Woodin caused his 68- x 33-foot barge to sink to the bottom of the Montezuma Slough within BCDC jurisdiction in the Bay and Primary Management Area, at approximately 38°04'28.85"N 121°52'53.04"W. Additionally, prior to September 24, 2024, Respondent Thad Woodin placed a 20- to 25-foot-long recreational vessel also in the Montezuma Slough within BCDC's jurisdiction in the Bay and Primary Management Area, approximately 10 feet away from the Kittrell Estate property.

C. Prior to November 23, 2022, Respondent Thad Woodin placed fill consisting of an abandoned car, silver trailer, boat, and plastic containers and other trash on his property within BCDC's 100-foot shoreline band jurisdiction and the Primary Management Area.

D. Prior to November 23, 2022, Respondent Thad Woodin placed fill on neighboring parcels in BCDC's 100-foot shoreline band jurisdiction and the Primary Management Area, consisting of the following:
    1. Two recreational vessels located on Respondents Steve and Lesley Belcher's property;
    2. An Argo (small amphibious craft), two boats, and a large lawn mower on Respondent Allen Kanady's property;
    3. A green truck, an automobile, four boats, and an ATV on Respondent Bill Woodin's property; and
    4. A silver truck on Respondent Kittrell Estate's property.

E. The activities described in Section III.B ("Violation One"), Section III.C ("Violation Two"), Section III.D(1) ("Violation Three"), Section III.D(2) ("Violation Four"), Section III.D(3) ("Violation Five"), and Section III.D(4) ("Violation Six") constitute the placement of fill in BCDC's jurisdiction under the 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.

F. The activities described in Violations One through Six constitute development in the Primary Management Area under the SMPA Section 29500 and no marsh development permit under that section was obtained for the activities described above meaning that this requirement has not been met.

G. Therefore, Respondent Thad Woodin is responsible for all six violations of the MPA and SMPA, Respondents Steve and Lesley Belcher are responsible for one violation of the MPA and SMPA, Respondent Allen Kanady is responsible for one violation of the MPA and SMPA, Respondent Bill Woodin is responsible for one violation of the MPA and SMPA, and Respondent Kittrell Estate is responsible for one violation of the MPA and SMPA.

H. On November 23, 2022, September 24, 2024, and December 11, 2024, BCDC staff inspected the properties identified in Section III.A and collected photographic evidence depicting the fill.

I. The ownership and boundaries of the properties identified in Section III.A were confirmed using RealQuest, the Solano County tax assessment map viewer, a March 18, 2025 email with Chris Rodgers (a Mapping Tech with Solano County), and by walking the

levee road during the December 11, 2024 site visit with Chris Lanzafame, the secretary of Reclamation District 1607 (the "District").

J. Letter correspondence dated September 13, 2012 to Respondent Thad Woodin from the District, an April 29, 2025 email exchange between staff and Mr. Lanzafame, and two interviews on September 27, 2024 and November 27, 2024 with Mr. Lanzafame revealed that the District is aware that Respondent Thad Woodin had placed large items on the levee since 2012. The District asked Respondent Thad Woodin to remove the items from the levee road and Mr. Lanzafame has tried to persuade Respondent Thad Woodin to remove them. Mr. Lanzafame asserted that all unauthorized fill belongs to Respondent Thad Woodin and advised staff on who owned the properties identified in Section III.A.

K. On October 15, 2024, Andrew Kershen from the State Lands Commission confirmed via email that the State Lands Commission has jurisdiction within the Montezuma Slough adjacent to Respondent Thad Woodin's property, up to the mean high tide line. However, Mr. Kershen asserted that the State Lands Commission does not have jurisdiction within Van Sickle Island.

L. On August 26, 2017, the Solano County Sheriff's Office responded to a report of Respondent Thad Woodin's barge sinking in the Montezuma Slough. The Sheriff's Office found in its report of the incident that Respondent Thad Woodin was solely and completely responsible for the sinking of his barge and that the barge was moored via insufficient means to prevent the barge from breaking loose from its mooring location.

M. On November 12, 2024, Solano County Marine Patrol took underwater images of Respondent Thad Woodin's sunken barge and subsequently provided these images to BCDC staff on November 13, 2024.

N. Respondent Thad Woodin alleged to staff that one of The Dutra Group's (Dutra) vessels struck his barge and caused the barge to sink. On May 22, 2025, John Wyma-Hughes, a Risk Manager for Dutra, via email denied any involvement in or liability arising from the sinking of Respondent Thad Woodin's barge. Staff reviewed daily logbook entries provided by Dutra for the tug Sarah Reed, the only Dutra vessel which traversed the Montezuma Slough at the time Respondent Thad Woodin's barge sank, and found no evidence that Dutra was responsible for causing the barge to sink.

O. On November 15, 2024, staff discussed the unauthorized fill with Respondent Thad Woodin and advised him that he needed to remove all items from BCDC's jurisdiction. Respondent Thad Woodin acknowledged owning the sunken barge, the car and trailer on his parcel, and the two largest boats parked on the levee. He also acknowledged placing the partially submerged recreational vessel in its present location but accused

the Solano County Sheriff's Office of sinking it without providing any evidence. Respondent Thad Woodin said that he has equipment to remove the fill and would do so. In an email on November 26, 2024, he denied owning a small white recreational vessel with a blue hull that is on his property.

P. On February 5, 2025, staff mailed initial contact letters to Respondents Steve and Lesley Belcher, Allen Kanady, and Bill Woodin describing the unauthorized fill and advising that each respondent "must clear all illicit items of fill from your parcel." On February 21, 2025, BCDC staff issued an initial contact letter to Respondent Kittrell Estate describing the unauthorized fill and also advising that the respondent "must clear all illicit items of fill from your parcel."

Q. On April 8, 2025, Solano County Marine Patrol Sgt. Brady Graham advised staff that Solano County had applied for a grant to remove Respondent Thad Woodin's barge from the Montezuma Slough.

R. BCDC staff conducted a site visit on April 11, 2025, with Respondent Thad Woodin to walk the levee and identify his items. Respondent Thad Woodin reconfirmed ownership of all items except for a small recreational vessel on his parcel. Respondent Thad Woodin said that he would remove all items except for the sunken barge, including the vessel next to his home that he claims not to own.

S. Prior to July 8, 2025, Respondents failed to demonstrate that the unauthorized fill identified in Violations One through Six was removed from BCDC's Bay and shoreline band jurisdiction and from the Primary Management Area.

T. 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.

U. On July 14, 2025, Respondent Allen Kanady submitted his Statement of Defense ("SOD") form. On August 5, 2025, Respondent Bill Woodin submitted his SOD form. On August 8, 2025, Respondent Kittrell Estate submitted its SOD form. On August 12, 2025, Steve and Lesley Belcher submitted their SOD form. Respondent Thad Woodin did not submit a SOD.

V. On July 9, 2025, Respondents Steve and Lesley Belcher emailed photographs to BCDC staff demonstrating that the unauthorized fill identified in Violation Three had been removed from their property and placed onto Respondent Thad Woodin's parcel.

W. On August 1, 2025, BCDC staff conducted a site visit to the properties identified in Section III.A and confirmed that the unauthorized fill identified in Violation Three was still in BCDC's shoreline band jurisdiction and the Primary Management Area. BCDC staff

also discovered that the two boats identified in Violation Four were removed from BCDC's jurisdiction, while the Argo and large lawnmower identified in Violation Four remained on Respondent Allen Kanady's property. Finally, BCDC staff discovered that the unauthorized fill identified in Violation Six was removed from Respondent Kittrell Estate's property and placed onto Respondent Thad Woodin's parcel.

X. On August 6, 2025, Deputy Sheriff Michael Urlaub from the Solano County Sheriff's Office via email provided BCDC staff with additional information regarding when Solano County may expect to hear back regarding the results of the funding application to remove Respondent Thad Woodin's sunken barge identified in Violation One. According to Deputy Sheriff Urlaub, Solano County expects to hear if it received funding to remove the sunken barge within four to six months from September 2025. If Solano County receives the funding, removal of the sunken barge is likely to occur in late summer of 2026.

Y. On August 12, 2025, BCDC staff discovered that one item of unauthorized fill identified in Violation 5 (a silver car) had been removed from Respondent Bill Woodin's parcel and BCDC's jurisdiction, but the other items remained. Staff also discovered that one of the boats identified in Violation 4 that appeared to have been removed was placed back on Respondent Allen Kanady's parcel and the Argo and some trash remained. Staff confirmed that the unauthorized fill identified on Respondent Thad Woodin's parcel in Violation 2, in addition to the two boats that Respondents Steve and Lesley Belcher moved onto his parcel (Violation 3), remained.

Z. To date, all violations persist, although Respondents Steve and Lesley Belcher and Kittrell Estate have removed the unauthorized fill identified in Violation Three and Violation Six from their respective properties to Respondent Thad Woodin's property, which is still within BCDC's shoreline band jurisdiction and the Primary Management Area. And some but not all unauthorized fill on Respondent Allen Kanady's parcel has been removed from his property.

AA. These findings are based upon Exhibits 1-9 of the Violation Report & Complaint that was mailed to Respondents on July 8, 2025, and Exhibits A-E of the Recommended Enforcement Decision that was mailed to the Enforcement Committee on August 15, 2025.

Legal Findings

BB. The Commission finds that the Respondents are violating Section 66632(a) of the McAteer-Petris Act (MPA) and Section 29500 of the Suisun Marsh Preservation Act (SMPA) by placing or failing to abate the activities described in Section III.B through III.D

at the locations described in Section III.A within BCDC jurisdiction without obtaining a permit from BCDC.

CC. The Commission finds that BCDC staff correctly identified six distinct violations of the MPA and SMPA in this matter at the time of issuance of the Violation Report and Complaint on July 8, 2025.

DD. The Commission also finds that based on the factors provided by the MPA Section 66641.9, a penalty of $28,500 for Violation One, a penalty of $27,000 for Violation Two, a penalty of $18,000 for Violation Three, a penalty of $25,500 for Violation Four, a penalty of $18,000 for Violation Five, and a penalty of $18,000 for Violation Six, for a total penalty of $135,000, is appropriate.

EE. Specifically, pursuant to Appendix J of the Commission's regulations (14 CCR), the Commission finds that for Violation One, the gravity of harm is major and the extent of deviation from the statutory requirement to remove the unauthorized fill is major. For Violation Two, the gravity of harm is moderate and the extent of deviation from the statutory requirement to remove the unauthorized fill is major. For Violations Three, Four, and Five, the gravity of harm is moderate and the extent of deviation from the statutory requirement to remove the unauthorized fill is moderate. Finally, for Violation Six, the gravity of harm is moderate and the extent of deviation from the statutory requirement to remove the unauthorized fill is minor.

FF. The Commission finds that Violation One can be resolved but that the barge has remained submerged in the Montezuma Slough since August 26, 2017, when the Solano County Sheriff's Office verified the existence of the sunken barge, and the recreational vessel has remained partially submerged in the Montezuma Slough since September 24, 2024, when staff conducted a site visit to the properties identified in Section III.A and verified the existence of the recreational vessel.

GG. The Commission finds that Violations Two, Three, Four, Five, and Six can be resolved but have remained unresolved since at least November 23, 2022, when BCDC staff conducted a site visit to the properties identified in Section III.A and verified the existence of these violations.

HH. The Commission finds the cost to the state in pursuing this case has been high. Between November 23, 2022, and July 8, 2025, BCDC staff have conducted four site visits and worked with Respondents to support them in addressing the violations. Prior to July 8, 2025, BCDC staff researched the ownership of each parcel and issued a Violation Report and Complaint; and, if the Commission issues an Order, BCDC staff will invest additional time to monitor Respondents' actions for compliance with its terms.

II. The Commission finds that Respondent Thad Woodin is culpable for all six violations because he is directly responsible for the placement of all unauthorized fill.

JJ. The Commission finds that Respondents Steve and Lesley Belcher are also culpable for Violation Three as the property owners of the parcel containing the unauthorized fill.

KK. The Commission finds that Respondent Allen Kanady is also culpable for Violation Four as the property owner of the parcel containing the unauthorized fill.

LL. The Commission finds that Respondent Bill Woodin is also culpable for Violation Five as the property owner of the parcel containing the unauthorized fill.

MM. The Commission finds that Respondent Kittrell Estate is also culpable for Violation Six as the property owner of the parcel containing the unauthorized fill.

NN. The Commission finds that Respondents provided no information regarding the ability to pay. In the absence of any evidence to indicate that there is an inability to pay, it does not find that this factor supports a penalty reduction.

OO. Based on these penalty factors, the Commission finds that it is appropriate to impose a $1,900 penalty per day for Violation One, calculated from August 26, 2017, to the date that the Commission votes to adopt the Order.

PP. The Commission finds that Respondent Thad Woodin has been responsible for Violation One since August 26, 2017, to the date of the Commission vote to adopt the Order.

QQ. Based on these penalty factors, the Commission finds that it is appropriate to impose a $1,400 penalty per day for Violation Two, a $800 penalty per day for Violation Three, a $900 penalty per day for Violation Four, a $800 penalty per day for Violation Five, and a $250 penalty per day for Violation Six, calculated from November 23, 2022, (the date BCDC staff confirmed the existence of these violations) to the date that the Commission votes to adopt the Order.

RR. The Commission finds that Respondent Thad Woodin has been responsible for Violation Two since November 23, 2022, to the date of the Commission vote to adopt the Order.

SS. The Commission finds that Respondents Thad Woodin has been responsible for Violation Three since November 23, 2022, to the date of the Commission vote to adopt the Order.

TT. The Commission finds that Respondents Steve and Lesley Belcher have been responsible for Violation Three since November 23, 2022, to July 9, 2025, the date Respondent

Steve Belcher moved the unauthorized fill off of the Belchers' property onto Thad Woodin's parcel.

UU. The Commission finds that Respondents Thad Woodin and Allen Kanady have been responsible for Violation Four since November 23, 2022, to the date of the Commission vote to adopt the Order.

VV. The Commission finds that Respondents Thad Woodin and Bill Woodin have been responsible for Violation Five since November 23, 2022, to the date of the Commission vote to adopt the Order.

WW. The Commission finds that Respondents Thad Woodin and Kittrell Estate have been responsible for Violation Six since November 23, 2022, to August 1, 2025, the date Respondent Kittrell Estate moved the unauthorized fill off of the Kittrell Estate's property onto Thad Woodin's parcel.

XX. The Commission finds that a five percent downward adjustment for Violation One is appropriate as the violation appears to be the result of an accident or inadvertent omission.

YY. The Commission finds that a 10 percent downward adjustment for Violation Two is appropriate as staff previously communicated to Respondent Thad Woodin in or around October of 2024 that he should not remove the unauthorized fill until it was safe and environmentally responsible to do so and as a result Respondent Thad Woodin refrained from resolving the violation for a period of time.

ZZ. The Commission finds that a 20 percent downward adjustment on the basis of degree of culpability and an additional 20 percent downward adjustment on the basis of efforts to cooperate for Violation Three is appropriate because on February 5 and February 13, 2025, staff communicated to Respondents Steve and Lesley Belcher that they should not remove the unauthorized fill until it was safe and environmentally responsible to do so (*i.e.*, late spring or summer) and as a result Respondents Steve and Lesley Belcher refrained from resolving the violation. The violation was the result of inadvertent omissions on the part of Respondents Steve and Lesley Belcher to survey their property to identify and remove fill placed by Respondent Thad Woodin. Respondents Steve and Lesley Belcher cooperated with staff's investigation, responding in a timely manner, pledging to remove the unauthorized fill and inquiring about how best to do so. On July 9, 2025, Respondent Steve Belcher moved the unauthorized fill off of the Belchers' property onto Thad Woodin's parcel.

AAA. The Commission finds that a 15 percent downward adjustment for Violation Four is appropriate because on February 5 and April 1, 2025, staff communicated to Respondent Allen Kanady that he should not remove the unauthorized fill until it was

safe and environmentally responsible to do so (*i.e.*, late spring or summer) and as a result, Respondent Allen Kanady refrained from resolving the violation. Further, the violation was the result of inadvertent omissions on the part of Respondent Allen Kanady to survey his property to identify and remove fill placed by Respondent Thad Woodin. Prior to August 1, 2025, Respondent Kanady moved two boats identified in Violation Four to a location outside of BCDC's jurisdiction, while the Argo and large lawnmower remained on his property.

BBB. The Commission finds that a 20 percent downward adjustment on the basis of degree of culpability and an additional 20 percent downward adjustment on the basis of efforts to cooperate for Violation Five is appropriate because on February 5 and February 26, 2025, staff communicated to Respondent Bill Woodin that he should not remove the unauthorized fill until it was safe and environmentally responsible to do so (*i.e.*, late spring or summer) and as a result Respondent Bill Woodin refrained from resolving the violation. The violation was the result of inadvertent omissions on the part of Respondent Bill Woodin to survey his property to identify and remove fill placed by Respondent Thad Woodin, and Respondent Bill Woodin has cooperated with staff's investigation, responding in a timely manner and pledging to remove the unauthorized fill soon.

CCC. The Commission finds that a 20 percent downward adjustment on the basis of degree of culpability and an additional 20 percent downward adjustment on the basis of efforts to cooperate for Violation Six is appropriate because on February 5 and February 28, 2025, staff communicated to Todd Trost, a representative of Respondent Kittrell Estate, that he should not remove the unauthorized fill until it was safe and environmentally responsible to do so (*i.e.*, late spring or summer) and as a result Respondent Kittrell Estate refrained from resolving the violation. The violation was the result of inadvertent omissions on the part of Respondent Kittrell Estate to survey its property to identify and remove fill placed by Respondent Thad Woodin. Representatives of Respondent Kittrell Estate have fully cooperated with staff's investigation, reiterating their desire to work with staff to remove the fill as soon as possible. Prior to August 1, 2025, Respondent Kittrell Estate moved the unauthorized fill off of the Kittrell Estate's property onto Thad Woodin's parcel.

DDD. The Commission thus finds that it is appropriate that the six violations are subject to the following penalties under the MPA: $28,500 for Violation One; $27,000 for Violation Two; $18,000 for Violation Three; $25,500 for Violation Four; $18,000 for Violation Five; and $18,000 for Violation Six, for a total administrative civil liability of $135,000.

EEE. The Commission finds that Respondents have received due process throughout this enforcement action.

FFF. These findings are based upon Exhibits 1-9 of the Violation Report & Complaint that was mailed to Respondents on July 8, 2025, and Exhibits A-E of the Recommended Enforcement Decision that was mailed to the Enforcement Committee on August 15, 2025.

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. Respondents must strictly conform to the express terms of this Order. Under Cal. Gov. Code § 66641, any person who intentionally or negligently violates any part of any cease-and-desist order issued by the Commission may be liable civilly in the sum of up to $6,000 for each day in which such violations persist. In addition, upon the failure of any person to comply with any cease-and-desist order issued by the Commission and upon the request of the Commission, the Attorney General of the State of California may petition the superior court for the issuance of a preliminary or permanent injunction, or both, restraining the person or persons from continuing any activity in violation of the cease-and-desist order.

C. This Order does not affect any duties, rights, or obligations established under private agreements or by the laws and regulations of other public bodies.

D. This Order does not constitute a recognition of property rights.

E. This Order immediately and fully resolves Enforcement Cases ER2019.038.00, ER2025.001.00, ER2025.002.00, ER2025.003.00, and ER2025.004.00.

F. This Order is effective upon issuance thereof.

V. 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.

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

_____ _____

LAWRENCE J. GOLDZBAND, BCDC Executive Director Date

Full Commission Motion and Action:

Please check one of the four boxes indicating your decision, then sign and return the memorandum to BCDC Staff:

☐ By a vote of __ yeses, __ noes, and __ abstentions, the Commission concurs with the Executive Director's Recommended Enforcement Decision and issues the proposed Cease and Desist and Civil Penalty Order.

☐ By a vote of __ yeses, __ noes, and __ abstentions, the Commission votes to dismiss this matter and declines to issue the proposed Cease and Desist and Civil Penalty Order for the reasons specified in the attached memorandum.

☐ By a vote of __ yeses, __ noes, and __ abstentions, the Commission votes to remand the matter back to the Enforcement Committee for further action for the reasons specified in the attached memorandum.

☐ By a vote of __ yeses, __ noes, and __ abstentions, the Commission rejects the Executive Director's Recommended Enforcement Decision and decides to consider the entire matter de novo at the Commission meeting on _____.

_____
Zachary Wasserman, Commission Chair
San Francisco Bay Conservation and Development Commission

_____
Date:

San Francisco Bay Conservation and Development Commission
375 Beale Street, Suite 510, San Francisco, California 94105 | Phone 415-352-3600
State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

October 10, 2025

TO:
Enforcement Committee Members

FROM: Lawrence J. Goldzband, Executive Director, (415/352-3653; larry.goldzband@bcdc.ca.gov)
Amanda Boyd, Staff Attorney, (415/352-3643; amanda.boyd@bcdc.ca.gov)

SUBJECT: **Executive Director's Recommended Enforcement Decision and Proposed Cease and Desist and Civil Penalty Order No. CCD2025.001.00 in BCDC Enforcement Matter ER2019.038.00, ER2025.001.00, ER2025.002.00, ER2025.003.00, and ER2025.004.00 for Five Parcels, Unincorporated Areas of Solano County**
(For Enforcement Committee consideration on October 22, 2025)

Summary

The Executive Director recommends that the Enforcement Committee adopt this recommended enforcement decision as its recommendation to the full Commission. This recommendation includes issuing proposed Cease and Desist and Civil Penalty Order CCD2025.001.00 to require Thaddeus ("Thad") Woodin, Steve and Lesley Belcher, Allen Kanady, William ("Bill") Woodin, and Kittrell Estate ("Respondents") to do the following actions to resolve six violations:

1. Cease and desist from violating the McAteer-Petris Act and the Suisun Marsh Preservation Act.

2. If by March 31, 2026, Solano County has secured funding to remove the sunken barge described in Violation One of the Violation Report and Complaint, Thad Woodin must use best efforts to cooperate in the removal of the barge.

3. If by March 31, 2026, Solano County has not secured funding to remove the sunken barge described in Violation One of the Violation Report and Complaint, Thad Woodin must by June 30, 2026, use best efforts to apply for and obtain funding for the removal of the barge.

4. By September 30, 2026, Thad Woodin must remove the sunken barge described in Violation One of the Violation Report and Complaint.

5. By November 30, 2025, Respondents must remove all unauthorized fill, except the sunken barge described in Violation One of the Violation Report and Complaint, to a legal disposal site or other location outside BCDC's jurisdiction.

6. Pay $135,000 in administrative civil liabilities within thirty (30) days of Order issuance.

A previous Recommended Enforcement Decision was mailed on August 15, 2025 (Exhibit M). On August 26, 2025, the enforcement hearing scheduled for August 27, 2025 was postponed to October 22, 2025 to accommodate for a respondent's medical emergency. All respondents agreed

to waive the 60-day time period to hold the hearing pursuant to Government Code section 66641.6(b) (Exhibits J1-J5).

Background

Prior to November 23, 2022, fill consisting of large items, including cars, boats, and other materials was placed by Thad Woodin in the Montezuma Slough and adjacent shoreline on properties located in Solano County. The unauthorized fill is located across five different privately-owned properties and an area of the Montezuma Slough controlled and managed by the State Lands Commission.

The reference materials attached indicate that 1) respondent Thad Woodin owns a parcel identified by APN 0090-120-130, 2) respondents Steve and Lesley Belcher own a parcel identified by APN 0090-120-030, 3) respondent Allen Kanady owns a parcel identified by APN 0090-120-190, 4) respondent Bill Woodin owns a parcel identified by APN 0090-120-170, and 5) respondent Kittrell Estate owns a parcel identified by APN 0090-120-160. (VR&C Exhibit 4). Each property is located in BCDC's shoreline band jurisdiction and the Primary Management Area of the Suisun Marsh. Further, a barge and recreational vessel owned by Thad Woodin both sit at the bottom of the Montezuma Slough at approximately 38°04'28.85"N 121°52'53.04"W, in the unincorporated community of Birds Landing in Solano County, within BCDC's Bay jurisdiction and the Primary Management Area of the Suisun Marsh. (VR&C Exhibit 7).

On November 23, 2022, September 24, 2024, and December 11, 2024, BCDC staff inspected the properties owned by Respondents and collected photographic evidence depicting the fill. (VR&C Exhibits 2 and 3).

The ownership and boundaries of Respondents' respective properties were confirmed using RealQuest, the Solano County tax assessment map viewer, a March 18, 2025 email with Chris Rodgers (a map expert with Solano County), and by walking the levee road during the December 11, 2024 site visit with Chris Lanzafame, the secretary of Reclamation District 1607 (the "District"). (VR&C Exhibit 4).

Letter correspondence dated September 13, 2012 to Respondent Thad Woodin from the District, an April 29, 2025 email exchange between staff and Mr. Lanzafame, and two interviews on September 27, 2024 and November 27, 2024 with Mr. Lanzafame revealed that the District is aware that Respondent Thad Woodin had placed large items on the levee since 2012. The District asked Respondent Thad Woodin to remove the items from the levee road and Mr. Lanzafame has tried to persuade Respondent Thad Woodin to remove them. Mr. Lanzafame asserted that all unauthorized fill belongs to Respondent Thad Woodin and advised staff on who owned the respective properties. (VR&C Exhibit 5).

On October 15, 2024, Andrew Kershen from the State Lands Commission confirmed via email that the State Lands Commission has jurisdiction within the Montezuma Slough adjacent to Respondent Thad Woodin's property, up to the mean high tide line. However, Mr. Kershen

asserted that the State Lands Commission does not have jurisdiction within Van Sickle Island. (VR&C Exhibit 6).

On August 26, 2017, the Solano County Sheriff's Office responded to a report of Respondent Thad Woodin's barge sinking in the Montezuma Slough. The Sheriff's Office found in its report of the incident that Respondent Thad Woodin was solely and completely responsible for the sinking of his barge and that the barge was moored via insufficient means to prevent the barge from breaking loose from its mooring location. (VR&C Exhibit 7).

On November 12, 2024, Solano County Marine Patrol took underwater images of Respondent Thad Woodin's sunken barge and subsequently provided these images to BCDC staff on November 13, 2024. (VR&C Exhibit 7).

Respondent Thad Woodin alleged to staff that one of The Dutra Group's (Dutra) vessels struck his barge and caused the barge to sink. On May 22, 2025, John Wyma-Hughes, a Risk Manager for Dutra, via email denied any involvement in or liability arising from the sinking of Respondent Thad Woodin's barge. Staff reviewed daily logbook entries provided by Dutra for the tug Sarah Reed, the only Dutra vessel which traversed the Montezuma Slough at the time Respondent Thad Woodin's barge sank, and found no evidence that Dutra was responsible for the causing the barge to sink. (VR&C Exhibit 7).

On November 15, 2024, staff discussed the unauthorized fill with Respondent Thad Woodin and advised him that he needed to remove all items from BCDC's jurisdiction. Respondent Thad Woodin acknowledged owning the sunken barge, the car and trailer on his parcel, and the two largest boats parked on the levee. He also acknowledged placing the partially submerged recreational vessel in its present location but accused the Solano County Sheriff's Office of sinking it without providing any evidence. Respondent Thad Woodin said that he has equipment to remove the fill and would do so. (VR&C Exhibit 8). In an email on November 26, 2024, he denied owning a small white recreational vessel with a blue hull that is on his property.

On February 5, 2025, staff mailed initial contact letters to Respondents Steve and Lesley Belcher, Allen Kanady, and Bill Woodin describing the unauthorized fill and advising that each respondent "must clear all illicit items of fill from your parcel." On February 21, 2025, BCDC staff issued an initial contact letter to Respondent Kittrell Estate describing the unauthorized fill and also advising that the respondent "must clear all illicit items of fill from your parcel." (VR&C Exhibit 8).

On April 8, 2025, Solano County Marine Patrol Sgt. Brady Graham advised staff that Solano County had applied for a grant to remove Respondent Thad Woodin's barge from the Montezuma Slough.

BCDC staff conducted a site visit on April 11, 2025, with Respondent Thad Woodin to walk the levee and identify his items. Respondent Thad Woodin reconfirmed ownership of all items except for a small recreational vessel on his parcel. Respondent Thad Woodin offered to remove all items except for the sunken barge, including the vessel that he claims not to own. (VR&C Exhibit 9).

Prior to July 8, 2025, Respondents failed to demonstrate that the unauthorized fill identified in Violations One through Six was removed from BCDC's Bay and shoreline band jurisdiction and from the Primary Management Area. 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.

On July 9, 2025, Respondents Steve and Lesley Belcher emailed photographs to BCDC staff demonstrating that the unauthorized fill identified in Violation Three had been removed from their property and placed onto Respondent Thad Woodin's parcel. On August 1, 2025, BCDC staff conducted a site visit to the properties and confirmed that the unauthorized fill identified in Violation Three was still in BCDC's shoreline band jurisdiction and the Primary Management Area. BCDC staff also discovered that the two boats identified in Violation Four were removed from BCDC's jurisdiction, while the Argo and large lawnmower identified in Violation Four remained on Respondent Allen Kanady's property. Finally, BCDC staff discovered that the unauthorized fill identified in Violation Six was removed from Respondent Kittrell Estate's property and placed onto Respondent Thad Woodin's parcel.

On July 14, 2025, Respondent Allen Kanady submitted his Statement of Defense ("SOD") form. On August, 5, 2025, Respondent Bill Woodin submitted his SOD form. On August 8, 2025, Respondent Kittrell Estate submitted its SOD form. On August 12, Respondents Steve and Lesley Belcher submitted their SOD form. Thad Woodin did not submit a SOD.

On August 6, 2025, Deputy Sheriff Michael Urlaub from the Solano County Sheriff's Office via email provided BCDC staff with additional information regarding when Solano County may expect to hear back regarding the results of the funding application to remove Respondent Thad Woodin's sunken barge. According to Deputy Sheriff Urlaub, Solano County expects to hear if it received funding to remove the sunken barge within four to six months from September 2025. If Solano County receives the funding, removal of the sunken barge is likely to occur in late summer of 2026. (Exhibit E).

On August 12, 2025, BCDC staff discovered that one item of unauthorized fill identified in Violation 5 (a silver car) had been removed from Respondent Bill Woodin's parcel and BCDC's jurisdiction but the other items remained. Staff also discovered that one of the boats identified in Violation 4 that appeared to have been removed was placed back on Respondent Allen Kanady's parcel and the Argo and some trash remained. Staff confirmed that the unauthorized fill identified on Respondent Thad Woodin's parcel in Violation 2, in addition to the two boats that Respondents Steve and Lesley Belcher moved onto his parcel (Violation 3), remained.

The Violation Report & Complaint issued on July 8, 2025, made six essential allegations, as follows:

A. **Violation One**. Respondent Thad Woodin is violating Section 66632(a) of the McAteer-Petris Act and Section 29500 of the Suisun Marsh Preservation Act for the placement of unauthorized fill consisting of: (1) 68- x 33-foot barge at the bottom of the Montezuma Slough, about 50 feet south of Thad Woodin's home on Van Sickle Island and under about

19 feet of water; and (2) a mostly submerged 20- to 25-foot-long recreational vessel about 10 feet away from the Kittrell Estate's parcel. (VR&C Exhibit 7).

B. **Violation Two**. Respondent Thad Woodin is violating Section 66632(a) of the McAteer-Petris Act and Section 29500 of the Suisun Marsh Preservation Act for the placement of unauthorized fill consisting of an abandoned car, silver trailer, and boat, in addition to plastic containers and other trash. (VR&C Exhibits 2, 3, 4, and 5).

C. **Violation Three**. Respondents Steve and Lesley Belcher and Thad Woodin are violating Section 66632(a) of the McAteer-Petris Act and Section 29500 of the Suisun Marsh Preservation Act for the placement of unauthorized fill consisting of: (1) a small, blue recreational vessel, close to the levee road and (2) a recreational vessel near Thad Woodin's house that is located on both the Belchers' and Thad Woodin's parcels. (VR&C Exhibits 3 and 4).

D. **Violation Four**. Respondents Allen Kanady and Thad Woodin are violating Section 66632(a) of the McAteer-Petris Act and Section 29500 of the Suisun Marsh Preservation Act for the placement of unauthorized fill consisting of an Argo (small amphibious craft), two boats, and a large lawn mower placed close to the levee road. (VR&C Exhibits 3 and 4).

E. **Violation Five**. Respondents Bill Woodin and Thad Woodin are violating Section 66632(a) of the McAteer-Petris Act and Section 29500 of the Suisun Marsh Preservation Act for the placement of unauthorized fill consisting of a green truck, an automobile, four boats, and an ATV. All are close to the levee road. (VR&C Exhibits 3 and 4).

F. **Violation Six**. Respondents Kittrell Estate and Thad Woodin are violating Section 66632(a) of the McAteer-Petris Act and Section 29500 of the Suisun Marsh Preservation Act for the placement of unauthorized fill consisting of a silver truck placed close to the levee road. (VR&C Exhibits 3 and 4).

As a result of Respondents' failure to remove the unauthorized fill despite multiple attempts by BCDC staff formally requesting Respondents to do so, BCDC staff was left with no other option than to commence formal enforcement proceedings to resolve these violations.

On August 15, 2025, BCDC mailed an initial Recommended Enforcement Decision to the Enforcement Committee. At that time, Respondents failed to resolve in full all six allegations outlined in the Violation Report and Complaint.

On August 26, 2025, the enforcement hearing scheduled for August 27, 2025, was postponed to October 22, 2025, to accommodate for a respondent's medical emergency. All respondents agreed to waive the 60-day time period to hold the hearing pursuant to Government Code section 66641.6(b) (Exhibits J1-J5).

On August 29, 2025, Respondent Allen Kanady submitted photographs to BCDC staff via email claiming that the unauthorized fill that belonged to Respondent Thad Woodin had been removed

from his property and placed onto Thad Woodin's property (Exhibit K). On September 22, BCDC staff via a site visit verified a claim by Bill Woodin that the unauthorized fill was simply moved from Mr. Kanady's property to Bill Woodin's property (Exhibit L).

Admitted and Contested Essential Allegations

The following Respondents filed a Statement of Defense (SOD): Allen Kanady by email, received July 14, 2025; Bill Woodin by mail, received August 5, 2025; Todd Trost, on behalf of the Kittrell Estate, by email, received August 8, 2025; and Lawrence Bazel, on behalf of the Belchers, by email, received August 12, 2025 (including declarations by the Belchers' attorney Lawrence Bazel and by Steve Belcher). (Prior, respondents Steve and Lesley Belcher also contacted BCDC on July 9, 2025, via email correspondence with certain arguments.)

On August 18, 2025, BCDC received a SOD from Respondent Thad Woodin. Because the SOD was submitted after the 35-day deadline in which a respondent may submit an SOD, the SOD is untimely filed and should not be considered by the Enforcement Committee. However, BCDC staff prepared responses to Respondent Thad Woodin's SOD in the event the Enforcement Committee wishes to consider his arguments.

Respondent Allen Kanady admits that he owns the parcel identified by APN 0090-120-190. Respondents Steve and Lesley Belcher admit that one of the recreational vessels (a "blue boat") identified in Violation Three was "within our property boundaries." Respondent Bill Woodin admits that he owns the parcel identified by APN 0090-120-170.[1] Respondent Bill Woodin further admits that the fill identified in Violation Five is on his property. Respondent Kittrell Estate admits that BCDC Enforcement Analyst Anne Usher informed them of the silver truck being partially on their property, based upon identification of their property as further informed by aerial photographs. Respondent Belchers admit they own property on Van Sickle Island and that a blue boat was on that property until they removed it.

Respondent Thad Woodin admits that all items on neighboring parcels were his ("If an alleged violation was committed on my nearby neighboring parcels of Belch[e]r, Kanady, K[it]trel[l] or Woodin, the items that allegedly cross this were mine and mine alone").

Defenses and Mitigating Factors

Respondents Allen Kanady, Bill Woodin, Steve and Lesley Belcher, and the Kittrell Estate filed respective Statements of Defense (SOD) on or before August 12, 2025. In the case of the Belchers, they also filed along with their SOD declarations by their attorney Lawrence Bazel and by Steve Belcher. (Respondent Belchers also contacted BCDC on July 9, 2025 with photographs demonstrating that the unauthorized fill identified in Violation Three had been removed from

[1] Regrettably, the Violation Report and Complaint included the incorrect APN for a different parcel also owned by Respondent Bill Woodin. On July 17, 2025, BCDC staff clarified with Respondent Bill Woodin via email and phone call that the correct APN is 0090-120-170.

their property and placed onto Respondent Thad Woodin's property.) Respondents made the following affirmative arguments:

1. Respondent Kanady states that he "ha[s] no knowledge of any" allegations included in the Violation Report and Complaint and that he "ha[s] not visited [his property] in 20 years, so [he] ha[s] no knowledge of the current condition".

2. Respondent Kanady states that "if the items on [his] property are owned by Thad Woodin, he acknowledged ownership of said items, and states that he will take responsibility for their removal" then Mr. Kanady should not have to take responsibility for the violation.

3. Respondent Bill Woodin states that he "personally never deposited any fill" on his property and that he has "no knowledge" as to "when and by whom deposited material" came to be on his property.

4. Respondent Kittrell Estate states that "the silver truck is not owned by any family member of the Kittrell Estate nor was it placed onto the Kittrell Estate property by any family member."

5. Respondent Kittrell Estate states that they "had no confirmed knowledge of where the property line was located" and that "there seems to be a question on the exact location of the property line from the emails between Anne Usher and Chris Rodgers" such that BCDC "is saying that Thad's truck is partially on our property but [BCDC's] evidence of the location of the property lines could be flawed."

6. Respondent Kittrell Estate states that they were notified on February 28, 2025 of the silver truck being partially situated on the Kittrell Estate's property but did not remove the truck to Thad Woodin's adjoining property until July 26, 2025 because they were also told they "needed to wait until the levee was completely dried so that there would be no damage to the already failing levee" and "that Thad Woodin stated he was going to work on removing his vehicles, etc. [so] some time was spent waiting for Thad to move his silver truck on his own."

7. Respondent Kittrell Estate states that "we have complied within the 35 days of your request to remove the silver truck of your letter of July 8, 2025, even though it wasn't our truck and our responsibility."

8. Respondent Kitrell Estate states that "we were not informed that if we removed the truck from our property that we could still be fined."

9. Respondents Steve and Lesley Belcher demonstrated that they have removed the unauthorized fill identified in Violation Three off of their property and onto Respondent Thad Woodin's property.

10. Respondent Steve and Lesley Belcher state that "promissory estoppel binds BCDC to its promise not to impose fines."

11. Respondent Steve and Lesley Belcher state that "consistent with *Leslie Salt* [*Leslie Salt v. BCDC* (1984) 153 Cal.App.3d 605], the Belchers cannot be penalized because they acted within a reasonable time."

12. Respondent Steve and Lesley Belcher state that "the Belchers cannot be penalized for the white boat because it was not on their land."

13. Respondent Steve and Lesley Belcher state that "BCDC has not complied with [Government Code] §66640.1 [of the McAteer-Petris Act]."

14. Respondent Steve and Lesley Belcher state that "facts alleged in the Violation Report should not be admitted because they were not supported by declarations."

15. Respondent Steve and Lesley Belcher state that "BCDC's penalties violate due process because they fund BCDC."

16. Respondent Steve and Lesley Belcher state that "BCDC regulations violate due process because they prevent effective cross-examination."

17. Respondent Thad Woodin denies the allegations based on his belief that the items "do not constitute fill."

18. Respondent Thad Woodin states that when he "purchased the property…each and every parcel I own has grandfathered in boat dock, house, 1947 truck [and] two tractors." Additionally, Thad Woodin states that the "parcel 180" was "used as a parking lot" and "California's 72 hr abandonment laws are untried or mitigated in a court."

19. Respondent Thad Woodin states that he is a "disabled" 62-year-old on a "retired fixed income." A fine would create an "adverse condition" in his life.

20. Respondent Thad Woodin states that "BCDC Anne met with me and said do not jeopardize levee" and "gave me all summer to clean up."

21. Respondent Thad Woodin requested confirmation whether this matter has "been brought before a judge before."

22. Respondent Thad Woodin requested an opportunity to cross-examine Anne Usher seemingly about her determination regarding measurements (although the SOD is indecipherable on this point), alleging that "this entire report is biased half truths."

Staff Rebuttal

1. **Respondent Kanady states that he "ha[s] no knowledge of any" allegations included in the Violation Report and Complaint and that he "ha[s] not visited [his property] in 20 years, so [he] ha[s] no knowledge of the current condition."** BCDC may hold a landowner strictly responsible for unauthorized bay fill placed on their property by third persons. (*Leslie Salt Co. v. San Francisco Bay Conservation and Development Com.* (1984) 153 Cal.App.3d 605, 612-618; Exhibit D). In *Leslie Salt,* the Court of Appeal analyzed section 66638 of the McAteer-Petris Act (MPA) which authorizes BCDC to issue cease and desist orders against any person or governmental agency that "has undertaken, or is threatening to undertake, any activity" that requires a BCDC permit. *Id.* at 612. Recognizing that denying BCDC's ability to utilize its enforcement devices against landowners whose property contains fill placed there by others in violation of the MPA would materially impair BCDC's ability to prevent and remedy haphazard and detrimental filling of the Bay, the court concluded that BCDC's ability to issue cease and desist orders extends to landowners regardless of whether they actually placed the fill or had any knowledge of the existence of the fill activities. *Id.* at 605, 617. While the court in *Leslie Salt* refers specifically to BCDC's enforcement authority to issue cease and desist orders, this reasoning logically applies also to another of BCDC's enforcement devices, the imposition of administrative civil liability.

2. **Respondent Kanady states that "if the items on [his] property are owned by Thad Woodin, he acknowledged ownership of said items, and states that he will take responsibility for their removal" then Mr. Kanady should not have to take responsibility for the violation**. See the response to #1.

3. **Respondent Bill Woodin states that he "personally never deposited any fill" on his property and that he has "no knowledge" as to "when and by whom deposited material" came to be on his property.** See response to #1.

4. **Respondent Kittrell Estate states that "[t]he silver truck is not owned by any family member of the Kittrell Estate nor was it placed onto the Kittrell Estate property by any family member."** See response to #1.

5. **Respondent Kittrell Estate states that they "had no confirmed knowledge of where the property line was located" and that "there seems to be a question on the exact location of the property line from the emails between Anne Usher and Chris Rodgers" such that BCDC "is saying that Thad's truck is partially on our property but [BCDC's] evidence of the location of the property lines could be flawed."** Respondent Kittrell Estate questions the evidentiary sufficiency of BCDC staff's determination that the silver truck was situated at least partially upon the Kittrell Estate's property, but without providing any contrary evidence to rebut BCDC staff's determination and underlying evidence. See response to #5.

6. **Respondent Kittrell Estate states that they were notified on February 28, 2025, of the silver truck being partially situated on the Kittrell Estate's property but did not remove the truck to Thad Woodin's adjoining property until July 26, 2025, because they were also told they "needed to wait until the levee was completely dried so that there would be no damage to the already failing levee" and "that Thad Woodin stated he was going to work on removing his vehicles, etc. [so] [s]ome time was spent waiting for Thad to move his silver truck on his own."** See response to #4.

7. **Respondent Kittrell Estate states that "[w]e have complied within the 35 days of your request to remove the silver truck of your letter of July 8, 2025, even though it wasn't our truck and our responsibility."** Respondent Kittrell Estate mistakenly cites to the 35-day deadline identified in the Violation Report and Complaint for Administrative Civil Liability that was sent to Respondents on July 8, 2025, which deadline applies to the filing of the Statement of Defense form.

8. **Respondent Kitrell Estate states that "[w]e were not informed that if we removed the truck from our property that we could still be fined."** See response to #3.

9. **Respondents Steve and Lesley Belcher demonstrated that they have removed the unauthorized fill identified in Violation Three off of their property and onto Respondent Thad Woodin's property.** BCDC staff confirmed on August 1, 2025, that the unauthorized fill is on Respondent Thad Woodin's property but is still located within BCDC's shoreline band jurisdiction and the Primary Management Area. Therefore, while the Belchers no longer must take further action to resolve Violation Three, Respondent Thad Woodin remains responsible for removing the unauthorized fill to a legal disposal site or a location outside of BCDC's jurisdiction. The Belchers remain liable for any administrative civil penalties associated with the time period during which the fill was on their property.

10. **Respondent Steve and Lesley Belcher state that: "promissory estoppel binds BCDC to its promise not to impose fines"; "BCDC made a promise to the Belchers (they could remove the blue boat in summer without being fined); it should reasonably have expected that promise induce reliance (the Belchers would wait until summer, when it was safe to remove the boat); the Belchers did in fact detrimentally rely on the promise, and BCDC violated its promise (it imposed a fine)"; "fining people for not removing a boat *when it is unsafe to do so* is not in the public interest. Nor is it in the public interest to fine people who are cooperating with BCDC"; and "BCDC should not penalize people who cooperate."** The elements of promissory estoppel are not present here. Respondent Belchers have not even established the existence of a "promise," which must be "clear and unambiguous in its terms," and because "estoppel cannot be established from preliminary discussions and negotiations." (*Garcia v. World Savings, FSB* (2010) 183 Cal.App.4th 1031, 1044.) Furthermore, "the unauthorized promise of an employee does not constitute grounds for an estoppel as to the governmental body by which he or she is employed where the means and limitations on its power to act are prescribed by statute." (*Page v. City of Montebello* (1980) 112 Cal.App.3d 658, 669.) Even accepting the allegation in

Respondent Steve Belcher's Declaration that on February 12, 2025 "[Anne Usher] agreed that it would be fine to remove the boat during that timeframe [late spring or early summer] and that there would be no fines or penalties if I did so [wait until then to remove the blue boat]," it is clear that any such suggestion was part of preliminary discussions and negotiations by a staff-level employee. Respondent Steve Belcher's Declaration acknowledges that this telephone conversation occurred on the same day that he received the Initial Contact Letter, which was signed by Anne Usher and in the second-to-last paragraph states: "While this letter does not commence a formal enforcement proceeding, ***we reserve the right to take formal action, including imposing fines or penalties***." (Emphasis added.) Given this express reservation of rights to pursue enforcement, it was not reasonable for Respondent Belchers to have relied upon any suggestion made in the telephone conversation with same BCDC staff who had provided a letter that directly conflicts with any such suggestion. At a minimum, this obvious discrepancy should have put Respondent Belchers on notice that there was no "clear and unambiguous" promise here. Furthermore, unlike *US Ecology, Inc. v. State of California*, 92 Cal.App.4th 113, the primary legal authority that Respondent Belchers cite to in support of their claim of promissory estoppel, critically missing from Respondent Belchers' claim of promissory estoppel is any elaboration as to how "the Belchers did in fact detrimentally rely on the promise." Legal Finding CCC of the Civil Penalty Order expressly adjusts downward 20% the administrative civil penalty amount "on the basis of degree of culpability" and an ***additional*** 20% "on the basis of efforts to cooperate for Violation Three. Thus, Respondent Belchers' cooperative action in waiting to remove the blue boat until safe to do so in the summer has been taken into account in proposing a reduced penalty.

11. **Respondent Steve and Lesley Belcher state that: "consistent with *Leslie Salt* [*Leslie Salt v. BCDC* (1984) 153 Cal.App.3d 605], the Belchers cannot be penalized because they acted within a reasonable time"; "as *Leslie Salt* explains, however, landowners are liable for failure to act *only if after a reasonable opportunity* they do not take reasonable steps"; and "here, the Belchers took reasonable steps (they removed the boats) within a very reasonable time (when the levee was dry enough to be safe). Consistent with *Leslie Salt*, therefore, they are not liable under § 66632(a)."** In quoting *Leslie Salt*, Respondent Belchers omit a critical portion of the court's statement: "(a) the possessor knows or should know of the condition and the nuisance or unreasonable risk of nuisance involved, and (b) he knows or should know that it exists without the consent of those affected by it…" (153 Cal.App.3d 605, 619.) With this in mind, the court stated: "By the same reasoning, ***an owner of land*** such as Leslie, which independently knows or ***certainly should know*** if [sic] the existence of several hundred tons of detritus and other fill materials on its land, and which has in any event received notice thereof from BCDC, has the right to control such placement and may therefore be deemed a person who 'undertakes' that unlawful act within the meaning of the McAteer-Petris Act. (§ 66638.)" (*Id*. at 621.) As the property owner, Respondent Belchers should be deemed to have "constructive notice" (*i.e.*, should have known) that boats were situated upon their property as unpermitted fill. In *City of Turlock v. Bristow* (1930) 103 Cal.App. 750, the property owners contended that they were not served notice to abate a nuisance, which they alleged is a prerequisite to

instituting an action for abatement. (*Id*. at 755.) In rejecting this argument, the court stated: "This was a continuing, visible, public nuisance which was permitted by the defendants to exist for many years. Under such circumstances they will be deemed to have had knowledge of the nuisance and notice thereof" and "[n]o specific notice to abate the nuisance in this case was necessary." (*Id*. at 755-56.) Similarly here, the abandonment of the blue boat on Respondent Belchers' property constituted a continuing, visible, violation of BCDC's laws as unpermitted fill, which Respondents allowed to exist for many years. As reflected in Exhibit 3 of the Violation Report, BCDC staff documented abandonment of the blue boat on Respondents' property as of November 23, 2022. Under these circumstances, Respondents should be deemed to have had knowledge of the abandoned blue boat as unpermitted fill and notice thereof. Therefore, Respondent Belchers may be deemed a person who undertakes an unpermitted activity for purposes of Government Code sections 66632(a) and 66638(a) and may be subject to administrative civil liability "for each day in which that violation occurs or persists" as measured back starting from November 23, 2022. However, as explained in Legal Finding CCC of the Civil Penalty Order, BCDC staff proposes adjusting downward the administrative civil liability by 20% because "staff communicated to Respondents Steve and Lesley Belcher that they should not remove the unauthorized fill until it was safe and environmentally responsible to do so (*i.e.*, late spring or summer)." As noted above in Staff Rebuttal 10, Respondent Belchers' cooperative action in waiting to remove the blue boat until safe to do so in the summer has been taken into account in proposing a reduced penalty.

12. **Respondent Steve and Lesley Belcher state that: "the Belchers cannot be penalized for the white boat because it was not on their land"; "[the Solano County Parcel Viewer] map shows that it is outside the boundaries of the Belchers' property. The Belchers are not arguing that the map correctly shows where the true boundary is. On the contrary, the map appears to be wrong. But if the map is wrong it is not reliable evidence and should not be admitted"; and "the Belchers have submitted their own evidence, which is derived from the property description in their grant. That evidence shows that the white boat is well outside the boundary of their property."** Respondent Belchers offer an alternative methodology for determining the parcel boundaries based on "correspondence with a surveyor that one of their parcel corners is 50 feet from the centerline of a railway trestle that can be seen on Google Earth." However, the legal description of the parcel attached as Exhibit A of the grant deed (Exhibit F) makes no reference to the corner of Respondent Belchers' parcel being 50 feet from the centerline of a railway trestle, so the methodology used to measure "the 450-foot length in their grant deed" was not fully and solely "determined from the description in the grant deed." To the extent that Respondent Belchers' SOD disputes the extent of their property boundary that runs parallel to Montezuma Slough, the legal description in the grant deed specifies that this boundary runs "along [the] high water line." Therefore, the property boundary that runs parallel to Montezuma Slough would be much closer to (abutting) the slough than how the parcel line boundaries are depicted in the Solano County parcel viewer and on that basis would include the white boat. (This assumes that the parcel boundary line perpendicular to the waterline of Montezuma Slough is accurate as depicted in the Solano County parcel viewer,

which BCDC staff acknowledges that Respondent Belchers dispute.) Regardless, even if the white boat were to be discounted from the Violation Report and Civil Penalty Order, any such concession would not materially alter the proposed Civil Penalty Order because the administrative civil penalty amount assessed against Respondent Belchers could still be determined solely on the basis of the violations associated with the blue boat.

13. **Respondent Steve and Lesley Belcher state that: "BCDC has not complied with [Government Code] §66640.1 [of the McAteer-Petris Act]"; "there is no evidence that BCDC has complied with any of these [subdivisions (a)-(d) of section 66640.1], and some evidence showing that it has violated subsections (c) and (d)"; and "the penalty matrix, required by subsection (c), is found in BCDC's Appendix J, its Administrative Civil Penalty Policy. The Violation Report provides a 'summary of the penalty calculation methodology,' but does not implement it."** Preliminarily, Government Code section 66640.1 ("Section 66640.1") does not provide a basis for undermining the validity of the Civil Penalty Order depending on whether BCDC has complied with Section 66640.1 or not. Even if BCDC had not complied with Section 66640.1, which it has, this statutory provision does not specify as a consequence that any future Civil Penalty Orders are deemed invalid or vacated. Consider that during the pendency of the 2020-21 fiscal year, when BCDC was to comply with the requirements of Section 66640.1, BCDC was still able to and in fact did pursue enforcement cases. In any case, BCDC has complied with Section 66640.1. A 2022 Q1/Q2 program update was provided by the then-Enforcement Policy Manager to the Commission at its July 7, 2022, meeting, the first Enforcement program update to the Commission following the deadline set in Section 66640.1. (Exhibit G) Slide 2 entitled "Practical Effects of Procedural Improvements" specifically references "Case Review Procedure," which directly pertains to the "procedure to ensure that managers perform a documented review of staff decisions in enforcement cases" per subdivision (a) of Section 66640.1. Slide 2 also references "Case Management Procedure Milestones," and Slide 3 entitled "Case Management Improvements" specifically references "Enforcement Regulations revisions," which directly pertains to "timeliness for resolving enforcement cases" per subdivision (b) of Section 66640.1. As admitted by Respondent Belchers, the penalty matrix required by subdivision (c) of Section 66640.1 is found at 14 CCR, Div. 5, App. J, BCDC's "Administrative Civil Penalty Policy." This policy satisfies subdivisions (c) and (d) of Section 66640.1, which require "a penalty matrix for assessing fines and civil penalties" and "a method for assessing civil penalties in cases involving multiple violations", respectively. While Respondent Belchers disputes the penalty calculation methodology as applied to them, the assertion that the Violation Report "does not implement [the Administrative Civil Penalty Policy]" is inaccurate. Each required step of the policy that Respondent Belcher criticizes as "not applied to the Belchers" is in fact applied in the Civil Penalty Order. The Civil Penalty Order speaks for itself in that regard: step 1 (total initial base penalty and adjustments specific to violator) is reflected in Legal Findings HH and TT; step 2 (degree of culpability) is reflected in Legal Findings MM and CCC; steps 3 (history of violations) and 4 (voluntary removal efforts and cooperation) are also reflected in Legal Finding CCC.

14. **Respondent Steve and Lesley Belcher state that: "facts alleged in the Violation Report should not be admitted because they were not supported by declarations"; and "the only people who can be cross-examined are those whose testimony is in a declaration. That makes sense because BCDC should be considering only evidence submitted under penalty of perjury."** The logical conclusions drawn by Respondent Belchers are both unnecessary and flawed. Respondent Belchers are correct that BCDC's regulations pertaining to enforcement hearing procedure specifically states: "Neither cross-examination nor direct examination shall be allowed of any person who has not submitted a declaration under penalty of perjury which has become part of the enforcement record…" (14 CCR § 11327(g).) However, the legal conclusion that Respondent Belchers draw from this fact is wholly unsubstantiated. Notwithstanding Respondent Belchers' unsubstantiated assertion, BCDC's regulations on admissibility of evidence in enforcement proceedings states: "***Any relevant evidence shall be admitted*** if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule that might make improper the admission of such evidence over objection in civil actions." (14 CCR § 11329(a) [emphasis added].) In other words, the rules of evidence which may apply in a civil court action do not govern BCDC administrative enforcement proceedings. Furthermore, this regulation cites as a reference authority Evidence Code section 351, which states: "Except as otherwise provided by statute, all relevant evidence is admissible." In line with this rule, 14 CCR section 11329(b) of BCDC's regulations allow for consideration of hearsay evidence. This regulation states that hearsay evidence "may be admitted and used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in a civil action or unless it is in the form of a declaration under penalty of perjury and the declarant is subject to cross-examination…" Therefore, Respondent Belchers' assertion that "BCDC should be considering only evidence submitted under penalty of perjury" is only accurate in relation to ***hearsay evidence that might otherwise be relied upon to support a finding***.

15. **Respondent Steve and Lesley Belcher state that: "BCDC's penalties violate due process because they fund BCDC"; and, quoting a US Supreme Court case, *Ward v. Village of Monroeville, Ohio*, 409 US 57 ("*Ward*"), "when a government official imposes penalties that go to fund that government agency, it creates a situation in which an official perforce occupies two practically and seriously inconsistent positions, one partisan and the other judicial, and necessarily involves a lack of due process of law in the trial of defendants charged with crimes before him."** The quote in Respondent Belchers' SOD to a portion of *Ward* is factually inapposite to the current situation. The context for the quote pertained to a situation where a mayor is vested with both judicial power, including fees and costs levied against alleged violators, as well as executive power, including responsibilities for village finances. However, the US Supreme Court distinguished that scenario from another case ("*Dungan*") in which a mayor had judicial functions, but very limited executive authority because a city manager, together with a five-member city commission for which the mayor was also a member, "exercised all executive powers." (*Id*. at 60-61.) The US Supreme Court concluded: "In those circumstances, this Court held that

the Mayor's relationship to the finances and financial policy of the city was too remote to warrant a presumption of bias towards conviction in prosecutions before him as judge." (*Id*.) This situation is like *Dungan* and not at all like *Ward*. Respondent Belchers' claim that BCDC enforcement procedures violate due process on the basis of Government Code section 66647 ("Section 66647") is flawed. First, subdivision (a) expressly states: "***There is in the State Treasury*** a Bay Fill Clean-Up and Abatement Fund" (emphasis added). The moneys collected civilly under enforcement proceedings are not even paid to BCDC, but to the State Treasury. Furthermore, subdivision (b) limits money paid into this fund for use by BCDC "when appropriated by the Legislature," indicating that BCDC does not have control of the money paid into the fund, which must be appropriated by the Legislature. Unlike *Ward*, there is no "union of the executive power and the judicial power" in the Commission with respect to imposing administrative civil liability and using money appropriated by the Legislature from the Bay Fill Clean-Up and Abatement Fund. Rather, like *Dungan*, the Commission's relationship to using money appropriated from that fund is too remote to warrant a presumption of bias towards considering Civil Penalty Orders before the Commission in enforcement proceedings. In any event, subdivision (a)(3) of section 66647 expressly identifies "moneys collective civilly under any proceeding brought pursuant to [the MPA and SMPA]" as money sources to be paid into the fund. So, to the extent Respondent Belchers allege this setup violates due process, they are attacking the constitutionality of a statutory provision of the MPA. It is settled law that "Statutes are presumed to be constitutional and will be given a construction consistent with validity if at all possible." (*Tos v. State* (2021) 72 Cal.App.5th 184, 195.)

16. **Respondent Steve and Lesley Belcher state that: "BCDC regulations [14 CCR § 11322(b)] violate due process because they prevent effective cross-examination"; "this regulation prevents respondents from using cross-examination effectively. Because the witness knows what questions are coming, the witness can prepare beforehand"; and "this regulation is inconsistent with Evidence Code § 769, which specifies that 'In examining a witness concerning a statement or other conduct by him that is inconsistent with any part of his testimony at the hearing, it is not necessary to disclose to him any information concerning the statement or other conduct."** Respondent Belchers' arguments presuppose, without any justification, that BCDC's administrative enforcement hearing procedures must adhere to judicial hearing procedures in a court of law. The law is clearly contrary to Respondent Belchers' assertion: "There is no requirement under California law that, in an administrative hearing, an accused is entitled to cross-examine witnesses." (*Doe v. Regents of University of California* (2016) 5 Cal.App.5th 1055, 1084 ["*Doe*"].) Even more directly on point, in the nuisance context (to which Respondent Belchers appeal – *see* Staff Rebuttal 11 above), a court held: "Balancing the probable value, if any, of a right of cross-examination in administrative nuisance abatement proceedings against the fiscal and administrative burdens that cross examination would entail [citations omitted], we conclude that such a right is not mandated by the due process clause." (*Mohilef v. Janovici* (1996) 51 Cal.App.4th 267, 301.) Here, BCDC's regulations actually do afford a limited opportunity for cross-examination and are otherwise consistent with the aforementioned judicial principles. While subdivision (b) of 14 CCR section 11322 ("Section 11322") allows a

respondent to request cross-examination, subdivision (b) of 14 CCR section 11329 limits respondent's ***right*** to cross-examination to a declarant who introduces evidence into the record in the form of a declaration under penalty of perjury. This right to cross-examine a declarant is intended to provide a fair procedure by which Respondent Belchers may question the declarant's statements. Furthermore, the parameters governing the ability to cross-examine that Respondent Belchers criticize in subdivision (b) of Section 11322 are intended to reasonably balance the probable value of cross-examination against the burdens that cross-examination would entail. For the above reasons, Respondent Belchers' request to cross-examine BCDC staff should be rejected in full. None of the subjects that Respondent Belchers desire to cross-examine BCDC staff about constitute hearsay evidence. Nor has any BCDC staff submitted declarations under penalty of perjury, a necessary precondition in order for a respondent to request cross-examination pursuant to subdivision (b) of Section 11322 and subdivision (g) of 14 CCR section 11327. Nor has Respondent Belchers even satisfied the specific elements required in subdivision (b) of Section 11322 to request cross-examination, including among other things "the reasons the respondent believes that the information can best be provided by cross-examination rather than by the submittal of declarations or other written evidence." Finally, "as a general proposition, administrative regulations are said to be 'shielded by a presumption of regularity' and presumed to be 'reasonable and lawful.' The party challenging such regulations has the burden of proving otherwise." (*Foster v. Britton* (2015) 242 Cal.App.4th 920, 933.) In light of the above discussion, Respondent Belchers have not satisfied their burden of proving that BCDC's regulations violate due process.

17. **Respondent Thad Woodin denies the allegations based on his belief that the items "do not constitute fill."** The McAteer-Petris Act defines fill as "earth or any other substance or material, including pilings or structures placed on pilings, and structures floating at some or all times and moored for extended periods, such as houseboats and floating docks." (Cal. Gov. Code § 66632(a).) Therefore, the items identified in the Violation Report are "fill" subject to the McAteer-Petris Act.

18. **Respondent Thad Woodin states that when he "purchased the property…each and every parcel I own has grandfathered in boat dock, house, 1947 truck [and] two tractors." Additionally, Thad Woodin states that the "parcel 180" was "used as a parking lot" and "California's 72 hr abandonment laws are untried or mitigated in a court."** While BCDC staff is unclear about the precise meaning of "grandfathered in," at no time did his parcel obtain a BCDC permit authorizing the placement of the unauthorized fill. Regardless of the history of the parcel or its intended use by the property owner, Thad Woodin must abide by BCDC's laws and policies. At issue is his noncompliance with the McAteer-Petris Act and Suisun Marsh Preservation Act.

19. **Respondent Thad Woodin states that he is a "disabled" 62-year-old on a "retired fixed income." A fine would create an "adverse condition" in his life.** BCDC staff has not received any supporting documentation which would show an inability to pay, as required under Appendix J of BCDC regulations so this claim may not be fully assessed. (14 CCR Div.

5 App. J.) However, administrative civil penalties are warranted where Mr. Woodin has continued to violate BCDC laws and policies since November 2022, and August 2017 for Violation One.

20. **Respondent Thad Woodin states that "BCDC Anne met with me and said do not jeopardize levee" and "gave me all summer to clean up."** BCDC staff has taken into account the safety issues associated with removing the fill during certain times of the year on account of the levee and recommend in part on that basis a reduced penalty.

21. **Respondent Thad Woodin requested confirmation whether this matter has "been brought before a judge before."** Because this is an administrative proceeding, this matter has not been filed in a court of law.

22. **Respondent Thad Woodin requested an opportunity to cross-examine Anne Usher seemingly about her determination regarding measurements (although the SOD is indecipherable on this point), alleging that "this entire report is biased half truths."** While Section 11322(b) of BCDC regulations allows a respondent to request cross-examination, Section 11329(b) limits respondent's right to cross-examination to a declarant who introduces evidence into the record in the form of a declaration under penalty of perjury. Thad Woodin's request to cross-examine BCDC staff should be rejected in full. None of the subjects that Thad Woodin desires to cross-examine BCDC staff about constitute hearsay evidence. Nor has any BCDC staff submitted declarations under penalty of perjury, a necessary precondition in order for a respondent to request cross-examination pursuant to Sections 11322(b) and 11327(g). Nor has Thad Woodin satisfied the specific elements required in Section 11322(b) to request cross-examination, including among other things "the reasons the respondent believes that the information can best be provided by cross-examination rather than by the submittal of declarations or other written evidence." The request should be denied.

Unresolved Issues

There are no unresolved issues.

Previous Enforcement Actions

No prior enforcement actions have been taken in this matter.

Recommendation

The Executive Director recommends that the Enforcement Committee adopt this Recommended Enforcement Decision and recommend that the full Commission issue the proposed Cease and Desist and Civil Penalty Order CCD2025.001.00.

For Violation One, unauthorized fill consisting of a barge at the bottom of the Montezuma Slough and a partially submerged recreational vessel in the Montezuma Slough within BCDC's Bay

jurisdiction and the Primary Management Area, BCDC staff have determined that the gravity of harm is major, and the extent of deviation from the statutory requirement to remove the unauthorized fill is major. For Violation Two, unauthorized fill consisting of an abandoned car, silver trailer, and boat, in addition to plastic containers and other trash in the shoreline band and Primary Management Area, BCDC staff have determined that the gravity of harm is moderate, and the extent of deviation from the statutory requirement to remove the unauthorized fill is major. For Violation Three, unauthorized fill consisting of a small, blue recreational vessel and additional recreational vessel in the shoreline band and Primary Management Area, BCDC staff have determined that the gravity of harm is moderate, and the extent of deviation from the statutory requirement to remove the unauthorized fill is moderate. For Violation Four, unauthorized fill consisting of an Argo (small amphibious craft), two boats, and a large lawn mower in the shoreline band and Primary Management Area, BCDC staff have determined that the gravity of harm is moderate, and the extent of deviation from the statutory requirement to remove the unauthorized fill is moderate. For Violation Five, unauthorized fill consisting of a green truck, an automobile, four boats, and an ATV in the shoreline band and Primary Management Area, BCDC staff have determined that the gravity of harm is moderate, and the extent of deviation from the statutory requirement to remove the unauthorized fill is moderate. For Violation Six, unauthorized fill consisting of a silver truck in the shoreline band and Primary Management Area, BCDC staff have determined that the gravity of harm is moderate, and the extent of deviation from the statutory requirement to remove the unauthorized fill is minor.

BCDC staff believes that the nature and extent of harm caused by these violations is significant. The Bay and shoreline in this area contain various large and small vehicles, machines, and other debris in varying stages of decay. As the unauthorized fill breaks down, they may leach harmful chemicals into the Montezuma Slough, a part of the Suisun Marsh, which provides habitat for resident and migratory fish and wildlife and plays an important role in providing wintering habitat for waterfowl of the Pacific Flyway or onto Van Sickle Island, an area of managed wetlands in the Suisun Marsh. (Cal. Pub. Res. Code § 29002). While staff believes the area can be restored, the introduction of pollutants to the Montezuma Slough and Van Sickle Island cannot be undone.

BCDC staff have assessed the Respondents degree of culpability, history of violations, resolution efforts, any economic benefit to the violators, violators' ability to pay, costs to the state in pursuing the enforcement action, and other facts as justice may require.

Staff believes that circumstances outside of Respondents' control may lessen their degree of culpability for each violation. The Solano County Sheriff's Office report, dated August 26, 2017, indicates that one of the mooring lines connecting Thad Woodin's barge to the shoreline broke, causing the barge to move into a 90-degree angle in the Montezuma Slough and ultimately sinking. (VR&C Exhibit 7). While it was Thad Woodin's responsibility to ensure the barge and recreational vessel were securely moored, staff believes that a downward adjustment is proper for Violation One, as the sunken barge appears to be the result of an accident or inadvertent omission. With respect to all other violations, staff previously communicated to Respondents that they should not yet remove the unauthorized fill due to unsafe conditions of the levee road during wet seasons and the environmentally sensitive nature of the area. Staff requested that each Respondent refrain from moving the unauthorized fill until it was safe and environmentally

responsible to do so (*i.e.*, in late spring or summer). Staff believes that a downward adjustment for Violations Two, Three, Four, Five, and Six is appropriate on the basis that Respondents refrained from removing the unauthorized fill for a period of time on the advice of staff and that the timeframe during which Respondents could safely and responsibly remove the unauthorized fill was at times out of their control.

Additionally, Respondent Thad Woodin admitted to owning or placing all unauthorized fill identified in each violation, with the exception of a small recreational vessel located on his property. (VR&C Exhibit 9). Although Respondents Steve and Lesley Belcher, Kanady, Bill Woodin, and Kittrell Estate are responsible for abating any violations of the MPA and SMPA on their respective properties as property owners, staff believes that a downward adjustment is appropriate on the basis that the violations were the result of inadvertent omissions on the part of the property owners to survey their properties to identify and remove fill placed by Respondent Thad Woodin.

Staff believes that the efforts to cooperate and resolve the violations on the part of Respondents Steve and Lesley Belcher, Bill Woodin, and Kittrell Estate support an additional downward adjustment because these Respondents have cooperated with the investigation in a timely manner and engaged in efforts to resolve Violations Three, Five, and Six, including planning to remove the fill as soon as possible.

Staff does not believe that Respondents derived any economic benefit from the placement of unauthorized fill on their respective properties. However, it is Respondents' burden to demonstrate an inability to pay, and Respondents did not introduce any such evidence into the record as part of their timely SODs.

Based on these penalty factors, staff finds Violation One is eligible for a $1900 penalty per day, with a start date for this violation on August 26, 2017, when the Solano County Sheriff's Office verified the existence of the sunken barge, and the violation has persisted for over 2,800 days.[2] Thus, Violation One is subject to the maximum allowable penalty of $30,000, however, staff believes a five percent downward adjustment is appropriate based on Respondent Thad Woodin's degree of culpability.

Further, staff finds that Violation Two is eligible for a $1400 penalty per day, Violation Three is eligible for a $800 penalty per day, Violation Four is eligible for a $900 penalty per day, Violation Five is eligible for a $800 penalty per day, and Violation Six is eligible for a $250 penalty per day, with the start date for each violation on November 23, 2022, when BCDC staff verified the existence of these violations. These violations have persisted for over 900 days. Thus, each violation is subject to the maximum allowable penalty of $30,000, however, staff believes the

[2] Although BCDC staff was confirmed the existence of the partially submerged recreational vessel – also included in Violation One – on September 24, 2024, the appropriate start date for Violation One is August 26, 2017. The recreational vessel was added to Violation One because of the proximity of the vessel to the sunken barge. Moreover, the addition of the recreational vessel to Violation One did not impact Respondent Thad Woodin's administrative civil penalty liability as the administrative civil penalty maximum was already reached due to the length of time that Respondent Thad Woodin's barge was in the Montezuma Slough.

following downward adjustments are appropriate based on Respondents' degree of culpability and efforts to cooperate:

- Violation Two (Thad Woodin): 10 percent downward adjustment based on degree of culpability.
- Violation Three (Thad Woodin and Steve and Lesley Belcher): 20 percent downward adjustment based on degree of culpability and 20 percent downward adjustment based on efforts to cooperate.
- Violation Four (Thad Woodin and Allen Kanady): 15 percent downward adjustment based on degree of culpability.
- Violation Five (Thad Woodin and Bill Woodin): 20 percent downward adjustment based on degree of culpability and 20 percent downward adjustment based on efforts to cooperate.
- Violation Six (Thad Woodin and Kittrell Estate): 20 percent downward adjustment based on degree of culpability and 20 percent downward adjustment based on efforts to cooperate.

Accordingly, the following administrative civil penalties are appropriate: $28,500 for Violation One; $27,000 for Violation Two; $18,000 for Violation Three; $25,500 for Violation Four; $18,000 for Violation Five; and $18,000 for Violation Six. Therefore, the total administrative liability is $135,000.

A proposed Cease and Desist and Civil Penalty Order consistent with this recommendation is attached (Exhibit A).

Proposed Order CCD2025.001.00

Proposed Cease and Desist and Civil Penalty Order CCD2025.001.00 consistent with this recommendation is attached (Exhibit A), along with the Violation Report and Complaint dated July 8, 2025 (Exhibit B), Respondents' Statement of Defense or other correspondence (Exhibits C1-C4), *Leslie Salt Co. v. San Francisco Bay Conservation and Development Com.* (1984) 153 Cal.App.3d 605 (Exhibit D), and August 6, 2025 email correspondence from Solano County Sheriff's Office (Exhibit E).

Attachments: RED Exhibit A: Proposed Cease and Desist and Civil Penalty Order CCD2025.001.00

RED Exhibit B: Violation Report and Complaint with exhibits

RED Exhibit C1: Allen Kanady Statement of Defense

RED Exhibit C2: Belcher Email Correspondence, dated July 9, 2025

RED Exhibit C3: William Woodin Statement of Defense

RED Exhibit C4: Kittrell Estate Statement of Defense

RED Exhibit C5: Belchers Statement of Defense, including Declarations

RED Exhibit D: *Leslie Salt Co. v. San Francisco Bay Conservation and Development Com.* (1984) 153 Cal.App.3d 605

RED Exhibit E: Email Correspondence from Solano County Sheriff's Office, dated August 6, 2025

RED Exhibit F: Belchers Grant Deed

RED Exhibit G: 2022 Q1/Q2 Enforcement Program Update

RED Exhibit H: 2025.08.12 BCDC Staff Site Visit

RED Exhibit I: Statement of Defense Not Timely Filed (Thad Woodin)

RED Exhibit J1: Confirmation to Postpone Hearing (Kittrell Estate)

RED Exhibit J2: Confirmation to Postpone Hearing (Bill Woodin)

RED Exhibit J3: Confirmation to Postpone Hearing (Allen Kanady)

RED Exhibit J4: Confirmation to Postpone Hearing (Thad Woodin)

RED Exhibit J5: Confirmation to Postpone Hearing (Steve and Lesley Belcher)

RED Exhibit K: Email Correspondence from Allen Kanady, dated August 29, 2025

RED Exhibit L: Summary of BCDC staff site visit, dated September 22, 2025

RED Exhibit M: Previous Recommended Enforcement Decision, mailed August 15, 2025

RED Exhibit N: Previous Cease and Desist and Civil Penalty Order, mailed August 15, 2025

Enforcement Committee Recommendation to the Full Commission:

Please check one of the three boxes indicating your decision, then sign and return the memorandum to BCDC Staff:

☐ By a vote of __ yeses, __ noes, and __ abstentions, the Enforcement Committee adopts the Executive Director's Recommended Enforcement Decision as its recommendation to the full Commission.

☐ By a vote of __ yeses, __ noes, and __ abstentions, the Enforcement Committee conditionally adopts the Executive Director's Recommended Enforcement Decision as its recommendation to the full Commission as specified in the attached memorandum.

☐ By a vote of __ yeses, __ noes, and __ abstentions, the Enforcement Committee declines to adopt the Executive Director's Recommended Enforcement Decision and recommends that the full Commission decline to issue the proposed Cease and Desist and Civil Penalty Order for the reasons specified in the attached memorandum.

_____
MARIE GILMORE, Enforcement Committee Chair
San Francisco Bay Conservation and Development Commission

_____
Date:

Exhibit P

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 Cease and Desist and Civil Penalty Order: CCD2025.001.00

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

Respondents: Thaddeus Woodin
Steve and Lesley Belcher
Allen Kanady
William Woodin
Kittrell Estate

To: Thaddeus Woodin, the Belchers, Allen Kanady, William Woodin, and Kittrell Estate

I. Commission Cease and Desist Order

Pursuant to Cal. Gov. Code § 66638, Thaddeus ("Thad") Woodin, Steve and Lesley Belcher, Allen Kanady, William ("Bill") Woodin, and Kittrell Estate (together, "Respondents") are hereby ordered to:

A. Cease and desist from violating the McAteer-Petris Act (MPA) and the Suisun Marsh Preservation Act (SMPA).

B. Respondent Thad Woodin must:
   1. By November 30, 2025, remove (i) the 20- to 25-foot-long recreational vessel identified in Section III.B and (ii) the fill identified in Section III.C, Section III.D(1), and Section III.D(4), to a legal disposal site or location outside of BCDC's jurisdiction.
   2. Provide immediate written confirmation to BCDC staff upon learning whether Solano County received funding to remove the 68- x 33-foot barge at the bottom of the Montezuma Slough described in Section III.B.
   3. If by March 31, 2026, Solano County has secured funding to remove the 68- x 33-foot barge at the bottom of the Montezuma Slough described in Section III.B, use best efforts to cooperate with Solano County and its designated agents and/or contracted parties to remove the barge.
   4. If by March 31, 2026, Solano County has not secured funding to remove the 68- x 33-foot barge at the bottom of the Montezuma Slough described in Section III.B, then

by June 30, 2026, use best efforts to apply for and obtain funding for the removal of the barge.

5. By September 30, 2026, remove the 68- x 33-foot barge at the bottom of the Montezuma Slough described in Section III.B to a legal disposal site or location outside of BCDC's jurisdiction, irrespective of the results of any funding applications or efforts.

C. Respondents Thad Woodin and Allen Kanady must:
   1. By November 30, 2025, remove the fill identified in Section III.D(2) to a legal disposal site or location outside of BCDC's jurisdiction.

D. Respondents Thad Woodin and Bill Woodin must:
   1. By November 30, 2025, remove the fill identified in Section III.D(3) to a legal disposal site or location outside of BCDC's jurisdiction.

E. Fully comply with the requirements of Sections I, II, IV, and V of this Cease and Desist and Civil Penalty Order ("Order").

II. Civil Penalty Order

Pursuant to Cal. Gov. Code § 66641.6, Respondents are hereby ordered to:

A. Pay administrative civil liability of one hundred thirty-five thousand dollars ($135,000) 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, and liability shall be apportioned, as follows:
   1. Twenty-eight thousand five hundred ($28,500) for the unpermitted fill in the Montezuma Slough within BCDC's Bay jurisdiction and the Primary Management Area consisting of: (1) 68- x 33-foot barge at the bottom of the slough, about 50 feet south of Thad Woodin's home on Van Sickle Island and under about 19 feet of water; and (2) a mostly submerged 20- to 25-foot-long recreational vessel about 10 feet off the Kitrell Estate's parcel (Thad Woodin);
   2. Twenty-seven thousand ($27,000) for the unpermitted fill within BCDC's 100-foot shoreline band jurisdiction and the Primary Management Area consisting of an abandoned car, silver trailer, and boat, in addition to plastic containers and other trash (Thad Woodin);
   3. Eighteen thousand ($18,000) for unpermitted fill within BCDC's 100-foot shoreline band jurisdiction and the Primary Management Area consisting of: (1) a small, blue recreational vessel, close to the levee road and (2) a recreational vessel near Thad

Woodin's house located on both the Belchers' and Thad Woodin's parcels (Thad Woodin and Steve and Lesley Belcher);

4. Twenty-five thousand five hundred ($25,500) for unpermitted fill within BCDC's 100-foot shoreline band jurisdiction and the Primary Management Area consisting of an Argo (small amphibious craft), two boats, and a large lawn mower placed close to the levee road (Thad Woodin and Allen Kanady);
5. Eighteen thousand ($18,000) for unpermitted fill within BCDC's 100-foot shoreline band jurisdiction and the Primary Management Area consisting of a green truck, an automobile, four boats, and an ATV. All are close to the levee road (Thad Woodin and Bill Woodin); and
6. Eighteen thousand ($18,000) for unpermitted fill within BCDC's 100-foot shoreline band jurisdiction and the Primary Management Area consisting of a silver truck placed close to the levee road (Thad Woodin and Kittrell Estate).

B. If administrative civil liability is not paid within 30 days of issuance of this Order the Executive Director is authorized to refer the matter to the Attorney General pursuant to Cal. Gov. Code § 66641.7(b), Cal. Gov. Code § 66641.5, and/or Cal. Gov. Code § 66641.

III. Findings

Factual Findings

This Commission Cease and Desist and Civil Penalty Order is based on the findings set forth 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. Each respondent owns a parcel located on Van Sickle Island, Solano County, as identified by the following Assessor Parcel Numbers (APN):
    1. APN 0090-120-130 (Thad Woodin);
    2. APN 0090-120-030 (Steve and Lesley Belcher);
    3. APN 0090-120-190 (Allen Kanady);
    4. APN 0090-120-170 (Bill Woodin); and
    5. APN 0090-120-160 (Kittrell Estate).

B. On or shortly before August 26, 2017, Respondent Thad Woodin caused his 68- x 33-foot barge to sink to the bottom of the Montezuma Slough within BCDC jurisdiction in the Bay and Primary Management Area, at approximately 38°04'28.85"N 121°52'53.04"W. Additionally, prior to September 24, 2024, Respondent Thad Woodin placed a 20- to 25-foot-long recreational vessel also in the Montezuma Slough within BCDC's jurisdiction in the Bay and Primary Management Area, approximately 10 feet away from the Kittrell Estate property.

C. Prior to November 23, 2022, Respondent Thad Woodin placed fill consisting of an abandoned car, silver trailer, boat, and plastic containers and other trash on his

property within BCDC's 100-foot shoreline band jurisdiction and the Primary Management Area.

D. Prior to November 23, 2022, Respondent Thad Woodin placed fill on neighboring parcels in BCDC's 100-foot shoreline band jurisdiction and the Primary Management Area, consisting of the following:
    1. Two recreational vessels located on Respondents Steve and Lesley Belcher's property;
    2. An Argo (small amphibious craft), two boats, and a large lawn mower on Respondent Allen Kanady's property;
    3. A green truck, an automobile, four boats, and an ATV on Respondent Bill Woodin's property; and
    4. A silver truck on Respondent Kittrell Estate's property.

E. The activities described in Section III.B ("Violation One"), Section III.C ("Violation Two"), Section III.D(1) ("Violation Three"), Section III.D(2) ("Violation Four"), Section III.D(3) ("Violation Five"), and Section III.D(4) ("Violation Six") constitute the placement of fill in BCDC's jurisdiction under the 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.

F. The activities described in Violations One through Six constitute development in the Primary Management Area under the SMPA Section 29500 and no marsh development permit under that section was obtained for the activities described above meaning that this requirement has not been met.

G. Therefore, Respondent Thad Woodin is responsible for all six violations of the MPA and SMPA, Respondents Steve and Lesley Belcher are responsible for one violation of the MPA and SMPA, Respondent Allen Kanady is responsible for one violation of the MPA and SMPA, Respondent Bill Woodin is responsible for one violation of the MPA and SMPA, and Respondent Kittrell Estate is responsible for one violation of the MPA and SMPA.

H. On November 23, 2022, September 24, 2024, and December 11, 2024, BCDC staff inspected the properties identified in Section III.A and collected photographic evidence depicting the fill.

I. The ownership and boundaries of the properties identified in Section III.A were confirmed using RealQuest, the Solano County tax assessment map viewer, a March 18, 2025 email with Chris Rodgers (a Mapping Tech with Solano County), and by walking the levee road during the December 11, 2024 site visit with Chris Lanzafame, the secretary of Reclamation District 1607 (the "District").

J. Letter correspondence dated September 13, 2012 to Respondent Thad Woodin from the District, an April 29, 2025 email exchange between staff and Mr. Lanzafame, and two interviews on September 27, 2024 and November 27, 2024 with Mr. Lanzafame revealed that the District is aware that Respondent Thad Woodin had placed large items on the levee since 2012. The District asked Respondent Thad Woodin to remove the items from the levee road and Mr. Lanzafame has tried to persuade Respondent Thad Woodin to remove them. Mr. Lanzafame asserted that all unauthorized fill belongs to Respondent Thad Woodin and advised staff on who owned the properties identified in Section III.A.

K. On October 15, 2024, Andrew Kershen from the State Lands Commission confirmed via email that the State Lands Commission has jurisdiction within the Montezuma Slough adjacent to Respondent Thad Woodin's property, up to the mean high tide line. However, Mr. Kershen asserted that the State Lands Commission does not have jurisdiction within Van Sickle Island.

L. On August 26, 2017, the Solano County Sheriff's Office responded to a report of Respondent Thad Woodin's barge sinking in the Montezuma Slough. The Sheriff's Office found in its report of the incident that Respondent Thad Woodin was solely and completely responsible for the sinking of his barge and that the barge was moored via insufficient means to prevent the barge from breaking loose from its mooring location.

M. On November 12, 2024, Solano County Marine Patrol took underwater images of Respondent Thad Woodin's sunken barge and subsequently provided these images to BCDC staff on November 13, 2024.

N. Respondent Thad Woodin alleged to staff that one of The Dutra Group's (Dutra) vessels struck his barge and caused the barge to sink. On May 22, 2025, John Wyma-Hughes, a Risk Manager for Dutra, via email denied any involvement in or liability arising from the sinking of Respondent Thad Woodin's barge. Staff reviewed daily logbook entries provided by Dutra for the tug Sarah Reed, the only Dutra vessel which traversed the Montezuma Slough at the time Respondent Thad Woodin's barge sank, and found no evidence that Dutra was responsible for causing the barge to sink.

O. On November 15, 2024, staff discussed the unauthorized fill with Respondent Thad Woodin and advised him that he needed to remove all items from BCDC's jurisdiction. Respondent Thad Woodin acknowledged owning the sunken barge, the car and trailer on his parcel, and the two largest boats parked on the levee. He also acknowledged placing the partially submerged recreational vessel in its present location but accused the Solano County Sheriff's Office of sinking it without providing any evidence. Respondent Thad Woodin said that he has equipment to remove the fill and would do so. In an email on November 26, 2024, he denied owning a small white recreational vessel with a blue hull that is on his property.

P. On February 5, 2025, staff mailed initial contact letters to Respondents Steve and Lesley Belcher, Allen Kanady, and Bill Woodin describing the unauthorized fill and advising that each respondent "must clear all illicit items of fill from your parcel." On February 21, 2025, BCDC staff issued an initial contact letter to Respondent Kittrell Estate describing the unauthorized fill and also advising that the respondent "must clear all illicit items of fill from your parcel."

Q. On April 8, 2025, Solano County Marine Patrol Sgt. Brady Graham advised staff that Solano County had applied for a grant to remove Respondent Thad Woodin's barge from the Montezuma Slough.

R. BCDC staff conducted a site visit on April 11, 2025, with Respondent Thad Woodin to walk the levee and identify his items. Respondent Thad Woodin reconfirmed ownership of all items except for a small recreational vessel on his parcel. Respondent Thad Woodin said that he would remove all items except for the sunken barge, including the vessel next to his home that he claims not to own.

S. Prior to July 8, 2025, Respondents failed to demonstrate that the unauthorized fill identified in Violations One through Six was removed from BCDC's Bay and shoreline band jurisdiction and from the Primary Management Area.

T. 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.

U. On July 14, 2025, Respondent Allen Kanady submitted his Statement of Defense ("SOD") form. On August 5, 2025, Respondent Bill Woodin submitted his SOD form. On August 8, 2025, Respondent Kittrell Estate submitted its SOD form. On August 12, 2025, Steve and Lesley Belcher submitted their SOD form. Respondent Thad Woodin untimely submitted a SOD on August 18, 2025.

V. On July 9, 2025, Respondents Steve and Lesley Belcher emailed photographs to BCDC staff demonstrating that the unauthorized fill identified in Violation Three had been removed from their property and placed onto Respondent Thad Woodin's parcel.

W. On August 1, 2025, BCDC staff conducted a site visit to the properties identified in Section III.A and confirmed that the unauthorized fill identified in Violation Three was still in BCDC's shoreline band jurisdiction and the Primary Management Area. BCDC staff also discovered that the two boats identified in Violation Four were removed from BCDC's jurisdiction, while the Argo and large lawnmower identified in Violation Four remained on Respondent Allen Kanady's property. Finally, BCDC staff discovered that the unauthorized fill identified in Violation Six was removed from Respondent Kittrell Estate's property and placed onto Respondent Thad Woodin's parcel.

X. On August 6, 2025, Deputy Sheriff Michael Urlaub from the Solano County Sheriff's Office via email provided BCDC staff with additional information regarding when Solano County may expect to hear back regarding the results of the funding application to remove Respondent Thad Woodin's sunken barge identified in Violation One. According to Deputy Sheriff Urlaub, Solano County expects to hear if it received funding to remove the sunken barge within four to six months from September 2025. If Solano County receives the funding, removal of the sunken barge is likely to occur in late summer of 2026.

Y. On August 12, 2025, BCDC staff discovered that one item of unauthorized fill identified in Violation 5 (a silver car) had been removed from Respondent Bill Woodin's parcel and BCDC's jurisdiction, but the other items remained. Staff also discovered that one of the boats identified in Violation 4 that appeared to have been removed was placed back on Respondent Allen Kanady's parcel and the Argo and some trash remained. Staff confirmed that the unauthorized fill identified on Respondent Thad Woodin's parcel in Violation 2, in addition to the two boats that Respondents Steve and Lesley Belcher moved onto his parcel (Violation 3), remained.

Z. On August 15, 2025, a Recommended Enforcement Decision was prepared and mailed to all Respondents and representatives in accordance with Cal. Code Regs. tit. 14, § 11324.

AA. On August 26, 2025, all respondents agreed to postponement of the enforcement hearing due to one respondent's medical emergency and waived the 60-day time limitation pursuant to Cal. Gov. Code § 66641.6(b).

BB. On August 29, 2025, Respondent Allen Kanady via email provided BCDC staff with photographs demonstrating that all of the unauthorized fill identified in Violation Four had been removed. On September 22, 2025, BCDC staff via a site visit verified a claim by Bill Woodin that the unauthorized fill had simply been moved from Mr. Kanady's property to Bill Woodin's property.

CC. To date, all violations persist, although Respondents Steve and Lesley Belcher and Kittrell Estate have removed the unauthorized fill identified in Violation Three and Violation Six from their respective properties to Respondent Thad Woodin's property, which is still within BCDC's shoreline band jurisdiction and the Primary Management Area.

DD. These findings are based upon Exhibits 1-9 of the Violation Report & Complaint that was mailed to Respondents on July 8, 2025, and Exhibits A-N of the Recommended Enforcement Decision that was mailed to the Enforcement Committee on October 10, 2025.

Legal Findings

EE. The Commission finds that the Respondents are violating Section 66632(a) of the McAteer-Petris Act (MPA) and Section 29500 of the Suisun Marsh Preservation Act (SMPA) by placing or failing to abate the activities described in Section III.B through III.D at the locations described in Section III.A within BCDC jurisdiction without obtaining a permit from BCDC.

FF. The Commission finds that BCDC staff correctly identified six distinct violations of the MPA and SMPA in this matter at the time of issuance of the Violation Report and Complaint on July 8, 2025.

GG. The Commission also finds that based on the factors provided by the MPA Section 66641.9, a penalty of $28,500 for Violation One, a penalty of $27,000 for Violation Two, a penalty of $18,000 for Violation Three, a penalty of $25,500 for Violation Four, a penalty of $18,000 for Violation Five, and a penalty of $18,000 for Violation Six, for a total penalty of $135,000, is appropriate.

HH. Specifically, pursuant to Appendix J of the Commission's regulations (14 CCR), the Commission finds that for Violation One, the gravity of harm is major and the extent of deviation from the statutory requirement to remove the unauthorized fill is major. For Violation Two, the gravity of harm is moderate and the extent of deviation from the statutory requirement to remove the unauthorized fill is major. For Violations Three, Four, and Five, the gravity of harm is moderate and the extent of deviation from the statutory requirement to remove the unauthorized fill is moderate. Finally, for Violation Six, the gravity of harm is moderate and the extent of deviation from the statutory requirement to remove the unauthorized fill is minor.

II. The Commission finds that Violation One can be resolved but that the barge has remained submerged in the Montezuma Slough since August 26, 2017, when the Solano County Sheriff's Office verified the existence of the sunken barge, and the recreational vessel has remained partially submerged in the Montezuma Slough since September 24, 2024, when staff conducted a site visit to the properties identified in Section III.A and verified the existence of the recreational vessel.

JJ. The Commission finds that Violations Two, Three, Four, Five, and Six can be resolved but have remained unresolved since at least November 23, 2022, when BCDC staff conducted a site visit to the properties identified in Section III.A and verified the existence of these violations.

KK. The Commission finds the cost to the state in pursuing this case has been high. Between November 23, 2022, and July 8, 2025, BCDC staff have conducted four site visits and worked with Respondents to support them in addressing the violations. Prior to July 8,

2025, BCDC staff researched the ownership of each parcel and issued a Violation Report and Complaint; and, if the Commission issues an Order, BCDC staff will invest additional time to monitor Respondents' actions for compliance with its terms.

LL. The Commission finds that Respondent Thad Woodin is culpable for all six violations because he is directly responsible for the placement of all unauthorized fill.

MM. The Commission finds that Respondents Steve and Lesley Belcher are also culpable for Violation Three as the property owners of the parcel containing the unauthorized fill.

NN. The Commission finds that Respondent Allen Kanady is also culpable for Violation Four as the property owner of the parcel containing the unauthorized fill.

OO. The Commission finds that Respondent Bill Woodin is also culpable for Violation Five as the property owner of the parcel containing the unauthorized fill.

PP. The Commission finds that Respondent Kittrell Estate is also culpable for Violation Six as the property owner of the parcel containing the unauthorized fill.

QQ. The Commission finds that Respondents provided no information regarding the ability to pay. In the absence of any evidence to indicate that there is an inability to pay, it does not find that this factor supports a penalty reduction.

RR. Based on these penalty factors, the Commission finds that it is appropriate to impose a $1,900 penalty per day for Violation One, calculated from August 26, 2017, to the date that the Commission votes to adopt the Order.

SS. The Commission finds that Respondent Thad Woodin has been responsible for Violation One since August 26, 2017, to the date of the Commission vote to adopt the Order.

TT. Based on these penalty factors, the Commission finds that it is appropriate to impose a $1,400 penalty per day for Violation Two, a $800 penalty per day for Violation Three, a $900 penalty per day for Violation Four, a $800 penalty per day for Violation Five, and a $250 penalty per day for Violation Six, calculated from November 23, 2022, (the date BCDC staff confirmed the existence of these violations) to the date that the Commission votes to adopt the Order.

UU. The Commission finds that Respondent Thad Woodin has been responsible for Violation Two since November 23, 2022, to the date of the Commission vote to adopt the Order.

VV. The Commission finds that Respondents Thad Woodin has been responsible for Violation Three since November 23, 2022, to the date of the Commission vote to adopt the Order.

WW. The Commission finds that Respondents Steve and Lesley Belcher have been responsible for Violation Three since November 23, 2022, to July 9, 2025, the date Respondent Steve Belcher moved the unauthorized fill off of the Belchers' property onto Thad Woodin's parcel.

XX. The Commission finds that Respondents Thad Woodin and Allen Kanady have been responsible for Violation Four since November 23, 2022, to the date of the Commission vote to adopt the Order.

YY. The Commission finds that Respondents Thad Woodin and Bill Woodin have been responsible for Violation Five since November 23, 2022, to the date of the Commission vote to adopt the Order.

ZZ. The Commission finds that Respondents Thad Woodin and Kittrell Estate have been responsible for Violation Six since November 23, 2022, to August 1, 2025, the date Respondent Kittrell Estate moved the unauthorized fill off of the Kittrell Estate's property onto Thad Woodin's parcel.

AAA. The Commission finds that a five percent downward adjustment for Violation One is appropriate as the violation appears to be the result of an accident or inadvertent omission.

BBB. The Commission finds that a 10 percent downward adjustment for Violation Two is appropriate as staff previously communicated to Respondent Thad Woodin in or around October of 2024 that he should not remove the unauthorized fill until it was safe and environmentally responsible to do so and as a result Respondent Thad Woodin refrained from resolving the violation for a period of time.

CCC. The Commission finds that a 20 percent downward adjustment on the basis of degree of culpability and an additional 20 percent downward adjustment on the basis of efforts to cooperate for Violation Three is appropriate because on February 5 and February 13, 2025, staff communicated to Respondents Steve and Lesley Belcher that they should not remove the unauthorized fill until it was safe and environmentally responsible to do so (*i.e.*, late spring or summer) and as a result Respondents Steve and Lesley Belcher refrained from resolving the violation. The violation was the result of inadvertent omissions on the part of Respondents Steve and Lesley Belcher to survey their property to identify and remove fill placed by Respondent Thad Woodin. Respondents Steve and Lesley Belcher cooperated with staff's investigation, responding in a timely manner, pledging to remove the unauthorized fill and inquiring about how

best to do so. On July 9, 2025, Respondent Steve Belcher moved the unauthorized fill off of the Belchers' property onto Thad Woodin's parcel.

DDD. The Commission finds that a 15 percent downward adjustment for Violation Four is appropriate because on February 5 and April 1, 2025, staff communicated to Respondent Allen Kanady that he should not remove the unauthorized fill until it was safe and environmentally responsible to do so (*i.e.*, late spring or summer) and as a result, Respondent Allen Kanady refrained from resolving the violation. Further, the violation was the result of inadvertent omissions on the part of Respondent Allen Kanady to survey his property to identify and remove fill placed by Respondent Thad Woodin. Prior to August 29, 2025, Respondent Kanady moved the unauthorized fill off of his property onto Respondent Bill Woodin's property.

EEE. The Commission finds that a 20 percent downward adjustment on the basis of degree of culpability and an additional 20 percent downward adjustment on the basis of efforts to cooperate for Violation Five is appropriate because on February 5 and February 26, 2025, staff communicated to Respondent Bill Woodin that he should not remove the unauthorized fill until it was safe and environmentally responsible to do so (*i.e.*, late spring or summer) and as a result Respondent Bill Woodin refrained from resolving the violation. The violation was the result of inadvertent omissions on the part of Respondent Bill Woodin to survey his property to identify and remove fill placed by Respondent Thad Woodin, and Respondent Bill Woodin has cooperated with staff's investigation, responding in a timely manner and pledging to remove the unauthorized fill soon.

FFF. The Commission finds that a 20 percent downward adjustment on the basis of degree of culpability and an additional 20 percent downward adjustment on the basis of efforts to cooperate for Violation Six is appropriate because on February 5 and February 28, 2025, staff communicated to Todd Trost, a representative of Respondent Kittrell Estate, that he should not remove the unauthorized fill until it was safe and environmentally responsible to do so (*i.e.*, late spring or summer) and as a result Respondent Kittrell Estate refrained from resolving the violation. The violation was the result of inadvertent omissions on the part of Respondent Kittrell Estate to survey its property to identify and remove fill placed by Respondent Thad Woodin. Representatives of Respondent Kittrell Estate have fully cooperated with staff's investigation, reiterating their desire to work with staff to remove the fill as soon as possible. Prior to August 1, 2025, Respondent Kittrell Estate moved the unauthorized fill off of the Kittrell Estate's property onto Thad Woodin's parcel.

GGG. The Commission thus finds that it is appropriate that the six violations are subject to the following penalties under the MPA: $28,500 for Violation One; $27,000 for Violation Two; $18,000 for Violation Three; $25,500 for Violation Four; $18,000 for Violation Five; and $18,000 for Violation Six, for a total administrative civil liability of $135,000.

HHH. The Commission finds that Respondents have received due process throughout this enforcement action.

III. These findings are based upon Exhibits 1-9 of the Violation Report & Complaint that was mailed to Respondents on July 8, 2025, and Exhibits A-N of the Recommended Enforcement Decision that was mailed to the Enforcement Committee on October 10, 2025.

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. Respondents must strictly conform to the express terms of this Order. Under Cal. Gov. Code § 66641, any person who intentionally or negligently violates any part of any cease-and-desist order issued by the Commission may be liable civilly in the sum of up to $6,000 for each day in which such violations persist. In addition, upon the failure of any person to comply with any cease-and-desist order issued by the Commission and upon the request of the Commission, the Attorney General of the State of California may petition the superior court for the issuance of a preliminary or permanent injunction, or both, restraining the person or persons from continuing any activity in violation of the cease-and-desist order.

C. This Order does not affect any duties, rights, or obligations established under private agreements or by the laws and regulations of other public bodies.

D. This Order does not constitute a recognition of property rights.

E. This Order immediately and fully resolves Enforcement Cases ER2019.038.00, ER2025.001.00, ER2025.002.00, ER2025.003.00, and ER2025.004.00.

F. This Order is effective upon issuance thereof.

V. 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.

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

_____ _____

LAWRENCE J. GOLDZBAND, BCDC Executive Director Date

Full Commission Motion and Action:

Please check one of the four boxes indicating your decision, then sign and return the memorandum to BCDC Staff:

☐ By a vote of __ yeses, __ noes, and __ abstentions, the Commission concurs with the Executive Director's Recommended Enforcement Decision and issues the proposed Cease and Desist and Civil Penalty Order.

☐ By a vote of __ yeses, __ noes, and __ abstentions, the Commission votes to dismiss this matter and declines to issue the proposed Cease and Desist and Civil Penalty Order for the reasons specified in the attached memorandum.

☐ By a vote of __ yeses, __ noes, and __ abstentions, the Commission votes to remand the matter back to the Enforcement Committee for further action for the reasons specified in the attached memorandum.

☐ By a vote of __ yeses, __ noes, and __ abstentions, the Commission rejects the Executive Director's Recommended Enforcement Decision and decides to consider the entire matter de novo at the Commission meeting on _____.

_____
Zachary Wasserman, Commission Chair
San Francisco Bay Conservation and Development Commission

_____
Date:

Exhibit Q

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:

_____
Lawrence Bazel
Attorney for Respondents

Docusign Envelope ID: 57A151D0-7127-4A11-9CEE-64F37536BDC2

Exhibit R

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: CCD2025.003.00

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

Respondent: Kittrell Estate

To Kittrell Estate:

I. Stipulated Civil Penalty Order

Pursuant to Cal. Gov. Code § 66641.6, the Kittrell Estate ("Respondent") is hereby ordered to:

A. Pay administrative civil liability of five hundred dollars ($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. Five hundred dollars ($500) for unpermitted fill within BCDC's 100-foot shoreline band jurisdiction and the Primary Management Area consisting of a truck.

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. Respondent owns a parcel located on Van Sickle Island, Solano County, as identified by Assessor Parcel Number (APN) 0090-120-160.
B. Prior to November 23, 2022, fill consisting of a truck was 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, Respondent, as the property owner, is responsible for one violation of the MPA and SMPA.

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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 21, 2025, BCDC staff mailed an initial contact letter to Respondent, describing the unauthorized fill and advising that the Respondent "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 28, 2025, BCDC staff communicated with Respondent via phone call, during which time staff reiterated the nature of the alleged violation and urged Respondent to remove the unauthorized fill.
I. Prior to July 8, 2025, Respondent 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 8, 2025, Respondent filed its Statement of Defense ("SOD") form.
L. On August 26, 2025, Respondent waived its 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 26, 2025, Respondent removed the unauthorized fill from its property.
N. To date, Respondent has fully abated the MPA and SMPA violation at its property.
O. On October 22, 2025, BCDC staff engaged in discussions with Respondent 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 Respondent 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 $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 minor.
U. The Commission finds that Respondent is culpable for the violation due to its failure to correct the violation by removing the unauthorized fill.

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V. Respondent is the sole property owner and responsible for maintaining its property in a manner consistent with the MPA and SMPA.
W. The Commission finds that BCDC staff communicated to Respondent on February 5, 2025, and February 28, 2025, that it 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, Respondent refrained from resolving the violation. Representatives of Respondent have fully cooperated with staff's investigation, reiterating their desire to work with staff to remove the fill as soon as possible. Further, the violation was the result of inadvertent omissions on the part of the Respondent to survey its 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 Respondent's ability to pay is not in question.
Z. The Commission finds that Respondent has 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 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.

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 ER2025.004.00.
E. This Order is effective upon issuance thereof.

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, Respondent hereby waives any right it 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

Docusign Envelope ID: 57A151D0-7127-4A11-9CEE-64F37536BDC2

Kittrell Estate
CCD2025.003.00, ER2025.004.00

Executive Director

FOR THE KITTRELL ESTATE
Dated: 11/12/2025

Signed by:
Todd Trost
4A99A070538E4C5...

TODD TROST
Representative

Docusign Envelope ID: 57A151D0-7127-4A11-9CEE-64F37536BDC2

Full Commission Motion and Action:

Please check one of the four boxes indicating your decision, then sign and return the memorandum to BCDC Staff:

☐ By a vote of ___yeses, ___noes, and ___abstentions, the Commission concurs with the Executive Director's Recommended Enforcement Decision and issues the proposed Stipulated Civil Penalty Order.

☐ By a vote of ___yeses, ___noes, and ___abstentions, the Commission votes to dismiss this matter and declines to issue the proposed Stipulated Civil Penalty Order for the reasons specified in the attached memorandum.

☐ By a vote of ___yeses, ___noes, and ___abstentions, the Commission votes to remand the matter back to the Enforcement Committee for further action for the reasons specified in the attached memorandum.

☐ By a vote of ___yeses, ___noes, and ___abstentions, the Commission rejects the Executive Director's Recommended Enforcement Decision and decides to consider the entire matter de novo at the Commission meeting on _____.

_____
Zachary Wasserman, Commission Chair
San Francisco Bay Conservation and Development Commission

_____
Date:

Docusign Envelope ID: 0F51665F-E909-494D-8072-BF9D436BDA0F

Exhibit S

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: CCD2025.004.00

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

Respondent: Allen Kanady

To Allen Kanady:

I. Stipulated Civil Penalty Order

Pursuant to Cal. Gov. Code § 66641.6, Allen Kanady ("Respondent") is hereby ordered to:

A. Pay administrative civil liability of eight thousand dollars ($8,000) 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. Eight thousand dollars ($8,000) for unpermitted fill within BCDC's 100-foot shoreline band jurisdiction and the Primary Management Area consisting of an Argo (small amphibious craft), two boats, and a large lawn mower.

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. Respondent owns a parcel located on Van Sickle Island, Solano County, as identified by Assessor Parcel Number (APN) 0090-120-190.
B. Prior to November 23, 2022, fill consisting of an Argo (small amphibious craft), two boats, and a large lawn mower was 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.

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E. Therefore, Respondent, as the property owner, is 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 properties 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 Respondent, describing the unauthorized fill and advising that the Respondent "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 April 1, 2025, and April 8, 2025, BCDC staff communicated with Respondent via email, during which time staff reiterated the nature of the alleged violation and urged Respondent to remove the unauthorized fill.
I. Prior to July 8, 2025, Respondent 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 July 14, 2025, Respondent filed his Statement of Defense ("SOD") form.
L. On August 26, 2025, Respondent waived his 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 August 29, 2025, Respondent via e-mail provided BCDC staff with photographs demonstrating that all of the unauthorized fill had been removed from his property.
N. To date, Respondent has fully abated the MPA and SMPA violation at his property.
O. Following the removal of the unauthorized fill, BCDC staff engaged in discussions with Respondent 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 Respondent 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 $8,000 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.

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U. The Commission finds that Respondent is culpable for the violation due to his failure to correct the violation by removing the unauthorized fill.
V. Respondent is the sole property owner and responsible for maintaining his property in a manner consistent with the MPA and SMPA.
W. The Commission finds that BCDC staff communicated to Respondent on February 5, 2025, and April 1, 2025, that he 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, Respondent refrained from resolving the violation. Further, the violation was the result of inadvertent omissions on the part of the Respondent to survey his 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 Respondent's ability to pay is not in question.
Z. The Commission finds that Respondent has 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 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.

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 ER2025.002.00.
E. This Order is effective upon issuance thereof.

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, Respondent hereby waives any right he 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

Docusign Envelope ID: 0F51665F-E909-494D-8072-BF9D436BDA0F

Executive Director

Dated: 11/4/2025

Signed by:
Allen Kanady
321B8174EA1B428...

ALLEN KANADY

Docusign Envelope ID: 0F51665F-E909-494D-8072-BF9D436BDA0F

Full Commission Motion and Action:

Please check one of the four boxes indicating your decision, then sign and return the memorandum to BCDC Staff:

☐ By a vote of ___yeses, ___noes, and ___abstentions, the Commission concurs with the Executive Director's Recommended Enforcement Decision and issues the proposed Stipulated Civil Penalty Order.

☐ By a vote of ___yeses, ___noes, and ___abstentions, the Commission votes to dismiss this matter and declines to issue the proposed Stipulated Civil Penalty Order for the reasons specified in the attached memorandum.

☐ By a vote of ___yeses, ___noes, and ___abstentions, the Commission votes to remand the matter back to the Enforcement Committee for further action for the reasons specified in the attached memorandum.

☐ By a vote of ___yeses, ___noes, and ___abstentions, the Commission rejects the Executive Director's Recommended Enforcement Decision and decides to consider the entire matter de novo at the Commission meeting on _____.

_____
ZACHARY WASSERMAN, Commission Chair
San Francisco Bay Conservation and Development Commission

_____
Date: