

San Francisco Bay Conservation and Development Commission

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**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 Kittrell 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 OnX Hunt App maps (VR/C Exhibit 4)

- v. Through phone and email interviews with Mr. Lanza fame, 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. Lanza fame has tried to persuade Thad to remove them. Mr. Lanza fame asserted that all items belong to Thad Woodin and advised BCDC staff on who owned the other parcels.

Supporting evidence: Email with Mr. Lanza fame 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. Lanza fame 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. Lanza fame 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	<ul style="list-style-type: none">RealQuest real estate recordsScreen shots of the county map viewerOnXHunt App maps	<ul style="list-style-type: none">Thad Woodin, RealQuest: June 9, 2021Other parcels, RealQuest and county map viewer: January 10, 2025OnXHunt App: September 24, 2024
5	Interviews with Chris Lanzafame	September 27, 2024 and November 27, 2024
6	<ul style="list-style-type: none">Email with Andrew Kershen	<ul style="list-style-type: none">Kershen: October 15, 2024Lanzafame: December 9, 2024

	<ul style="list-style-type: none"> Email with Chris Lanzafame 	
7	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> Initial contact letters (ICLs) and interviews with the owners of the other parcels on Van Sickle Island upon which Thad Woodin had placed items 	<p>ICLs: February 5, 2025, for the Belcher, William Woodin and Kanady parcels; February 21, 2025, for the Kittrell parcel.</p> <p>Interviews:</p> <ul style="list-style-type: none"> Belcher: February 13, 2025 William Woodin: February 26, 2025 Kanady: April 8, 2025

	<ul style="list-style-type: none">• An initial commitment by Thad Woodin to remove some of his items	<ul style="list-style-type: none">• Kittrell: February 28, 2025• Thad Woodin: November 15, 2024
9	<p>Video clips from a site visit.</p> <ul style="list-style-type: none">• 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 FORM 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 BE USED AGAINST YOU.

YOU MAY WISH TO CONSULT WITH OR RETAIN AN 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@bcd.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):

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

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 identify 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:

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:

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(e), Public Resources Code. Reference: Sections 66637, 66638, 66641.5(e), 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 (c), 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(c), 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 type 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(c), 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(c), 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(c), 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(c), 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 al-

leged 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 (c)–(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:

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**

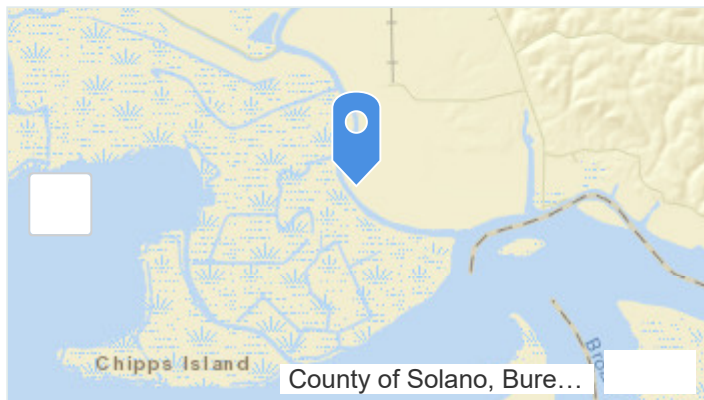
Address of the Alleged Violation

Lat:38.0748 Lon: -121.88181

APN

0090-120-130

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, chemicals 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

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

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

Upload any Images or Supporting Documentation of the Alleged Violation



IMG_0599.JPG

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

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

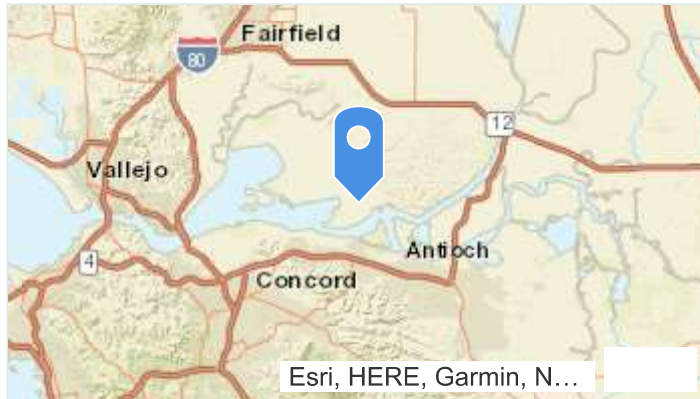
Lat:38.0748 Lon: -121.88181

APN

0090-120-130

Location of the Alleged Violation

Lat: 38.0748 Lon: -121.88181



County

Solano

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 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. 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

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

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

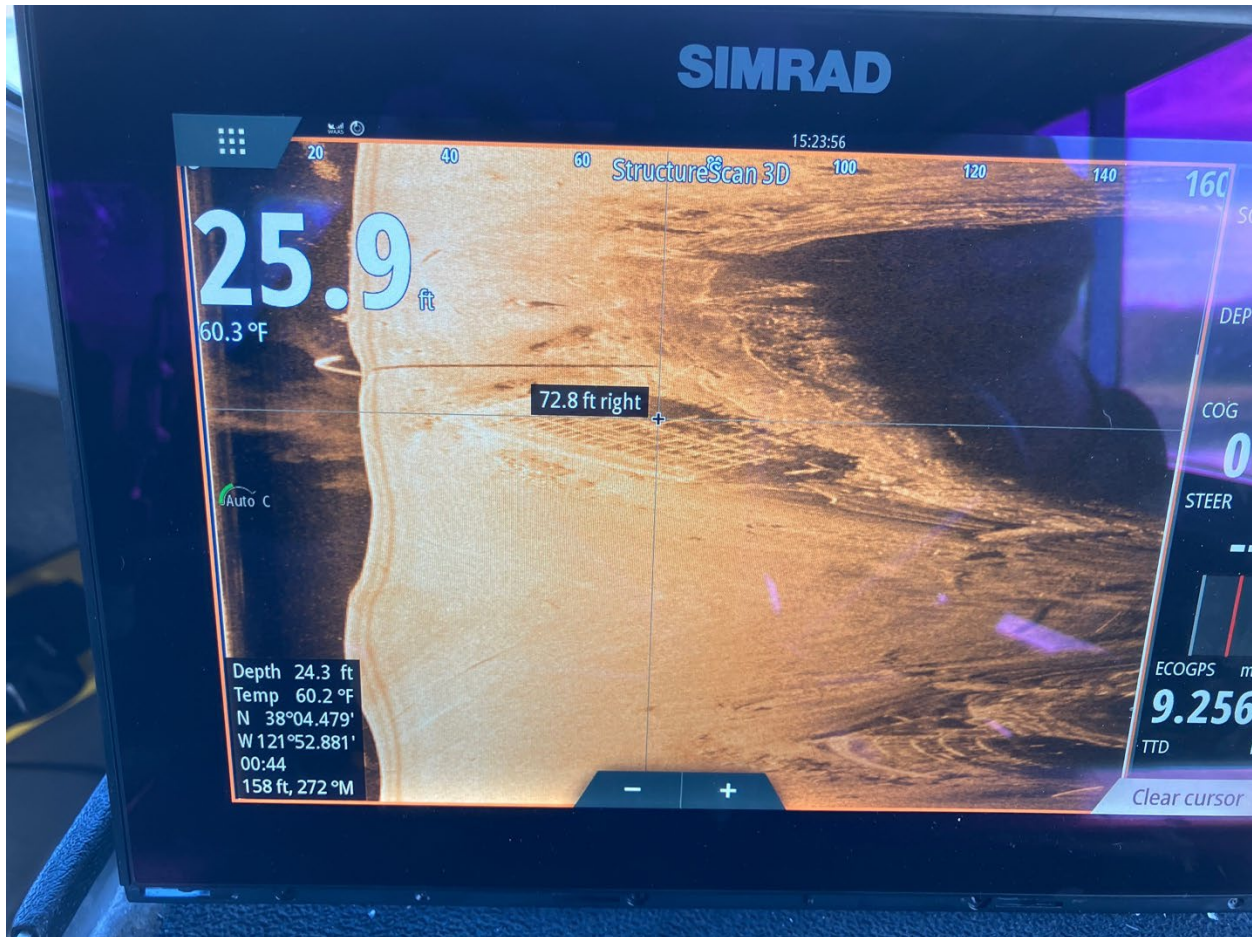


Exhibit 3

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)





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@bcdcc.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@bcdcc.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@bcdcc.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

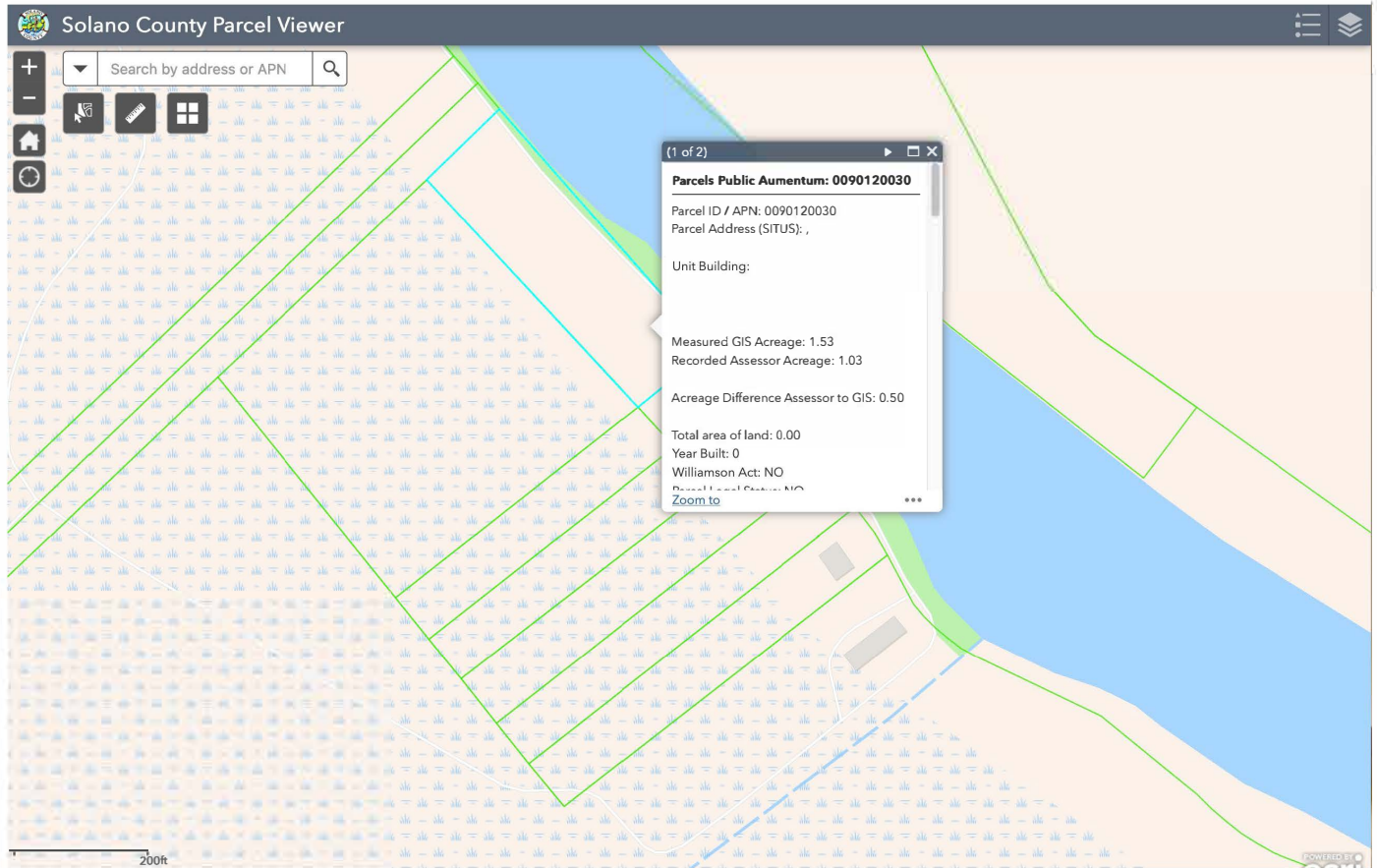
Business Days & Hours: M-F 8:30a – 5:00p

[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



Property Detail Report

For Property Located At :
,, CA



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

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
Land Value: \$12,310
Improvement Value: \$30,782
Total Taxable Value: \$43,092

Assessed Year: 2024
Improved %: 71%
Tax Year: 2024

Property Tax: \$490.74
Tax Area: 060053
Tax Exemption:

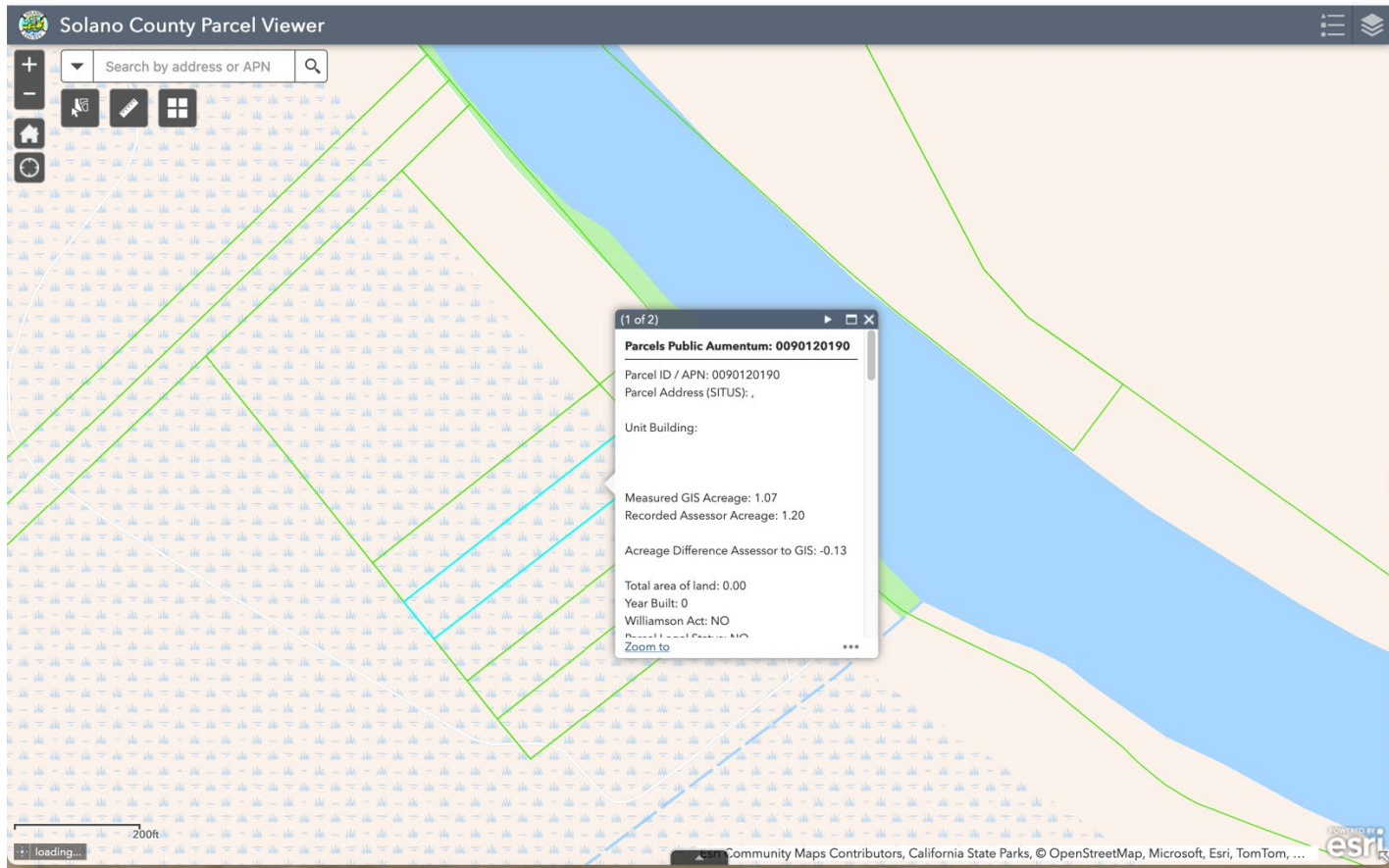
Exhibit 4

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





Exhibit 4



Property Detail Report

For Property Located At :
,, CA



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

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
Land Value: \$29,152
Improvement Value: \$1,312
Total Taxable Value: \$30,464

Assessed Year: 2024
Improved %: 4%
Tax Year: 2024

Property Tax: \$350.46
Tax Area: 060053
Tax Exemption:

Property Detail Report

For Property Located At :
,, CA



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

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
Land Value: \$7,211
Improvement Value: \$2,876
Total Taxable Value: \$10,087

Assessed Year: 2024
Improved %: 29%
Tax Year: 2024

Property Tax: \$124.06
Tax Area: 060053
Tax Exemption:

Exhibit 4

Solano County parcel map viewer link:

<https://solanocountygis.com/portal/apps/webappviewer/index.html?id=b2a40316824143fc9f361d5d81c51a7a>

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

[solano.publicaccessnow.com/Assessor/PropertySearch/Detail.aspx?p=0090120160&a=171342&m=0090120160](https://ca-solano.publicaccessnow.com/Assessor/PropertySearch/Detail.aspx?p=0090120160&a=171342&m=0090120160)

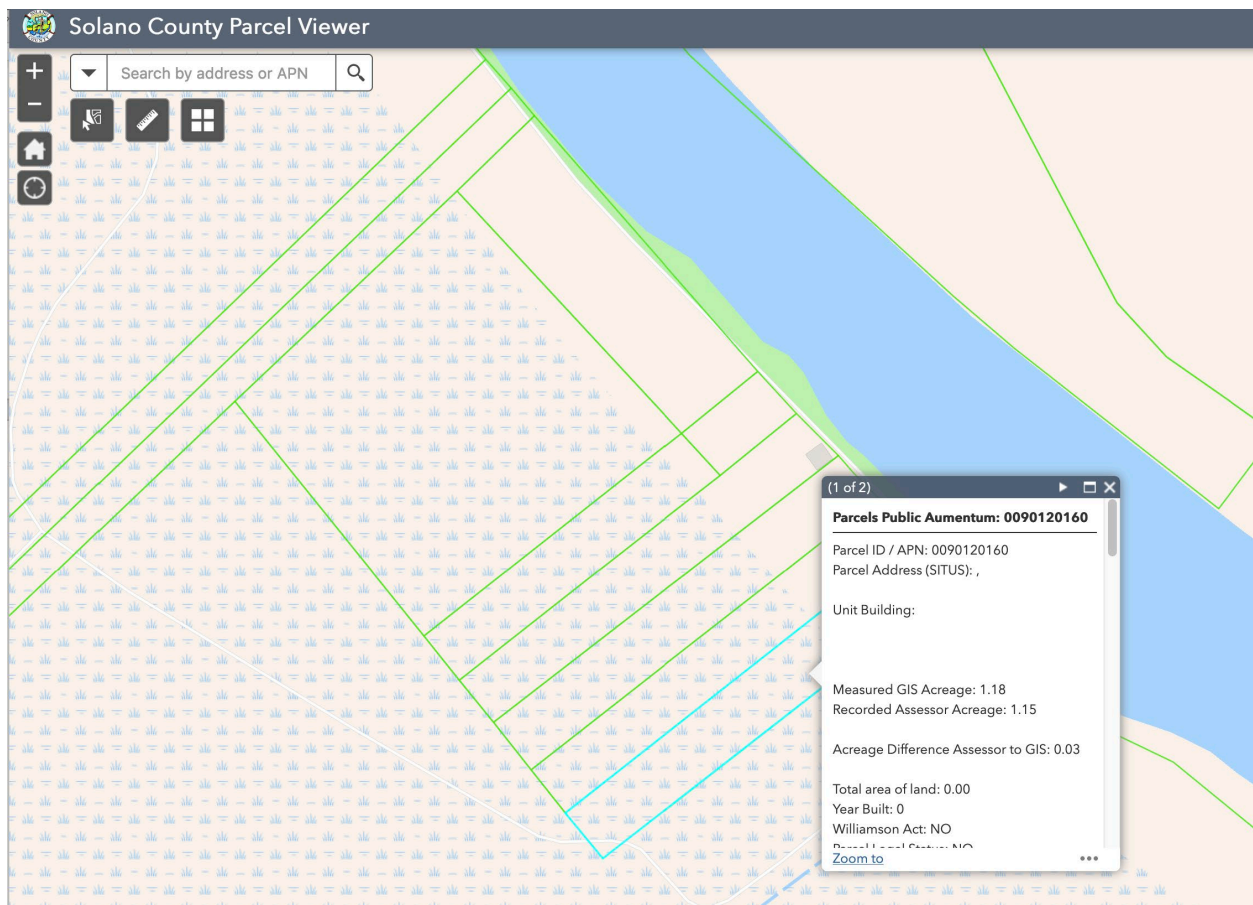
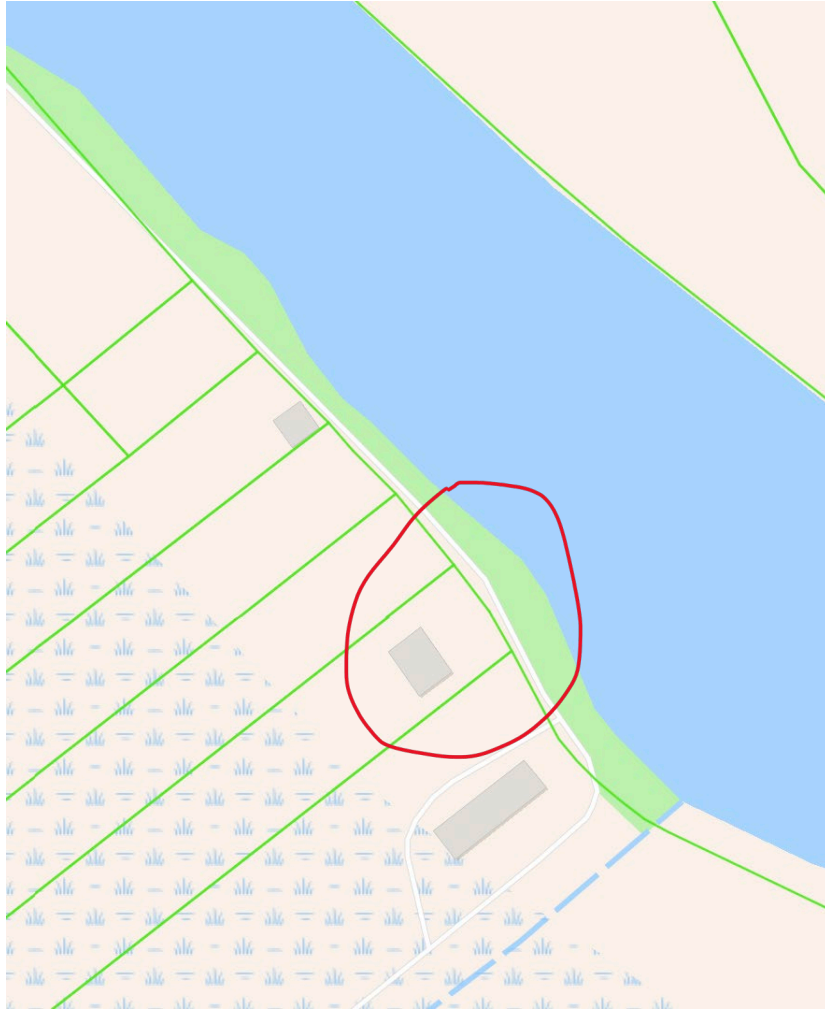


Exhibit 4



ADDITIONAL FEES COLLECTED

Order No.
Escrow No.
Loan No.

PCOR Fee \$
Monument Fee \$ 10.-

Recorded At Request Of
at 27 min. past 9 M.

PG100881

WHEN RECORDED MAIL TO:

Robert L. Bidlingmaier, Esq.
Attorney at Law
1211 Newell Avenue, Suite 112
Walnut Creek, CA 94596

46887

BOOK AUG 12 1988

OFFICIAL RECORDS
SOLANO COUNTY CALIF.

PD. 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.
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

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 satis-
factory evidence) to be the person(s) whose name(s) is/are sub-
scribed to the within instrument and acknowledged to me that
he/she/they executed the same.

WITNESS my hand and official seal.

Signature

Kenneth Lee



(This area for official notarial seal)

MAIL TAX STATEMENTS AS DIRECTED ABOVE

FORM #4280 (Rev. 3/83)



3:18

94

ON X HUNT

WOODIN
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

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	APN:	0090-120-130
County:	SOLANO, CA	Alternate APN:	
Census Tract / Block:	2535.00 / 4	Subdivision:	VAN SICKLE ISLAND
Township-Range-Sect:	3N-1E-29	Map Reference:	4-B5 /
Legal Book/Page:		Tract #:	
Legal Lot:		School District:	FAIRFIELD SUISUN MON
Legal Block:		School District Name:	FAIRFIELD SUISUN MON
Market Area:		Munic/Township:	UNINCORPORATED
Neighbor Code:			

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:	
Green Area:		Total Bedrooms:		Green Coverage:	

Gross Area:
 Building Area:
 Tot Adj Area:
 Above Grade:
 # of Stories:
 Other Improvements: **Building Permit**

Total Restrooms:
 Roof Type:
 Roof Material:
 Construction:
 Foundation:
 Exterior wall:
 Basement Area:

Garage Capacity:
 Parking Spaces:
 Heat Type:
 Air Cond:
 Pool:
 Quality:
 Condition:

Site Information

Zoning:
 Lot Area: **8,276**
 Land Use: **WASTE LAND**
 Site Influence: **WATERFRONT**

Acres: **0.19**
 Lot Width/Depth: **x**
 Commercial Units:
 Sewer Type:

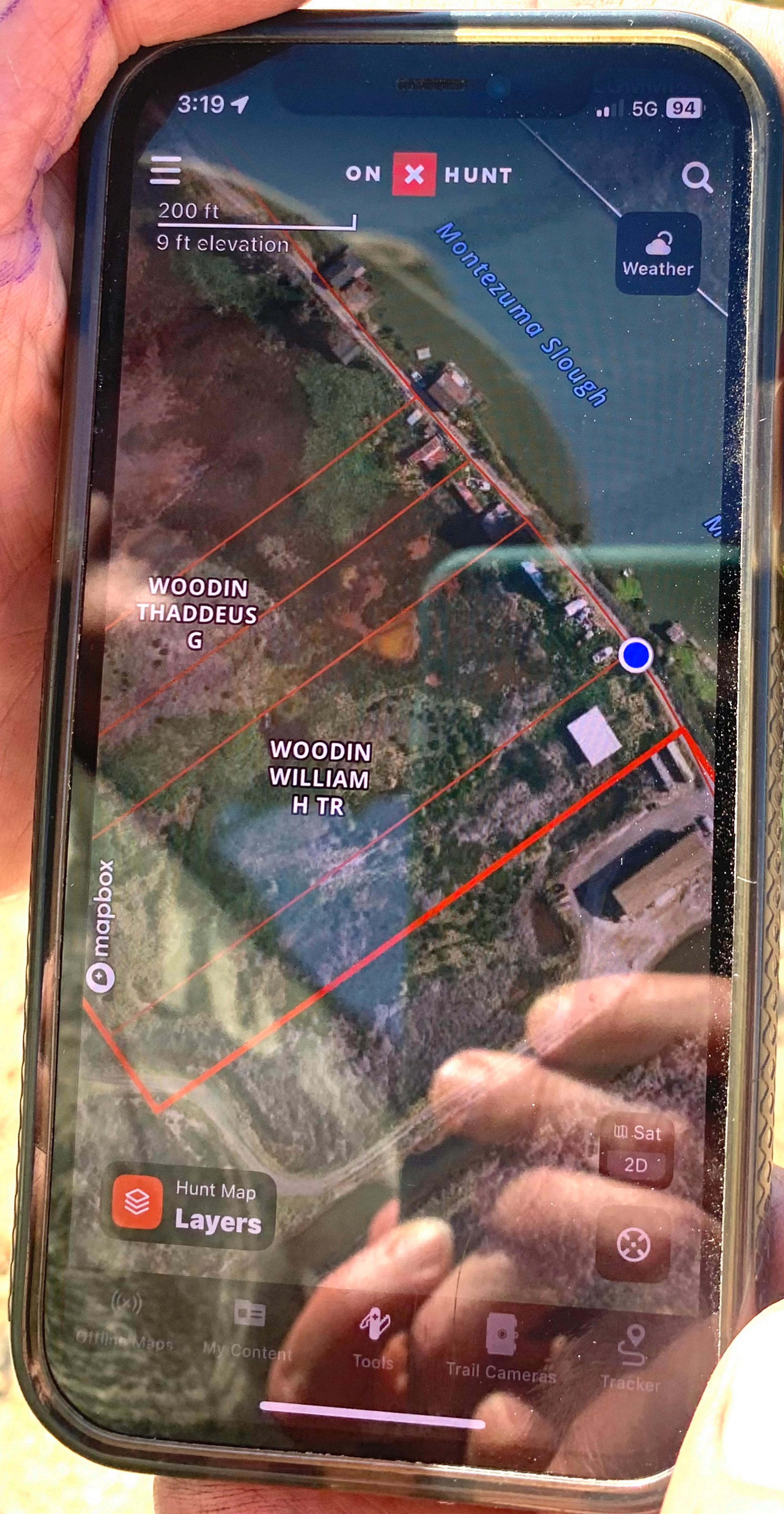
County Use: **MARSH LAND (6100)**
 State Use:
 Water Type:
 Building Class:

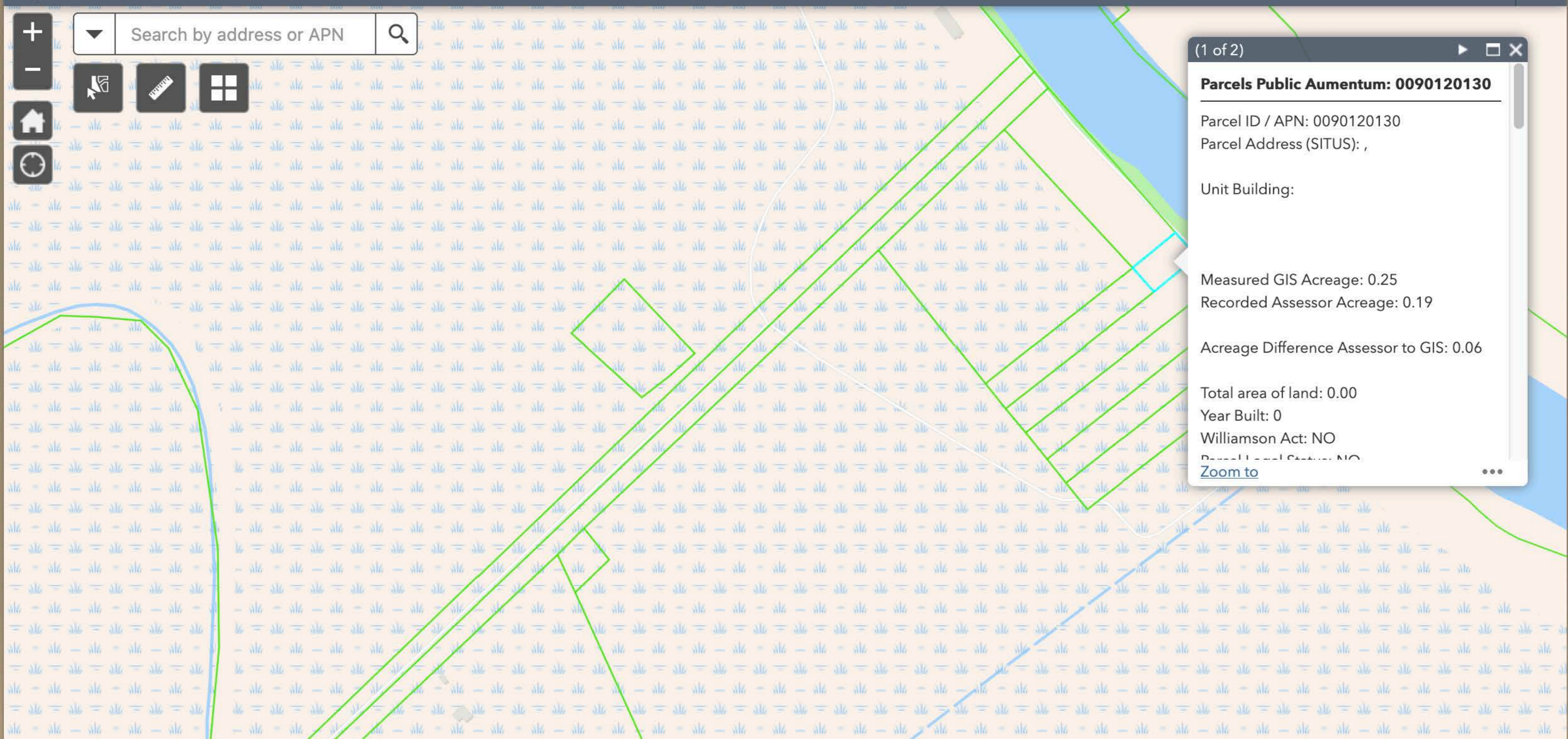
Tax Information

Total Value: **\$10,483**
 Land Value: **\$2,870**
 Improvement Value: **\$7,613**
 Total Taxable Value: **\$10,483**

Assessed Year: **2020**
 Improved %: **73%**
 Tax Year: **2020**

Property Tax: **\$128.08**
 Tax Area: **060053**
 Tax Exemption:





(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
Parcel Land Status: NO

[Zoom to](#) ⋮

Property Detail Report

For Property Located At :
,, CA



Owner Information

Owner Name: **WOODIN WILLIAM H**
Mailing Address: **4281 OAKDALE PL, PITTSBURG CA 94565-6228 C/O THADDEUS G WOODIN**
Vesting Codes: **// TR**

Location Information

Legal Description:	SEC 29 T3N R1E	APN:	0090-120-180
County:	SOLANO, CA	Alternate APN:	
Census Tract / Block:	/	Subdivision:	
Township-Range-Sect:	3N-1E-29	Map Reference:	4-B5 /
Legal Book/Page:		Tract #:	
Legal Lot:		School District:	FAIRFIELD SUISUN MON
Legal Block:		School District Name:	FAIRFIELD SUISUN MON
Market Area:		Munic/Township:	UNINCORPORATED
Neighbor Code:			

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

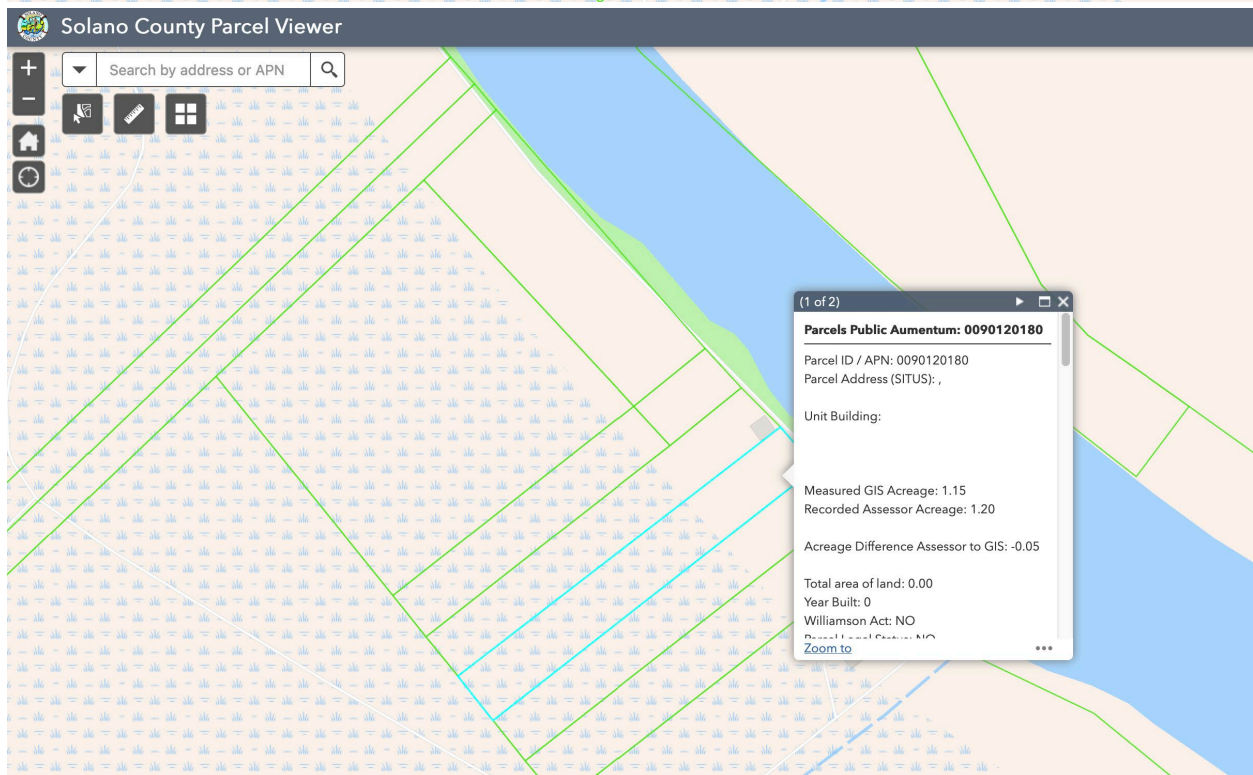
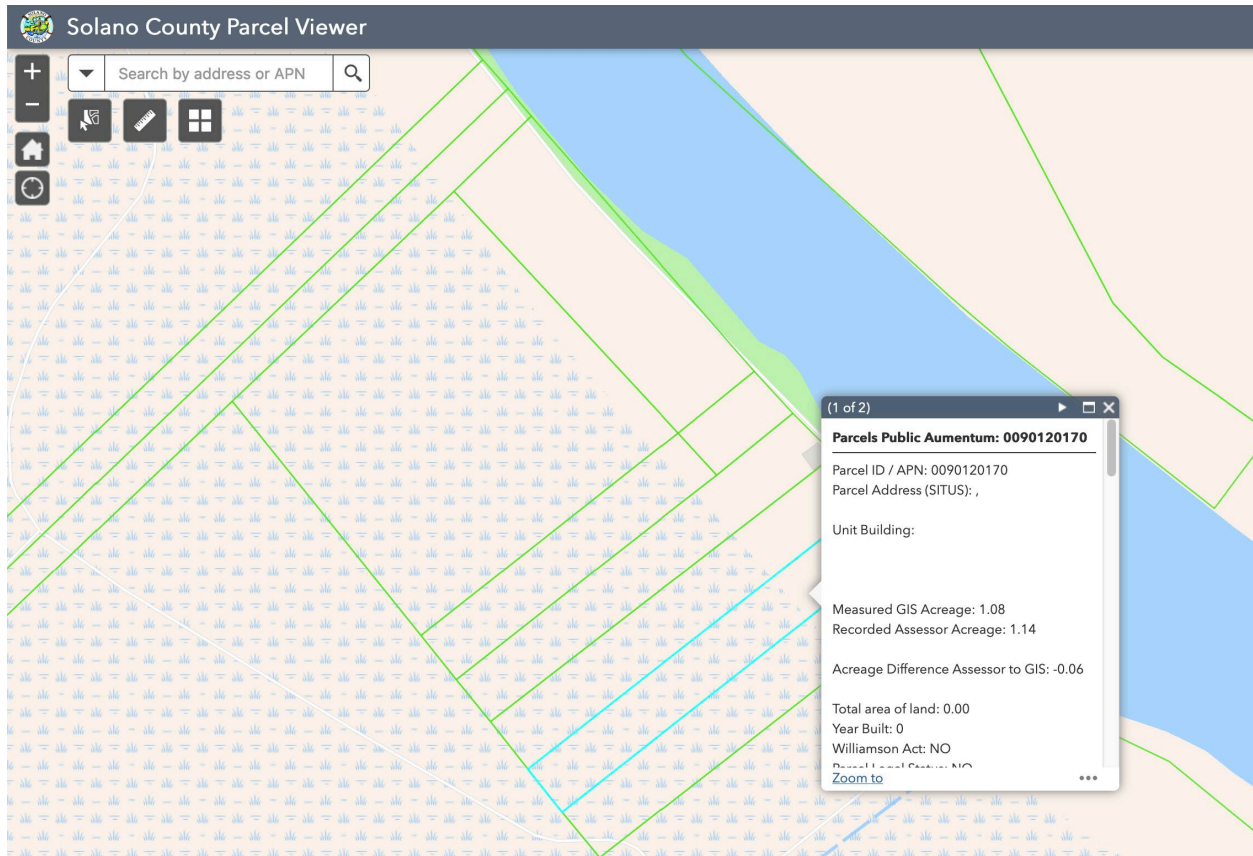
Tax Information

Total Value: \$11,686
Land Value: \$7,999
Improvement Value: \$3,687
Total Taxable Value: \$11,686

Assessed Year: 2024
Improved %: 32%
Tax Year: 2024

Property Tax: \$141.84
Tax Area: 060053
Tax Exemption:

Exhibit 4



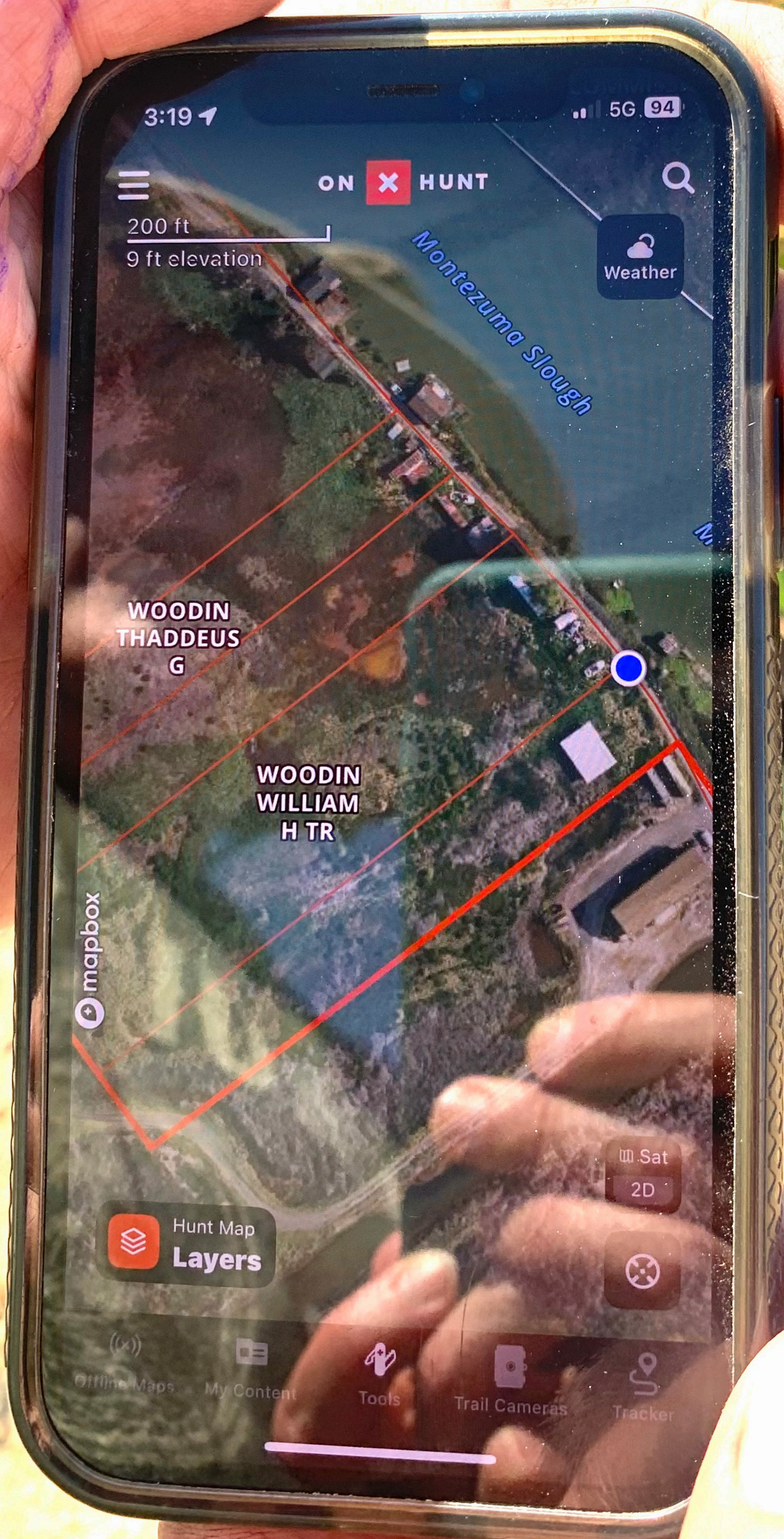


Exhibit 5



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@bccdc.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@bccdc.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>

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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

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).

Exhibit 5

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 knowledgeable. But he lost all of his equipment.

(Bottom line: Thad can remove these things. But it will cost a lot of money.)

Rec vessel: Tried to lift it out and it started to come up. He was using floats. (Will be difficult)

Timing for current removals:

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.

Recommendation:

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.

Exhibit 5

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?)

More on past history:

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 neighbor). 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.)

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:

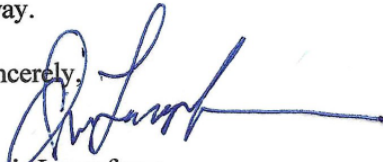
I am writing this letter to make you aware of some problems regarding your use of the district levee road on Van Sickle Island. It has been brought to the attention of the Board of Trustees by the district engineer that your excessive use of the levee has caused subsidence in the area around your house 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

|

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@bccdc.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@bccdc.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 jurisdiction 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@bcdcd.ca.gov

**San Francisco Bay Conservation and Development Commission**

<http://bcdcd.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@bccdc.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 about 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@bccdc.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@bcdcd.ca.gov

<Outlook-aezidyhw.png>

San Francisco Bay Conservation and Development Commission

<http://bcdcd.ca.gov/enforcement>

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San Francisco, CA 94105

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Main Number: (415) 352-3600

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Exhibit 7



Outlook

Re: Question about Thad Woodin's house

From Usher, Anne@BCDC <anne.usher@bcdcc.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@bcdcc.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@bcdcc.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

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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

CALENDAR ITEM NO. C72 (CONT'D)

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 identified 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).

SIGNIFICANT 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

CALENDAR ITEM NO. **C72** (CONT'D)

floating objects illegally moored in Montezuma Slough at Van Sickle Island in Solano County and to recover any costs and damages.

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@bccdc.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@bccdc.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 jurisdiction 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

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 J. 1" → TIME

0330 - A/F @ TIME, R/L → LIBERTY

1030 - V/W W/ NORA M. → OLY YARD

1245 - A/F @ OLY, SHUFFLE BARGES. S/D, TRASH OFF

1330 - S/L, SHIFT BARGES, V/W W/ ZOE → BSM

1630 - A/F @ BSM, UNFOUR MOORING, R/L → LIBERTY

1700 - V/W W/ ALMI + DENISE "T" → SRRQ

2130 - A/F SRRQ S/D ✓ & PUMP BARGES

2400 - SAME

2017 233rd day - 132 days follow

MONDAY

21

AUGUST

Exhibit 7

0001 - SAME AS BU

0600 - S/L SHIFT BARGES

0700 - S/D

0830 -

0900 - S/L Build tow - Almi & Denise ✓ Denise for water

1000 - Shift boat on tow S/D S/B for tide

1100 - S/L W/ Depp SRRQ w/ Denise (6") Almi (QS) → Liberty

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 Grizzly IS

0700 - Secure Denise A/S CB-8 Move to Job site

0800 - Spd down CB-8, Denise R/L → Liberty

0900 - Liberty Talk Airmen off port main send to Ryan w

1000 - Dept Liberty like → o/y yard

1200 - o/y 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 Position Burg - Broken Bitt mooring wire off, UH

2100 - S/D Pump 2B 26

2230 - S/U pick pumps Dept HBM w/ 217 (mt) → HBM

0020 - u/w w/ 217 HBM → BSM

0200 - BSM, Build tow 202 & 217 - 0115 - u/w → SRRQ

0615 - SRRQ Secure 217 @ Dock shift 202

0645 - S/D ✓ Uitals

0745 - S/U shift Burgess

0800 - S/U Flip 202 S/D @ 1315

0900 - S/U shift 202 as → Mooring. 1415 - shift 217 for loading

1300 - S/D

1700 - S/U Flip 217 - 1715 S/D

1845 - S/U Build tow

1930 - S/D STBY for Tide

2300 - S/U u/w Dept SRRQ w/ 217, 202 (as) → Liberty

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 Grizzly IS

0745 - CB-8 u/w w/ Denise (mt) → Liberty

0915 - Liberty Build tow u/w w/ Denise (mt) 217 (Q3) → DIM

1100 - DIM Hang 217 (Q3) 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} → CB-8

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

^{S/D}
0001 - HBM - Pumping #15

0215 - S/U - Shift boat to #19 start pumping

0715 - S/U w/ 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 of Denise ^{MT's}

1900 - HBM - S/D inspect PC splash zone STBD Bow Wake

2015 - S/U Build Tow

2030 - Dept HBM w/ p.c. Denise (mt's) → BSM

2100 - BSM Secure Denise (mt) A/S Aimi (mt) u/w w/ p.c. (mt) → SFYC

11- u/w u/ PC → SFYC

130- SFYC - Secure PC - inspect PC

200- s/d Begin pumping PC

730 s/u w/u Dept SFYC ltr → Kelso

815- Kelso s/d st/By for Palomar

1030- s/u Dept p. 35 SF → Bay Br Palomar

100- Palomar st/By s/d

5- s/u - Assist Palomar

10- u/w u/ Palomar → Alameda 9

15- Alameda 9 - Palomar Secure $\frac{1}{2}$ R/L → B-10 oak Trash off

20- B-10 oak m/u to Scow 5 s/d st/By for DB-24

70- s/u Dept B-10 oakland w/ DS #5 (mt) → DB-24

130- DB-24 Secure DS #5 A/S w/ltr → B-10

245- B-10 w/w #20 (Equip) → AIA 9

130- Alameda 9 Secure #20 s/d pump #20

0001- Alameda 9 s/d - Pump #20 / TAKE Fresh water

1200- s/u w/u Dept AIA 9 ltr → Liberty

1900- Liberty s/d s/b for CB-8

0001 - Liberty S/D, S/B for CB-8

0815 - S/U W/U Dept Liberty like → CB-8 Grizzly IS

1000 - CB-8 ST/By TO Demob

1115 - Dept Grizzly IS w/ CB-8, 202(MT) → LOCKS

1300 - A/F@ LIBERTY, P/L → CB-8 ✓ ALL SYSTEMS

1345 - $\frac{1}{2}$ W/ CB-8 → LIBERTY

1500 - BUILD TOW @ LIBERTY, 202 + CB-8 → FRM

1715 - A/F@ FRM, BREAK TOW / BUILD TOW

1745 - $\frac{1}{2}$ W/ Z17 Q^S + CB-8 → MEDFORD IS.

2000 - SPOT RIG - R/L → FRM

2200 - $\frac{1}{2}$ W/ 202 MT → OLY YARD

2400 - OLY SHUFFLE

0001 - OLY YARD SHUFFLE.

0230 - S/D, PUMP SLOP TANK

0330 - $\frac{1}{2}$ W, $\frac{1}{2}$ W W/ CB-1 + RES → ~~FRM~~ FRM

0545 - A/F@ FRM, $\frac{1}{2}$ W W/ CB-1 → MEDFORD IS.

0800 - $\frac{1}{2}$ R MEDFORD ISL.

1300 - R/L → BSM

1600 - $\frac{1}{2}$ W W/ BIG GIRLS MT → SRRA

2130 - A/F SRRA. S/D ✓ BARGES $\frac{1}{2}$ R

2400 - SAME

AUGUST

30

WEDNESDAY

2017 242nd day - 123 days follow

0001 - S/D S/R @ SRRQ

0600 - S/D SHIFT BARGES

0700 - S/D S/R

1515 - S/L, 1/4 w/ BIG GIRLS ^{QS} → MED. IS.

2400 - Same

2017 243rd day - 122 days follow

THURSDAY

31

AUGUST

Exhibit 7

2100 - A/FR MED. IS., 1 S/O, GIVE CB-8 1000 GAL FUEL *

0630 - S/O R/L → HRM

0930 - HRM - S/D ✓ BARGES

2000 - S/O R/L → MED. ISL.

2230 - SHIFT BARGES

2300 - 1/4 w/ 217 ^{NOT} → DIM

Exhibit 7



Re: Re barge that sank in the Montezuma Slough

From Usher, Anne@BCDC <anne.usher@bccdc.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@bccdc.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

CONFIDENTIALITY:

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Property Detail Report

For Property Located At :
,, CA



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	APN:	0090-050-080
County:	SOLANO, CA	Alternate APN:	
Census Tract / Block:	/	Subdivision:	
Township-Range-Sect:	3N-1E-19	Map Reference:	/
Legal Book/Page:		Tract #:	
Legal Lot:		School District:	FAIRFIELD SUISUN MON
Legal Block:		School District Name:	FAIRFIELD SUISUN MON
Market Area:		Munic/Township:	UNINCORPORATED
Neighbor Code:			

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

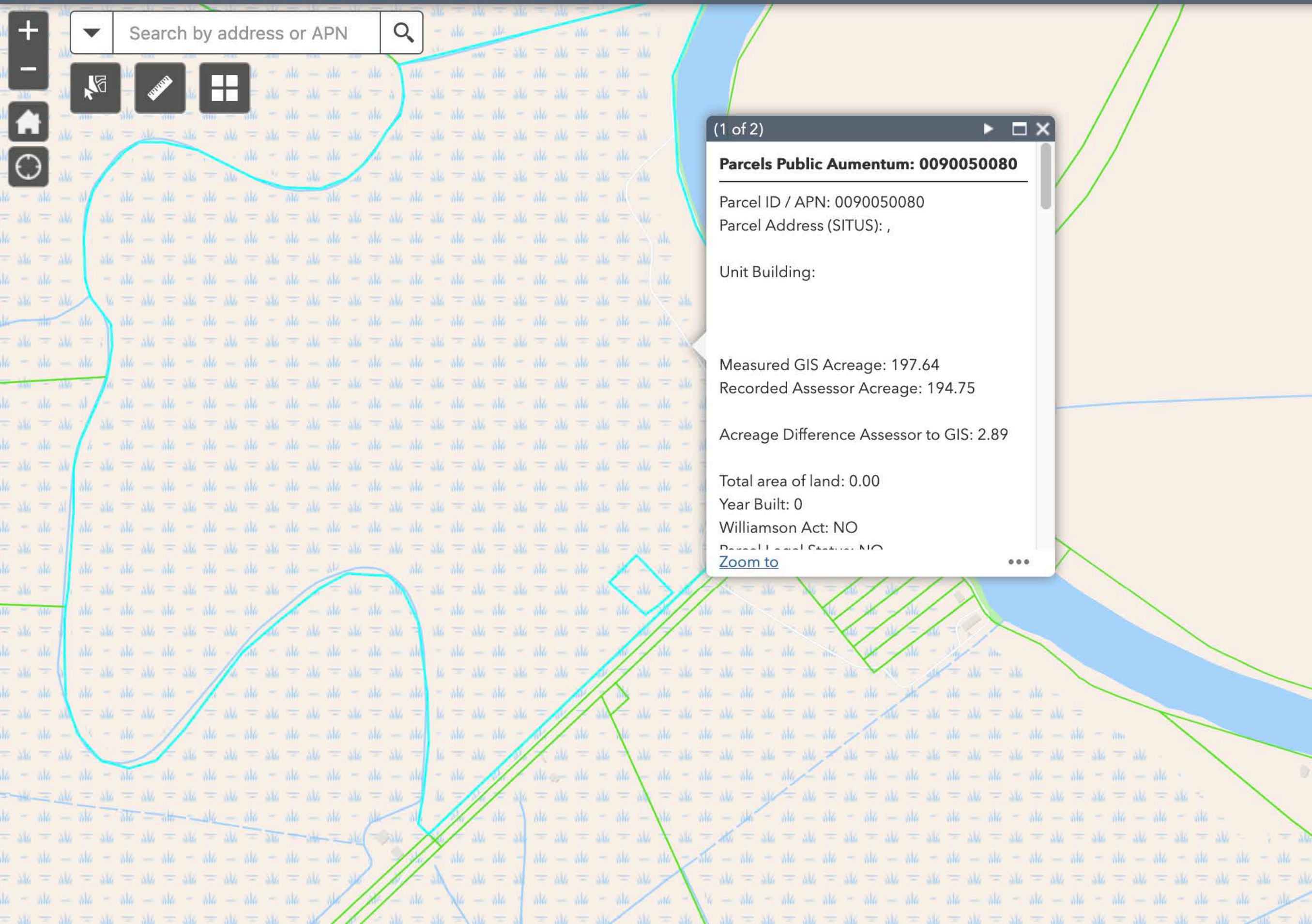
Conversation on 4/3/2025

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).



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

Parcel Land Status: 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@bcdcc.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

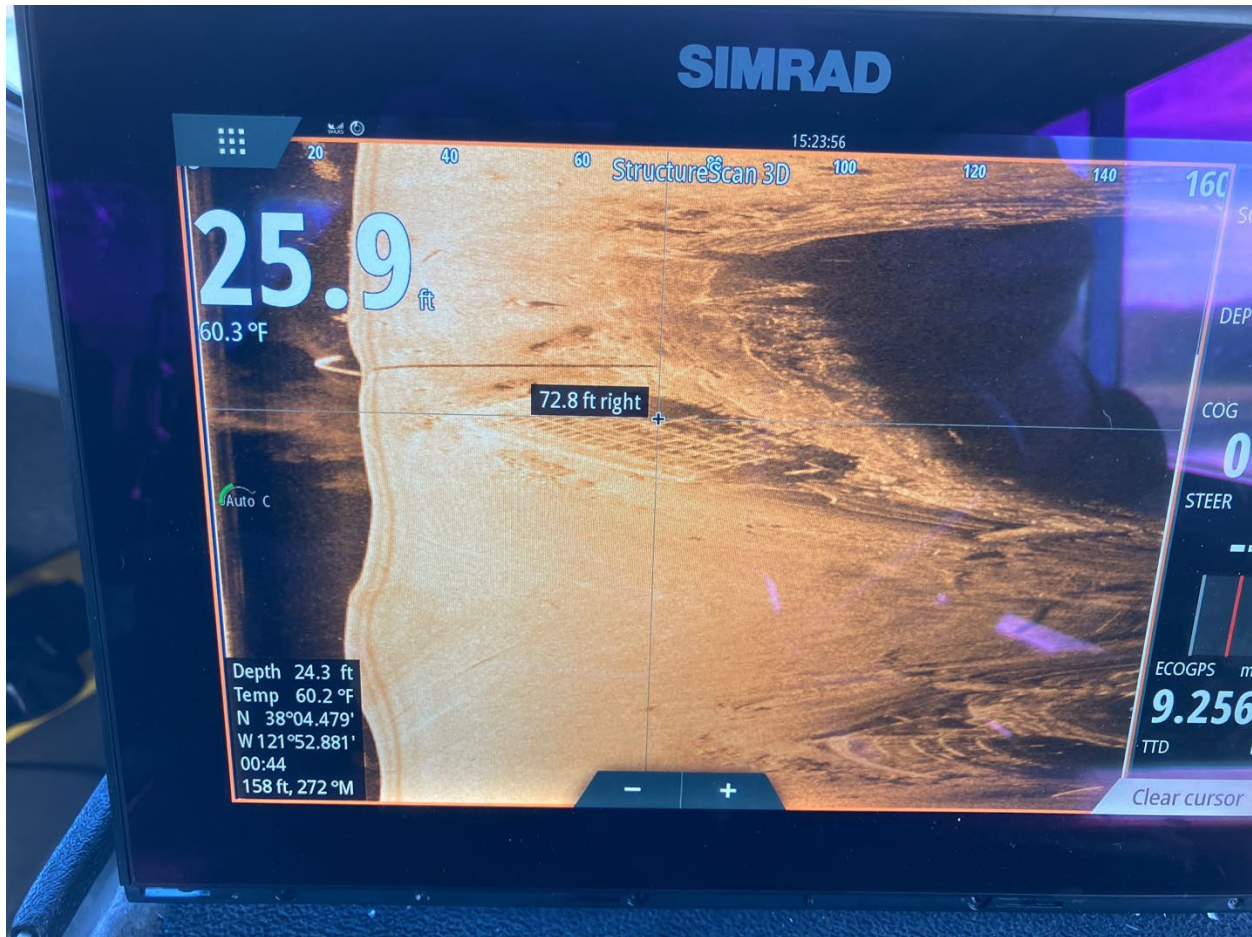


Exhibit 7

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.

Exhibit 7

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.

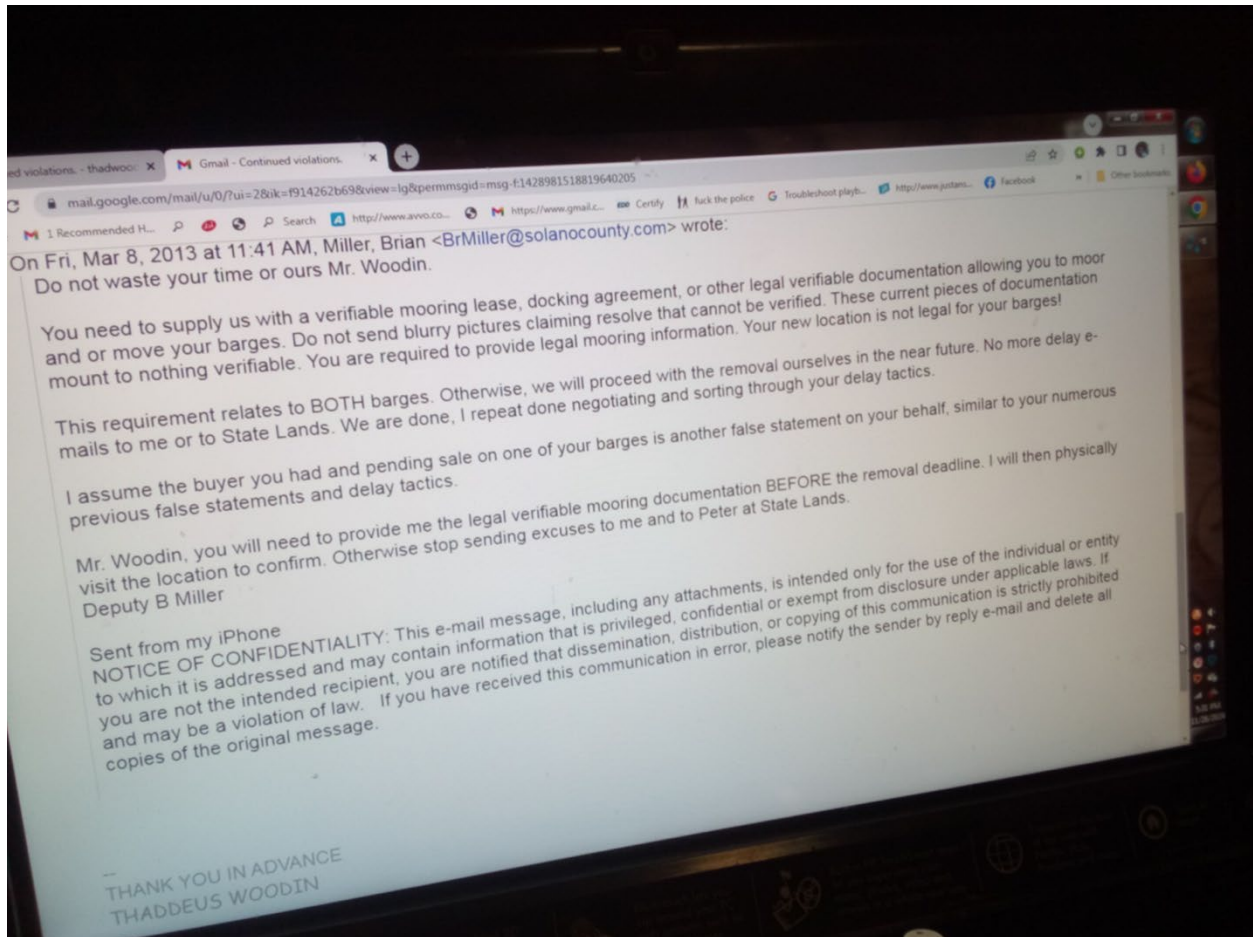


Exhibit 7

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 or 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



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@bcdcc.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 adamant 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@bcdcc.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

CONFIDENTIALITY:

The e-mail is intended solely for the use of the individual to whom it is addressed and may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law. If the reader of this e-mail is not the intended recipient, or the employee or agent of the intended recipient, then you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify The Dutra Group by reply to the original sender of this email or by telephone at (415) 258-6876 and delete all copies of this e-mail. It is the recipient's responsibility to scan this e-mail and any attachments for viruses. Thank you.

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. Abood,

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@bcdcd.ca.gov



San Francisco Bay Conservation and Development Commission

<http://bcdcd.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										Page 1	
		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 VESSEL ACCIDENT VESSEL ACCIDENT		(A/C - Attempt/Completed)		Date Occurred 08/26/17-08/26/17		Time Occurred 0922 - 1830		Incident # 1708260059				
					Date Reported 08/26/2017		Time Reported 0922						
					Related Cases								
					Date Printed 04/09/2025		Time Printed 13:17:52		Printed By 14998				
					Latitude 0.000000		Longitude 0.000000						
	Location Montezuma Slough, Suisun City, CA			Beat 2	Area 600	Disposition Clerd By Other Means			Dispo Date 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 Woodin, Thaddeus Greg			Drivers License N9296310 CA		Cell Phone		Email					
	Residence Address 4281 Oakdale Pl, Pittsburg, CA 94565					Residence Phone 925-565-0738		DOB 03/18/1963		Age 54	Sex M	Race W	
	Business Name and Address					Business Phone		Height 6'2"		Wt 205	Hair BRO	Eyes 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 XConverted			Vehicle Make and Model 1988 White Houseboat			License/State 1555VB CA		VIN CFZ1403VA282		Val Damgd		
DEPUTIES	Prepared By 10100 - Otto, Michael			Date 10/18/2017		Assisted By			Approved By 1S4X0 - Dudley, Ray			Date 10/11/2017	
	Routed To <small>SAN FRANCISCO COOPERATION AND DEVELOPMENT COMABE</small>			Date 04/09/2025		Routed To			Date		Notes		

CONTROLLED DOCUMENT - DO NOT REPRODUCE

Exhibit 7

COPIES TO: <input type="checkbox"/> DA <input type="checkbox"/> PROB <input type="checkbox"/> DOJ <input type="checkbox"/> INV <input type="checkbox"/> PAT <input type="checkbox"/> RISK MANAGEMENT <input type="checkbox"/> COUNTY COUNCIL <input checked="" type="checkbox"/> OTHER DBW 10-12-17-12-17 EX-13 N/A 15-15-17		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: <input type="checkbox"/> CRIME <input type="checkbox"/> ARREST <input type="checkbox"/> UTILITY <input type="checkbox"/> MISSING PERSON <input checked="" type="checkbox"/> OTHER								
CODE: V - VICTIM, W - WITNESS, R - REPORTING PARTY, S - SUSPECT, L - INVESTIGATIVE LEAD, I - INFORMANT												
INCIDENT	CODE SECTION(S) NONE			TYPE OF INCIDENT VESSEL ACCIDENT REPORT								
	LOCATION (Be Specific) MONTEZUMA SLOUGH			DATE 082617	DAY SAT	TIME 1000						
	FIRST NAME (at location) N/A			DATE RPTD 082617	TIME RPTD 1000	OCCURRED ON / OR BETWEEN DATE DAY TIME						
PERSON 2	CODE P1	NAME (Last, First Middle) THADDEUS WOODIN		SEX M	RACE W	D.O.B. 031883	AGE	HGT 602	WGT 205	HAIR BRN	EYES BRN	OCCUPATION N/A
	RESIDENCE ADDRESS 4281 OAKDALE PLACE			CITY PITTSBURG		STATE CA		DL NUMBER / STATE N9296310		RES. PHONE (925) 565-0738		
	BUSINESS NAME AND ADDRESS N/A			CITY N/A						WORK PHONE () -		
VEH 3	LICENSE #	STATE	YEAR	MAKE	MODEL	BODY STYLE <input type="checkbox"/> 0 UNKNOWN <input type="checkbox"/> 1 2-DR <input type="checkbox"/> 2 4-DR		<input type="checkbox"/> 3 CONV <input type="checkbox"/> 4 PU		<input type="checkbox"/> 5 TRK <input type="checkbox"/> 6 VAN <input type="checkbox"/> 7 SAW		<input type="checkbox"/> 8 RV <input type="checkbox"/> 9 A/C <input type="checkbox"/> 10 OTHER
	COX OR COLOR		OTHER CHARACTERISTICS (e.g. TIC Damage, Unique Marks/Paint)				DISPOSITION OF VEHICLE					
RELATIONSHIP TO SUSPECT 4	<input type="checkbox"/> 0 UNKNOWN <input type="checkbox"/> 1 HUSBAND <input type="checkbox"/> 2 WIFE <input type="checkbox"/> 3 MOTHER <input type="checkbox"/> 4 FATHER <input type="checkbox"/> 5 DAUGHTER <input type="checkbox"/> 6 SON <input type="checkbox"/> 7 BROTHER <input type="checkbox"/> 8 SISTER <input type="checkbox"/> 9 OTHER FAMILY <input type="checkbox"/> 10 ACQUAINTANCE <input type="checkbox"/> 11 FRIEND <input type="checkbox"/> 12 BOYFRIEND <input type="checkbox"/> 13 GIRLFRIEND <input type="checkbox"/> 14 NEIGHBOR <input type="checkbox"/> 15 BUSINESS ASSOCIATE <input type="checkbox"/> 16 STRANGER <input type="checkbox"/> 17 OTHER-											
	RACE CODES A- OTHER ASIAN B- BLACK C- CHINESE D- CAMBODIAN F- FILIPINO G- GUANAMAN H- HISPANIC I- AMERICAN INDIAN J- JAPANESE K- KOREAN L- LATION O- OTHER P- PACIFIC ISLANDER S- SOLOAN 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: *[Signature]*

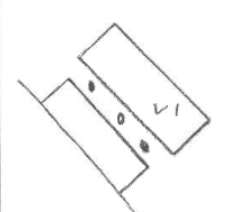
APR 09 2025

To: CC FDA VDA Prob Patrol
Inv [Other: *BCD*]

ENTERED OCT 12 2017

REPORTING DEPUTY / ID# M. OTTO 1L53	DATE 10-11-17	REVIEWED BY / ID# <i>[Signature]</i> 154	DATE 10/11/17	SUP. AT SCENE	ENTERED RAS BY: <i>[Signature]</i>
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Exhibit 7

VESSEL ACCIDENT REPORT										CALIFORNIA STATE PARKS, DIVISION OF BOATING AND WATERWAYS										PAGE 2 OF 2	
AGENCY NAME TAKING REPORT SOLANO COUNTY SHERIFFS OFFICE										NO INJURED 0		NO KILLED 0		AGENCY REPORT NUMBER CR17-4514							
LOCATION	WATERBODY ACCIDENT OCCURRED ON MONTEZUMA SLOUGH					NEAREST CITY OR TOWN COLLINSVILLE					MONTH 08		DAY 26		YEAR 2017		TIME (2400) 1000				
	COUNTY ACCIDENT OCCURRED IN SOLANO					NEAREST LANDMARK (NAVIGATION AID) SALINITY GATES					INVESTIGATED BY PHONE NO										
	LATITUDE/LONGITUDE THAT ACCIDENT OCCURRED 38° 42' 85" N X 121° 52' 53.04" W (APPROXIMATE)																				
VESSEL	NAME (FIRST, MIDDLE, LAST) THADDEUS, GREGORY, WOODIN					STREET / MAILING ADDRESS 4281 OAKDALE PL.															
	IDENTIFICATION N9296310		DOB / AGE 031863		SEX <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE		CITY PITTSBURG		STATE CA		ZIP 94565		PHONE (925) 565-0738								
	VESSEL YEAR 1988		MAKE / MODEL / LENGTH SPECIAL BIULD		VESSEL NUMBER (CF OR DOC) CF 1555 VB		VESSEL NAME		ACTIVITY <input checked="" type="checkbox"/> RECREATIONAL <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> WORKBOAT <input type="checkbox"/> OTHER												
	HULL IDENTIFICATION NUMBER UNKNOWN		<input type="checkbox"/> NONE		HORSEPOWER 0		RENTED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		OWNER'S NAME		<input checked="" type="checkbox"/> SAME <input type="checkbox"/> PHONE ()										
OTHER	DIRECTION OF TRAVEL MOORED		# PERSONS ON BOARD 0		MARINA/RAMP LAUNCHED FROM		VESSEL DAMAGE <input type="checkbox"/> MINOR <input type="checkbox"/> MODERATE <input type="checkbox"/> MAJOR <input type="checkbox"/> TOTAL		OWNER'S STREET / MAILING ADDRESS <input type="checkbox"/> SAME												
	EST. SPEED 0		DISPOSITION OF VESSEL SUNK		OTHER		ESTIMATED DAMAGE \$ \$250,000		CITY		STATE		ZIP								
PARTY	NAME (FIRST, MIDDLE, LAST)					STREET / MAILING ADDRESS															
	IDENTIFICATION		DOB / AGE		SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE		CITY		STATE		ZIP		PHONE ()								
	VESSEL YEAR		MAKE / MODEL / LENGTH		VESSEL NUMBER (CF OR DOC)		VESSEL NAME		ACTIVITY <input type="checkbox"/> RECREATIONAL <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> WORKBOAT <input type="checkbox"/> OTHER												
	HULL IDENTIFICATION NUMBER		<input type="checkbox"/> NONE		HORSEPOWER		RENTED <input type="checkbox"/> YES <input type="checkbox"/> NO		OWNER'S NAME		<input type="checkbox"/> SAME <input type="checkbox"/> PHONE ()										
OTHER	DIRECTION OF TRAVEL		# PERSONS ON BOARD		MARINA/RAMP LAUNCHED FROM		VESSEL DAMAGE <input type="checkbox"/> MINOR <input type="checkbox"/> MODERATE <input type="checkbox"/> MAJOR <input type="checkbox"/> TOTAL		OWNER'S STREET / MAILING ADDRESS <input type="checkbox"/> SAME												
	EST. SPEED		DISPOSITION OF VESSEL		OTHER		ESTIMATED DAMAGE \$ <input type="checkbox"/> NONE		CITY		STATE		ZIP								
OTHER PROPERTY	DESCRIPTION OF DAMAGE										ESTIMATED DAMAGE \$ <input type="checkbox"/> NONE										
	OWNER'S NAME ADDRESS STATE ZIP										PHONE () NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> 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			<input type="checkbox"/> INJURED <input type="checkbox"/> DECEASED <input type="checkbox"/> DISAPPEARED <input type="checkbox"/> PASSENGER ONLY <input checked="" type="checkbox"/> WITNESS ONLY						TAKEN TO HOSPITAL <input type="checkbox"/> YES <input type="checkbox"/> NO FACILITY:			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN						
	(W2) PAUL TAYLOR U.S.C.G. 1 YERBA BUENA ISLAND SAN FRANCISCO, CA. 94130 1-415-399-2044			<input type="checkbox"/> INJURED <input type="checkbox"/> DECEASED <input type="checkbox"/> DISAPPEARED <input type="checkbox"/> PASSENGER ONLY <input checked="" type="checkbox"/> WITNESS ONLY						TAKEN TO HOSPITAL <input type="checkbox"/> YES <input type="checkbox"/> NO FACILITY:			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN						
 Solano County Sheriff's Office CONTROLLED DOCUMENT Released by: <i>[Signature]</i> APR 09 2025 To: CC FDA VDA Prob Patrol Inv Other: BCDC										WAS A CITATION ISSUED? OPERATOR 1 <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO OPERATOR 2 <input type="checkbox"/> YES <input type="checkbox"/> NO SPECIFY CITATION(S) UNLAWFUL MOORE NAVIGATION HAZARD VESSEL NOT IMMED. MARKED											
										WAS A WARNING ISSUED IN LIEU OF A CITATION? OPERATOR 1 <input type="checkbox"/> YES <input type="checkbox"/> NO OPERATOR 2 <input type="checkbox"/> YES <input type="checkbox"/> NO SPECIFY WARNING(S)											
										<input checked="" type="checkbox"/> CALIFORNIA STATE PARKS DIVISION OF BOATING AND WATERWAYS ACCIDENT UNIT P.O. BOX 942896 SACRAMENTO, CA 94296-0001											

CALIFORNIA STATE PARKS, DIVISION OF BOATING AND WATERWAYS

PAGE 3 OF 3

DEWFORM VAP.1.02.14

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	BOAT 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	<input type="checkbox"/> INJURED <input type="checkbox"/> DECEASED <input type="checkbox"/> DISAPPEARED <input type="checkbox"/> PASSENGER ONLY <input type="checkbox"/> WITNESS ONLY			TAKEN TO HOSPITAL <input type="checkbox"/> YES <input type="checkbox"/> NO FACILITY _____	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
	<input type="checkbox"/> INJURED <input type="checkbox"/> DECEASED <input type="checkbox"/> DISAPPEARED <input type="checkbox"/> PASSENGER ONLY <input type="checkbox"/> WITNESS ONLY			TAKEN TO HOSPITAL <input type="checkbox"/> YES <input type="checkbox"/> NO FACILITY _____	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
	<input type="checkbox"/> INJURED <input type="checkbox"/> DECEASED <input type="checkbox"/> DISAPPEARED <input type="checkbox"/> PASSENGER ONLY <input type="checkbox"/> WITNESS ONLY			TAKEN TO HOSPITAL <input type="checkbox"/> YES <input type="checkbox"/> NO FACILITY _____	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
	<input type="checkbox"/> INJURED <input type="checkbox"/> DECEASED <input type="checkbox"/> DISAPPEARED <input type="checkbox"/> PASSENGER ONLY <input type="checkbox"/> WITNESS ONLY			TAKEN TO HOSPITAL <input type="checkbox"/> YES <input type="checkbox"/> NO FACILITY _____	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
	<input type="checkbox"/> INJURED <input type="checkbox"/> DECEASED <input type="checkbox"/> DISAPPEARED <input type="checkbox"/> PASSENGER ONLY <input type="checkbox"/> WITNESS ONLY			TAKEN TO HOSPITAL <input type="checkbox"/> YES <input type="checkbox"/> NO FACILITY _____	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
	<input type="checkbox"/> INJURED <input type="checkbox"/> DECEASED <input type="checkbox"/> DISAPPEARED <input type="checkbox"/> PASSENGER ONLY <input type="checkbox"/> WITNESS ONLY			TAKEN TO HOSPITAL <input type="checkbox"/> YES <input type="checkbox"/> NO FACILITY _____	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
	<input type="checkbox"/> INJURED <input type="checkbox"/> DECEASED <input type="checkbox"/> DISAPPEARED <input type="checkbox"/> PASSENGER ONLY <input type="checkbox"/> WITNESS ONLY			TAKEN TO HOSPITAL <input type="checkbox"/> YES <input type="checkbox"/> NO FACILITY _____	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
	<input type="checkbox"/> INJURED <input type="checkbox"/> DECEASED <input type="checkbox"/> DISAPPEARED <input type="checkbox"/> PASSENGER ONLY <input type="checkbox"/> WITNESS ONLY			TAKEN TO HOSPITAL <input type="checkbox"/> YES <input type="checkbox"/> NO FACILITY _____	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN

DIVISION VAR 1.1 (08/14)

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
<input checked="" type="checkbox"/> Narrative Continuation Vessel Accident Report	082617	1000	CR17-4514	N/A
<input type="checkbox"/> Supplemental Vessel Accident Report	LOCATION MONTEZUMA SLOUGH			BEAT 5
<input type="checkbox"/> Other	CITY COLLINSVILLE	COUNTY SOLANO	AGENCY 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	1153	 Sgt.	09 25 17	154

DBW FORM VAR - 2 (1/09)

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
<input checked="" type="checkbox"/> Narrative Continuation Vessel Accident Report	082617	1000	CR17-4514	N/A
<input type="checkbox"/> Supplemental Vessel Accident Report	LOCATION MONTEZUMA SLOUGH			BEAT 5
<input type="checkbox"/> 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	1S4

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
<input checked="" type="checkbox"/> Narrative Continuation Vessel Accident Report	082617	1000	CR17-4514	N/A
<input type="checkbox"/> Supplemental Vessel Accident Report	LOCATION MONTEZUMA SLOUGH			BEAT 5
<input type="checkbox"/> Other	CITY COLLINSVILLE	COUNTY SOLANO	AGENCY 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

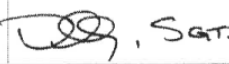
On 083017, at approximately 1000 Hrs., Taylor said he would investigate the possibility of opening a commercial boating accident investigation into Woodin's allegations of the Dutra Group possibly being responsible for sinking Woodin's houseboat. A few hours later, Taylor returned my phone call and advised 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	1153	 Sgt.	09 25 17	154

DBW FORM VAR -- 2 (1/00)

Exhibit 7

VESSEL ACCIDENT REPORT

DEPARTMENT OF BOATING AND WATERWAYS PAGE 8 OF

SUPPLEMENTAL / NARRATIVE (IF APPLICABLE)	DATE OF ACCIDENT	TIME (2400)	REPORT NUMBER	CITATION NUMBER
<input checked="" type="checkbox"/> Narrative Continuation Vessel Accident Report	082617	1000	CR17-4514	N/A
<input type="checkbox"/> Supplemental Vessel Accident Report	LOCATION			BEAT
<input type="checkbox"/> Other	MONTEZUMA SLOUGH			5
	CITY	COUNTY	AGENCY	
	COLLINSVILLE	SOLANO	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) 1/2" 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 7 OF

SUPPLEMENTAL / NARRATIVE (CHECK ONE)	DATE OF ACCIDENT	TIME (2400)	REPORT NUMBER	CITATION NUMBER
<input checked="" type="checkbox"/> Narrative Continuation Vessel Accident Report	082617	1000	CR17-4514	N/A
<input type="checkbox"/> Supplemental Vessel Accident Report	LOCATION MONTEZUMA SLOUGH			BEAT 5
<input type="checkbox"/> Other	CITY COLLINSVILLE	COUNTY SOLANO	AGENCY SOLANO S.O.	

CONCLUSION:

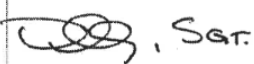
Based on these facts: I find Woodin solely and completely responsible for his houseboat sinking in Montezuma Slough for the following reasons. 1. The houseboat was illegally moored (Solano County Ordinance 18-20 (d)) to Woodin's private property since 060116, located on Grizzly Island Rd. 2. Woodin moored 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	1153	 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	1000	CR 1514
	OFFICER NAME DEPUTY MICHAEL OTTO		OFFICER ID 1L53	
ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =)				

Hand-drawn diagram of a vessel accident scene. A rectangular 'House' is connected to a rectangular vessel by a 'moore line'. The vessel is also connected to 'Piles' by another 'moore line'. A curved line represents the 'MATECUNA Slough'. A north arrow points towards the top right. A line indicates the 'Direction of Travel prior to Collision'.

CBV FORM 100 - 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	CR 514
	OFFICER NAME DEPUTY MICHAEL OTTO				OFFICER ID 1L53
ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =)					

Point of impact

Piles

House

moore line

MOTOCUVA slash

N ↑

DEPT FORM VER - 1001

Exhibit 7

VESSEL ACCIDENT REPORT

CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS

PAGE 12 OF

FACTUAL DIAGRAM NARRATIVE CONTINUATION	DATE OF ORIGINAL ACCIDENT			TIME (2400)	REPORT NUMBER
	08	26	2017	1000	CR 1514
	OFFICER NAME DEPUTY MICHAEL OTTO			OFFICER ID 1L53	
ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =)					

Diagram illustrating the accident scene, showing the location of the vessel, the house, the mooring line, and the direction of travel after collision. The diagram is labeled with 'House', 'Piles', 'Moore line', 'Watercraft Slough', and 'Direction of travel after Collision'.

CBW FORM 12AR - (09)

PAGE 13 OF 13

PHOTO LOG

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	1S4

Exhibit 7

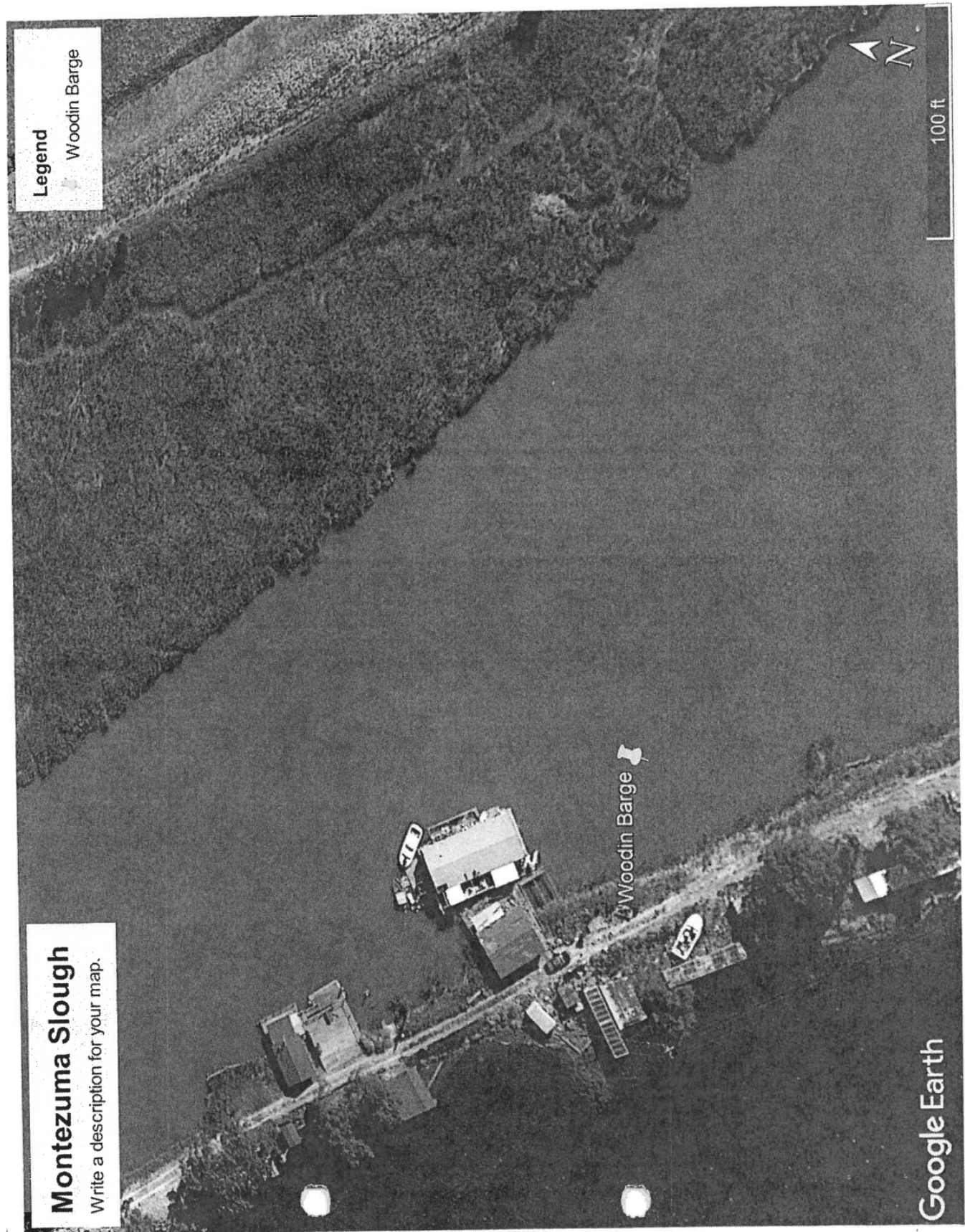


Exhibit 7

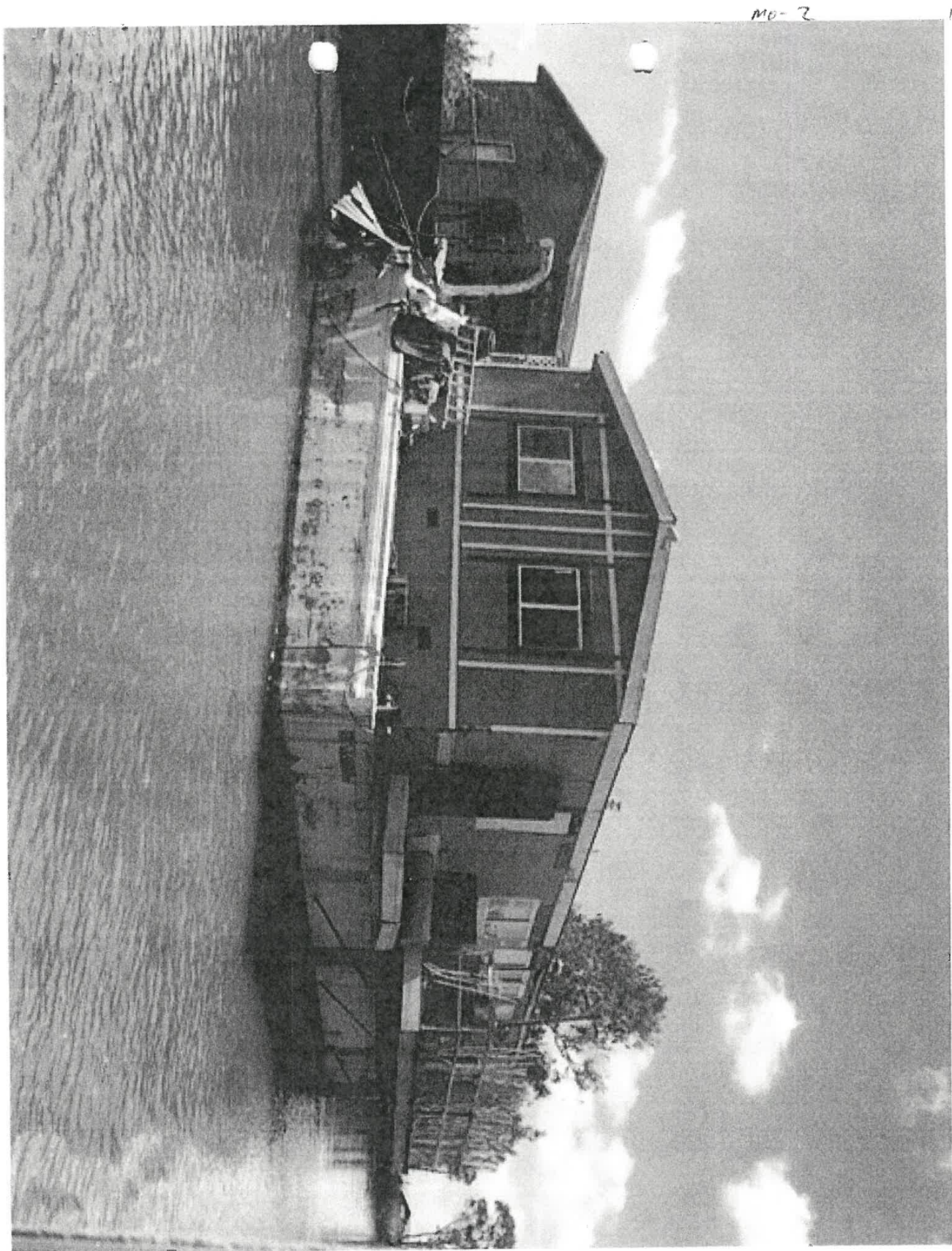


Exhibit 7



Exhibit 7

MO-4 17
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~~10~~ DAYS OF THE
DATE POSTED IT WILL BE REMOVED AND DISPOSED OF
BY THE PUBLIC 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 [Signature]

DEPUTY - BADGE # 1253

Exhibit 7

●○○○○ AT&T LTE 14:30

14:30

↑ [Bluetooth] [Battery]

Montezuma Slough

Details

July 27 06:35

mo-5

18



Exhibit 7


●○○○○ AT&T 4G 13:02

19

mo-6

< Montezuma Slough July 27 06:35 Details











Exhibit 7

●○○○○ AT&T LTE

13:04



mo-7

20



Montezuma Slough

August 22 06:34

Details

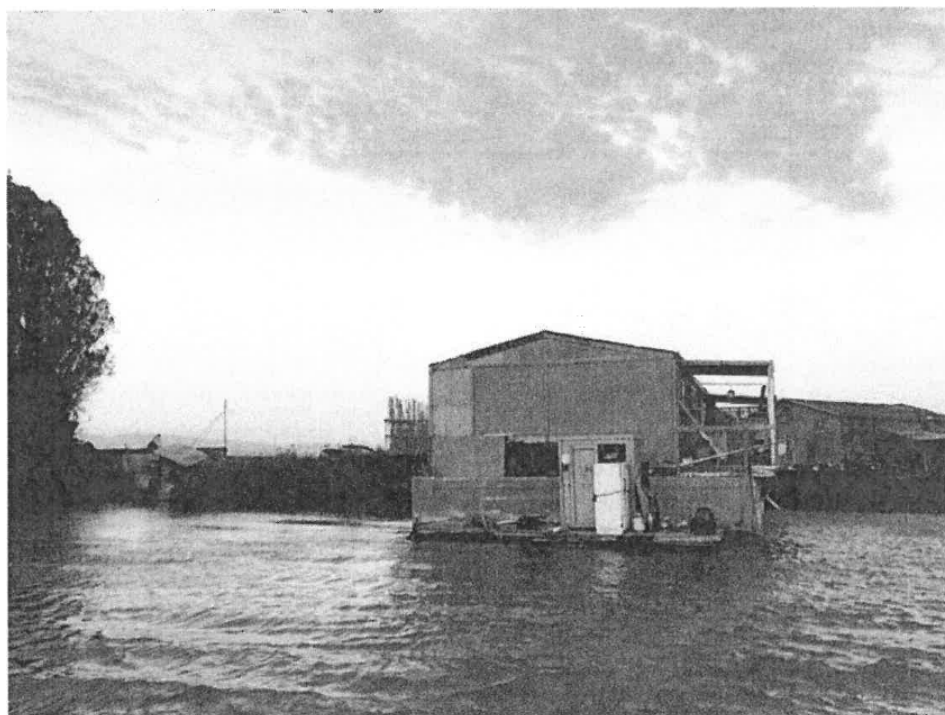


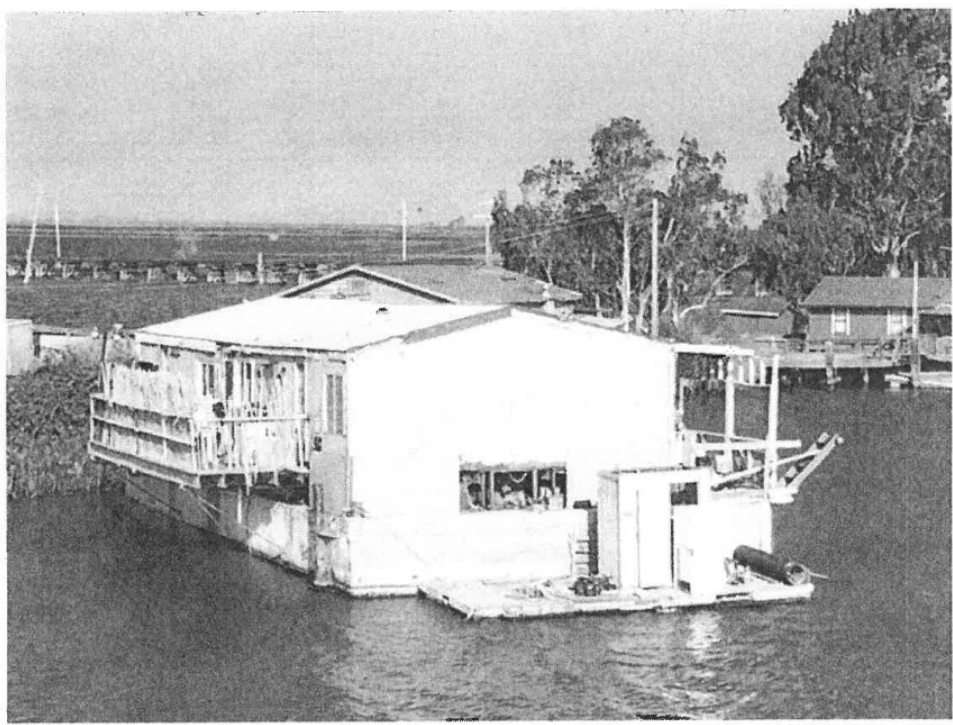
Exhibit 7



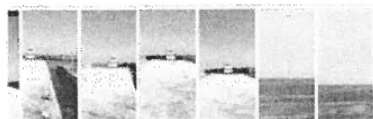
●○○○○ AT&T 4G 13:09

↑ mo-8
21

← Montezuma Slough
August 24 08:52

Details











Exhibit 7

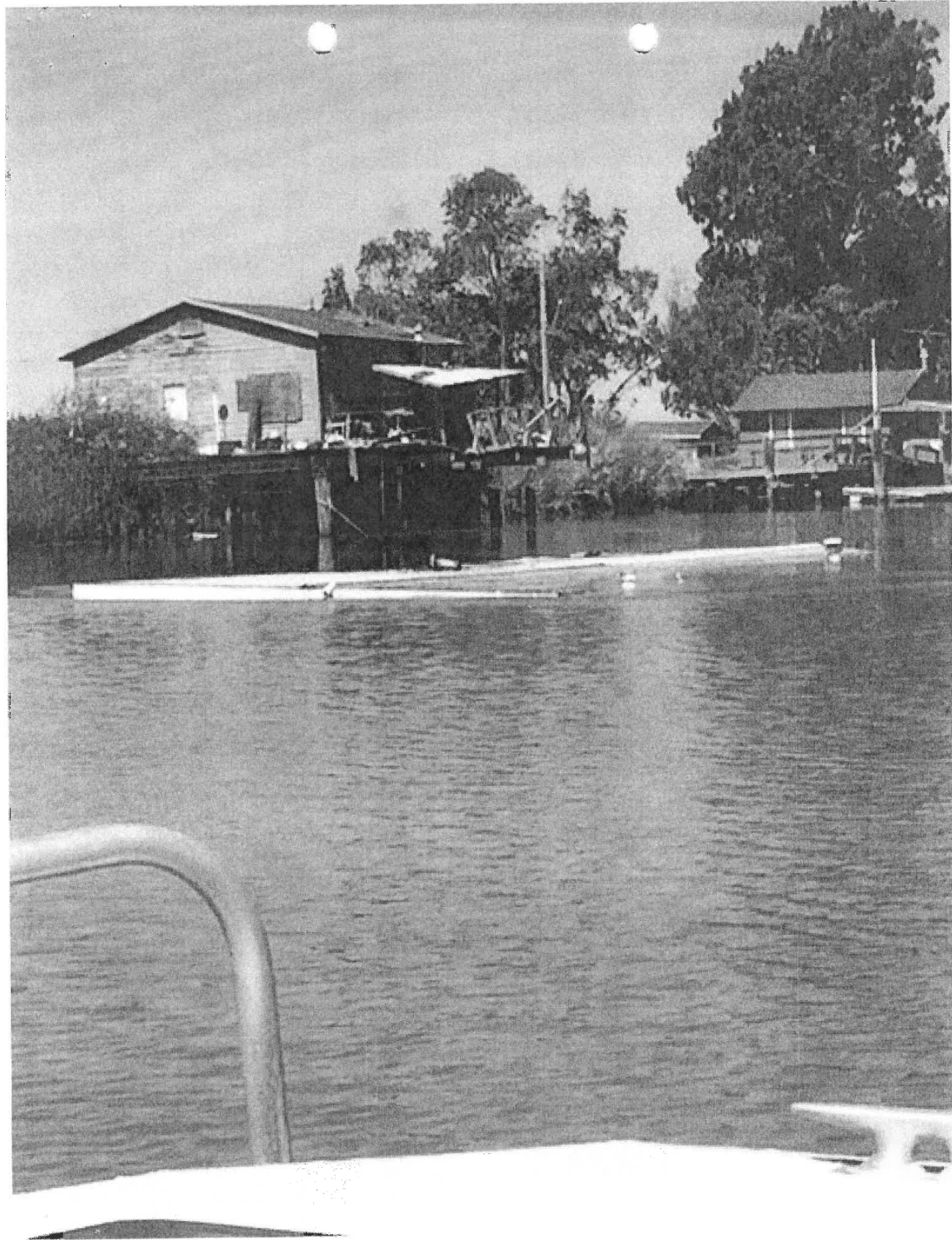


Exhibit 7



Exhibit 7

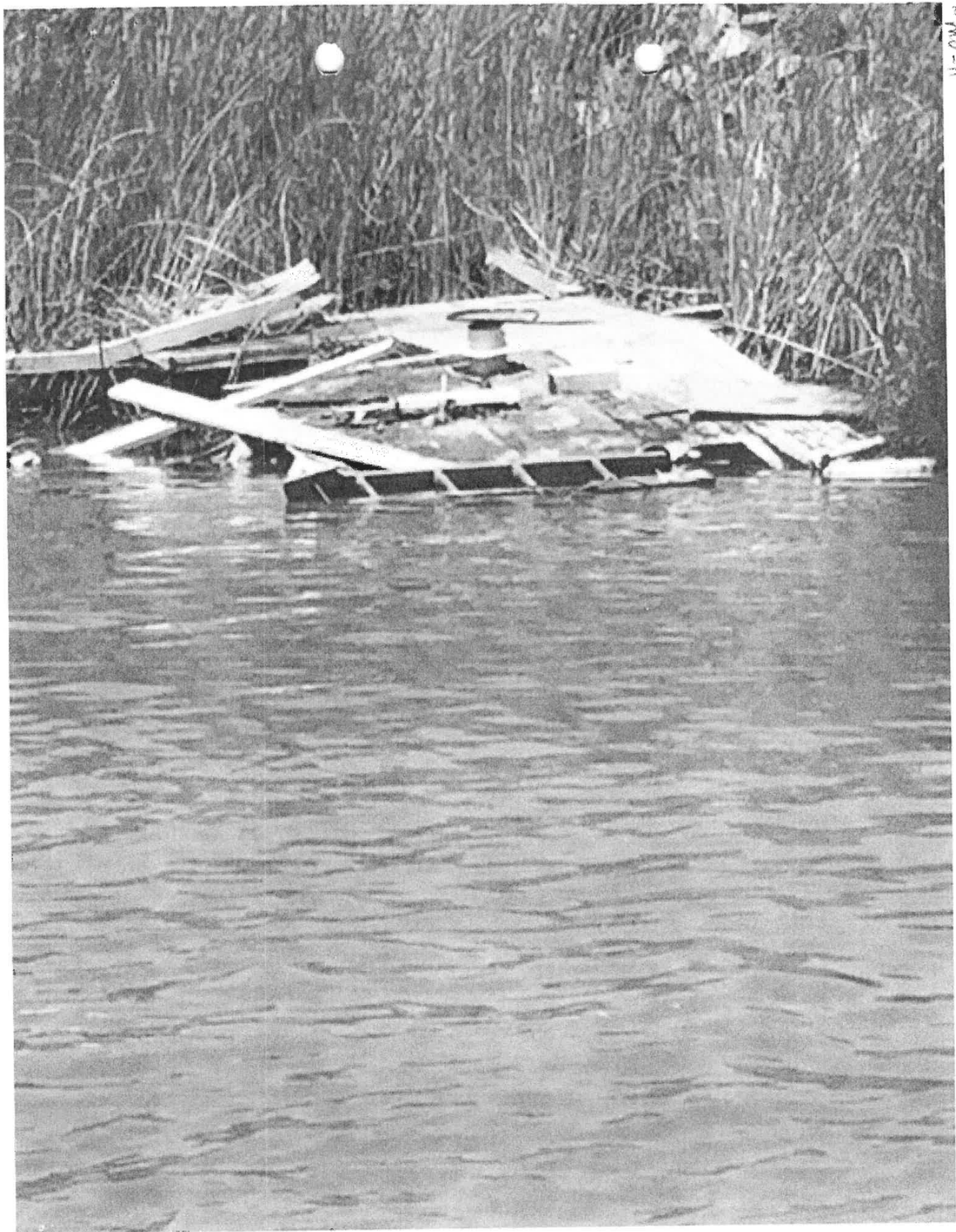


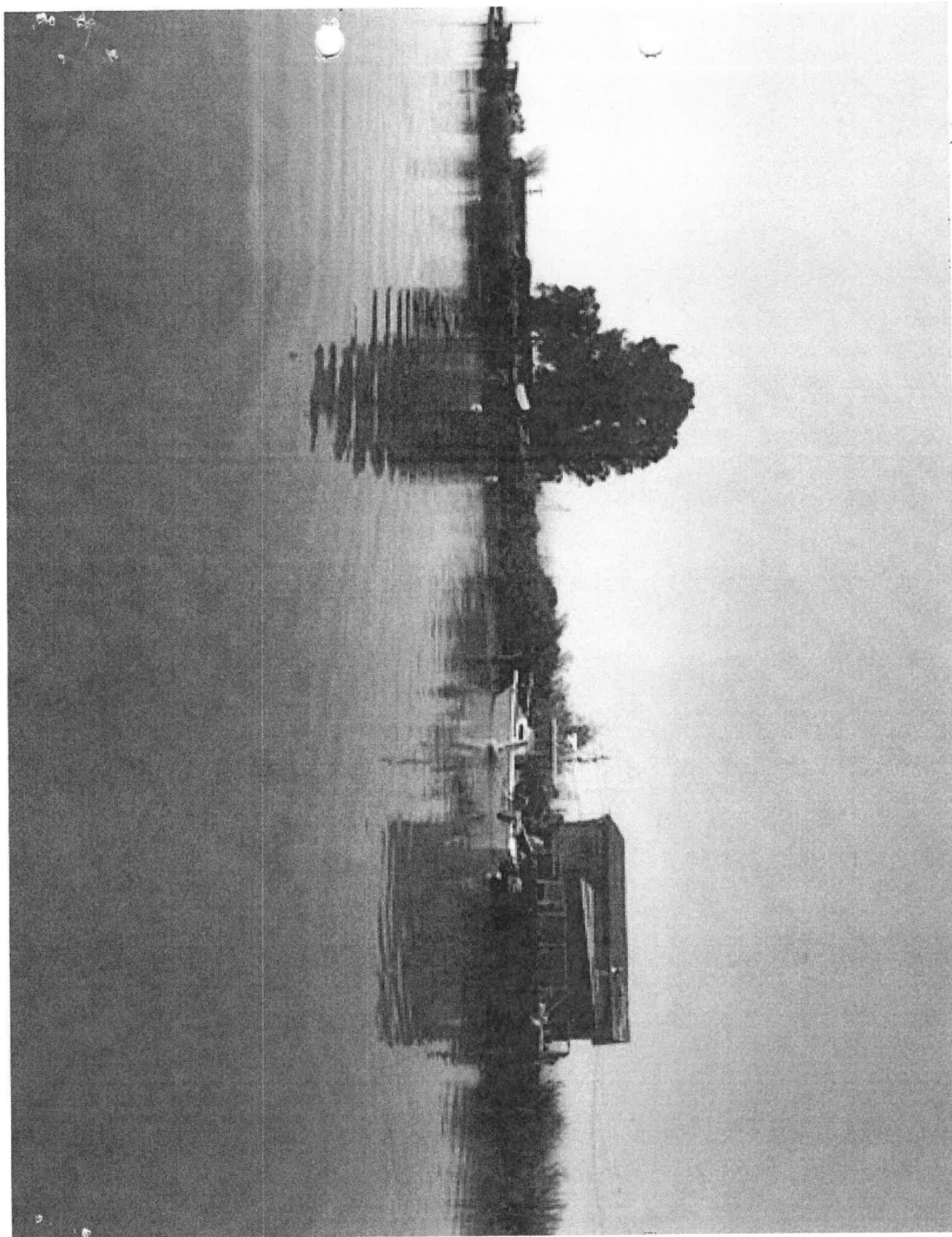
Exhibit 7



Exhibit 7



Exhibit 7



27

Mo-14

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.



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).

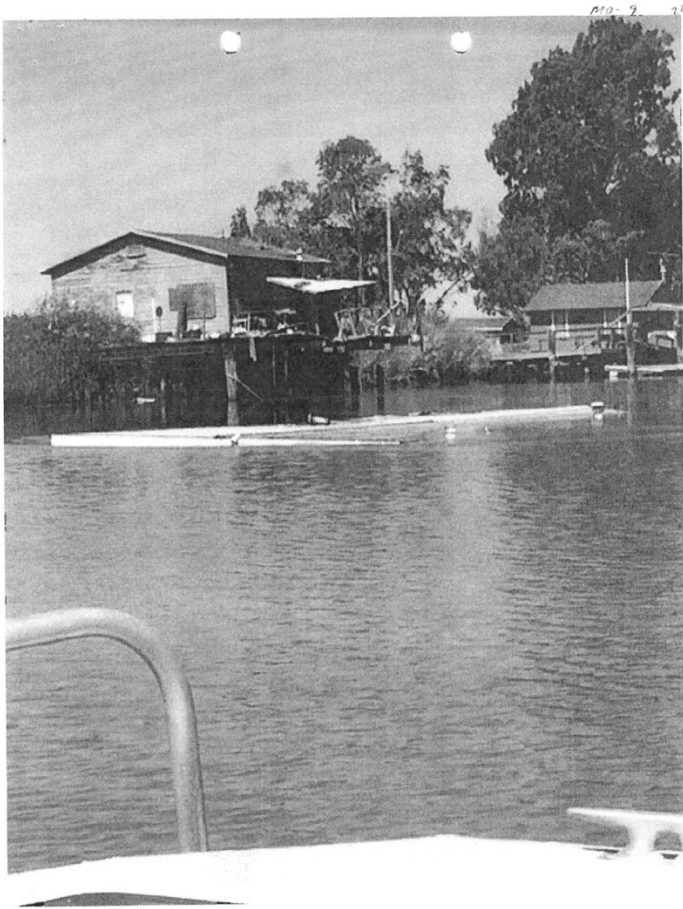
Denis Salyer, a Dutra manager, gave Otto photos showing that the houseboat posed a navigational hazard—stating that it had broken loose from its mooring lines earlier in the week and had floated out into the middle of the channel—and told Otto that the barge had been listing and sinking (accident report 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



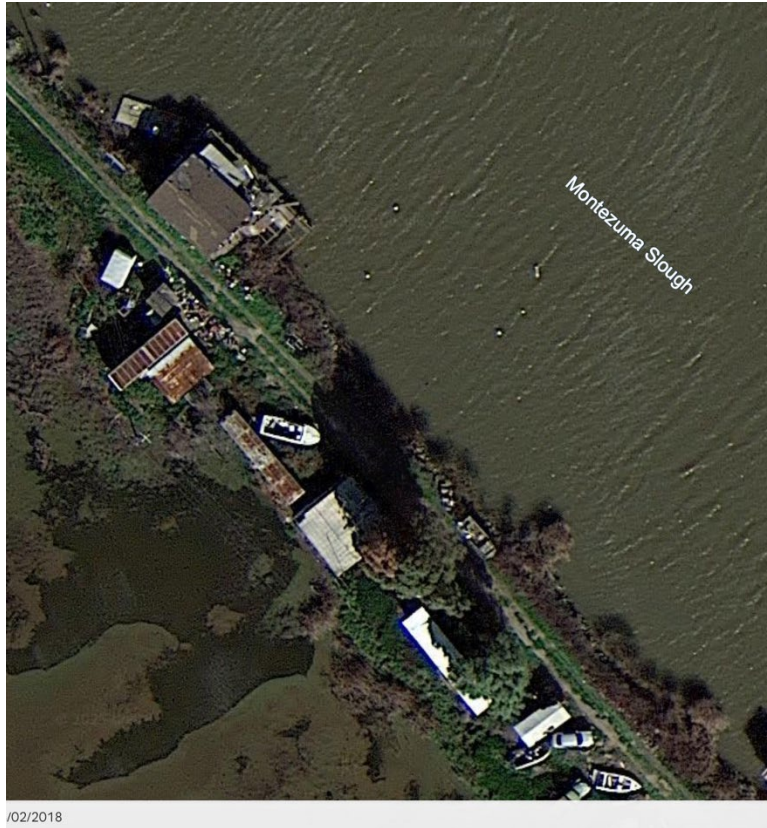
Woodin estimated the total damage, including what was the house inside, at \$250,000.

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

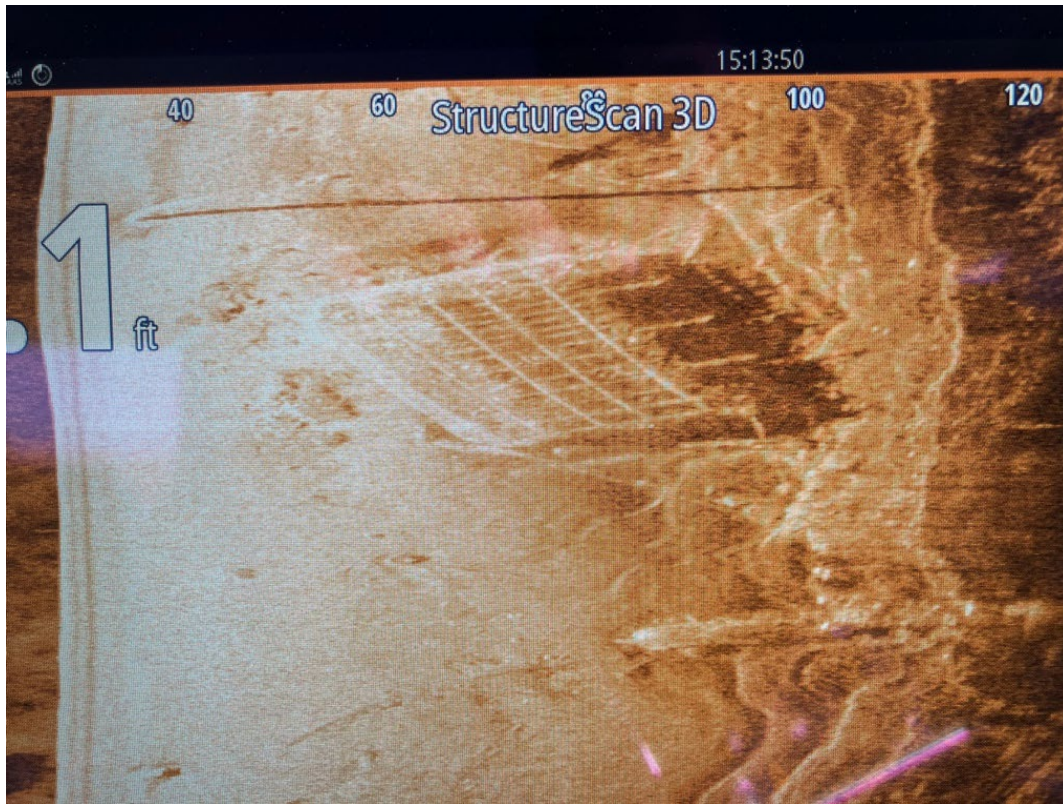


In this staff photo from a site visit on Dec. 11, 2024, the two objects above the water mark where the barge lies.



Exhibit 7

The marine patrol took these underwater images of the barge on Nov. 12, 2024.



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."



Steve and Lesley Belcher
Enf. Case ER2025.001.00

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:

798061AD3AB64EF...
ANNE USHER
Enforcement Analyst



February 5, 2025

Steve and Lesley Belcher
Enf. Case ER2025.001.00

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, BCDP 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



Steve and Lesley Belcher
Enf. Case ER2025.001.00

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



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: 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.”



Alan Kanady
Enf. Case ER2025.002.00

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.

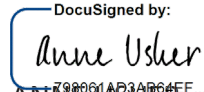
We request that you respond within 15 days of the date of this letter and provide any additional information that you believe that we should consider, including, as appropriate, evidence that the violation has been resolved. Please submit this information to me.

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

Enforcement Analyst

San Francisco Bay Conservation and Development Commission



February 5, 2025

Alan Kanady
Enf. Case ER2025.002.00

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



Alan Kanady
Enf. Case ER2025.002.00

Exhibit 8
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February 5, 2025

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



San Francisco Bay Conservation and Development Commission

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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 McAtteer-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."



February 5, 2025

William Woodin
Enf. Case ER2025.003.00

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:

798061AD3AB64EF...
ANNE USHER
Enforcement Analyst



February 5, 2025

William Woodin
Enf. Case ER2025.003.00

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



William Woodin
Enf. Case ER2025.003.00

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



William Woodin
Enf. Case ER2025.003.00

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William Woodin
Enf. Case ER2025.003.00

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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

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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 McAtteer-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.”



Marchele Turnage, Kittrell Estate
Enf. Case ER2025.004.00

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:

798061AD3AB64EF...
ANNE USHER
Enforcement Analyst



February 21, 2025

Marchele Turnage, Kittrell Estate
Enf. Case ER 2025.004.00

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

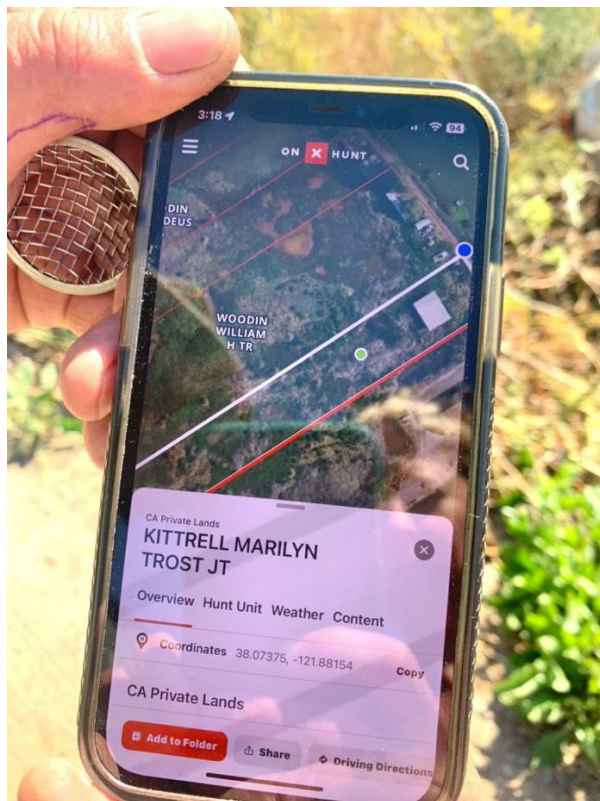


Marchele Turnage, Kittrell Estate
Enf. Case ER 2025.004.00

BCDC staff took these photos on Sept. 24, 2024.



Marchele Turnage, Kittrell Estate
Enf. Case ER 2025.004.00



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

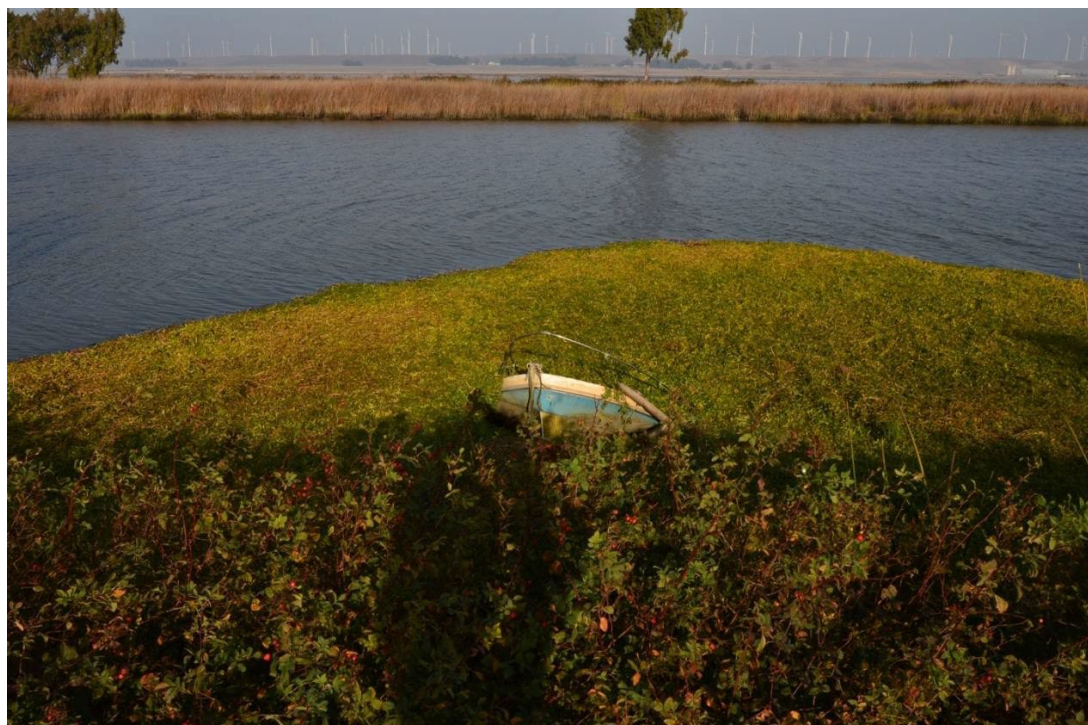


Exhibit 8

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



Re: Following up about contact letter sent to you

From Usher, Anne@BCDC <anne.usher@bccdc.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@bccdc.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



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

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.

Exhibit 8

(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.