



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Region 1 - Northern  
619 Second Street  
Eureka, California 95501  
(707) 445-6493  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

EDMUND G. BROWN, Jr., Governor  
CHARLTON H. BONHAM, Director



October 9, 2018

**Certified Mail:**

# 7017 1450 0001 7871 5864

Laurent Laskar  
Dobbyn Creek Pharms, LLC  
22689 Alder Point Road  
Alderpoint, California 95511

Subject: Notice of Violation of Fish and Game Code Sections 1602 and 5650 in  
Conjunction with Cannabis Cultivation

Dear Laurent Laskar:

On October 1, 2018, Department of Fish and Wildlife (Department) staff visited your properties at Assessor's Parcel Number (APN) 216-317-006, 216-317-007, and 216-317-008, and (Properties) within the Dobbyn Creek watershed, County of Humboldt, State of California. During the visit, staff observed activities that are in violation of Fish and Game Code sections 1602 and 5650. Staff also observed active cannabis cultivation in conjunction with these activities.

Fish and Game Code (FGC) Section 1602 requires a person to submit a written notification to the Department before: 1) substantially diverting or obstructing the natural flow of a river, stream, or lake; 2) substantially changing the bed, channel, or bank of a river, stream, or lake; 3) using any material from the bed, channel, or bank of a river, stream, or lake; and/or 4) depositing or disposing of debris, waste, material containing crumbled, flaked, or ground pavement where it may pass into a river, stream, or lake. Hence, any person who engages in an activity subject to FGC Section 1602 without first notifying the Department violates Section 1602.

FGC Section 5650 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state any substance or material deleterious to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment.

In the Department's view, notification under FGC Section 1602 was required for two activities that affected Dobbyn Creek. However, the Department was unable to locate a notification for these activities. The locations and descriptions of these activities are provided below (Table 1).

Table 1. Summary of Fish and Game Code (FGC) violations documented during CDFW staff visit on October 1, 2018.

Violation #	FGC Violation		Latitude*	Longitude*	Violation Description
	Type				
1	1602		40.223	-123.60552	Unpermitted water diversion resulting in substantial diversion of natural flow of a stream and substantial change to the banks of a stream.
2	1602		40.2217	-123.6033	Unpermitted stream alteration from rock armoring resulting in substantial change to the bank of a stream.
3	5650		40.2217	-123.6031	Water pollution from grading that resulted in the placement of sediment (a material deleterious to fish and wildlife) where it can pass into waters of the state.

\* Units = decimal degrees. Datum = WGS 84. ^ Location is same as above violation.

The Department also observed one activity on the Properties that is a violation of FGC Section 5650 that affected Dobbyn Creek. The locations and descriptions of these activities are provided above (Table 1).

A person who violates FGC sections 1602 or 5650 in conjunction with the cultivation or production of cannabis is subject to significant penalties or fines. Specifically, the Department may impose civil penalties administratively against any person found by the Department to have violated these FGC sections in connection with the production or cultivation of cannabis following a complaint and, if requested, a hearing.

The Department may request a maximum civil penalty of \$8,000 for each violation of FGC Section 1602, and \$20,000 for each violation of FGC Section 5650. Each day the violation occurs or continues to occur constitutes a separate violation. (Fish & G. Code, § 12025, subds. (b)(1)(A), (2); (e)). Also, the District Attorney or the Attorney General may enforce a violation of FGC Section 1602 and FGC Section 5650 civilly. Specifically, under FGC sections 1615 and 5650.1, a person who violates FGC Section 1602 or Section 5650 is subject to a maximum civil penalty of \$25,000 for each violation. The District Attorney or the Attorney General may also enforce a violation of FGC sections 1602 or 5650 criminally. Under FGC Section 12000, each violation is a misdemeanor.

Be advised that absent provisions intended to protect patients and qualified caregivers, commercial cannabis cultivation without a state license is illegal. (Bus. & Prof. Code, § 26032.) The California Department of Food and Agriculture (CDFA) is the state licensing authority for commercial cannabis cultivation. CDFA and the Department are members of a multi-agency task force created to protect the state's resources from the adverse impact of cannabis cultivation. (Fish & G. Code, § 12029.) **Pursuant to state law, failure to address these violations may affect your ability to obtain a commercial cannabis cultivation license or license renewal from CDFA. (Bus. & Prof. Code, §§ 26057, 26060.1.)**

Laurent Laskar  
October 9, 2018  
Page 3 of 4

As a first step to address this matter, the Department requests you contact Fish and Game Warden Joshua Zulliger at [joshua.zulliger@wildlife.ca.gov](mailto:joshua.zulliger@wildlife.ca.gov) and Senior Environmental Scientist Specialist Ryan Bourque at [ryan.bourque@wildlife.ca.gov](mailto:ryan.bourque@wildlife.ca.gov) within 14 days of the date of this letter. Mr. Bourque may propose certain actions to protect fish and wildlife resources that have been or could be affected by the activities described above, and may ask you to submit a written notification and fee for these activities. While the Department, District Attorney, or Attorney General may still decide to initiate an enforcement action against you if they determine these activities are in violation of FGC section 1602 or 5650, we encourage you to respond to this notice so that we may better assess the activity and limit any damage to resources.

The Department appreciates your cooperation.

Sincerely,  #695

  
Warden Brendan Lynch  
Watershed Enforcement Team

cc: Brendan Lynch, Joshua Zulliger, Scott Bauer, Curt Babcock, Jeremy Valverde, Laurie Harnsberger, and Ryan Bourque  
Department of Fish and Wildlife  
[brendan.lynch@wildlife.ca.gov](mailto:brendan.lynch@wildlife.ca.gov), [joshua.zulliger@wildlife.ca.gov](mailto:joshua.zulliger@wildlife.ca.gov),  
[scott.bauer@wildlife.ca.gov](mailto:scott.bauer@wildlife.ca.gov), [curt.babcock@wildlife.ca.gov](mailto:curt.babcock@wildlife.ca.gov),  
[jeremy.valverde@wildlife.ca.gov](mailto:jeremy.valverde@wildlife.ca.gov), [laurie.harnsberger@wildlife.ca.gov](mailto:laurie.harnsberger@wildlife.ca.gov), and  
[ryan.bourque@wildlife.ca.gov](mailto:ryan.bourque@wildlife.ca.gov)

Diana Henrioulle, Kason Grady, and Adona White  
Northcoast Regional Water Quality Control Board  
[diana.henrioulle@waterboards.ca.gov](mailto:diana.henrioulle@waterboards.ca.gov), [kason.grady@waterboards.ca.gov](mailto:kason.grady@waterboards.ca.gov), and  
[adona.white@waterboards.ca.gov](mailto:adona.white@waterboards.ca.gov)

Taro Murano  
State Water Resources Control Board  
[taro.murano@waterboards.ca.gov](mailto:taro.murano@waterboards.ca.gov)

Adrian Kamada  
Humboldt County District Attorney's Office  
[AKamada@co.humboldt.ca.us](mailto:AKamada@co.humboldt.ca.us)

Laurent Laskar  
October 9, 2018  
Page 4 of 4

Steven Santos and Robert Russell  
Humboldt County Planning and Building Department  
[santos@co.humboldt.ca.us](mailto:santos@co.humboldt.ca.us) and [rrussell@co.humboldt.ca.us](mailto:rrussell@co.humboldt.ca.us)

Sargent K. Ireland  
Humboldt County Sheriff's Office  
[kireland@co.humboldt.ca.us](mailto:kireland@co.humboldt.ca.us)