

CALIFORNIA DEPARTMENT OF FISH & GAME
NOTICE TO APPEAR

MISDEMEANOR

AB019404

FG-900

Traffic Nontraffic

Date of Violation: 09/03/00 Time: 12:00 AM PM Day of Week: SUN Case No. -

Name (First, Middle, Last): DOUGLAS TAYLOR COLE Owner's Responsibility (Veh. Code, § 40001)

Address: 92520 HWY 96

City: SOMES BAR CA. State: Zip Code: 95568

Driver's Lic. No.: E0650990 State: CA. (NIP) Birthdate: 07/28/54 Telephone No.: (530) 469-3322

Sex: M Hair: BRN Eyes: HZL Height: 6'0" Weight: 180 Other Description: WMA

Veh. Lic. No.: N/A State: Commercial Vehicle (Veh. Code, § 15210(b))

Yr. of Veh.: N/A Make: N/A Model: N/A Body Style: N/A Color: N/A Hazardous Material (Veh. Code, § 353)

Registered Owner or Lessee: N/A Same as Driver

Address: N/A Same as Driver

City: N/A State: Zip Code:

Evidence of Financial Responsibility: N/A

Correctable Violation (Veh. Code, § 40610) Booking Required

- 1) FE & G CODE SEC. 5901 - "BLOCK OR IMPED E FISH PASSAGE"
- 2) FE & G CODE SEC. 1603(d) - "VIOLATION OF STREAM ALTERATION AGREEMENT"

Speed Approx.: N/A P.F. Max: N/A Veh. Lmt.: N/A Evidence Seized: NONE PHOTOS TAKEN

Location of Violation(s): at STANSHAW CREEK / SISKIYOU COUNTY

Violations not committed in my presence, declared on information and belief. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 10/02/00 Brian S. Boyd 502 Arresting or Issuing Officer Serial No. Vac. Dates

Arresting or Issuing Officer, if different from Issuing Officer Serial No. Vac. Dates

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.

X Signature: FORMAL COMPLAINT REQUEST

WHEN: Date: TBN Time: AM PM

WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.

WHERE: (Court) SISKIYOU SUPERIOR COURT (Division) YREKA # 47690

(Street Address) (Phone No.)

To be notified You may arrange with the clerk to appear at a night session of the court.



* A B 0 1 9 4 0 4 *

COURT COPY
SEE REVERSE
TR-130

Notice to Appear form approved by the Judicial Council of California
Rev. 4-21-99 Vehicle Code sections 40500(b), 40513(b), 40522, 40600, Penal Code section 653.9

ARREST/INVESTIGATION REPORT

WPD 6a (10-98)

Region # NCNCR

Page 1 Of 2

DATE OF INCIDENT/OCCURRENCE 09/03/00		TIME (2400) 1200	CITY/COUNTY/JUDICIAL DISTRICT Stanshaw Creek / Siskiyou County / Happy Camp District	
"X" ONE <input type="checkbox"/> Arrest Report <input checked="" type="checkbox"/> Formal Complaint	"X" ONE <input type="checkbox"/> Self Initiated <input checked="" type="checkbox"/> Complaint	TYPE OF REPORT ("X" APPLICABLE) <input type="checkbox"/> Commercial Fishing <input type="checkbox"/> Hunting <input type="checkbox"/> Inland Pollution <input type="checkbox"/> CalTIP <input type="checkbox"/> Recreational Fishing <input type="checkbox"/> Trapping <input type="checkbox"/> Marine Pollution <input checked="" type="checkbox"/> Other: 1603		

Suspect Information

Name Suspect #1 (First, Middle, Last) Douglas Taylor COLE		Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F	Date of Birth (MM/DD/YY) 07/28/54	Citation Number AB019404
Suspect Address (Street, Apt., City, State, Zip Code) 92520 Hwy 96, Somes Bar, Ca. 95568				Home Phone (530) 469-3322
Business Address (Street, Apt., City, State, Zip Code)				Business Phone () None
Identification Type ("X" APPLICABLE) <input checked="" type="checkbox"/> CDL/CID <input type="checkbox"/> Other State DL/ID <input type="checkbox"/> Other ID: _____ Number: E0650990 (NIP)	Suspect Description ("X" APPLICABLE) <u>General:</u> <u>Hair:</u> <u>Eyes:</u> <u>Ethnicity</u> Height: 6'01" <input type="checkbox"/> Bln <input type="checkbox"/> Blk <input checked="" type="checkbox"/> Brn <input type="checkbox"/> Blu <input type="checkbox"/> Brn <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Hispanic Weight: 1800 lbs. <input type="checkbox"/> Gry <input type="checkbox"/> Red <input type="checkbox"/> None <input type="checkbox"/> Grn <input checked="" type="checkbox"/> Hzl <input checked="" type="checkbox"/> White <input type="checkbox"/> Other: _____			
Vehicle Type ("X" APPLICABLE) <input type="checkbox"/> Auto <input type="checkbox"/> Vessel <input checked="" type="checkbox"/> Other	Description (Make, Model, Year, Color) N/A		License Plate Number/VIN N/A	

Offenses and Charges

<input checked="" type="checkbox"/> F&G <input type="checkbox"/> T-14 <input type="checkbox"/> Other: _____ Section: 5901 Description: "Unlawful to block or impede fish passage"	<input type="checkbox"/> F&G <input type="checkbox"/> T-14 <input type="checkbox"/> Other: _____ Section: _____ Description: _____
<input checked="" type="checkbox"/> F&G <input type="checkbox"/> T-14 <input type="checkbox"/> Other: _____ Section: 1603(d) Description: "Violation of stream alteration agreement"	<input type="checkbox"/> F&G <input type="checkbox"/> T-14 <input type="checkbox"/> Other: _____ Section: _____ Description: _____
<input type="checkbox"/> F&G <input type="checkbox"/> T-14 <input type="checkbox"/> Other: _____ Section: _____ Description: _____	<input type="checkbox"/> F&G <input type="checkbox"/> T-14 <input type="checkbox"/> Other: _____ Section: _____ Description: _____

Evidence Seized

Evidence Description (Amount, Type, Serial Number, etc.) (Evidence photos taken at scene)	"X" ONE <input type="checkbox"/> Held <input type="checkbox"/> Returned <input type="checkbox"/> Destroyed <input type="checkbox"/> Other	Evidence Photographed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Evidence Description (Amount, Type, Serial Number, etc.)	"X" ONE <input type="checkbox"/> Held <input type="checkbox"/> Returned <input type="checkbox"/> Destroyed <input type="checkbox"/> Other	Evidence Photographed? <input type="checkbox"/> Yes <input type="checkbox"/> No
Evidence Description (Amount, Type, Serial Number, etc.)	"X" ONE <input type="checkbox"/> Held <input type="checkbox"/> Returned <input type="checkbox"/> Destroyed <input type="checkbox"/> Other	Evidence Photographed? <input type="checkbox"/> Yes <input type="checkbox"/> No

Case Synopsis

(please see attached copy of probable cause summary)

See WPD 6b For Additional Suspect and Witness Information "X" ONE Yes No

Preparer's Name and Badge Number Brian S. Boyd #502	Date 09/29/00	Reviewer's Name <i>[Signature]</i>	Date 9-30-00
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NARRATIVE/SUPPLEMENTAL

WPD 8a p.2 (Rev 10-98)

Region# **NCNCR** Page **2 of 2**

DATE OF INCIDENT/OCCURRENCE 09/03/00	TIME (2400) 1200	CITY/COUNTY/JUDICIAL DISTRICT Stanshaw Creek / Siskiyou County / Happy Camp District	
* APPLICABLE <input type="checkbox"/> Narrative <input type="checkbox"/> Arrest Report <input type="checkbox"/> Supplemental <input checked="" type="checkbox"/> Formal Complaint		TYPE OF REPORT (* APPLICABLE) <input type="checkbox"/> Commercial Fishing <input type="checkbox"/> Hunting <input type="checkbox"/> Inland Pollution <input type="checkbox"/> Incident Report <input type="checkbox"/> Recreational Fishing <input type="checkbox"/> Trapping <input type="checkbox"/> Marine Pollution <input checked="" type="checkbox"/> Other: 1603	
Location/Subject/Incident Name Stanshaw Creek / Stream Violation / COLE		Arresting/Case Officer Brian S. Boyd	Citation Number AB019404
1. NARRATIVE:			
2. On the above date and time while in full uniform in a marked vehicle I responded to a citizen			
3. complaint that Stanshaw Creek was blocked to fish passage by an illegal rock diversion dam. I			
4. began my hike from Hwy. 96 and walked upstream on Stanshaw Creek approximately 900 yards			
5. before reaching a rock diversion dam. The dam was located on public land. I found the rock dam			
6. to be approximately three and a half feet tall. The dam diverted nearly all the surface flow down a			
7. long diversion ditch. Due to the dam's construction, no fish could pass upstream. I did find trout			
8. fry below the diversion and in the diversion ditch. The reporting party stated that the diversion was			
9. constructed by COLE. After taking several photos of the site I left to contact COLE.			
10. After several attempts I contacted COLE and met with him at his residence on 09/16/00 to			
11. discuss the diversion dam. COLE stated that he had a legal right to the water. COLE stated that he			
12. had constructed the rock diversion dam. COLE stated that he had a 1603 permit issued by the			
13. Dept. of Fish and Game for the diversion. COLE gave me a brief tour of his property and took me			
14. to the diversion dam. I explained to COLE that I was not interested in any legal battles over who			
15. had the right to the water. I explained to COLE that I was primarily concerned that his diversion			
16. did not allow fish to pass freely. COLE stated that the amount of water need to allow fish passage			
17. would cause him a severe financial burden, as he uses the water to generate power for his property			
18. and business.			
19. Several days later I reviewed COLE's 1603 agreement, see attached, which did not allow for the			
20. blocking or impeding of fish passage. The 1603 agreement stated that it was a violation of the			
21. agreement to block or impede the fish passage. I explained to COLE that a formal complaint			
22. would be filed.			
23.			
24. DISPOSITION:			
25. A formal complaint was filed for blocking or impeding fish passage and for violation of the 1603			
26. agreement.			
27.			
28. EVIDENCE:			
29. -photos of the rock dam and diversion site were taken			
30.			
31.			
Preparer's Name and Badge Number <i>Brian S. Boyd</i> #502		Date 10/02/00	Reviewer's Name <i>[Signature]</i> Date 10-3-00

PROSECUTING AGENCY- (WHITE) REGION -(GOLDEN ROD) ADMINISTRATIVE USE -(GREEN) OFFICER-(BLUE)