



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Law Enforcement Division
20 Lower Ragsdale Dr. Suite 100
Monterey, CA 93940
www.wildlife.ca.gov

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



May 20, 2017

Felix Wong and Ray Wong
8649 Terrace Drive
El Cerrito, CA

Felix Wong
WISCO Investment, LLC
6466 Hollis Street, Suite 200
Emeryville, CA 94608

SUBJECT: Fish and Game Code Violations
LOCATION: Fairview Estates/Open Space, El Cerrito

Dear Mr. Felix Wong and Mr. Ray Wong

The policy of this department is to be responsive to concerns regarding alleged violations and proactive regarding natural resource protection. With this in mind, it is our intention to familiarize you with said violations and to assist you to promptly resolve any unauthorized activities at the above identified location. This is being brought to your attention to give you the opportunity to respond and take prompt and appropriate action to correct the violations.

CA Fish and Game Code – Section 1602 (Conditions allowing for change of Bank) = altering a creek bank without notifying the Department.

Vegetation and trees have been cut, in two separate locations in a creek that is a tributary to Baxter Creek.

On March 9, 2017, the Department received information regarding the clearing of vegetation and trees in a creek that is a tributary to Baxter Creek. I responded to the location on March 11, 2017, along with California Regional Water Quality Control Board. We walked the area and found two separate locations where vegetation and trees had been removed along the bank of the creek. I was also contacted by the City of El Cerrito regarding the illegal activity and given the property owner information. Our Department does not have any granted permits (Streambed Agreement) for this location. On March 11, 2017, I tried to make contact with you at 8649 Terrace Drive, El Cerrito to discuss this matter. On that day I was able to make contact with your father Ray Wong, who informed me that he was part owner of the identified location where the

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activity had occurred. I asked what the plans were for the property. Mr. Ray Wong stated that you have plans to develop the property with homes. Mr. Wong informed me that you had hired a tree company to remove the vegetation to find out the setback of the creek, in plans for permits through the City of El Cerrito. I took photographs of the area and left the site. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following:

- Substantially divert or obstruct the natural flow of any river, stream or lake;
- Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or
- Deposit debris, waste or other materials that could pass into any river, stream or lake.

It is a violation of **State Fish and Game Code Section 1602** to substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of any river, stream, or lake without notification as outlined in FGC 1602.

If you wish to proceed to remove vegetation to find the setback of the creek you must first notify the Department of Fish and Wildlife
www.wildlife.ca.gov/conservation/LSA.

Please call me at (925) 516-6467 to discuss any questions or concerns and keep me apprised of the status. The intention of this Department is to provide all available means for voluntary compliance; however, failure to respond in a positive manner could result in the issuance of citations, and/or referral to the District Attorney. If you have any questions or do not fully understand any part of these proceedings, please do not hesitate to call.

Sincerely,

Jessica Jacobsen
Fish and Wildlife Warden #653

cc: Clint Garrett, Fish and Wildlife Patrol Lieutenant
Margaret Kavanaugh-Lynch, City of El Cerrito
Thomas Mumley, RWQCB
Kathryn Hart, RWQCB
Michelle Rembaum, RWQCB

