

North Coast Regional Water Quality Control Board

FOR IMMEDIATE RELEASE
March 4, 2009

Contact: Catherine Kuhlman
707-576-2225

Two Landowners Face Jail in Wake of Investigation by North Coast Regional Water Quality Control Board

Santa Rosa—Two Bay Area property owners face 180 days in jail, fines, three years probation and other penalties in the wake of an investigation by the North Coast Regional Water Quality Control Board (Regional Water Board) and the California Department of Fish & Game.

Robert O'Brien of Tiburon and Charles Craig Von Schalscha of San Rafael pleaded no contest to streambed alteration, illegal grading, water pollution and destruction of wetlands. The misdemeanor pleas come after the Sonoma County District Attorney initially filed felony charges against the pair.

Local residents reported the illegal grading to a Department of Fish & Game Warden. That report led to investigations by the Regional Water Board, as well as Fish & Game.

Both agencies referred their findings to Sonoma County District Attorney Stephan Passalacqua for charges.

The investigations found O'Brien and Von Schalscha graded 800 feet of Atascadero Creek, stripped riparian vegetation from one side and built a 200 foot ditch to drain the adjoining wetland. Riparian (creekside) vegetation helps stabilize soil, provide habitat and slow down runoff during storms; functioning wetlands help naturally filter surface water and provide habitat for multiple species. For those reasons, both are protected. California has lost 95% of its historic wetlands since statehood.

The jail time, \$15,000 in fines for each man and probation are for violation of local permitting laws.

The Regional Water Board also found the pair must mitigate damage to the wetland and maintain the 15 acres surrounding it as a wild area.

The North Coast Regional Water Quality Control Board's mission is to preserve, enhance and restore California's water resources and ensure their proper allocation and efficient use for the benefit of present and future generations.

<http://www.waterboards.ca.gov/northcoast/>