

Attachment No. 1

INITIAL REPORT OF FISH AND WILDLIFE LOSS

Soda Creek, Mendocino Co. MEN. 5-11-72

CAUSE: DISEASE PESTICIDES **COPPER SULPHATE** POLLUTION OTHERS OR UNKNOWN

LOSS: FISH BIRDS MAMMALS

IN: WILD POPULATIONS INSTALLATION

Fish and Game Region III County Mendocino Specific Location Soda Creek, a tributary to Anderson Creek (one of three trib. forming the Navarro River), Specific location: Just South of Hwy 253 approx. 4 mi. East of Boonville, Calif.

Date of First Loss Unknown, discovered on 5-11-72 (first loss probably 5-7-72)
 Loss First Reported By Jack June Boonville, Calif. On 5-11-72
 Name Address Date

LOSS DUE TO:

- PESTICIDE: (Describe type, rate and purpose of application, size of area treated)
- POLLUTION (Describe type, source, color, odor, etc.) **Copper Sulphate application to stream in very large dose.**
- DISEASE: (Name if known, or symptoms)
- UNKNOWN: (Describe circumstances of loss)

The loss was reported by Mr. Jack JUNE of Boonville on 5-11-72. He stated that it was observed by a fisherman (unknown) and related to him on 5-10-72. Investigation showed that nearly all if not all of the fish (rainbow trout) in the stream were killed from point of intro. of pollutant (Copper Sulphate) downstream for at least 1.5 miles.

ANIMAL KILL INFORMATION: (List species and size range. Put estimated number/species in appropriate box)
 ** It is believed that several hundred rainbow trout fry and juveniles were also killed.

Species Killed	Size	Numbers					
		1-50	51-100	101-500	501-1000	1000+	10,000+
Rainbow trout	11-12"	(2)					
" "	8-10"	(56)					
" "	5-8"	(4)					

*The above only indicates those fish either recovered or observed on this date.

EVIDENCE OBTAINED: (To whom did you deliver the samples)
 Waste sample (Pollutant) To be delivered to disease & food habits lab, Sacto.
 Water samples _____
 Animal samples (fish, ~~xxxx, xxxxxx~~) All evidence fish plus one dead frog to be delivered to Sacto Lab.
 Other (describe) _____

Name and address of person or firm believed responsible: Mr. B. Soyster, San Francisco (permanent residence) and Soyster Ranch, Hwy 253 near Boonville on Soda Creek.

Name and address of additional witnesses: E. Rosenthal, Foreman of Soyster Ranch.

5-11-72 (Date of observation) 5-11-72 (Submission of report) K. Bain, Fish & Game Warden (Name of reporter)

FOR REGIONAL OFFICE USE

Other agencies contacted: _____
 Do you plan additional investigations on this loss? _____ Comments _____

Memorandum

To : District Attorney Duncan James
Mendocino County

Date: May 11, 1972

From : Department of Fish and Game
Warden K. L. Bain - Ukiah

Subject : Pollution of Soda Creek with resultant fish kill.

At approx. 8:00 AM, date, I received a telephone call from Jack June of Boonville. He stated that he had been told of a kill or die-off of rainbow trout on Soda Creek below the dam on the Soyster Ranch on Hwy 233 near Boonville. I advised him that I would investigate the situation immediately.

Upon arriving on the scene, I observed a bright greenish-blue patch flocked looking material in Soda Creek at the point of the confluence of Bell Valley Creek. I obtained a sample of this material from this pool. I then proceeded to examine the area around the pond impounded by the summer dam on the ranch but, found no dead fish at that location until later in the day. Next, I inspected the area of the stream below the dam, and began to find numerous dead rainbow trout, varying in size from 5 to 12 inches in length. Altogether, in the ensuing hours, I counted 58 dead fish in pools in the stream from a point approx. 300 yrds. below the dam downstream for approx. 1.5 miles. In addition to this I found no young rainbow trout fry or juvenile fish, which had been very abundant in this section of the creek when I checked it approx. 1 week ago. I found nothing alive in the stream except a few frogs and did find two dead frogs in the pools also. I collected a total of 38 of these fish at this time, but could not reach all of them as some were in deep pools.

I returned to the house of the foreman of the Soyster Ranch, Mr. Elton Rosenthal. He stated that he would tell me "off the record", that the ranch owner, Mr. Soyster had put a large amount of chemical in the area behind the dam on Sunday, 5-7-72 at about noon, attempting to prevent algae from forming in the water. I then called the Soyster home in San Francisco and contacted Mrs. Soyster. I asked her if her husband Jim treated the water with anything on Sunday 5-7-72. She stated that he had "Blue-stoned" the creek, to keep algae from growing in the stream. I then advised her of the kill of fish in the stream, and asked where the remainder of the chemical was located. She told me it was in the storage shed behind the main ranch house and gave me permission to pick it up for examination which I did. The material was found to be Copper Sulphate, a very toxic chemical to fishlife if used in any but very small amounts in waters containing fishlife. I asked her if her husband had consulted with an agricultural expert on the dosage to be used for this purpose, and she stated that he had not. She stated that her husband was presently in Paris, France, and would return in about two weeks. I asked her to have him call me at that time.

Several photos were taken of the dead fish in the pools, and later in the afternoon, Warden H. Fredericks joined me and we found several more dead trout in the vicinity of the pond impounded behind the dam.

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District Attorney
Mendocino County

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Further questioning of Mr. & Mrs. Rosenthal disclosed that both of them were present when the chemical was placed into the stream, but both stated that they would not testify because they did not want to be dismissed from their positions as caretakers of the ranch. As before stated in this report, however, Mrs. Soyster did freely state what had transpired in the placing of the chemical into the stream and acted very concerned with the devastating result.

The dead fish, a sample of the water in the location of the "flocked material" in the bottom of the pond, and two other upstream water samples as well as one from Hell Valley Creek are being preserved for evidence and will be transported to the DFG Laboratory in Sacramento on 5-15-72 for post mortem on the fish to determine the presence of Copper Sulphate in the tissues and a quantitative and qualitative analysis of the water and suspected pollutant samples.

At this point, there is no question in my mind that the kill of the fish which has already occurred and may continue to occur for some time happened as a result of the placing into the waters of Soda Creek of a very large quantity of Copper Sulphate by the owner of the ranch, Mr. Soyster.

A supplemental report will follow after contact with Mr. Soyster and after I receive the results of the lab tests. There is no doubt in my mind that at that time, a complaint should issue against Mr. Soyster, charging him with a violation of Section 5650 of the Fish & Game Code.

The Mendocino County Public Health Dept. was also contacted and Mr. Jerry Davis of that office took samples of the stream water below the point of discharge of the suspected pollutant.

Respectfully submitted,

K. L. Bain
Fish & Game Warden

cc: Dept. of Fish & Game, Region 3 Office.
DFG Laboratory
Capt. J. G. Whien
file.