State of California

The Resources Agency

Memorandum

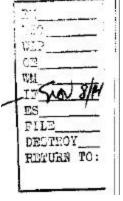
To : Eldon Vestal Date : August 11, 1972

Fisheries Supervisor

Region III

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

Subject: Soda Creek Fish Kill.



You will recall that a fish kill of native rainbow trout occurred on Soda Creek on or about 5-7-72. Investigation disclosed that the owner of a ranch, which the stream passes through, killed the fish by depositing a large amount of Copper Sulphate into the stream. I picked up 64 dead adult native trout in the initial phase of the investigation, and observed many more which could not be retrieved due to the depth of the water in which they were lying. I had observed a short time prior to this incident, while on routine patrol of this stream, that there had been a successful hatch of small trout fry in this stream. After the introduction of the toxic material, I was unable to find any fish of the year in the stream whatsoever. Therefore, I am unable to really come up with a figure which would be at all accurate as to the actual number of fish which were killed at that time. are still some live fish in the lower end of this stream, but I have no idea how many fish survived the kill. I do, however, feel that the Copper Sulphate killed a significant percentage of the native fish population in this stream, which is located above a high water fall located on the lower reaches of the stream just above its confluence with Anderson Creek, and therefore is unavailable to steelhead or salmon.

Mr. Soyster, the responsible party in this case was successfully prosecuted and paid a total of \$800.00 in fines for his act of negligence. In addition, however, the court, on my recommendation has issued an order that Mr. Soyster purchase at his cost, and have planted according to our recommendations and satisfaction, trout to replace those which died in this incident. Attached you will find a copy of the agreement signed by Mr. Soyster to plant these fish. feel that these fish should be planted in the spring of 1973 when water conditions are complimentary to the planting. The stream is very very low at this time and winter runoff should flush any residual copper sulphate which might still be in the stream at this time. What I feel is needed is to have a qualified fishery biologist survey this stream with me and determine how many and what kind and ages of trout we should have Mr. Soyster plant in the stream. I feel that this survey should be made prior to the winter season because it would be very difficult to walk this stream during high water. I have discussed this case briefly with Phil Baker by telephone so he is somewhat aware of the situation. I contacted him when trying to reach you, but felt that a report to you was necessary in this case. Please advise me as to your feelings and desire in this matter. The citizens in the area are very unhappy with this kill because this stream offers the only native, wild trout fishing in this part of the county, and they are anxious to have the fish replaced.



nderson Judicial District Justice Court

Mannix Bldg., 14261 Highway 128 Boonville, California 95415

Post Office Box 336 Phone (707) 895-3329

July 7, 1972

Mr. Huntley Soyster 2628 Filbert Street San Francisco, California

Dear Mr. Soyster:

Homer W. Mannix

Judge

Re: Case No. 2439-C

Game Warden Ken Bain has advised this Court that he has requested a biologist's report on the number and species of trout to be restocked in Soda Creek. He states, however, that this might take a little time.

The date of August 3, 1972, at 3:00 p.m. has been set for you to enter a plea in this case. Should you prefer not to appear, you may sign the statement below on the attached copy and return it to this court. Your non-appearance on August 3 will be considered as a quilty plea, the \$800.00 bail will be forfeited, and the case will be considered closed.

If there should be an adverse report at some later date, from the Department of Fish and Game, you, of course, would be cited into court to argue why you should not be charged with contempt. This court does not anticipate this, however.

Homer W. Mannix,

Judge

I, Huntley Soyster, hereby agree to restock the fish in Soda Creek on Highway 253, Mendocino County, according to the recommendations and the complete satisfaction of the Department of Fish and Jame.

At My Tedram

cc: K. Bain, Game Warden Ruby Rosenthal