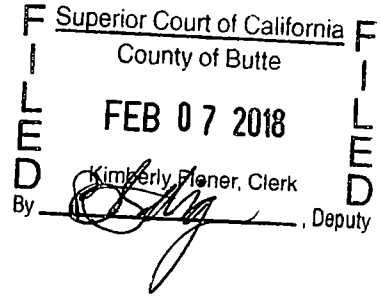


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6 *Exempt From Filing Fee (Gov. Code § 6103)*



7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF BUTTE**

11 THE PEOPLE OF THE STATE OF CALIFORNIA,
12 Plaintiff,
13 v.
14 CALIFORNIA DEPARTMENT OF WATER
RESOURCES, and DOES 1 through 25,
15 Defendant.

Civil Case No.: **18CV 00415**
**COMPLAINT FOR CIVIL
PENALTIES**

16
17 Plaintiff, the People of the State of California, by and through Michael L. Ramsey, District
18 Attorney of the County of Butte, State of California, based on information and belief alleges:

19 **THE PARTIES**

20 1. Michael L. Ramsey, District Attorney of the County of Butte, State of California, acting
21 to protect the public and the environment from health and safety hazards, brings this action in the name
22 of the People of the State of California pursuant to California Fish and Game Code section 5650.1.

23 2. Fish and Game Code section 5650.1 authorizes the district attorney to bring a civil action
24 on behalf of the People of the State of California to seek civil penalties and enjoin violations of the
25 water pollution provisions contained in Fish and Game Code section 5650.
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1 the waters of the State of California, to wit: the Feather River, concrete, lime, slag and substances and
2 material deleterious to fish, plant life, mammals and bird life.

3 15. Beginning at a date unknown, but not discovered by Plaintiff until February 7, 2017,
4 Defendant failed to construct the Oroville Dam gated flood control spillway with sufficient anchoring
5 and slab thickness thereby depositing in and placing where it could pass into the waters of the State of
6 California, to wit: the Feather River, concrete, lime, slag and substances and material deleterious to fish,
7 plant life, mammals and bird life.

8 16. Beginning at a date unknown, but not discovered by Plaintiff until February 7, 2017,
9 Defendant failed properly to inspect, maintain, and operate the Oroville Dam gated flood control
10 spillway thereby depositing in and placing where it could pass into the waters of the State of California,
11 to wit: the Feather River, concrete, lime, slag and substances and material deleterious to fish, plant life,
12 mammals and bird life.

13 17. From February 11, 2017 to February 12, 2017, Defendant permitted water to pass over
14 the Oroville Dam's emergency spillway causing the hillside beneath the emergency spillway to erode
15 thereby depositing in and placing where it could pass into the waters of the State of California, to wit:
16 the Feather River, concrete, lime, slag and substances and material deleterious to fish, plant life,
17 mammals and bird life.

18 18. Beginning at a date unknown, but not discovered by Plaintiff until February 11, 2017,
19 Defendant failed to properly reinforce the Oroville Dam emergency spillway thereby depositing in and
20 placing where it could pass into the waters of the State of California, to wit: the Feather River, concrete,
21 lime, slag and substances and material deleterious to fish, plant life, mammals and bird life.

22 19. Beginning at a date unknown, but not discovered by Plaintiff until February 11, 2017,
23 Defendant failed to recognize and acknowledge that Oroville Dam emergency spillway was composed
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1 of highly erodible rock prior to release water over the emergency spillway thereby depositing in and
2 placing where it could pass into the waters of the State of California, to wit: the Feather River, concrete,
3 lime, slag and substances and material deleterious to fish, plant life, mammals and bird life.
4

5 20. Defendant's release of water down both the Oroville Dam's gated flood control spillway
6 and the emergency spillway caused an estimated 1,700,000 cubic yards of material deleterious to fish,
7 plant life, mammals, and bird life to pass into the waters of the State of California, to wit, the Feather
8 River. This debris included concrete, earth, soil, and other materials deleterious to fish, plant, mammals,
9 and bird life.
10

11 21. As a result of Defendant's actions alleged in paragraphs 10 through 20, an estimated
12 1,700,000 cubic yards of debris passed into the waters of the State of California, to wit, the Feather
13 River, including concrete and soil, which weighed between 2,000 and 3,000 pounds per cubic yard,
14 resulting in a weight between 3,400,000,000 pounds and 5,100,000,000 pounds.
15

16 22. Defendant, recognizing the release of concrete, soil, and debris resulting from
17 Defendant's release of water down the Oroville Dam's gated flood control spillway was harmful to fish,
18 assisted the California Department of Fish and Wildlife to evacuate millions of immature salmon from
19 the Feather River Fish Hatchery located immediately downstream from Defendant's releases.
20

21 23. The unlawful conduct and acts of the Defendant in violation of the law, as described
22 above, demonstrate the necessity and legal basis for imposition of civil penalties pursuant to Fish and
23 Game Code section 5650.1.
24

25 PRAYER

26 WHEREFORE, plaintiff prays for judgment as follows:

27 1. Injunctive relief, including but not limited to, a permanent injunction requiring
28 Defendants to comply with the requirements of Fish and Game Code Section 5650, *et. seq.*

