



December 23, 2025

Via Certified Mail, Return Receipt Requested:

Tricore Investments, LLC
Janae Gravelle (Registered Agent)
1950 W. Bellerive Ln., Unit 107
Coeur d'Alene, ID 83814-5570

Luke Gonzales, Member
Southshore Priest Lake LLC
1950 W. Bellerive Ln., Unit 107
Coeur d'Alene, ID 83814-5570

Clifford E. Mort, Member
Tricore Investments LLC
1950 W. Bellerive Ln., Unit 107
Coeur d'Alene, ID 83814-5570

Ronald R. Gonzales Jr.
2884 N. Sherwood Dr.
Coeur d'Alene, ID 83815

Southshore Priest Lake, LLC
Lake City Law Group PLLC (Registered Agent)
435 W. Hanley Ave. Suite 101
Coeur d'Alene, ID 83815-6050

RE: 60-Day Notice of Intent to Sue Over Clean Water Act Violations in Bonner County, Idaho

Dear Sirs/Madams,

I write on behalf of my client, the Idaho Conservation League ("ICL"), to provide notice of ICL's intent to initiate a federal court lawsuit against each of you (Tricore Investments, LLC; Clifford E. Mort; Southshore Priest Lake, LLC; Luke Gonzales; and Ronald R. Gonzales Jr.) pursuant to the citizen suit provision of the Federal Water Pollution Control Act ("Clean Water Act" or "CWA"), 33 U.S.C. § 1365(a)(1). Upon information and belief, you own properties, control properties, and/or control activities occurring on properties located in Bonner County, Idaho, on or near the south end of Priest Lake, Idaho, and in the Coolin-Chase Wetland Complex where dredge and fill material have been and are being discharged to waters of the United States without a permit required under the Clean Water Act, *id.* §§ 1311(a), 1344, as set forth in detail below.

The Clean Water Act requires providing notice 60 days before filing a citizen suit in federal court. 33 U.S.C. § 1365(b)(1). ICL intends to file suit in U.S. District Court for the

District of Idaho following the expiration of the 60-day notice period to seek injunctive relief and civil penalties for the Clean Water Act violations enumerated below and for any additional violations identified subsequently for discharging dredge and fill on properties you own or control along Priest Lake and/or the Coolin-Chase Wetland Complex, as well as for an award of litigation costs and fees.

Party Giving Notice

The full name, address, and telephone number of the party giving notice is:

Idaho Conservation League
Att'n: Jennifer Ekstrom, North Idaho Director
P.O. Box 2308
Sandpoint, ID 83864
(208) 318-5812
jekstrom@idahoconservation.org

Representing Attorney

The attorneys representing ICL in this matter is:

Bryan Hurlbutt
Andrew Hursh
ADVOCATES FOR THE WEST
P.O. Box 1612
Boise, ID 83701
(208) 730-6961 (Hurlbutt)
(208) 268-5210 (Hursh)
bhurlbutt@advocateswest.org
ahursh@advocateswest.org

ICL's Commitment to Protecting Water Quality and the Coolin Wetlands

Founded in 1973, ICL's mission is to create a conservation community and achieve pragmatic, enduring solutions that restore and protect Idaho's air, water, land, and wildlife. ICL's seven strategic initiatives include confronting climate change, recovering Idaho's wild salmon and steelhead, cleaning up the Snake River, protecting public land, restoring abundance and diversity of Idaho's wildlife, safeguarding North Idaho lakes and waters, and reducing pollution. ICL achieves these goals through public outreach and professional advocacy. With offices in Boise, McCall, Ketchum, and Sandpoint, the organization is a consistent, statewide voice for conservation in Idaho and represents more than 26,000 members and supporters. ICL's members and supporters care deeply about restoring and protecting the environment.

ICL has staff, members, and supporters who live, own property, recreate, and/or work in and around Priest Lake and who use and enjoy the south end of Priest Lake and the surrounding wetlands, creeks, and other waters and lands which are impacted by your discharges.

Priest Lake and the Coolin-Chase Wetlands Complex

The Coolin-Chase Wetlands Complex is located along and beyond the southern shore of Priest Lake in Bonner County, Idaho. Among other waters, the Complex includes Chase Lake, Chase Creek, and wetlands along the southern shore of Priest Lake, along Warren Beach Road, and South of Warren Beach Road. Priest Lake is tributary to the Priest River, which is tributary to the Pend Oreille River, which is tributary to the Columbia River. The Coolin-Chase Wetlands Complex has continuous surface water connections to Priest Lake, including through Chase Creek and other creeks, culverts, ditches, and waterways, making them waters of the United States regulated under and protected by the Clean Water Act.

Among other values, the Coolin-Chase Wetlands Complex include a unique and sensitive peat bog and rich fen wetland identified in the report Conservation Strategy for Idaho Panhandle Peatlands.¹ The report states: “Peat bogs are archives of the past, containing plant spores, pollen, and macrofossil remains which allow paleoecologists to infer physical and biotic dynamics of the postglacial landscape... These bogs also act as immense holders of carbon dioxide, storing an estimated 15 to 20 percent of carbon reserves on the entire planet... They are very sensitive to small changes in water chemistry and hydrology, so are susceptible to problems when development or other alterations happen nearby... Serious changes in hydrology are identified as most likely to come from on-site factors such as dams, ditching, stream channelization, and development. Changes in water chemistry are generally brought about by disturbances within the watershed that lead to increases in erosion and sedimentation.”

Recent and Ongoing Dredge and Fill Activities

You own properties, control properties, and/or control activities occurring on properties in Bonner County, Idaho, located on either side of Warren Beach Road on or near the south shore of Priest Lake, including the following three properties:

- RP59N04W096755A, owned by Southshore Priest Lake, LLC
- RP59N04W096750A, owned by Ronald R. Gonzales, Jr.
- RP052260000030A, owned by Tricore Investments, LLC

The photos below in Figures 1 through 3 were taken on December 6, 2025, and show the result of excavation and other similar activities in and near an existing water channel that caused the discharge of dredge and fill materials to waters that are part of the Coolin-Chase Wetlands Complex and Priest Lake. Upon information and belief, these activities occurred on the three properties identified above, occurred sometime after September 28, 2025, and have not yet been remediated.

¹ Conservation Strategy for Idaho Panhandle Peatlands; Lichthardt, Idaho Department of Fish and Game and Conservation Data Center for the Idaho Panhandle National Forests, 2004 (available at: https://idfg.idaho.gov/ifwis/idnhp/cdc_pdf/peatland04_reportpdf.pdf).

Fig. 1, Channel recently excavated north of Warren Beach Road to Priest Lake, believed to be on Bonner County, Idaho properties RP052260000030A (Tricore Investments, LLC), RP59N04W096755A (Southshore Priest Lake, LLC), and RP59N04W096750A (Ronald R. Gonzales, Jr.)



Fig. 2, Channel recently excavated south of Warren Beach Road, believed to be on Bonner County, Idaho property RP052260000030A (Tricore Investments, LLC). This channel is connected to the channel in Fig. 1 by culvert under Warren Beach Road.



Fig. 3, Excavator, pipes/culverts, and dredge or fill pile north of Warren Beach Road and adjacent to channel shown in Fig. 1., believed to be on Bonner County, Idaho property RP59N04W096750A (Ronald R. Gonzales, Jr.)



Clean Water Act Violations

Discharging dredge or fill material to a water of the United States without a CWA Section 404 Permit is unlawful. The CWA provides, in relevant part, that “except as in compliance with . . . section 1344 . . . of this title, the discharge of any pollutant by any person shall be unlawful.” 33 U.S.C. § 1311(a). Section 1344 sets forth process by which the U.S. Army Corps of Engineers may issue permits for the discharge of pollutants that qualify as dredge or fill material (commonly referred to as “404 Permits”). 33 U.S.C. § 1344. The CWA defines “pollutant” broadly to include “dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.” 33 U.S.C. § 1362(6). The term “discharge of a pollutant” means “any addition of any pollutant to navigable waters from any point source.” 33 U.S.C. § 1362(12). The Coolin-Chase Wetlands Complex has one or more continuous surface water connections to Priest Lake, making them “navigable waters” (which are waters of the United States) subject to the CWA. 33 U.S.C. § 1362(7).

CWA regulations define the “discharge of dredge material” to include: “Any addition, including redeposit other than incidental fallback, of dredged material, including excavated material, into waters of the United States which is incidental to any activity, including mechanized land clearing, ditching, channelization, or other excavation.” 33 C.F.R. § 323.2(d)(3). Those regulations define the “discharge of fill material” to include:

Placement of fill that is necessary for the construction of any structure or infrastructure in a water of the United States; the building of any structure, infrastructure, or impoundment requiring rock, sand, dirt, or other material for its construction; site-development fills for recreational, industrial, commercial, residential, or other uses; causeways or road fills; dams and dikes; artificial islands; property protection and/or reclamation devices such as riprap, groins, seawalls, breakwaters, and revetments; beach nourishment; levees; fill for structures such as sewage treatment facilities, intake and outfall pipes associated with power plants and subaqueous utility lines; placement of fill material for construction or maintenance of any liner, berm, or other infrastructure associated with solid waste landfills; placement of overburden, slurry, or tailings or similar mining-related materials; and artificial reefs[.]

Id. § 323.2(f).

Courts have held that activities such as ditch digging and other ground altering or ground disturbing activities, with attendant side casting, spreading of soils, mechanized land clearing, or redepositing of materials into wetlands, all constitute the addition of pollutants requiring a 404 Permit. *See United States v. Moses*, 496 F.3d 984 (9th Cir. 2007); *Borden Ranch Partnership v. U.S. Army Corps of Engineers*, 261 F.3d 810 (9th Cir. 2001); *United States v. Deaton*, 209 F.3d 331 (4th Cir. 2000); *Avoyelles Sportsman’s League v. Marsh*, 715 F.2d 897 (5th Cir. 1983). CWA liability attaches to any person or entity with control over the discharges or responsibility for the discharges, including property owners or people with superintendent control over a

property whether or not they played an active role in the activity that caused the discharge. *Comm. to Save Mokelumne River v. E. Bay Mun. Util. Dist.*, 13 F.3d 305, 338 (9th Cir. 1993); *W. Va. Highlands Conservancy, Inc. v. Huffman*, 651 F. Supp. 2d 512 (S.D. W. Va. 2009); *Sierra Club v. El Paso Gold Mines*, 421 F.3d 1133 (10th Cir. 2005).

ICL is aware that a 404 Permit (Permit No. NWW-2022-00237) was issued related to constructing a driveway and shop at a specific location on one property (parcel RP59N04W098700A) in the Coolin-Chase Wetlands Complex. However, based on available information, no other current 404 Permit(s) have been issued related to any other dredge or fill activities on other properties in the area, including the dredge and fill activities identified in the photographs above.

The discharges of dredge and fill material to excavate channels, as described and shown in the section above, have occurred without a 404 Permit and violate the CWA, 33 U.S.C. § 1311(a). Because you own or control the properties, and/or control the persons or equipment causing the discharges, you committed these unlawful discharges. ICL may learn of additional unpermitted dredge and fill activities occurring on these same properties, which are also violations by you of the CWA.

ICL may also learn of additional unpermitted dredge and fill activities occurring on other nearby properties you own, control, or operate on, which are also violations by you of the CWA. These properties include the three already identified plus 32 more properties, all of which were created from an original 65-acre parcel, which was subdivided by Bonner County at the request of Clifford Mort, owner of Tricore Investments LLC.² These properties are shown in Figure 4 below.

² These 35 properties and their owners are: RP59N04W098700A (Tricore Investments, LLC); RP052260000040A (Tricore Investments, LLC); RP052260000030A (Tricore Investments, LLC); RP052260000020A (Tricore Investments, LLC); RP052260000010A (Tricore Investments, LLC); RP052250000040A (Tricore Investments, LLC); RP052250000030A (Tricore Investments, LLC); RP052250000010A (Tricore Investments, LLC); RP052250000020A (Tricore Investments, LLC); RP59N04W096150A (Warren, Kathryn); RP59N04W096015A (Southshore Priest Lake, LLC); RP59N04W096010A (Southshore Priest Lake, LLC); RP59N04W096005A (Gravelle, Daryl J); RP59N04W096000A (Gravelle, Daryl J); RP59N04W096795A (Southshore Priest Lake, LLC); RP59N04W096790A (Southshore Priest Lake, LLC); RP59N04W096785A (Southshore Priest Lake, LLC); RP59N04W096780A (Gravelle, Robert D & Janae); RP59N04W096775A (Southshore Priest Lake, LLC); RP59N04W096770A (Southshore Priest Lake, LLC); RP59N04W096765A (Southshore Priest Lake, LLC); RP59N04W096760A (Southshore Priest Lake, LLC); RP59N04W096755A (Southshore Priest Lake, LLC); RP59N04W096750A (Gonzales, Ronald R R Jr); RP59N04W096630A (Southshore Priest Lake, LLC); RP59N04W096625A (Southshore Priest Lake, LLC); RP59N04W096620A (Southshore Priest Lake, LLC); RP59N04W096615A (Southshore Priest Lake, LLC); RP59N04W096610A (Snyder, Levi); RP59N04W096605A (Southshore Priest Lake, LLC); RP59N04W096600A (Southshore Priest Lake, LLC); RP59N04W098565A (Southshore Priest Lake, LLC); RP59N04W098561A (Skjothaug, Darcy); RP59N04W098551A (Gravelle, Daryl J); and RP59N04W098546A (Rodney Hollen).

Fig. 4, Bonner County, Idaho parcel map showing the 35 properties owned and/or controlled by you on the south shores of Priest Lake and the Coolin-Chase Wetlands Complex (circled in black), including the 3 properties (circled in blue) where the dredge and fill activities depicted in Figures 1–3 are believed to have occurred.



Each and every discrete activity causing a discharge of dredge and fill material is a separate violation of the CWA. Each and every day such dredge and fill activity occurs is a separate and ongoing violation of the CWA. And each and every day dredge or fill material remains in place or is otherwise not corrected or remediated, is a separate and ongoing violation of the CWA.

ICL's Intent to File Suit Seeking Penalties, Injunctive Relief, and Fees

ICL intends to initiate a citizen suit after 60 days from the date of this letter against each of you for violating the CWA. Your discharges of dredge and fill material to waters violated and continue to violate the CWA, and these past and ongoing violations present a direct threat to the Coolin-Chase Wetlands Complex and Priest Lake. As provided under the CWA's citizen suit enforcement provision, ICL is authorized to file federal court litigation against you for these CWA violations, and any similar violations ICL later discovers, following expiration of the 60-day notice period. 33 U.S.C. § 1365(b). The court may award injunctive relief, civil penalties, and an award of costs and fees.

ICL intends to seek injunctive relief, including ordering you to cease all unlawful discharges, to take corrective action, and to take any other steps necessary to restore the impacted waters, as authorized by the CWA. *See* 33 U.S.C. § 1365(b). The CWA also mandates courts to impose a civil penalty for each violation adjudicated. 33 U.S.C. § 1319(d). The

maximum civil penalty for the violations at issue here, as adjusted by EPA regulation, is \$68,445 per violation per day. 40 C.F.R. 19.4 at Table 1. ICL intends to seek the highest reasonable penalty per violation per day, up to the maximum. Finally, ICL intends to seek an order from the court requiring you to pay ICL's attorneys' fees and litigation costs, as authorized by the CWA. See 33 U.S.C §§ 1365(a), (b) & (d).

Conclusion

One of the principal purposes of the CWA notice requirement is to allow the parties to discuss resolution of claims short of litigation. During the 60-day notice period, ICL will be available to discuss alternative remedies and actions that might be taken to address your violations and assure future compliance with the CWA. If you wish to discuss any aspect of this notice or settlement, please contact Jennifer Ekstrom at ICL or legal counsel for ICL on this matter identified herein. Should you have any facts, documents, or other information which you believe might bear upon the alleged violations set forth in this letter, please provide those to us now in order to avoid unnecessary litigation over any of the violations.

Sincerely,



Bryan Hurlbutt
Andrew Hursh
ADVOCATES FOR THE WEST
P.O. Box 1612
Boise, Idaho 83301
208.342.7024
bhurlbutt@advocateswest.org
ahursh@advocateswest.org

Attorneys for Idaho Conservation League

CC Via Certified Mail, Return Receipt Requested:

Lee Zeldin, Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Emma Pokon, Regional Administrator
Environmental Protection Agency
1200 Sixth Avenue, Suite 155
Seattle, WA 98101

Jess Byrne, Director
Idaho Department of Environmental Quality
1410 N. Hilton St.
Boise, ID 83706

Regulatory Project Manager
U.S. Army Corps of Engineers
Walla Walla District, Coeur d'Alene Office
1910 Northwest Blvd., Suite 210
Coeur d'Alene, Idaho 83814

