

# CITY OF OAKLAND



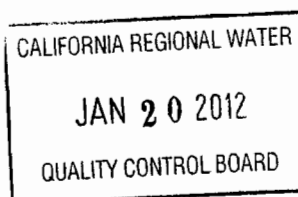
DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 4314 • OAKLAND, CALIFORNIA 94612-2032

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January 20, 2012

Habte Kifle  
San Francisco Bay Regional Water Board  
1515 Clay Street, Suite 1400  
Oakland, CA 94612



Dear Mr. Kifle,

I am writing regarding the proposed settlement agreement with the East Bay Municipal Utility District (EBMUD) for the planned discharges to Sausal Creek between August 3 – 5, 2010 and the unplanned discharge into Reliez Valley Creek from January 13 – 15, 2010. The proposed agreement states that EBMUD has agreed to pay an Administrative Civil Liability (ACL) in the amount of \$72,000 to the State Water Resources Control Board Cleanup and Abatement Account. It is my understanding that the discharger could choose to apply a portion of this settlement amount to a Supplementary Environmental Project (SEP). It is my recommendation that the Regional Water Quality Control Board (Regional Board) urge the discharger to do so.

As you are aware the EBMUD discharge into Sausal Creek severely impacted a population of native rainbow trout, resulting in the deaths of over 15 fish, some of which reached up to 9-inches in length. In 2007 the California Fish and Game Commission banned all fishing in Sausal Creek due to the low numbers of remaining native rainbow trout in the creek. It is appropriate that penalty fines for the discharge stay local and be used to benefit the already struggling Sausal Creek trout population.

The Sausal Creek watershed is home to a very active and successful community group and non-profit organization, the Friends of Sausal Creek, who have been working for over a decade to protect the creek, its wildlife, habitat, especially trout habitat, and improve the watershed. Providing the penalty funds to FOSC is an exceptional opportunity to begin to fittingly compensate for the loss of trout in Sausal Creek. There are numerous projects that could be implemented by the FOSC that would improve the habitat and water quality of the creek and directly benefit the native trout. The City feels that the EBMUD penalties should be expended in the Sausal Creek watershed for this purpose.

We strongly encourage the Regional Board to take action that will directly benefit the wildlife impacted by the discharge.

Sincerely,

A handwritten signature in black ink, appearing to read "Lesley Estes".

Lesley Estes  
Watershed Program Supervisor  
Watershed and Stormwater Management Program