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Attorneys for Point Buckler Club, LLC and John D. Sweeney

STATE OF CALIFORNIA

REGIONAL WATER QUALITY CONTROL BOARD, SAN FRANCISCO BAY REGION

In the matter of: TENTATIVE ORDER ADOPTION OF CLEANUP AND ABATEMENT ORDER for: POINT BUCKLER ISLAND, SOLANO COUNTY	SUPPLEMENTAL DECLARATION OF JOHN SWEENEY

I, John Sweeney, declare as follows:

1. I am manager of Point Buckler Club, LLC (the "Club"). I have personal knowledge of the facts in this declaration, and if called as a witness could competently testify to them.

2. When Point Buckler was purchased in 2011, I did not kiteboard. The island was not purchased with any intent to make it a kiteboarding club. Kiteboarding started at the island in 2012. At that time, kiteboarding was done on the western point of the island, outside of the old levee.

3. Trailers were brought out onto the point, parked, and used for storage. These trailers weigh about 5 tons each. They are not something you could bring across a wet marsh without having them sink into the ground.

4. The kites were laid out on the mowed lawn between the trailers and the water. That area was not filled, graded, or otherwise raised above its elevation when the island was purchased. Kites continued to be laid out in this area during the 2012, 2013, and 2014 kiteboarding seasons,

which last from about May to September. I kiteboarded about once per week during these times. I never saw the kite lawn go under water. Other people kiteboarded from the point hundreds of times during these years. No one has ever reported seeing water on the kiteboard lawn.

5. The levee repairs were not needed for kiteboarding. The levee was not repaired for kiteboarding.

6. When the island was purchased, I wanted to use it for duck hunting during the winter. Cynthia Torres, the previous owner, told me that the California Department of Water Resources (DWR) told her that she had to fix the levee. As a result, I believed that I was supposed to fix the levee.

7. I also understood that the levee needed to be repaired to hold water for duck ponds. If water were pumped onto the island without repairing the levee, the water would simply run off.

8. Work on the levee stopped in October 2014 when I learned there were regulatory objections. The work on the levee was not finished. The intent was to adjust the slope of the levee and the ditch. A second tide gate was to be installed.

9. In early 2015 four small semicircular ponds were dug. These have no connection with kiteboarding. They were intended to be duck ponds. They are far from complete. Trees were planted around the semicircular ponds to attack ducks. Work on these stopped when the San Francisco Bay Conservation and Development Commission (BCDC) requested that the work stop.

10. There has never been any intention of draining the island. The island was mostly dry, and did not need to be drained. On the contrary, it needs to be flooded to create duck ponds.

11. Attached as Exhibit 1 is a photo I took in May 2012. It shows how brown and dead the vegetation on the island was.

I swear under penalty of perjury of the laws of the State of California that the facts stated in this declaration are true.

DATED: July 21, 2016.

John Sweeney