Via hard copy and electronic mail

September 2, 2016
CIWQS Place ID 816826

Marnie Ajello, Advisory Team
San Francisco Bay Regional Water Board
1515 Clay Street, Suite 1400
Oakland, California 94612
Marnie.Ajello@waterboards.ca.gov

Subject: Administrative Civil Liability Complaint No. R2-2016-1008 for Point Buckler Island, Solano County; Prosecution Team's Submission of Evidence and Policy Statements

Dear Ms. Ajello:

In accordance with the Hearing Procedure for the above-referenced matter, the Prosecution Team is providing you with one hard copy and one electronic copy of the information required pursuant to Page 4, *Submission of Evidence and Policy Statements*. The deadline for the Prosecution Team to submit the required information is September 2, 2016.

Evidence for the Regional Water Board's Consideration:

Enclosed with this letter, please find the Prosecution Team's (1) Administrative Civil Liability Complaint No R2-2016-1008 for Point Buckler Island, Solano County, (2) Prosecution Staff Summary Report (3) Tentative ACL Order, and (4) Initial Evidence Submittal, which includes Exhibits 32 through 44. The Prosecution Team also submits Exhibits 1 through 31 from the August 10, 2016, hearing on Cleanup and Abatement Order R2-2016-0038 for this hearing as well. Please let us know how many binders to make for Board Members and staff who do not already have, or did not retain, Exhibits 1 through 31.

Designated Party Members:

The names of the members of the Prosecution Team, their titles and/or roles, and contact information are provided on Page 3 of the Hearing Procedure and are repeated below:

Dyan C. Whyte, Assistant Executive Officer; DWhyte@waterboards.ca.gov; (510) 622-2441
Keith Lichten, Division Chief; Keith.Lichten@waterboards.ca.gov; (510) 622-2380
Brian Thompson, Section Leader; Brian.Thompson@waterboards.ca.gov; (510) 622-2422
Agnes Farres, Technical Staff; Agnes.Farres@waterboards.ca.gov; (510) 622-2401
Benjamin Martin, Technical Staff; Benjamin.Martin@waterboards.ca.gov; (510) 622-2116
Address: California Regional Water Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, CA 94612

Tamarin Austin, Attorney IV; Tamarin.Austin@waterboards.ca.gov; (916) 341-5171
Laura Drabandt, Attorney III; Laura.Drabandt@waterboards.ca.gov; (916) 341-5180

Julie Macedo, Attorney IV; Julie.Macedo@waterboards.ca.gov; (916) 323-6847
Address: State Water Resources Control Board, 1001 I Street, P.O. Box 100, Sacramento, CA 95812

List of Witnesses, Subject of Each Witness' Testimony, and Qualifications of Each Expert Witness:

The following witnesses will be available to testify for the Prosecution Team at the Hearing:

1. Peter Baye, Ph.D., Botanist/Coastal Ecologist will be available to testify regarding an inspection of and the conditions present on Point Buckler Island, and the *Point Buckler Technical Assessment of Current Conditions and Historic Reconstruction Since 1985* (Expert Report), prepared for the San Francisco Bay Regional Water Quality Control Board in the Matter of Point Buckler Island, by Siegel Environmental, dated May 12, 2016. Dr. Baye's qualifications are described on pg. 22 of the Expert Report.
2. Steve Chappell, Executive Director, Suisun Resource Conservation District, will be available to testify regarding his declaration included in BCDC's Cease and Desist Order, Suisun Resource Conservation District's role in the Suisun Marsh, and RGP 3.
3. Agnes Farres, M.S., Environmental Scientist, will be available to testify regarding the tentative CAO, an inspection of and the conditions present on Point Buckler Island, and the history of enforcement actions taken by the Water Board at Point Buckler Island.
4. Bruce Herbold, Ph.D., Fisheries Ecologist will also be available to testify regarding the Expert Report. Dr. Herbold's qualifications are described on pg. 22 of the Expert Report.
5. Keith Lichten, PE, Supervising Water Resources Control Engineer, will be available to testify regarding enforcement actions taken by the Water Board at Point Buckler Island and the Water Board's 401 Water Quality Certification and Wetlands Program.
6. Benjamin Martin, M.S., Environmental Scientist, will be available to give a presentation before the Board and will be available to testify regarding an inspection of and the conditions present on Point Buckler Island and enforcement actions taken by the Water Board at Point Buckler Island.
7. Stuart Siegel, Ph.D., Professional Wetland Scientist will be available to testify regarding an inspection of and the conditions present on Point Buckler Island, and the Expert Report. Dr. Siegel's qualifications are described on pg. 21 of the Expert Report.
8. Brian Thompson, CHG, CEG, Senior Engineering Geologist, will be available to testify regarding an inspection of and the conditions present on Point Buckler Island, enforcement actions taken by the Water Board at Point Buckler Island, and the Water Board's Enforcement Policy generally.
9. Dyan Whyte, PG, Assistant Executive Officer, will be available to testify regarding an inspection of and the conditions present on Point Buckler Island, enforcement actions taken by the Water Board at Point Buckler Island, the Water Board's Enforcement Policy generally, and as the lead prosecutor for the case against John D. Sweeney and Point Buckler Club LLC.
10. Bryan Elder, M.S., MBA, PE, Water Resource Control Engineer, will be available to testify regarding ability to pay and economic benefit analysis performed for penalty calculation.
11. James McCurley, CPA, Forensic Accountant, will be available to testify regarding Prosecution Team's analysis of the Dischargers' ability to pay the proposed penalty, and economic benefit derived from the violations alleged in the complaint. Mr. McCurley is a Director at RGL Forensics.

Per our agreement with the Dischargers' legal counsel, the Prosecution Team also provided one electronic copy of this letter, including enclosures, to John D. Sweeney/Point Buckler Club, LLC and Lawrence S. Bazel, legal counsel. This submittal will also be available on the Water Board's website at:
http://www.swrcb.ca.gov/sanfranciscobay/water_issues/hot_topics/PointBuckler.shtml for easy access and for public interest.

If you have any questions, please contact Benjamin Martin at (510) 622-2116 or by e-mail to Benjamin.Martin@waterboards.ca.gov.

Sincerely,

Dyan C. Whyte

Dyan Whyte
Assistant Executive Officer

Enclosures: Administrative Civil Liability Complaint No. R2-2016-1008 for Point Buckler Island
Prosecution Team's Staff Summary Report
Tentative ACL Order for Point Buckler Island, Solano County
Prosecution Team's Initial Evidence Submittal

Copy to: (by electronic mail)

John D. Sweeney/Point Buckler Club, LLC
171 Sandpiper Drive
Pittsburg, CA 94565
john@spinnerisland.com

Lawrence S. Bazel, Legal Counsel
Briscoe Ivester & Bazel LLP
155 Sansome Street, 7th Floor San Francisco, CA 94104 lbazel@briscoelaw.net