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SAN DIEGO
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SANTA BARBARA
WESTLAKE VILLAGE

FILE NO.: 71258.001

December 1, 2015

VIA EMAIL AND U.S. MAIL

Mr. Bruce H. Wolfe
Executive Officer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
Bruce.Wolfe@waterboards.ca.gov

Re: San Francisquito Creek Joint Powers Authority Request for Reconsideration by the San Francisco Bay Regional Water Quality Control Board; Petition for Review and Reconsideration by the State Water Resources Control Board; Conditional CWA Section 401 Water Quality Certification ("Certification") for the San Francisquito Creek Flood Reduction, Ecosystem Restoration, and Recreation Project ("Project"); CIWQS Place ID: 757384 (SG)

Dear Mr. Wolfe:

We are writing with reference to the Requests for Reconsideration by the San Francisco Bay Regional Water Quality Control Board (the "Requests") and the Petitions for Review and Reconsideration by the State Water Resources Control Board (the "Petitions"), which we filed in this matter on April 1, 2014 and May 7, 2015.

We are also writing with reference to the attached exchange of letters between Len Materman, on behalf of the San Francisquito Creek Joint Powers Authority ("SFCJPA"), and you, on behalf of the San Francisco Bay Regional Water Quality Control Board ("Board"), dated June 3, 2015, June 9, 2015, and June 24, 2015, that followed issuance of the Certification.

On behalf of the SFCJPA, we are pleased to report and confirm the following resolution of the four items set forth in the May 7, 2015 Request and Petition, as follows:

Item 1. **Gas Pipelines.** Thank you for your proposal to revise Condition 19, as set forth in your letter of June 24, 2015. After much deliberation, weighing the additional expense of also removing the PG&E pipeline that was abandoned in place in 1959 and the value of certainty against the time, expense and uncertainty inherent in demonstrating that this line will continue to pose no environmental concern as it has not for the past 84 years, the SFCJPA has concluded that it will remove both that earlier abandoned PG&E gas pipeline and the one that will be abandoned

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as a result of the Project, as per Condition 19 of the Certification, which was clarified by your June 24, 2015 letter to include both pipelines. Accordingly, the request to revise Condition 19 is withdrawn.

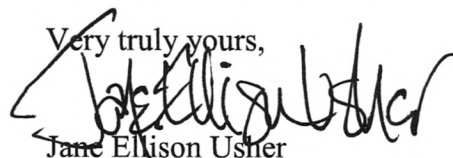
Item 2. Subsequent Approvals. The SFCJPA welcomes your identification of 60 days as the appropriate lead time needed for Board staff to review future submittals, for the SFCJPA to respond to written comments based on that review, and for the Executive Officer to approve a revised submittal, provided that the revised submittal is complete, all as outlined in your letter dated June 3, 2015. We also appreciate your clarification that future Project submittals will be governed by the State Administrative Procedures Act and other related requirements, including the requirement for a response from the Board within 30 days. With these understandings, on which the SFCJPA will rely, the request is withdrawn to revise the conditions that require subsequent approvals and acceptances by the Executive Officer.

Item 3. Impact and Mitigation Values. Again, thank you for agreeing to amend the Table 1, page 8, and Condition 23 impact acreage numbers and resulting mitigation acreage calculations consistent with the new numbers that final Project details will determine. As described in your letter of June 24, 2015, these details include the Project boundary with the Palo Alto Municipal Golf Course, hauling routes, a fish refuge near the Palo Alto pump station, habitat diversity features within the creek channel, and a Faber Tract Marsh upland refugia. We will submit revised values for your incorporation at the earliest possible time, limited to this issue only, that correct both clerical errors and Project revisions.

Item 4. Five-Year Reports. Finally, from your June 24, 2015 letter, the SFCJPA understands that 5-year reports will be required for the operational life of the Project, or until a new certification governing Project operations and maintenance is issued, whichever is earlier – and further that this understanding is not uncertain or at issue pending resolution of the PG&E gas pipelines, inasmuch as this letter confirms that both pipelines will be removed as per clarified Condition 19.

Based on these understandings, the SFCJPA respectfully requests that the Requests be deemed resolved. On this same basis, we have today withdrawn the Petitions. A copy of our confirming letter to the State Water Resources Control Board is attached. Our thanks for your cooperation and positive work with the SFCJPA to conclude these issues.

Very truly yours,



Jane Ellison Usher

for MUSICK, PEELER & GARRETT LLP

Enclosures (4): December 1, 2015 Letter to State Water Resources Control Board and June 3, 2015, June 9, 2015, and June 24, 2015 Letters between SFCJPA and SFBRWQCB

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