

BUENA VISTA LAGOON FOUNDATION • P.O. BOX 4516 • CARLSBAD, CALIFORNIA 92008

June 3, 2008

California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123

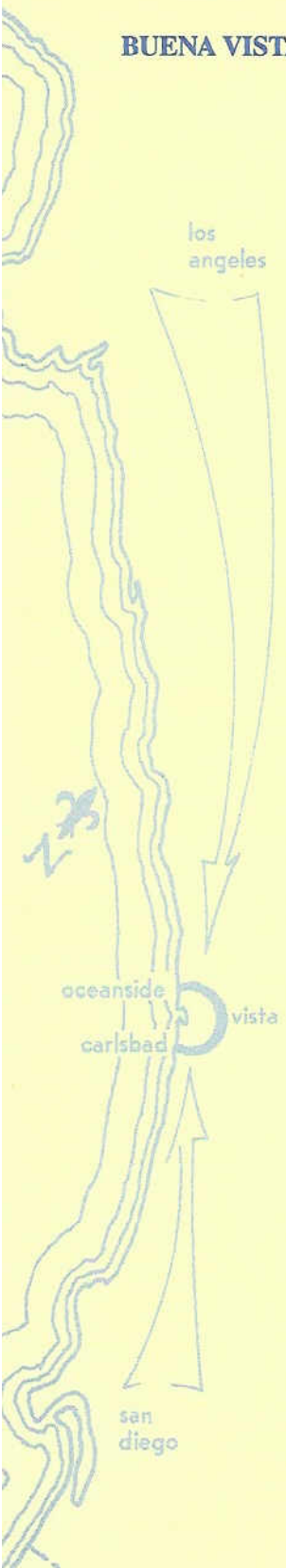
Item No. 9 Doc. No. 10

Re: **REF: CA:REG MES 330235: fmelbourn, CA:REG MES 330235: fmelbourn**

The Buena Vista Lagoon Foundation is a California Non-Profit Corporation (501c3) formed in 1981 to protect and enhance the Buena Vista Lagoon and its watershed. The Foundation urges the Board to consider special circumstances for the allocation of any funds arising from fines and penalties for discharges into the Buena Vista Lagoon to allow contribution to the design, environmental analysis, permitting, and construction of a Buena Vista Lagoon Restoration Project.

There is a long history of pollutant discharges into the Lagoon due to excess sedimentation and raw sewage flow from streambed infrastructure. In 1981 the eastern Lagoon was filled with streambed sediments due to heavy rainfall, severe bed-cutting erosion in the Buena Vista Creek channel, and emergency sewer pipeline reinforcements within the channel. Watershed conditions were clearly a priority for protection and eventual enhancement of the Lagoon. The result was formation of the Buena Vista Lagoon Foundation, the Buena Vista Lagoon Joint Powers Agreement, and modification of grading ordinances within the Cities of Vista, Carlsbad, and Oceanside to require erosion controls in the early 1980's. The California Coastal Conservancy also obtained legislation to allow projects outside the Coastal Zone and funded three separate engineering reports/plans and construction of the Brengle Terrace and Monte Vista Detention Basins to reduce erosive flow in the creek channels. Plans for substantial improvement of the Buena Vista Creek Channel upstream from Emerald Drive were part of those projects. The Channel was improved pursuant to those plans a few years later.

NON PROFIT PUBLIC CHARITY



Watershed improvements needed prior to restoration and enhancement work in the Lagoon have been done. A substantial portion of those improvements in the City of Vista were funded by the California State Coastal Conservancy.

The Buena Vista Lagoon is a fresh water lagoon located at the coast. It may be stabilized as a fresh water system, modified to be a salt-water tidal system, or some combination. Water Quality improvements cannot be accomplished until the type of water is determined and a viable restoration/enhancement project proposed. Prior proposals for Supplementary Environmental Projects within the lagoon have not been feasible because any such project must be preceded by the Ecological Reserve Land Management Plan. The decision on which direction to take the restoration/enhancement effort is critical to any potential project within the lagoon.

The Foundation has been actively working for the protection and enhancement of the Buena Vista Lagoon for over twenty-seven years. Other organizations may have different viewpoints especially now that substantial sums of money are apparently at stake. The Foundation believes that any damage to the Lagoon should result in compensatory water quality improvements in the Lagoon.

The Buena Vista Lagoon Foundation therefore requests the Board consider the special circumstances pertaining to the Buena Vista Lagoon and direct any available funds from fines or penalties due to current or future incidents discharging into the Lagoon to the Buena Vista Lagoon Restoration Project currently in process by the California Department of Fish and Game and the State Coastal Conservancy.

Such funds together with substantial funding from other sources will result in the design, environmental analysis, permitting, and construction of a Buena Vista Lagoon Project that is stable, environmentally beneficial, and meets or exceeds water quality objectives.

Sincerely

A handwritten signature in cursive script that reads "Ronald W. Wootton".

Ronald W. Wootton, Executive Director