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California Department of Fish and Game
South Coast Region
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In Reply Refer To:
FWS/CDFG-EC-BV Lagoon & Creek SEP Settlement

Item No. 9 Doc. No. 5 AUG 08 2008

Mr. John Robertus
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, California 92123-4353

Subject: Proposed Settlement of Administrative Civil Liability Against the Cities of Vista and Carlsbad for Violations Alleged in Complaint No. R9-2007-0099

Dear Mr. Robertus:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Game (Department), collectively the "Wildlife Agencies", are providing this correspondence in response to a telephone conversation with you on July 31, 2008, regarding pecuniary liability for Supplemental Environmental Project (SEP) monies collected in settlement of the Buena Vista Lagoon Sewage Spill (Administrative Civil Liability Complaint No R9-2007-0099) between the cities of Vista and Carlsbad (Cities) and the San Diego Regional Water Quality Control Board (SDRWQCB).

The Department has established an Environmental Fund for Habitat and Incident Specific Restoration Projects through a Memorandum of Agreement with the National Fish and Wildlife Foundation. Should the SEP(s) we have previously submitted be approved by the Board to address impacts for the Buena Vista Lagoon Sewage Spill, the Department would direct all monies to an Incident Specific Subaccount within the above-referenced fund. Funding for SEP activities would be disbursed upon joint approval of the Service and Department as co-trustees. Notification of disbursements and periodic accounting would be provided by the Wildlife Agencies to the SDRWQCB to facilitate monitoring of compliance with the terms of settlement.

We look forward to completing the settlement process and to working in concert with SDRWQCB and the Cities to restore the natural resources within the lagoon. If you have questions regarding this letter, please contact Dr. Sharon Taylor (Service) at (760) 431-9440 extension 220 or Mr. Warren Wong (Department) at (858) 467-4249.

Sincerely,

Scott A. Sobiech
Deputy Field Supervisor
U.S. Fish and Wildlife Service

for Theresa A. Stewart
Supervising Biologist
California Department of Fish and Game

Mr. John Robertus (FWS/CDFG-EC-BV Lagoon & Creek SEP Settlement)

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cc:

Eric Becker, SDRWQCB

Frank Melbourn, SDRWQCB

Sharon K. Taylor, USFWS

Judy Gibson, USFWS

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