



August 24, 2016

Alexis Strauss
Acting Regional Administrator
U.S. Environmental Protection Agency, Region 9
75 Hawthorne St.
San Francisco, CA 94105

Re: Redwood City Salt Ponds Jurisdictional Determination

Dear Ms. Strauss:

We are writing on behalf of San Francisco Baykeeper (“Baykeeper”) and the Citizens Committee to Complete the Refuge (“CCCCR”) regarding the jurisdictional determination being conducted for 1,365 acres of salt ponds owned by Cargill Point, LLC in Redwood City, California (“Redwood City Salt Ponds” or “Salt Ponds”). On October 14, 2014, we sent Jared Blumenfeld, then Regional Administrator, a letter explaining the reasons why the Salt Ponds are regulated by the Clean Water Act.

Since we sent that letter, we have reviewed files located at the Regional Water Quality Control Board, San Francisco Bay Region and the San Francisco Bay Conservation and Development Commission. The files relate to the Redwood City Salt Ponds and other salt ponds around the Bay area. We have attached numerous documents that we believe provide further evidence that the Redwood City Salt Ponds are “Waters of the United States” and regulated by the Clean Water Act. Specifically, the documents show the following:

1. Cargill historically has defined the salt ponds as “impoundments” of San Francisco Bay, a navigable water (*see* Index of Documents, #1);
2. The State of California has treated the Salt Ponds as “Waters of the State,” a definition that encompasses all “Waters of the United States” (*see* Index of Documents, #2, 19);
3. Cargill and its predecessor have argued historically that bittern is simply concentrated Bay water (*see* Index of Documents, #3, 28, 37);
4. Salt ponds, including the Redwood City Salt Ponds, are seasonally filled with rainwater that must be discharged to the Bay and/or its tributaries, indicating that the ponds are “water” that are connected to the Bay (*see* Index of Documents, #4-10, 12, 14-18, 20-22, 25, 27, 29, 37);



Pollution hotline: 1 800 KEEP BAY
www.baykeeper.org

1736 Franklin Street, Suite 800
Oakland, CA 94612
(510) 735-9700

5. Seepage, spills, overtopping from salt ponds to the Bay and/or tributaries show that the salt ponds are hydrologically connected to the Bay (*see* Index of Documents, #11, 15-16, 19, 21, 23, 26, 30, 33-35, 38);
6. Corps historically has treated the salt ponds as “Waters of the United States” (*see* Index of Documents, #13, 24, 32); and
7. Salt ponds are biologically significant (*see* Index of Documents, #14, 24, 31, 36).

With this letter, we have enclosed an Index of Documents, as well as a CD with all the documents listed in the Index. We would be happy to explain the significance of any of these documents if questions arise.

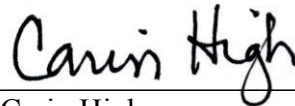
In addition, as we previously mentioned, Matt Leddy, a member of CCCR, regularly visits the Redwood City Salt Ponds to conduct bird surveys. The CD also includes summaries of the bird surveys, as well as several videos showing that the Salt Ponds support several species of birds that also forage, nest, and breed in other portions of the Bay. These bird surveys indicate that the salt ponds are biologically connected to the rest of the Bay and thus, have a significant nexus to the Bay.

As explained in our previous letter, the Redwood City Salt Ponds fall under several categories of “Waters of the United States.” Baykeeper and CCCR, and our thousands of members and supporters, urge EPA to recognize the Clean Water Act’s jurisdiction over the Salt Ponds, so that these important waterbodies, as well as the sloughs and the Bay that are connected to the Salt Ponds, may be protected.

Yours very truly,



Erica A. Maharg
Staff Attorney
San Francisco Baykeeper



Carin High
Citizens Committee to Complete the
Refuge

Enclosures