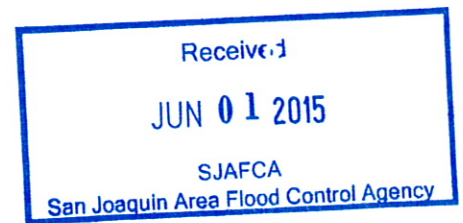


BRISCOE IVESTER & BAZEL LLP
155 SANSOME STREET
SEVENTH FLOOR
SAN FRANCISCO CALIFORNIA 94104
(415) 402-2700
FAX (415) 398-5630



John Briscoe
(415) 402-2701
jbriscoe@briscoelaw.net

May 29, 2015

via U.S. Mail and E-Mail

James B. Giottonini, Executive Director
San Joaquin Area Flood Control Agency
22 East Weber Avenue, Suite 301
Stockton, California 95202-2317

Re: Proposed expenditure of \$22,309,666 for construction of
Smith Canal Gate under your Urban Flood Risk Reduction Program;
<http://www.water.ca.gov/floodmgmt/fpo/guidelines/>

Dear Mr. Giottonini:

The Atherton Cove Association, represented by this office, objects to your application for and anticipated receipt of \$22,309,666 in public funds from the State Department of Water Resources for the construction of the Smith Canal Gate. Your application and proposed acceptance of the funds, for so specific a purpose, is a "project" under the California Environmental Quality Act (CEQA). See Public Resources Code section 21065 and 14 Cal. Code Regs. section 15378(a); *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 140-142. The potentially significant adverse effects of this project – a 700-foot-long dam built on the bed of the San Joaquin River – are obvious. There is no evidence you have complied with CEQA.

Sincerely yours,

BRISCOE IVESTER & BAZEL LLP


John Briscoe

JB/lgy

cc: Maxwell M. Freeman, Esq.
Michael D. Hakeem, Esq.