February 2, 2009

Chairman Richard Wright  
Vice Chair David King  
Eric Anderson  
Wayne Rayfield  
Kris Weber  
Grant Destache  
George Loveland  
Gary Thompson  
San Diego Regional Water Quality Control Board  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340

Re: Agenda Item No. 6 - Regional Board Meeting of February 11, 2009  
Poseidon Response To Executive Officer Summary Report Released January 29, 2009  
Request For Board Action On Poseidon Submittal On February 11, 2009

Dear Chairman Wright, Vice Chair King and Members of the Regional Board:

For your review and consideration regarding Agenda Item No. 6 for the February 11, 2009 San Diego Regional Water Quality Control Board meeting, we are transmitting to you the following items, which are attached to this letter. To keep the materials organized, we have placed them into three bound volumes, with the documents referenced and organized by Tab, and designated by colored paper.

Because your staff has not as yet presented you with an alternative resolution approving our submittal, we have also prepared a proposed resolution [Tab 3, Green Colored Paper] for your consideration and possible adoption on February 11th.

Volume 1:

- Tab 1: Poseidon Summary Chart and Detailed Response to Executive Officer Summary Report Released January 29, 2009. [Pink Colored Paper]
- Tab 2: Poseidon Request for Regional Board Action Re: Conduct of Hearing for Item No. 6. [Yellow Colored Paper]
Volume 2:

- Tab 4: Poseidon’s Response to Staff’s “Overarching Concern” Re: The Inclusion of a “Specific Mitigation Alternative” in the Marine Life Mitigation Plan. [White Colored Paper]


- Tab 7: Offer of Proof Regarding Testimony and Evidence From Poseidon. [White Colored Paper]

- Tab 8: Coastal Commission Recommended Revised Condition Compliance Findings for CDP No. E-06-013 – Poseidon Resources (Channelside), LLC; Special Condition 8: Submittal of a Marine Life Mitigation Plan, adopted December 10, 2008. [White Colored Paper]

Volume 3:

- Tab 9: Annotated Index of Authority and Technical Studies and Scientific Studies Supporting Board Decision. [White Colored Paper]

Please let me know if you have any questions about this transmittal.

Sincerely,

[Signature]

Peter M. MacLaggan