



# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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Supporting Document No. 43

## VIA FACSIMILE AND ELECTRONIC MAIL

January 30, 2009

Dr. Richard Wright, Chair and Members of the Board  
California Regional Water Quality Control Board  
San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340

Re: February 11, 2009 Regional Board Meeting: Item 6  
Poseidon Resources Corporation, Proposed Carlsbad Desalination Project: Marine  
Life Mitigation Plan

Dear Chairman Wright and Members of the Board:

This letter is to urge you to conclude that the Marine Life Mitigation Plan for the Poseidon Carlsbad Desalination Project satisfies the conditions of the Board's Resolution No. R9-2008-0039. Our view is that a process-based approach with criteria for the evaluation of mitigation site options satisfies the objectives of the Resolution. Our understanding is that this approach was developed through an interagency process in which the Regional Board staff participated. Concluding that the Mitigation Plan satisfies the conditions will allow the Poseidon Resources Corporation to begin work on the Project, a milestone in the ongoing effort to ensure a new, reliable supply of water for Southern California.

The severe drought conditions facing California puts the sustainability of our water supply at great risk. For the third year in a row, water supply reservoirs throughout the state are below normal, including Shasta (31%), Folsom (24%), San Luis (26%), and Oroville (28%). The State Director of Water Resources just yesterday indicated that California may be facing one of the worst droughts in modern history. San Diego is particularly vulnerable to drought conditions because it imports close to 90% of its water. Increased restrictions on moving water from Northern to Southern California make the San Diego region even more vulnerable. Last week Mayor Sanders announced the high probability that San Diego will face water rationing by July. The Poseidon Desalination Project is critical in that it will provide a clean, safe, reliable future water supply for 300,000 people.

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This Project has undergone rigorous review by state and local agencies. For the past six years, Poseidon has been working to secure all of the permits and entitlements needed for the Project. The California Coastal Commission recently approved the Mitigation Plan by an overwhelming vote of eleven to one. The Commission approved the process-based approach with criteria for the evaluation of mitigation site options. Key agencies that have expertise in marine life mitigation, including the Department of Fish and Game, were engaged in the development of the Plan. Other interested federal, state, and local agencies were also engaged in the development of the Plan, including the Department of Transportation and the State Lands Commission.

Poseidon has faced many hurdles in obtaining the required approvals for this important infrastructure project. We urge you to determine that this plan satisfies the conditions established in Resolution No. R9-2008-0039.

Thank you for your consideration and for all of the work that you do to ensure clean, safe, reliable water for the citizens of San Diego. We look forward to hearing your decision.

Sincerely,



Linda S. Adams  
Secretary for Environmental Protection

cc: Ms. Tam Doduc, Chair  
State Water Resources Control Board

Ms. Dorothy Rice, Executive Director  
State Water Resources control Board

Mr. John Robertus, Executive Officer  
California Regional Water Quality control Board  
San Diego Region