Declaration of Jessica H. Jones

January 26, 2009

I, Jessica H. Jones, declare as follows:

- I am an Assistant Project Manager with Poseidon Resources Corporation ("Poseidon"), a
 position I have held since November 2000. I have personal and first-hand knowledge of the
 facts set forth herein and could and would testify competently thereto if called upon to do so.
- As Assistant Project Manager, I assist Peter MacLaggan with all aspects of the permitting and entitlement of Poseidon's Carlsbad Desalination Project, including the San Diego Regional Water Quality Control Board's ("Regional Board") review of Poseidon's Marine Life Mitigation Plan ("MLMP").
- On January 23, 2009, I received from Regional Board staff member Lori Costa, a cassette
 tape recording of an exchange between Gabriel Solamar, Regional Board Executive Officer
 John Robertus, Chief Scientist Chiara Clemente and Catherine Hagan which occurred at the
 Regional Board's November 12, 2008 meeting.
- 4. On January 24, 2009, I transcribed this cassette tape recording into a Microsoft Word document. A true and correct copy of this transcription is attached as Exhibit A.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Executed this 26th day of January, 2009, at San Diego, California.

Jessica H. Jones





State of California Regional Water Quality Control Board San Diego Region

Wednesday, November 12, 2008

Agenda Item #2 - Public Forum

SOLAMAR: Good Morning. My name is Gabriel Solamar and I am legal director for SD Coastkeeper, and I just wanted to send our welcome to our new board member and more coming on the way it sounds like. Coastkeeper is an environmental non-profit based in Point Loma, we work on all kinds of water quality issues and I am here quite frequently and I wish that I was here on a newer issue, but unfortunately I am here to address something that is not so new, which is an item in the executive officers report this month, its an update from staff #14 on page 21, update on Poseidon desalination plant marine life mitigation plan, and our current board members may remember this item from April when the conditional approval of the revised flow entrainment & impingement minimization plan was approved. I would just call your attention to one of the clauses in the resolution, I will just read one of them, after the conditional approval of that plan the third clause read, Within 6 months of adoption, that would be October 9th of this year, Poseidon shall submit to the Regional Board executive officer a specific proposal for the mitigation, as I read in the executive officers report with the staff update the Regional Board executive officer has not received that plan, we are now about just over a month after that and the concerning language in the update that I wanted to call your attention to is that it says although Poseidon has neither formally requested an extension to the Regional Board deadline nor provided any clear estimate of when they intend to submit a revised plan, they just figured it would be later this year or the beginning of next year. The concern is that when this board issues a resolution, this is not an invitation to appear at a convenience for the discharger, there is a requirement in the resolution with a date certain and when we don't see that happening we are concerned that your orders at not being followed. So if we could get an update on that from the executive officer or from the staff as to how that issue is being resolved we would appreciate it. Thank you very much.

BOARD CHAIR: Mr. Robertus would you care to comment at this time?

ROBERTUS (very hard to hear): I am fully aware of the due date, we have been in communication with Poseidon, and they are not able to give us the plan in a complete form without the approval of the other agencies and we are waiting for the other agencies schedule event to occur, we are aware of what the elements of the plan are but they are reluctant to sign it and commit without knowing that other agencies input, in not approving it would require me to send it back.

BOARD CHAIR: What agencies are we waiting for?

ROBERTUS: I am not absolutely certain, I think it was Coastal Commission, but there may be others. I am not clear on it right now. That is being handled by Chiara Clemente and I am not sure she is here today.

BOARD CHAIR: She is.

ROBERTUS: Oh she is? Do you have information Chiara?

CLEMENTE: Good morning, I am Chiara Clemente with the central watershed unit, and essentially we contacted Poseidon within a week of not receiving the report, within a week of the due date and they explained to us that they are still working with the State Coastal Commission to fine tune the details of their requirements and obviously those requirements effect how they put together the report for our purposes, and another added wrinkle is that the SLC essentially adopted the CC requirements with some additional conditions as part of their lease so they're also waiting to the Coastal Commission details. Our staff has contacted the staff at the Coastal Commission and it is our understanding that the Coastal Commission plans to bring this issue back for a hearing in December. So I can only estimate, I don't want to put words in Poseidons' mouth, but I would presume that after that hearing Poseidon should be able to put together a report for us in about a month and then it would take us a few months to publically bed it, review it and then bring it to the board.

BOARD CHAIR: Catherine?

HAGAN: May I just add, the board hasn't yet decided or taken any formal action regarding an extension of time or made a determination that it will or will not consider a final plan and I would note that this (*Break in tape*) litigation filed by Coastkeeper, and so I want to be sensitive to that, that no decision has been made yet, that a plan will be scheduled for the boards consideration.

BOARD CHAIR: Ms. Solamar, anything else that you wanted to add?

SOLAMAR: Thank you to Chiara for her update, she has been very helpful in keeping us informed, and I apologize that I should have stated at the beginning that this is the subject of litigation, but the plan itself, the concern, is that when this board has an order, that that be followed and that we do follow up with whether an extension would be granted or not because as of this date one of the revised clauses has not been completed.

BOARD CHAIR: Okay thank you.

SOLOMAR: Thank you.