

63

**OC Print-Mail Center**

---

**From:** Catherine Hagan (George) [CHagan@waterboards.ca.gov]  
**Sent:** Friday, March 27, 2009 9:23 AM  
**To:** Garrett, Christopher (SD); Philip Wyels  
**Cc:** Halter, Amanda (OC); Ross, Lauren (SD); Singarella, Paul (OC); pmaclaggan@poseidon1.com  
**Subject:** Re: FW: Chp 6 language from Wyels

Hi Chris,  
That looks to me like what we discussed.  
Catherine

>>> <CHRISTOPHER.GARRETT@LW.com> 3/26/2009 7:18 PM >>>

Phil and Catherine

I believe this is the edit we discussed on the phone at 1 pm today regarding the performance of the mitigation site, in terms of production of fish biomass to compensate for impingement impacts.

Does this look like what we discussed?

Chris

**EDIT ON PAGE 6-2, SECTION 6.2.1**

The precise habitat composition of the mitigation site(s) will be determined and vetted at the design stage of the mitigation planning, and the proppsed mitigation site will be reviewed to confirm that it will provide no less than 1715.5 kg per year of fish biomass productivity. ~~where both the Regional Board and the Coastal Commission will have the opportunity to pass on the site(s)' restoration plan.~~ Thus, the MLMP assures that the Project will result in a net productivity of fish biomass.

\*\*\*\*\*  
To comply with IRS regulations, we advise you that any discussion of Federal tax issues in this e-mail was not intended or written to be used, and cannot be used by you, (i) to avoid any penal imposed under the Internal Revenue Code or (ii) to promote, market or recommend to another party transaction or matter addressed herein.

For more information please go to <http://www.lw.com/docs/irs.pdf>

\*\*\*\*\*

This email may contain material that is confidential, privileged and/or attorney work product fc the sole use of the intended recipient. Any review, reliance or distribution by others or forwa without express permission is strictly prohibited. If you are not the intended recipient, pleas contact the sender and delete all copies.

Latham & Watkins LLP

4/1/2009