KAISER VENTURES LLC

KAISER EAGLE MOUNTAIN, LLC
One Court Street
Post Office Box 37
Desert Center, California 92239
760/392-4257
760/392-4341 fax

February 13, 2009

VIA ELECTRONIC FILING

Kimberly D. Bose, Secretary
Nathaniel J. Davis, Sr., Deputy Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

VIA FEDERAL EXPRESS

Camilla Williams
Division of Water Rights
State Water Resources Control Board
1001 I Street, 14th Floor
Sacramento, CA 95814

Re: COMMENTS ON SCOPING DOCUMENT 1 FOR EAGLE MOUNTAIN PUMPED STORAGE PROJECT (FERC PROJECT NO. P-13123-000)

Dear Secretary Bose and Deputy Secretary Davis:

Thank you for this opportunity to provide comments on Scoping Document 1 (**"SD1"**) issued by the Federal Energy Regulatory Commission (**"Commission" or "FERC"**) and the State of California State Water Resources Control Board (**"Water Board" or "SWRCB"**) on December 17, 2008 for Eagle Crest Energy Company's (**"ECEC's"**) Eagle Mountain Pumped Storage Project, FERC No. 13123 (the **"Project"**).[1] Kaiser Eagle Mountain, LLC and Mine Reclamation, LLC (collectively **"Kaiser"**) submit these comments to identify some of the areas of additional environmental studies and analysis which must be conducted as a part of the environmental review of the Project in accordance with the requirements of the National Environmental Policy Act, 42 U.S.C. § 4321 *et seq.* (**"NEPA"**) and the California Environmental Quality Act, California Public Resources Code §§21000-21177 (**"CEQA"**).

Kaiser owns or controls much of the real property on which ECEC proposes to build the Project. Kaiser also owns and holds permits for construction of the Eagle Mountain Landfill and Recycling Center (the **"Landfill"**), a major landfill facility designed to dispose of up to 708 million tons of municipal solid waste materials.[2] The

---

[1] Kaiser reserves the right to make additional comments and study requests during the course of the traditional licensing process. As reflected in these comments, ECEC's lack of specificity and incomplete analysis of impacts in Project materials issued to date makes it difficult to provide a full response. Accordingly, this letter is not intended to provide a full and complete list of all the studies necessary for ECEC to comply with applicable law, rules, and regulations with respect to this Project.

[2] The Landfill will have the capacity to handle and dispose of 470 million tons in Phases 1-4 and 238 million tons in Phase 5.

Landfill is currently under contract to be sold to Los Angeles County Sanitation District No. 2 ("**LACSD**"). The Landfill is permitted for development on property that ECEC proposes to use for its Project. The Project as proposed directly conflicts with and is inconsistent with the Landfill, and therefore will have a direct significant adverse impact on Kaiser, the Landfill and the public interest to be served by the development of the municipal solid waste facility.

As reflected in Kaiser's previous comments on ECEC's Draft License Application (the "**DLA**") dated September 12, 2008 ("**DLA Comments**") and its Comments and Study Requests dated June 9, 2008 and responding to ECEC's Preapplication Document (the "**Preapplication Comments**"), Kaiser's assessment of the informational needs and environmental consequences of the proposed Project is hampered by ECEC's failure to provide a complete and accurate description of its proposal. For example, ECEC does not identify with any specificity the location of available or alternate transmission routes or the specific sources of groundwater for the initial fill and annual make-up water necessary to construct and operate this Project. This is illustrated by ECEC's announcement in the scoping sessions held on January 15, 2009 and on January 16, 2009, that the route of its proposed transmission line was changing from the general route previously discussed in its DLA. "[O]nly through an accurate view of the project may the public and interested parties and public agencies balance the proposed project's benefits against its environmental cost, consider appropriate mitigation measures, assess the advantages of terminating the proposal, and properly weigh other alternatives."[3] ECEC must provide the Commission, the Water Board and the public more complete and accurate information regarding its proposed project to allow for adequate environmental review.

It is ECEC's burden and responsibility, not Kaiser's or the public's burden and responsibility, to describe a project with sufficient information to initiate meaningful environmental review. Having failed to do so, the effort to scope an environmental analysis at this juncture is fatally flawed. However, Kaiser does offer the following comments concerning some of the additional analysis that is necessary to begin to understand the proposed Project and the scope of its environmental consequences.

[3] *San Joaquin Raptor Rescue Ctr. v. County of Merced*, 149 Cal. App. 4th 645, 655, 57 Cal. Rptr. 3d 663 (2007) (citing *City of Santee v. County of San Diego*, 214 Cal. App. 3d 1438, 1454, 263 Cal. Rptr. 340 (1989)) (internal quotation marks and citations omitted).

I. SUMMARY

Kaiser's concerns with the scoping of environmental review for the Project generally fall into the following categories:

- **Incompatibility with the Landfill and other land uses:** The Commission and Board's environmental review must look at the Project's impacts on existing and reasonably foreseeable adjacent land uses and its cumulative impacts in relationship to other past, present, and reasonably foreseeable conditions. There is no doubt that the Project is incompatible with the Landfill.[4] Based upon the sketchy information that has been provided so far, additional analyses required to examine impacts on the Landfill and other land uses include, but are not limited to: reservoir seepage risks, seismic hazards, conflicts with ancillary facilities, design, construction and operation assumptions, effects of other energy projects in the vicinity, and conflicts with planned land uses reflected in Riverside County's General Plan – Desert Center Area Land Use component. Additionally, the environmental review must consider an analyze impacts on current and future mining and reclamation activities at Eagle Mountain. These impacts range from possible use of rock resources in the construction and maintenance of the Project to loss of access to rock sources that could be sold or would otherwise utilized by the Landfill. For example, on the property that is Section 36, T 14E, R3N SBBM, which property would be impacted by the Project, there is an estimated 64,589,399 tons of waste rock stock piled and an estimated 204,158,000 tons of in place rock. Furthermore, the Landfill is a part of the approved surface mine reclamation plan for the Eagle Mountain mine. In addition to being compatible with the Landfill, the impacts to the reclamation of the mine must be analyzed.

- **Developmental resource impacts:** The environmental impact statement ("**EIS**")[5] and environmental impact report ("**EIR**") must include critical examination of the need for the Project and its impacts on existing energy infrastructure and resources. These issues must be evaluated with respect to the action and no action alternatives.

---

[4] For example, the Project utilizes the east pit of the Eagle Mountain site as its lower reservoir but such pit will hold municipal solid waste in Phase 5 of the Landfill. Indeed, the environmental impact statement prepared by the Bureau of Land Management notes that the proposed "hydroelectric project would conflict with the ... Eagle Mountain Project, because ECEC's proposed reservoirs would encroach slightly into the Phase 1 and substantially into the Phase 5 areas of the landfill." Eagle Mountain Landfill and Recycling Center Project DEIS at 5-19.

[5] Kaiser affirms the intention of the Commission and Water Board to prepare an EIS and EIR. Given the scope of probable significant adverse environmental impacts that would be generated by the Project, this level of environmental review is imperative to meet the requirements of NEPA and CEQA.

- **Impacts on water resources:** The Project's impacts on water quantity and water quality could threaten surrounding land uses, water supply sources, and habitat areas. The high likelihood of seepage affecting other resources requires particular scrutiny; placing large reservoirs in close proximity to a municipal landfill appears to be an unwise and unprecedented proposal. Potential impacts on groundwater supply, water quality, and hydrocompaction must be examined with far greater rigor than shown in ECEC's DLA.

- **Disturbance of wildlife and wildlife habitat:** Additional ecosystem analyses are required to identify adequate protection, mitigation, and enhancement measures necessary for wildlife and wildlife habitat. As a starting point, additional studies are required to evaluate impacts of: the addition of a new water body within desert habitat, direct conflicts with the desert tortoise and its critical habitat areas, bighorn sheep interference, and long-term operation and maintenance of the Project.

- **Cumulative impacts:** The effects of this Project must be examined alongside its interaction with other effects in the region and in the upcoming years.[6] The combination of these effects, and any resulting environmental degradation, should be the focus of cumulative impact analysis in the EIS/EIR. This analysis must take into account the compounding of the effects of the Project and planned or foreseeable actions over time. The total effects on resources, the ecosystem, or human community need to be reviewed to comply with NEPA and CEQA.

Our comments with respect to these issues are set forth in greater detail below. Kaiser also incorporates by reference, and hereby submits as part of its comments on SD1, Kaiser's DLA Comments and Preapplication Comments. (*See* FERC Accession Nos. 20080917-0165, 20080917-0166, 20081016-0115, 20081016-0116 (DLA Comments); 20080619-0045 (Preapplication Comments)). The DLA Comments, in particular, provide recommendations from subject-area experts—professional hydrologists, civil engineers, biologists, and energy consultants—regarding missing pieces of the DLA's environmental analyses. Kaiser asks that the discussion of potential Project impacts and recommendations for additional analyses presented in the DLA Comments and Preapplication Comments be reviewed by the Commission and Water Board for the purpose of defining the scope of the EIR/EIS analysis.

[6] NEPA defines a "cumulative impact" as: "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency . . . or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." 40 C.F.R. § 1508.7.

II. DETAILED COMMENTS

A. Data Regarding the Project Must Be Sufficient for a Hard Look at Assessment and Mitigation of Project's Environmental Impacts.

The NEPA studies must allow the Commission and Water Board to engage in the "hard look" at environmental impacts of the Project. CEQA similarly requires that an EIR "be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences." Cal. Code Regs. Tit. 14, § 15151. The DLA falls well short of the informational requirements needed before sufficient NEPA and CEQA analyses can be initiated. In determining whether a proposed action will significantly impact the environment, for purposes of NEPA an agency must consider, "direct," "indirect," and "cumulative" environmental impacts of an application. 40 C.F.R. § 1508.25.[7] CEQA likewise requires that an EIR "[i]nform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities" and "consider the whole of an action" through adequate and complete information. Cal. Code Regs. Tit. 14, §§ 15002(a)(1), 15003(h)-(i). The DLA inappropriately suggested that study of many Project elements, including reservoir design features and operational controls to address conflicts with the Landfill, could be studied at a later date or that the approved Landfill could be altered to accommodate the Project.

Environmental studies must be performed as soon as it is reasonably possible to complete them. *Kern v. U.S. Bureau of Land Mgmt.*, 284 F.3d 1062, 1072, 1074 (9th Cir. 2002) ("NEPA is not designed to postpone analysis of an environmental consequence to the last possible moment. Rather, it is designed to require such analysis as soon as it can reasonably be done. If it is reasonably possible to analyze the environmental consequences in an EIS . . . the agency is required to perform that analysis."). "[C]umulative impact analysis must be timely. It is not appropriate to defer consideration of cumulative impacts to a future date when meaningful consideration can be given now.") *Id.* at 1075; *see also* Cal. Code Regs. Tit. 14, §§ 15003(j), 15004 (providing that CEQA decisions "be informed and balanced" and occur "[b]efore granting any approval of a project subject to CEQA."). Moreover, "[a] proper consideration of the cumulative impacts of a project requires some quantified or

[7] While NEPA does not mandate particular results, it sets forth procedural requirements to ensure that federal agencies take a hard look at the all foreseeable direct and indirect consequences of their actions. *N. Alaska Envtl. Ctr. v. Kempthorne*, 457 F.3d 969, 975 (9th Cir. 2006). Under the "rule of reason" or "hard look" standard applied in NEPA review, the courts assess whether an agency has engaged in a "reasonably thorough discussion of the significant aspects of probable environmental consequences." *American Rivers v. FERC*, 201 F.3d 1186, 1195 (9th Cir. 1999) (quotation marks and citation omitted). Thus, an agency decision will not withstand review when the decision-maker fails to make a rational connection between the facts and the decision, *Bangor Hydro-Elec. Co. v. FERC*, 78 F.3d 659, 663 n.3 (D.C. Cir. 1996), or ignores or minimizes relevant evidence. *Morall v. Drug Enforcement Admin.*, 412 F.3d 165, 178 (D.C. Cir. 2005).

detailed information." *Klamath-Siskiyou Wildlands Ctr. v. Bureau of Land Mgmt.*, 387 F.3d 989, 993 (9th Cir. 2004) (internal quotation marks and citations omitted).

NEPA also requires that an EIS analyze and include appropriate mitigation measures or alternatives in its review. 40 C.F.R. § 1502.14(f) (directing inclusion of "appropriate mitigation measures not in the proposed action"); 40 C.F.R. § 1508.25(b)(3) (requiring agencies to consider "mitigation measures (not already included in the proposed action)").[8] Because rigorous and objective consideration of alternatives provides the "clear basis for choice," factors producing an attenuated alternatives analysis are danger signals suggesting a possible failure of the reasoned decision-making process. *See* 40 C.F.R. § 1502.14. NEPA's regulations require agencies to "[r]igorously explore and objectively evaluate all reasonable alternatives." *Id.*

ECEC may not circumvent the opportunity for meaningful environmental analysis by offering up a patently deficient draft application; before the FERC and SWRCB can take a "hard look" at the environmental impacts of a project, ECEC must describe its project. For the reasons set forth below, additional information and environmental studies are required to describe and examine the Project, alternatives to the Project, impacts of the Project on various resources, and protection, mitigation, and enhancement measures (**"PM&Es"**) necessary to address such environmental impacts.

B. All of the Studies Listed in SD1 Section 3.1.3 Are Necessary.

Kaiser agrees that **all** of the studies listed in Section 3.1.3 of SD1 need to be conducted to prepare an adequate EIS/EIR. These include important additional analyses regarding water resources and wildlife resources such as:

1. Location of wells

---

[8] "Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant." *Sierra Club v. Marsh*, 714 F.Supp. 539, 573-74 (D. Me. 1989) (emphasis omitted) (quoting Council on Environmental Quality, *Guidance Regarding NEPA Regulations*, 48 Fed. Reg. 34263, 34267 (July 28, 1983) and 46 Fed. Reg. at 18027).

> To be sure, one important ingredient of an EIS is the discussion of steps that can be taken to mitigate adverse environmental consequences. [40 C.F.R. § 1508.20 (2007)] The requirement that an EIS contain a detailed discussion of possible mitigation measures flows both from the language of the Act and, more expressly, from CEQ's implementing regulations. Implicit in NEPA's demand that an agency prepare a detailed statement on "any adverse environmental effects which cannot be avoided should the proposal be implemented," 42 U.S.C. § 4332(C)(ii), is an understanding that the EIS will discuss the extent to which adverse effects can be avoided. *See* D. Mandelker, *NEPA Law and Litigation* § 10:38 (1984).

Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 351-52 (1989).

2. Seepage risks

3. Water withdrawal impacts to water resources in the vicinity (including hydrocompaction impacts)

4. Best management practices to protect water quality

5. Field surveys of special status species

6. Mitigation of construction, operation and maintenance impacts on wildlife and sensitive status species

Kaiser's DLA Comments and Preapplication Comments identify some of the potential impacts of the Project in these areas and recommend studies that should be conducted with respect to the above issues. Kaiser renews those comments here and emphasizes that Project must be further described in order for meaningful assessment of these issues. Kaiser also notes that the additional study of water withdrawal impacts to water resources in the vicinity must factor in potential Bureau of Reclamation regulations that would affect the availability of water withdrawals from the Chuckwalla Valley due to broader impacts on Colorado River water resources. *See* Regulating the Use of Lower Colorado River Water Without an Entitlement, 73 Fed. Reg. 40,916 (July 16, 2008) (to be codified at 43 CFR Part 415).

C. Additional Studies Are Required to Address Resource Issues Posed by the Project.

In addition to those studies identified in Section 3.1.3 of SD1, in order to describe the Project and initiate environmental review under NEPA and CEQA additional studies must also be conducted to evaluate the following resource issues:[9]

1. Land use impacts.

The EIS/EIR must address the following issues regarding the Project's impacts on the Landfill, including but not limited to:

[9] Some of these resource issues are identified in Section 4.2 of SD1, but none are reflected in the list of additional studies presented in Section 3.1.3.

a. What impact will Project design, construction, operation and maintenance have on the surrounding Landfill's construction, operation and maintenance? ECEC has never offered any explanation of how it will avoid, minimize or mitigate direct and irreconcilable impacts with the Landfill; these impacts cannot be assumed away by vague project "descriptions" or speculation about Landfill construction phasing. The Landfill is a permitted project and will provide an essential public service.

b. Where will LACSD dispose of the tons of solid waste expected to be discharged at the Landfill if the Project's conflicts with the Landfill make it infeasible or impracticable to implement the Landfill along with the Project use? What is the environmental cost of such relocation of solid waste?

c. What are the acquisition and severance impacts to people and property associated with acquisition of the Kaiser properties and displacing the Landfill and rock resources?

ECEC's suggestion in the DLA that these issues can be addressed during the Project design and implementation stage is inconsistent with NEPA and CEQA. The Landfill's design has already undergone substantial and comprehensive environmental analysis. The Bureau of Land Management (**"BLM"**) and Riverside County, California (the **"County"**) each undertook review of applications to facilitate the Landfill. BLM and the County prepared and issued a joint federal EIS/EIR (collectively, the **"Landfill EIS"**) analyzing the environmental effects of the Landfill. The Landfill EIS and associated studies reflect many years of environmental review and are documented in over 50,000 pages of written analyses, including a 900-page Draft EIS and a 1600-page Final EIS. Numerous federal, state, and local agencies and non-governmental organizations participated in this extensive environmental review process. In reviewing the BLM land exchange pursuant to Section 7 of the ESA, U.S. Fish and Wildlife Service (**"USFWS"**) also evaluated the potential impacts of the Landfill and issued a biological opinion finding it would not jeopardize any threatened or endangered species. Upon review of this voluminous record, the County issued the permits and approvals for the Landfill in 1997. The BLM also approved a land exchange with Kaiser in 1997 and completed the land exchange in 1999.[10]

In issuing these permits, BLM and the County determined that the Landfill would fulfill public need for waste disposal—processing up to 20,000 tons of waste per day—while providing protection, mitigation, and enhancement measures that would

[10] An appeal of BLM's land exchange decision is pending before the Ninth Circuit Court of Appeals. All briefing and oral argument in the case has concluded and the matter is before the court for decision. Prior state suits regarding the Landfill environmental review were settled in July 1999, when the California Supreme Court declined review of the appellate court's determination that the environmental review complied with CEQA.

balance harm to various environmental interests. It was determined that "the public interest will be well served by making this [land] exchange," the Landfill "undeniably meets the needs of the State and local residents and their economies," and "disposal of [BLM] lands in exchange for wildlife habitat [from Kaiser] plainly entails a net gain for the public."[11] The Landfill is part of the County's zoning and land use plans for development and use of natural resources, as reflected in the Eagle Mountain Policy Area of the County's General Plan (Desert Center Area Land Use Plan) and approved in the County's Ordinance 555, Reclamation Plan No. 107 (as amended).[12] *See* DLA Comments at pp. 9-18.

The Commission and the Water Board must conduct analysis of the Project's direct impacts upon and conflicts with the Landfill. Such interference with another public interest also demands analysis of the cumulative impact of the Project on solid waste disposal alternatives to meet the demands of southern California residents as the Project's incompatibility will jeopardize the Landfill construction and operations. This assessment must be completed as part of the EIS/EIR.

2. Geologic and hydro-geologic impacts

The Project's proposed water uses may elevate seismic risks within the Project vicinity. Given the risks, additional studies should be performed to provide the input necessary to assure proper design of the Project. To properly evaluate the Project's seismic impacts, ECEC must provide designs for major systems and for new structures to be used by the Project (water pipeline, transmission line, access roads, etc.) and additional studies, including but not limited to the following:

- **Design Acceleration Time Histories.** Design ground motions should be established in the form of a suite of spectrum-compatible acceleration time histories that reflect site geologic conditions and seismic setting. These acceleration time histories are an essential input for design of engineering components of the Project and for evaluation of other hazards at the site such as soil liquefaction potential, seismically-induced settlement, and slope stability. The EIS/EIR must be based upon ground motion evaluation that is consistent with the particular industry standards. *See* DLA Comments at p. 14.

- **Modeling of Local Groundwater Elevations.** The proposed construction will change the groundwater regime and elevations in the area. At locations near the proposed reservoir pits, groundwater elevations will likely increase. Local increase in groundwater elevations may result in local increase in soil liquefaction potential. More modeling must be performed to analyze this environmental impact. *See id.*

---

[11] Interior Board of Land Appeals, *Donna and Larry Charpied and National Parks and Conservation Association*, 150 IBLA 314, 332-33 (September 30, 1999).

[12] *See* DLA at Exhibit E, p. 9-7.

- **Hydro-Geologic Studies.** As set forth in Kaiser's DLA Comments, the high seepage potential for this Project may lead to seismic hazards. Just as the increase in groundwater levels may alter the soil liquefaction risks, seepage may also heighten soil liquefaction risk factors. Water may seep into underlying fault(s), which, in turn, may induce seismicity. There are several well known cases of seepage-induced seismicity, including one at the Department of Energy's Rocky Mountain Arsenal site in Colorado. Additional hydro-geologic studies are required to examine these potential Project impacts. *See id* at pp. 14-15.

3. Water quality impacts

In addition to analysis of the water resource impacts areas identified in Section 3.1.3 of SD1, including the critical analysis of "potential seepage from the former mine pits and the brine pond" and "potential impacts to the Colorado River Aqueduct," additional study is necessary to examine: (1) brine pond impacts on groundwater quality; (2) long-term reservoir water quality within the reservoir itself; (3) construction effects on water quality; (4) import and mixing of the potentially dissimilar chemical composition of the Colorado River water in the basin. *See* DLA Comments at pp. 22-24.

4. Developmental resource impacts

The EIS/EIR must also consider the developmental resource impacts of the Project, including but not limited to: (a) impacts on the capacity and reliability of the local and regional transmission system; (b) impacts on the need for and availability of generation in off-peak periods; (c) impacts on greenhouse gases (**"GHG"**) because the Project will consume more energy than it generates, likely relying upon power generated by GHG emitting power sources to meet Project pumping demand; (d) fiscal analysis of Project economics relative to alternative resources and the need for the Project; and, (e) market effects and benefits of the Project as compared to No Action Alternative. *See* DLA Comments at pp. 32-39.

5. Wildlife impacts

The field surveys listed in Section 3.1.3 with respect to special status species are important. However, the EIS/EIR should not be limited solely to special status species impacts. The EIS/EIR is to examine the probable significant environmental impacts of the Project on wildlife resources in general as well. The environmental review must include analysis of the impact of introducing a new water body in the desert. This requires modeling and/or analysis of similar facilities and not just the proposed field studies in existing environment. *See* DLA Comments at pp. 25-32.

III. CONCLUSIONS

For the foregoing reasons, Kaiser hereby recommends that scoping be continued until such time as ECEC has provided an accurate project description for which an informed scope of environmental analysis can reasonably be determined. If,

however, FERC and SWRCB are going to attempt to determine the scope of an environmental analysis on the basis of a patently deficient draft application, these additional areas of analysis referenced above must be included within the scope of the EIS/EIR review. Kaiser also emphasizes the importance of conducting all of the studies currently reflected in Section 3.1.3 of SD1 with the rigor necessary to provide a thorough discussion of the significant aspects of probable environmental consequences. A great deal of additional analysis is required to provide the Commission and the Water Board with the quality and quantity of information necessary to take a hard look at this Project and its impacts. For an applicant that has "pursued" this Project for a period of now close to 20 years, we are puzzled with the dearth of information that has been provided to date, and are very concerned that this information will not be readily offered or forthcoming from an applicant that seems more concerned about holding a place in line than it does to invest the time, effort and resources to advance this Project.

Very truly yours,

KAISER EAGLE MOUNTAIN, LLC
MINE RECLAMATION, LLC

Terry L. Cook
Vice President

Enclosures
cc: FERC Service List for P-13123-000
Kim Nguyen, FERC (via electronic mail)
Alexander Shipman, Esq., Los Angeles County Sanitation District
Matthew D. Hacker, Metropolitan Water District of Southern California

TLC:jpk
terry09\final written comments on FERC's scoping 2-13-09

CERTIFICATE OF SERVICE

I hereby certify that I have, this day, served the foregoing documents upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Bellevue, Washington, this 13th day of February, 2009.

K J Campbell

Karen Campbell
Legal Secretary
Perkins Coie LLP
10885 N.E. 4th Street, Suite 700
Bellevue, WA 98004
(425) 635-1400

Document Content(s)