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June 19, 2002

**VIA ELECTRONIC MAIL/FACSIMILE**

Mr. Arthur Baggett, Jr.  
Hearing Officer, Chairman of State Water  
Resources Control Board  
State Water Resources Control Board  
1001 "I" Street, 22nd Floor  
Sacramento, CA 95814

Re: SWRCB Hearings

Dear Chairman Baggett:

We are in receipt of Mr. Rossman's letter of June 19, 2002, asking for an extension of time for briefing, as well as Audubon's joinder. IID takes strong exception to Mr. Rossman's request and respectfully asks that the SWRCB retain the current schedule. The reasons why the current schedule should be maintained are as follows:

1. There are no new facts requiring an extension of time. The EIR/EIS is scheduled for public hearing re certification on June 25, with possible certification at IID's Board meeting on June 28. This is in accord with IID's representation to the SWRCB that certification (if it occurs) will take place this month, with all parties receiving copies of the certified final documents by July 1, just as promised.
2. Imperial County has been repeatedly requesting extensions of the above timeframes of IID (not the briefing schedule, but the certification schedule), which have all been refused by IID. IID is committed to the agreed timeframes, and this latest schedule extension by the County's counsel is just another delay request.
3. Imperial County and Audubon will receive the final certified copies as required in this proceeding and under CEQA.
4. As to Mr. Rossman's statements that "neither the IID nor the Bureau of Reclamation have made the complete final EIS/EIR available" joined by Audubon, they are in error. On June 17 IID FedEx'd a complete set of all Master Responses and errata sheets regarding the transfer EIR/EIS to the County. The material was sent to the County directly, and not Mr. Rossman, because Mr. Heuberger signed the County comments, not Mr. Rossman. Regarding the QSA PEIR, a complete set was sent to Mr. Rossman, since he signed the

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comments. Similarly, Audubon received the changes. What they are really complaining about is that the EIR/EIS has been amended, not rewritten. They possess what is required to now get to work. The EIR/EIS is not being redrafted.

5. To the extent there are changes in the EIR/EIS, the parties will have abundant time to brief such changes in the supplemental briefing. To the extent the EIR/EIS documents are not changing, the parties have two weeks to prepare their briefs. The parties do not need to see if the document is certified before starting -- the exact point you made to the parties when you set the briefing schedule in the first place.

6. As the SWRCB is aware, timing is critical on this Petition. Though Mr. Rossman's proposal would not change the end date of total brief submission, it would burden the SWRCB with having to deal with all the briefing in late July, rather than just the briefing on the EIR/EIS changes.

The calendar days of this year are critical for California and are winding down quickly. Every day matters. If the SWRCB is bombarded with all briefing in late July, as opposed to just the "changed EIR/EIS" briefing, the SWRCB will face an unnecessary, and harmful, time delay. Thus, IID asks that the SWRCB deny the delay request.

Very truly yours,

*David L. Osias*

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DLO:cs  
cc: Attached service list.