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Board Members  
KDL  
AK - original file

May 24, 2012

BY U.S. MAIL

Mr. Karl E. Longley, Chair  
Central Valley Regional Water Quality Control  
Board, Central Valley Region  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670-6114

12/14/12 9 PM 12:37  
ADMINISTRATIVE  
SERVICES  
CVRWQCB

**RE: Notice of Intent to File Suit Under the California Environmental Quality Act and Porter-Cologne Water Quality Act Regarding Final PEIR for the Long-Term Irrigated Lands Regulatory Program and Short-term Renewal of the Coalition Group Conditional Waiver of Discharge Requirements for Discharges from Irrigated Lands**

Dear Chair Longley:

I am writing on behalf of California Sportfishing Protection Alliance and California Water Impact Network ("CSPA") concerning (1) the Central Valley Regional Water Quality Control Board, Central Valley Region's ("Regional Board") adoption of the Final Program Environmental Impact Report ("PEIR") for the Long-Term Irrigated Lands Regulatory Program ("ILRP"), (2) and adoption of Resolution No. R5-2011-0032, approving the Short-term Renewal of the Coalition Group Conditional Waiver of Discharge Requirements for Discharges from Irrigated Lands, Regional Board Order No. R5-2006-0053, for an additional 24 months ("Renewed Waiver") (collectively, "Project").

Please take notice, pursuant to Public Resources Code ("PRC") § 21167.5 as well as Paragraph 3 of the Tolling Agreement entered into by the regional Board and various interested parties, that CSPA intends to file a Verified Petition for Peremptory Writ of Mandate and Complaint for Declaratory and Injunctive Relief ("Petition"), under the provisions of the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 et seq. and the Porter-Cologne Water Quality Control Act, California Water Code §§ 13000 et seq., against Respondent and Defendant Regional Board in the Superior Court for the County of Alameda, challenging the unlawful actions taken by the Regional Board on April 7, 2011 in (1) adopting Resolution No. R5-2011-0017 certifying and relying on the Final PEIR for the ILRP in violation of the requirements of CEQA and the CEQA Guidelines, title 14, California Code of Regulations, § 15000 et seq., and on June 10, 2011 in (2) improperly adopting Resolution No. R5-2011-0032, approving the Renewed Waiver without complying with CEQA and inconsistent with state policy for water quality control, including the State of California's antidegradation policy or "Statement of Policy With Respect to Maintaining High Quality of Waters in California," Resolution 68-16 (Oct. 28, 1968) ("Antidegradation Policy"), the State Board's Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program (May 20, 2004) ("NPS Policy"), Water Code § 13269, and the public interest.

The petition being filed will seek the following relief:

1. For a stay of the Regional Board's decisions certifying the PEIR and approving the Renewal Project pending trial.
2. For a temporary restraining order and preliminary injunction restraining the Regional Board from taking any action to carry out any site-specific projects relying in whole or in part upon the Renewal Project or the PEIR pending trial.
3. For a peremptory writ of mandate, permanent injunction and declaratory relief directing the Regional Board to:
  - a. vacate and set aside its Resolutions certifying the PEIR for the Renewal Project and approving the Project.
  - b. suspend all activity under the certification of the PEIR and approval of the Renewal Project that could result in any change or alteration to the physical environment until Respondents have taken actions that may be necessary to bring the certification and project approval into compliance with CEQA and Porter-Cologne.
  - c. prepare, circulate, and consider a new and legally adequate PEIR and otherwise to comply with CEQA in any subsequent action taken to approve the Renewed Waiver.
4. For the costs of suit.
5. For an award of attorney fees pursuant to Code of Civil Procedure § 1021.5 and any other applicable provisions of law or equity.
6. For any other equitable or legal relief that the Court considers just and proper.

CSPA urges the Regional Board to rescind its approval of the PEIR and Resolutions Nos. R5-2011-0017 and R5-2011-0032, and all other related Renewed Waiver approvals, and prepare the adequate and appropriate CEQA documents for this Project as required by law and require reports of waste discharge and issue waste discharge requirements or waivers consistent with Porter-Cologne.

Sincerely,



Michael R. Lozeau  
Attorneys for CSPA and C-WIN

**PROOF OF SERVICE**

I, Tony Stearns, declare as follows:

I am a resident of the State of California, and employed in Oakland, California. I am over the age of 18 years and am not a party to the above-entitled action. My business address is 410 12<sup>th</sup> Street, Suite 250, Oakland, California, 94607.

On May 24, 2012, I served a copy of the foregoing document(s) entitled:

**Notice of Intent to File Suit Under the California Environmental Quality Act and Porter-Cologne Water Quality Act Regarding Final PEIR for the Long-Term Irrigated Lands Regulatory Program and Short-term Renewal of the Coalition Group Conditional Waiver of Discharge Requirements for Discharges from Irrigated Lands**

on the following parties:

Mr. Karl E. Longley, Chair  
Central Valley Regional Water Quality Control Board, Central Valley Region  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670-6114

California Rice Commission; Northern California Water Association on Behalf of Sacramento Valley Water Quality Coalition; and San Joaquin Valley Drainage Authority on Behalf of Westside San Joaquin River Watershed Coalition  
c/o Theresa A. Dunham, Esq.  
Somach Simmons & Dunn  
500 Capitol Mall, Suite 500  
Sacramento, CA 95814

San Joaquin County Resource Conservation District on Behalf of the San Joaquin County and Delta Water Quality Coalition  
c/o Jennifer L. Spaletta, Esq.  
Herum / Crabtree  
5757 Pacific Avenue, Suite 222  
Stockton, CA 95207

Southern San Joaquin Valley Water Quality Coalition; Arvin-Edison Water Storage District; Wheeler Ridge-Maricopa Water Storage District; and Semitropic Water Storage District

c/o William Thomas, Esq.  
Best Best & Krieger  
500 Capitol Mall, Suite 1700  
Sacramento, CA 95814

California Farm Bureau Federation  
c/o Kari Fisher, Esq.  
2300 River Plaza Drive  
Sacramento, CA 95833

Central Valley Regional Water Quality Control Board  
c/o Alex P. Mayer, Esq.  
State Water Resources Control Board, Office of Chief Counsel  
1001 I Street, 22nd Floor  
Sacramento, CA 95814



**BY MAIL. By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid for First Class mail, in the United States mail at Oakland, California addressed as set forth above.**

I declare under penalty of perjury under the laws of the State of California that the foregoing

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Notice of Intent to File Suit re ILRP PEIR  
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is true and correct, and that this declaration was executed May 24, 2012 at Oakland, California.

  
\_\_\_\_\_  
Tony Stearns