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**Subject:** ACLC No. R9-2016-0092, KB Home, Request for Briefing and Vacation of Hearing Date  
**Date:** Friday, August 19, 2016 2:31:13 PM

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To the Prosecution Team and KB Home:

The Advisory Team for this matter has reviewed the legal arguments made in the Complaint and Technical Analysis, KB Home's Submission of Evidence and Policy Statements, and in the Rebuttal Brief filed by the Prosecution Team. The Advisory Team requests supplemental briefing from the Parties on the following issue:

***How can the plain language of Water Code Section 13385(a)(5) be reconciled with other provisions of Chapter 5.5, including sections 13370, 13372, 13376, 13377, and 13385(a)(1) and (2), which recognize that Chapter 5.5's provisions are inapplicable to dredge and fill permitting activities unless the State of California has obtained approval to issue dredged or fill material permits implementing the Clean Water Act section 404 permit program within the State?***

Supplemental briefing should not exceed 15 pages per Party and should be submitted to the Advisory Team, with copies to all parties, on or before **5 p.m. on September 2, 2016**. E-mail submission is acceptable.

In order to allow the Advisory Team to fully consider these and other issues following the supplemental briefing, the evidentiary hearing will not be held September 14, 2016, and has not been rescheduled at this time.

Sincerely,

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