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Via e-mail and US Mail

Oscar Biondi  
State Water Resources Control Board  
Division of Water Rights  
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[Oscar.biondi@waterboards.ca.gov](mailto:Oscar.biondi@waterboards.ca.gov)

Re: Eagle Mountain Pumped Storage Water Project, EIR (SCH #2009011010) and Section 401 Certification (FERC Project No. 13123)

Dear Mr. Biondi:

I am writing on behalf of Gary Cruz, Hildeberto Sanchez, Ralph Figueroa and Laborers International Union of North America, Local Union 1184 ("LIUNA") concerning the Eagle Mountain Pumped Storage Water Project ("Project") proposed to be located near Joshua Tree National Park. We are in receipt of the State Water Resources Control Board's Notice of Proposed Dismissal of Petition for Reconsideration of the Water Quality Certification for Eagle Mountain Pumped Storage Project, Federal Energy Regulatory Commission Project No. 13123 ("Notice of Dismissal"). The Notice of Dismissal states that the proposed project has adopted a "closed loop" system that will not discharge into any navigable waters. Given this finding, we agree that the Project does not require a certification pursuant to section 401 of the Clean Water Act. Therefore, Petitioners Gary Cruz, Hildeberto Sanchez, Ralph Figueroa, and Laborers International Union of North America, Local Union 1184 ("Petitioners") wish to inform the State Board that they withdraw their petition for reconsideration filed with the State Board on August 14, 2013, as of the date of this letter. In light of this, the State Board need not take any action on the Petitioners' petition for reconsideration. Petitioners further do not object to the State Board's dismissal of any remaining petitions for reconsideration of the water quality certification as moot.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Richard Toshiyuki Drury', is written over the word 'Sincerely,'.

Richard Toshiyuki Drury  
Lozeau Drury LLP