

**CALIFORNIA COASTAL COMMISSION**  
631 Howard Street, San Francisco 94105 — (415) 543-8555

February 5, 1985

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: MICHAEL L. FISCHER, EXECUTIVE DIRECTOR

SUBJECT: REQUEST FOR RECONSIDERATION OF AMENDMENT TO PERMIT NO. 133-76-A(2)  
(SAN MATEO COUNTY HARBOR DISTRICT) For meeting of February 13-14, 1985

Procedures

In the case of permits or permit amendments, approved with conditions or denied by the Commission under the Coastal Act of 1976, the Coastal Act and the Commission Regulations (Section 13109.1-6) allow applicants to request that the Commission reconsider its decision. The Coastal Commission may grant reconsideration if it finds that there is relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing, or if there was an error of fact or law that occurred which has the potential for changing the Commission's original decision. The staff recommends that the Commission hold a public hearing on the requested reconsideration, and after closing the public hearing, vote on the request.

1. Development Description. On October 24, 1984 the Commission granted a third amendment to Permit No. 133-76, subject to conditions, to the applicant for proposed changes to the expansion and improvement of Pillar Point Harbor at El Granada, San Mateo County. The original 1976 approval was for the construction of rubble-mound breakwaters, installation of docks, comfort stations, gates, headwalks, 440 boat slips, a three-lane launching ramp, parking, related utilities and creation of four lease parcel areas adjacent to the harbor basins; this approval was granted on July 6, 1976.

2. Amendments. The first amendment granted by the Commission allowed for an increase in parking spaces within the project area; this was approved by the Commission in 1978. In January 1984 the Commission granted a second amendment to the applicant for dredging of 30,000 cubic yards of bottom material from the harbor basins; the applicant had been previously prohibited from conducting any dredging of the basins as approved by the Commission in 1976. The second amendment also included elimination of previously considered sandy beach area within the harbor, a change in locations and use for two of the four lease parcels, changes in location for several minor marina support structures, removal of a rock sediment dam and creation of a new artificial beach area within the marina.

In October, 1984 the Commission considered a third amendment request for the disposal of the dredged bottom material at disposal sites within the coastal zone. (Note: Conditions attached to the second approved amendment required the applicant to file an amendment request if disposal was to occur within the coastal zone). The third amendment also included a request to increase approved dredging amounts from 30,000 to 45,000 cubic yards. Because the applicant had commenced dredge disposal within the coastal zone prior to receiving an amended

permit, the conditions attached to the third permit amendment required the applicant to discontinue use of one of three proposed dredge spoils sites (the R.V. site), to prepare a restoration plan and restore the lost sandy beach and wetland habitat found within the R.V. disposal site and to guarantee performance of conditions pertaining to restoration.

The applicant questioned the need for such a performance guarantee at the time of the October 24, 1984 hearing; nevertheless the Commission concurred with its staff that such a guarantee was appropriate and required the applicant to post such a guarantee within seven days of its approval. Because of significant changes to the findings proposed for adoption to reflect the October 24th action, the Commission considered the adoption of revised findings on November 13, 1984 in Los Angeles. On November 9, 1984 the applicant's representative submitted a ten-page letter questioning the need for a performance guarantee, defending the applicant's action in implementing an amended project prior to receiving approval by the Commission and pointing out several minor typographical errors contained in the proposed findings. The November 9, 1984 letter was distributed to the Commission prior to the November 13, 1984 hearing on the matter. Furthermore, the applicant's representative appeared at the November 13th Commission meeting to present the applicant's contentions during the public hearing. The Commission considered the applicant's presentation and adopted the findings as proposed by staff by a vote of 7-0.

2. Reconsideration Request. On November 21, 1984 the applicant requested reconsideration of the amendment granted on October 24, 1984. The applicant's request stated the reasons for the request could be found in its November 9, 1984 letter written prior to the hearing to adopt the revised findings on the matter. The request also indicated additional information would be submitted to support the request for reconsideration. On December 3, 1984, the Chief Deputy Director of the Commission responded to the reconsideration request. The letter written by the Deputy Director indicated the matter could not be scheduled for immediate action due to staffing constraints, that the scheduling would take place as soon as possible. In telephone conversations with the applicant and its representatives, the Commission staff informally indicated reconsideration would be scheduled in February, 1985.

The Commission has not received any additional information supporting the request for reconsideration. The Commission staff has contacted the applicant's legal representative regarding the non-submittal of additional substantiation. The applicant's legal representative indicated possible delivery of substantiation by 5 p.m. on Wednesday, January 30, 1985. The legal representative was also given the opportunity to submit it by Friday, February 1, 1985 for inclusion in the Commission's normal mailing of hearing items for the February 13-14 meeting to be held in San Francisco. As of February 5, 1985 no additional substantiation has been received by the Commission on this matter.

#### Staff Recommendation

The staff recommends that the Commission deny the applicant's request for reconsideration. The staff believes the points raised in the applicant's November 9th and November 21st letter requesting reconsideration are essentially the same points argued during the October 24th public hearing on the proposed amendment, and during the November 13th public hearing on the proposed revised

findings. In addition, the Commission's Deputy Director indicated in his letter to the applicant dated December 3, 1984 his belief that, after reviewing the November 9, 1984 letter, no grounds for reconsideration existed. The staff has also reviewed the applicant's request for reconsideration and concludes there is not relevant new information, that, in the exercise of reasonable diligence, could not have been presented at the time of the October 24, 1984 hearing and that no error of fact or law has occurred which has the potential for changing the Commission's decision. Therefore, the staff recommends the Commission deny the request for reconsideration. All relevant permit and amendment actions are attached as Exhibits. All relevant correspondence has also been included as Exhibits.

NC/1gu  
SANMATEO 133A2

EXHIBITS

- A. THIRD AMENDMENT - Approved with Conditions on October 24, 1984
- B. ORIGINAL APPROVED PERMIT - Approved with Conditions on July 21, 1976
- C. FIRST AMENDMENT - Approved with Conditions on November 28, 1978
- D. SECOND AMENDMENT - Approved with Conditions on January 25, 1984
- E. LETTER - From Applicant's Representative to Commission dated November 9, 1984
- F. LETTER - From Applicant's Representative to Commission requesting Reconsideration, dated November 21, 1984
- G. LETTER - From Peter Douglas to Applicant's Representative, concerning scheduling and processing of request for reconsideration, dated December 3, 1984

# WINZLER & KELLY

609 Mission Street, Suite 400 / San Francisco, CA 94105-3586 / 415-362-0151

orig - Ed Bielst  
cc - Raylun  
Fischer

84-705-E01-JM1-240

HAND DELIVERY

September 5, 1984

California Coastal Commission  
631 Howard Street  
San Francisco, Calif. 94105

Attention: Michael L. Fischer

Re: Request for Amendment to Permit A-133-176

Dear Mr. Fischer:

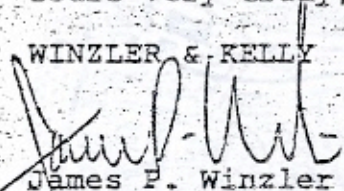
Winzler & Kelly, Consulting Engineers, acting on behalf of the San Mateo County Harbor District, herewith requests an amendment to Permit A-133-176, issued for development at Pillar Point Marina. We request the permit be amended to allow disposal of dredge spoils, as per Special Condition 4 of the amendment conditionally granted on January 24, 1984. The location of the sites for spoils disposal is as indicated in the discussion of Special Condition 4 in our letter to Michael L. Fischer, California Coastal Commission, dated April 2, 1984. (Copy attached).

A copy of the Grading Permit from the City of Half Moon Bay, approved May 24, 1984, is also enclosed in satisfaction of Special Condition 1 (Local Approvals) of the above-referenced amendment.

As construction is being delayed pending approval of this request, I urge your prompt attention to this matter.

Yours very truly,

WINZLER & KELLY

  
James P. Winzler

Enclosures

c: R. McClellan - SMCHD (w/c enclosures)



D R	EXHIBIT NO. A
	APPLICATION NO. 133-76-A(3)
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cc  
 California Coastal Commission

EXHIBIT E

# WINZLER & KELLY

609 Mission Street, Suite 400 / San Francisco, CA 94105-3586 / 415-362-0151

83-705-E01-JPW2-264

September 13, 1984

California Coastal Commission  
631 Howard Street, Fourth Floor  
San Francisco, Calif. 94105

Attention: Nancy Cave

Re: Additional Information for  
Pillar Point Marina RV Dredge  
Disposal Site, Permit A133-76A

Dear Ms. Cave:

Per your recent letter regarding the RV disposal site, this letter is intended to provide the additional information you requested.

Project Description:

The RV disposal site is intended to be used for the stockpiling of dredge disposal materials from the Pillar Point Marina Project which are not suitable for use as beach replenishment. At this time the Harbor District is not proposing to construct a parking lot or any other structure on the graded area. Sheet 7 of the Construction Plans sent to you April 2, 1984 delineates the area and grading.

CEQA Determination:

Les Clark of Half Moon Bay Planning Department advised me that on September 12, 1984 he issued a letter to you describing the fulfillment of CEQA requirements. A grading permit has been issued by the City and a copy was previously sent to you.

If you need additional information, please contact me.

Sincerely,

WINZLER & KELLY

James P. Winzler

c: Ron McClellan (SMCHD)



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APPLICATION NO. B3-76-A(3)
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LAW OFFICES OF  
**MCCRACKEN & ANTONE**  
177 BOVET ROAD, SUITE 600  
SAN MATEO, CALIFORNIA 94402

MICHAEL D. MCCRACKEN\*  
GREGORY J. ANTONE\*  
\*A PROFESSIONAL CORPORATION

AREA CODE 415  
570-7747

November 9, 1984

DELIVERED BY HAND


Mr. Michael L. Fischer  
Executive Director  
California Coastal Commission  
631 Howard Street  
San Francisco, California 94105

Re: San Mateo County Harbor District - Pillar  
Point Harbor Development  
Permit No. A-133-76 and Subsequent  
Amendments

Dear Mr. Fischer:

I represent the San Mateo County Harbor District as their general legal counsel. At the Coastal Commission on November 13, 1984 in Los Angeles the Commission will consider approval of the proposed findings for our second amendment to Permit No. A-133-76, involving the expansion of dredging and the disposal of the dredge materials. Much of the long history involved in the process from the original 1976 permit, through the latest amendments, has been described, and fairly accurately, in the background portion of your report to the Commissioners dated October 31, 1984. Corrections to that history are discussed below.

First, let me get to the crucial issue. On the morning of the hearing in Carmel, on October 24, 1984, I was provided a second settlement offer from, or at least prepared by, legal staff for the Commission. That document involved various recitals, which we feel need minor amendments, the subject of separate correspondence. It also involved required "restoration" of the "RV site" to its pre-graded condition, including revegetation, or the requirement of "replacement in kind," if the RV site was to be used for dredge disposal on a permanent basis. Lastly, and for the first time, an element of the proposed settlement included the

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of monies in, or by way of, a fine. The requested amount was \$25,000.00.

The first offer of settlement did not include any such request for a fine, and merely asked that the District restore the RV site, or some alternate site, as described in both offers. It is our belief, generated from the discussions with your various staff members, that this additional claim has come from resentment or anger caused by the actual dumping of dredge spoils in mid-October in the cofferdam created at the RV site. Without getting into greater technical detail on the causes of that problem, I can assure you that the San Mateo County Harbor District Commission ordered that the RV site not be used for any such dredge spoils, and I am informed that written stop orders were presented to the contractor by the engineer to conform with that policy. For some reason, investigation of which is still on-going, the contractor utilized the RV site for approximately two to four days of dredge spoil disposal.

Despite the attitude of staff, and apparently the Commissioners (they seemed to find my "good faith" testimony to be humorous) the District Commissioners themselves are viewed as having breached the Coastal Act on a wanton and voluntary basis, with apparent disregard for your wishes, or law. Nothing could be further from the truth.

In all aspects of the continuing approval of the Pillar Point dredging project we were informed that the January permit had been approved and that our engineer had complied in all aspects with the remaining conditions to allow us to create the RV site as a dredge spoil area. However, it appears that no "formal" application for amendment to approve this disposal site was presented. Our engineer apparently relied on his April 2, 1984 letter as full compliance. The last line of that letter requested that you forward the amended permit, obviously to include the disposal

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described. The history of the problem after that is a major dispute between our engineer and your staff.

Throughout all of this, however, the District Commission itself was unaware of the problem and in good faith believed that we were appropriately proceeding under the January amendment to our 1976 permit. Learning that there was a dispute, this District took strong and immediate action to cease all alleged "non-complying" activities and investigate the question. The mid-October dumping of dredge spoils was without their knowledge, consent, or approval.

As you are aware, all of the monies available to the San Mateo County Harbor District come from the taxpayers, or are generated from the use of the lands available to them after construction of leaseholds, berthing, etc., developed from loans and operated on tax monies. The current function of the District, and their primary purpose, is the continued development of two major recreational and commercial marinas at Pillar Point Harbor in El Granada, and Oyster Point Marina/Park in South San Francisco. All of the District's time, money and energy relate to these two projects, which are water oriented and for the general public's benefit, use and protection.

Therefore, despite what your staff sees as major violations, my District, at its meeting of November 7, 1984 was extremely distraught and outraged at having been pointed to individually as the villains in this current dispute. They view the imposition of a monetary "assurance," through bonding or otherwise, as a slap to their credibility, dignity and good faith response to rectify the problems that may have been caused by their agents (engineers or contractors). Moreover, they view any claim for monetary sanctions with even greater disbelief.


Despite all of this, the District, in protest of their good faith, has already engaged the services

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expert to begin the preliminary work to determine the nature, scope and expense of restoration of the RV site to its prior condition, previous to our grading or "developing" that area. As you are aware, this is an expensive proposition, which your staff has estimated to require a \$100,000.00 bond. Nevertheless, if that is what it takes for the Harbor District to show its good faith to the public and the Coastal Commission, to rectify errors or problems that were more the result of omission (the failure to obtain a "formal" permit amendment) rather than the commission of any intended violation of the Act, we will engage in the work. In fact, we will engage in that work immediately, long before the current condition requires, to maximize the chances of revegetation taking hold, catching the winter weather in December, January and February. As to the expense of this restoration, we will deal directly with our own engineer and contractors as to any alleged violations. In other words, without admitting that any error actually occurred, we will not allow the public monies to be used in the commission of a Coastal Act violation, nor allow public monies to be used in the restoration or correction of that error. We will seek, where appropriate, reimbursement from the private monies of our contracting agents so that the public is not harmed.

In that light, it is wholly self defeating for your staff, legal department, or the Commission itself, to ask that this public agency, in addition to the restoration, provide further restitution. In particular, any fine or cash payment demanded is an outrage. First, you would be merely taking the money out of the pockets of a San Mateo County public agency, and putting it in a state agency's account. Since our public agency's sole purpose is the development and creation of water related public access facilities, and since the monies are primarily from local taxes, it would be ludicrous to deprive this District of those monies and eliminate any one or more of their projected plan the development and improvement of either Pillar


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Harbor or Oyster Point Marina. For example, these monies could be used to landscape, pave or develop areas that are currently not completed. Any attack on an already carefully budgeted set of development plans will merely deprive the public of some aspect of their paid-for recreational areas.

By telephone conversation of this date with Ms. Nancy Cave, your coastal program analyst, I have informed her of these concerns and our demand that the Coastal Commission, as a part of the acceptance of this RV restoration condition to our permit amendment, formally drop any and all other claims or charges for money, or any other restitution, as a result of our alleged Coastal Act violations. We will already have recreated the site involved, bringing it back to the status quo ante, and no doubt will, through our extra efforts, make the area better than it was before. There is no "profit" or loosely held funds that could be tapped for the monies you demand without depriving one of our projects of some aspect of development aimed at the public's benefit. Furthermore, continuing the demand for anything other than our good faith restoration of the RV site will succeed in nothing more than creating a greater rift than already exists in the working relationship between two public entities that should act together for the public's benefit.

Lastly, if we can reach a settlement that involves this restoration as the only restitution, we avoid all the litigation issues that could arise, including your own staff's involvement in the delay and nature of the information passed between the parties from April through October of 1984, the issue of the Coastal Commission's continuing jurisdiction to demand a penalty on a matter that is the subject of a certified local coastal plan, and all related costs, time, and expenses to the public for such a public agency vs. public agency battle.


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I respectfully request, therefore, that prior to the findings being discussed as part of the agenda on November 13, 1984 that we reach a full and complete agreement on settling all alleged violation issues. This agreement would consist of completion of a satisfactory plan for the restoration of the RV site, including all details, time tables, expenses, and the bonding of that performance. Assuming all of the aspects of the restoration plan is satisfactory to you and your staff, we would have an agreement that no further claims will be made for fines, penalties, damages, restitution or retribution. This form of settlement, effective immediately, is the only way the public will benefit from what has become an unfortunately acrimonious battle.

The second issue I need to address are the factual elements in your report on the proposed findings dated October 31, 1984, and the precise nature of the conditions demanded for this second permit amendment. At the beginning of the "Status of Project" paragraph on page 3 of your report, you state that in the "last week of August" reports were received by your office that "dredged spoils material was being disposed of at the [RV] site." This reference is repeated on page 4 in the third major paragraph at the bottom, referring to a claim that on October 15, 1984 you received reports that we had "again" disposed of dredge spoil materials from October 8 through October 12. This misstatement is repeated at the top of page 8, referring to dredge spoils material disposal in "late August, September and October of 1984," and repeated in almost identical language in the third paragraph of page 9 of the report.

There is absolutely no dispute that the cofferdam area on the RV site was created in approximately August of 1984, but that no dredge spoils were ever dumped into that site except due to the above described miscommunication and activities in mid-October of 1984.


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Another problem with your report is it refers to the one and one-half acres you claim to have been destroyed at the RV site, and which you describe on more than one occasion as including approximately one-half acre of wetland habitat and one acre of beach dune. Unfortunately you later (page 9) describe the area as two full acres, one-half acre of wetland, and one and one-half acres of beach dune. I presume that this latter reference is merely a typographical error.

As I have discussed with your other staff members (Roy Gorman and Nancy Cave) your usage of a \$100,000.00 bond demand is inappropriate since our bonding company has already informed you that it will only bond the amount of the actual contract elements bid for the restoration after we have agreed upon a plan. If, after our plan is complete, and approved, the contractors bid it at a lesser (or greater) amount than \$100,000.00, that is the only amount that can or would be bonded for performance by any bonding company.


Ms. Cave informs me that the hearing this Tuesday is not the forum to revise any of the conditions, but I believe the record, at least in the minutes, should reflect my agreement with Mr. Gorman on the problems in compliance with your literal bonding requirements. Providing the bond within seven days as demanded is impossible, and we will substitute instead an account which will not be reduced below \$100,000.00 until the bond question is resolved. When the actual bonding element is complete, based on contractual estimates, we would apparently have to amend this permit amendment to modify the condition on the bond amount. To me that appears to be an incredible waste of everyone's time, and if there is any means by which we can eliminate the \$100,000.00 language, and refer instead to a bond acceptable to you on the basis of the actual proposed construction costs, we would avoid the necessity of another hearing.

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Lastly, it is not acceptable to this District to be under the whim of the Commission or its staff on the completion of the restoration based on a previously approved plan. In paragraph 3 - 5 on page 6 of your report, you state that "any dispute arising from compliance with this condition shall be resolved by the Commission in public hearing." It is not common to have one public agency in dispute with another be the sole arbiter of a further dispute. I do not feel that we will have any problem in arriving at a mutually acceptable plan for the restoration. As to compliance with the plan and completion of the plan elements, we should have our expert and your expert choose a neutral and mutually acceptable expert in this field who would be utilized to resolve any dispute as to whether the plan has been implemented and completed to the best abilities of the parties. Allowing your Commission to hold a public hearing on "resolving" any dispute between your own Commission and my Harbor District will only result in further litigation which is unnecessary. Binding arbitration through the means I have described seems the most logical approach, particularly when the arbitrator must merely decide whether the pre-approved plan has been followed and completed.

Having represented the County of San Mateo Board of Supervisors for over six years, and having dealt with them for an additional four years as a private practitioner, I am more than acquainted with the problems you face in dealing with this situation. I am sure that some members of the public want a "pound of flesh" from the District, but perhaps without realizing that they will be taking that flesh from their own County body. As a measure to avoid further problems such as these this office will review all staff and contractor's reports and documentation to confirm that all aspects of continuing development meet with the required conditions of our permits, or to make the decision whether further permits are required. Any continuing disputes on other aspects of this development will be resolved quickly and amicably, and we will

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future problems by this extra level of review to assure in-house compliance.

No good purpose exists for seeking anything else from this District. Further dispute would be harmful to the public as a whole, and in particular the public in this area. I hope you can see your way clear to recommending to the Commission that an adequate restoration plan, immediately implemented and paid for by the District, with the other assurances made, should satisfy them and they will drop any and all other potential claims on the RV site work.


I look forward to hearing from you in this regard. I am gravely concerned that we must resolve this matter before, or at, the hearing on the findings on November 13. My instructions are very clear. If we cannot resolve this matter, and the Commission demands the restoration as a permit condition, without accepting that as the final settlement of the violations issue, I will move through the Superior Court of San Mateo County to temporarily enjoin implementation of that condition, allowing the continuing dredging and spoil disposal on the approved sites until all issues of your claims of violation are resolved. Restoration is a crucial element in resolution of your alleged violations, but is not a crucial element in the continuing dredging and spoils disposal that make up the remainder of our permit amendment. Pointless and expensive litigation is nothing but a harm to our public constituencies. Let's avoid it.

Yours very truly,

McCRACKEN & ANTONE

*Gregory J. Antone*  
GREGORY J. ANTONE

EXHIBIT NO. 7  
GJA:gsb  
NOV 10 1984

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Mr. Michael L. Fischer  
Executive Director  
California Coastal Commission  
November 9, 1984.  
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cc: Roy Gorman, Esq.  
Legal Counsel  
California Coastal Commission

Ms. Nancy L. Cave  
Coastal Program Analyst  
California Coastal Commission

Mr. Ronald D. McClellan  
General Manager  
San Mateo County Harbor District

Commissioners, San Mateo County Harbor District

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COPIES TO: P. Fischer  
TO: CAUE  
11/23/84  
AREA 57  
FROM: JB

LAW OFFICES OF  
McCRACKEN & ANTONE  
177 BOVET ROAD, SUITE 600  
SAN MATEO, CALIFORNIA 94402

MICHAEL D. McCRACKEN\*  
GREGORY J. ANTONE\*  
\*A PROFESSIONAL CORPORATION

November 21, 1984

DELIVERED BY HAND

Mr. Michael L. Fischer  
Executive Director  
California Coastal Commission  
631 Howard Street  
San Francisco, California 94105

5:15 AM

Re: Request for Reconsideration: San Mateo  
County Harbor District - Pillar Point  
Harbor Development Permit No. A-133-76  
and Subsequent Amendments

Dear Mr. Fischer:

This office represents the San Mateo County Harbor District. Pursuant to section 30627 of the Public Resources Code and sections 13109.1-13109.5 of Title 14 of the California Administrative Code, we ~~request reconsideration of the Coastal Commission decision of October 25, 1984 regarding Permit No. 133-76-A(2) (SAN MATEO COUNTY HARBOR DISTRICT).~~


The reasons for the request for reconsideration are contained in our letter to you dated November 9, 1984 (copy attached). Additionally, we will shortly send you a further letter outlining our position and reasons for reconsideration.

We do sincerely hope that this matter can be resolved through negotiations.

Very truly yours,  
McCRACKEN, ANTONE & BYERS

*David J. Byers*  
DAVID J. BYERS

DJB:gsb  
Enclosure

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*Chen*

California Coastal Commission  
631 Howard Street, 4th Floor  
San Francisco, California 94105  
(415) 543-8555

December 3, 1984

David J. Byers  
McCracken & Antone  
177 Bovet Road, Suite 600  
San Mateo, CA 94402

Dear Mr. Byers:

SUBJECT: Permit No. 133-76-A(2)

We are in receipt of your November 21, 1984 letter requesting reconsideration pursuant to Section 30627 of the Public Resources Code of the Commission's action approving the San Mateo County Harbor District's application for amendment to permit No. A-133-76 on October 25, 1984. We have filed your request and will schedule it for hearing before the Coastal Commission as soon as possible. The timing of that hearing will depend on the availability of staff to prepare the necessary report.

In your November 21 letter, you indicated that you would be sending us another letter setting forth in greater detail your reasons for this request. You also referred to an earlier letter dated November 9, 1984, from Gregory Antone which you state also sets forth your reasons for the reconsideration request. I have reviewed that letter and have reached a preliminary conclusion that no grounds for reconsideration exist. Before reaching any final decision, however, we will, of course, review whatever additional information you send us. In addition, I understand discussions are continuing between representatives of the Harbor District and our staff in an effort to resolve this matter through negotiations. We welcome that approach and continue to be hopeful that this dispute can be resolved quickly. Accordingly, we urge you to pursue those discussions.

Sincerely,

*Peter Douglas*  
PETER DOUGLAS  
Chief Deputy Director

cc: Ron McClellan  
Michael L. Fischer

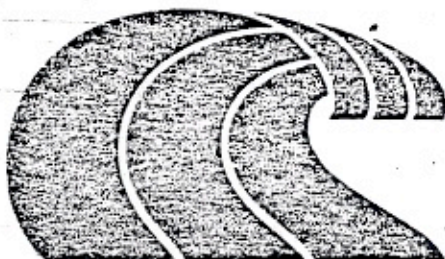



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