

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

ENVIR. APPEALS BOARD

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In re:)
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Dry Creek Rancheria)

NPDES Appeal No. 07-14; 07-15

NPDES Permit No CA 0005241)
)
)
_____)

**MOTION FOR EXTENSION OF TIME TO FILE PAPERS
RESPONDING TO PETITIONS FOR REVIEW**

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MOTION

The County of Sonoma and Sonoma County Water Agency (“County”) and Alexander Valley Association (“AVA”) each petitioned for review of NPDES Permit Number CA0005241 (“Permit”), which the U.S. Environmental Protection Agency, Region Nine (“Region”) issued to the Dry Creek Rancheria Band of Pomo Indians (“Permittee”) on April 30, 2007. The Environmental Appeals Board has extended the time for the Region and Permittee to respond to the petitions to February 22, 2008.


The County, AVA, and Permittee have engaged in a complex set of settlement negotiations, including extensive mediation, to resolve a range of issues between the parties, including disputes related to the instant Permit, the Permittee’s separate application for a license to sell alcohol, and the Permittee’s development plans for three separate parcels in the County. The settlement discussions grew more complicated over time, but the parties have reached preliminary agreement on key terms. The Sonoma County Board of Supervisors has reviewed preliminary terms, and directed staff to return for consideration of a final agreement at its March 18, 2008 regular session. The parties believe this matter will be resolved on that date, resulting in a withdrawal of the petitions for review shortly thereafter.

The County therefore moves for an extension of the Permittee’s and Region’s time to respond to April 18, 2008. The Petitioners’ time to file any requested reply papers would run from April 18, 2008. All parties concur in this request.

The parties respect that the Board has granted several extensions in this matter, and intended for its most recent extension to be the last. The parties respectfully submit that this matter should be resolved on March 18, 2008, and this requested extension would be the last extension necessary in this matter. The parties intend to save judicial resources by settling this matter informally, and will promptly advise the Board as soon as a final agreement is signed.

Dated: February 14, 2008

STEVEN M. WOODSIDE, County Counsel

By: _____

JEFFREY M. BRAX
Deputy County Counsel
Attorneys for Petitioners
County of Sonoma and
Sonoma County Water Agency

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Motion for Extension of Time to File Papers Responding to Petitions for Review were sent to the following persons in the manner indicated:


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Dated: February 14, 2008



Eileen Shired