



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Southwest Region  
501 West Ocean Boulevard, Suite 4200  
Long Beach, California 90802-4213

2010/04658:AS

**September 21, 2010**

Charles L. Lindsay  
Division of Water Rights  
State Water Resources Control Board  
P.O. Box 2000  
Sacramento, CA 95812-2000

Re: Schedule to Complete the Final Environmental Impact Report for the Cachuma Project  
Hearing – U.S. Bureau of Reclamation's Water Rights Permits 11308 and 11310  
(Applications 11331 and 11332)

Dear Mr. Lindsay:

NOAA's National Marine Fisheries Service (NMFS) is aware that the State Water Resources Control Board (State Water Board) intends to complete the final Environmental Impact Report (EIR) for the subject Cachuma Project hearing, as described in your letter dated May 27, 2010, with circulation of the final EIR to the public expected in September or October 2010. As described more fully below, completing the final EIR at this time would preclude proper consideration under the California Environmental Quality Act (CEQA) of new and pending information related to Cachuma Project effects on Southern California steelhead (*Oncorhynchus mykiss*), which are listed as an endangered species under the Federal Endangered Species Act (ESA).

Since circulation of the draft EIR in 2007, NMFS' Southwest Regional Office has completed, and is in the process of finalizing, a draft recovery plan under the ESA for Southern California steelhead ([http://swr.nmfs.noaa.gov/recovery/So\\_Cal.htm](http://swr.nmfs.noaa.gov/recovery/So_Cal.htm)). In particular, the recovery plan identifies a recovery strategy (based on scientific information developed by NMFS' Technical Recovery Team) and essential recovery actions, including actions pertaining to Bradbury Dam that are necessary to recover this endangered species. Because the recovery plan presents information that could be considered substantial evidence under Public Resources Code §21080 that was not available when the draft EIR was circulated in 2007, the final EIR is not expected to appropriately consider and characterize the effects of the Cachuma Project water releases on Southern California steelhead.

Recently, NMFS and the Bureau of Reclamation (Reclamation) began moving forward with reinitiated formal consultation under Section 7 of the ESA for the Cachuma Project. The outcome of the reinitiated formal consultation will result in a new biological opinion on the effects of the operation and maintenance of the Cachuma Project on Southern California steelhead and designated critical habitat for this species. The new biological opinion will

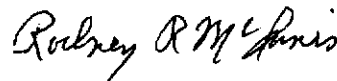


consider the appropriateness of existing and proposed water releases from the Cachuma Project for supporting the life history and habitat requirements of Southern California steelhead in the Santa Ynez River. Although a schedule for completing the reinitiated formal consultation has not yet been defined, NMFS and Reclamation are unable to complete the consultation within the schedule for the final EIR that is proposed by the State Water Board.

Given the new information related to recovery of endangered Southern California steelhead, including the Santa Ynez River watershed, and a pending biological opinion regarding operation of the Cachuma Project, NMFS asks that the State Water Board withhold completion of the final EIR until the new information and the forthcoming biological opinion can be properly considered in the context of CEQA. In this regard, delaying release of the final EIR would be an appropriate action for the State Water Board to ensure that the EIR adequately considers and characterizes the anticipated effects of the Cachuma Project on the environment, and the conclusions are based on current substantial evidence.

Should you have a question regarding this letter, please contact Darren Brumback at (562) 980-4060.

Sincerely,



Rodney R. McInnis  
Regional Administrator

cc: Michael Jackson, U.S. Bureau of Reclamation  
Kate Rees, Cachuma Operations and Maintenance Board  
Edmund Pert, CDFG  
Mary Larson, CDFG  
Roger Root, USFWS  
Administrative file: 151422SWR2010PR00316