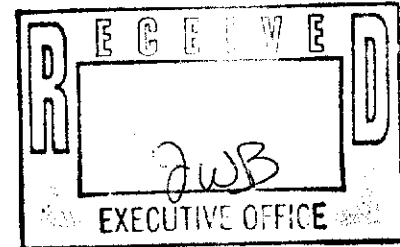


**DEPARTMENT OF FISH AND GAME**

1416 Ninth Street  
Sacramento, California 94244-2090  
Telephone: (916) 654-3821



January 2, 2001

**VIA FACSIMILE AND U. S. MAIL**

Mr. John W. Brown  
Hearing Officer and Board Member  
State Water Resources Control Board  
P. O. Box 2000  
Sacramento, California 95812-2000

Re: Cachuma Project Hearing - Applications 11331 and 11332

Dear Mr. Brown:

The California Department of Fish and Game (CDFG) has received your December 19, 2000 ruling allowing CDFG to participate in Phase 2 of the Cachuma Project hearing and appreciates the opportunity to participate in the hearing.

On October 31, 2000, CDFG submitted a Notice of Intent to Appear for the Cachuma Project Hearing. Statements of qualifications were not attached at that time. CDFG now submits a copy of the original Notice of Intent to Appear with the appropriate statements of qualifications.

CDFG looks forward to participating in the upcoming Phase 2 of the Cachuma Project hearing and appreciates your December 19, 2000 ruling allowing that participation.

Very truly yours,

NANCEE M. MURRAY  
Senior Staff Counsel

cc: Service list

Ms. Morgan Wehtje  
Mr. Maurice Cardenas  
Department of Fish and Game

**DEPARTMENT OF FISH AND GAME**

1416 Ninth Street  
Sacramento, California 94244-2090  
Telephone: (916) 654-3821



October 31, 2000

**VIA FACSIMILE AND U. S. MAIL**

Ms. Katherine Mrowka  
Division of Water Rights  
State Water Resources Control Board  
P. O. Box 2000  
Sacramento, California 95812-2000

Re: Cachuma Project Hearing - Applications 11331 and 11332

Dear Ms. Mrowka:

The California Department of Fish and Game (CDFG) did not receive effective notice of the Cachuma Project Hearing that begins in early November. The notice was apparently sent to the Chief of the Environmental Services Division, to a Deputy Director and to a biologist in the region. The Chief of the Environmental Services Division is a position that no longer exists, and the biologist in the region did not receive her notice regarding this matter until October 28, 2000. The deadline for filing a Notice of Intent to Appear was October 11, 2000.

Given the problems CDFG experienced in receiving notice of this hearing and the fact that CDFG has been actively involved in studying certain issues that are the subject of Phase 2 of the hearing, CDFG respectfully requests that the State Water Resources Control Board accept a late filing of its Notice of Intent to Appear. CDFG only intends to present witnesses during Phase 2 of the hearing. It is my understanding that testimony has not yet been submitted for Phase 2 of the hearing and that no date for that phase of the hearing has been set. Therefore, accepting this late Notice of Intent to Appear should not prejudice any other party. In addition, CDFG's active participation in various studies and groups formed attempting to implement Order WR 94-5 should not cause any party to be surprised at CDFG's desire and intent to participate in Phase 2 of this hearing.

Attached in CDFG's Notice of Intent to Appear for the Cachuma Project Hearing. Statements of qualifications are not attached to the Notice, but will be submitted to the Board and the service list as soon as possible. Thank you and I look forward to hearing from you regarding this request.

Very truly yours,

**COPY** Original signed by  
NANCEE M. MURRAY

NANCEE M. MURRAY  
Senior Staff Counsel

cc: See next page.

Ms. Katherine Mrowka

October 31, 2000

Page 2

cc: Service list

Ms. Morgan Wehtje  
Mr. Maurice Cardenas  
Department of Fish and Game

bc: Mr. Ron Rempel, Deputy Director  
Department of Fish and Game

NMM/jmw

FILE: LEGAL/CHRON/8MURRAY/LETTERS/CACUMA HEARING.LTR

NOTICE OF INTENT TO APPEAR

Calif. Dept. of Fish & Game Plans to participate in the water right hearing regarding:  
(name of party or participant)

CACHUMA PROJECT HEARING  
Applications 11331 and 11332

Phase I - November 6, 7, 13 and 14, 2000

I/we plan to participate in Phase I: Yes  No

I/we plan to participate in Phase II of the hearing: Yes  No

I/we plan to call the following witnesses to testify at the hearing:

NAME	SUBJECT TO PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS YES/NO
Morgan Wehtje	wildlife issues	20 min.	Yes
Maurice Cardenas	fishery issues	20 min.	Yes

(If more space is required, please add additional pages or use reverse side)

Name, Address, Phone Number and Fax Number of Attorney or Other Representative

Signature: Nancee M. Murray Dated: 10/31/00

Name (Print): NANCEE M. MURRAY

Mailing Address: California Department of Fish and Game  
Legal Office, 1416 Ninth St., 12th Fl., Sacramento, CA 95814

Phone Number: (916) 654-3818 Fax Number: (916) 654-3805

E-mail Address: nmurray@dfg.ca.gov

\*For each person testifying as an expert witness, please attach a statement of qualifications.

## PROOF OF SERVICE

I hereby declare as follows:

I am employed in the County of Sacramento, State of California. I am eighteen years of age or older and am not a party to the within entitled action. My business address is 1416 Ninth Street, P. O. Box 944209, Sacramento, California 94244-2090. I am familiar with the business practice of the California Department of Fish and Game with regard to the collection and processing of documents for mailing with the United States Postal Service.

On October 31, 2000, I caused to be served the attached LETTER TO MS. KATHERINE MROWKA and NOTICE OF INTENT TO APPEAR by placing a true copy thereof in the manner set forth below and addressed as follows:

*Via Facsimile and U. S. Mail:*

Ms. Katherine Mrowka  
Division of Water Rights  
State Water Resources Control Board  
P. O. Box 2000  
Sacramento, California 95812

*Via U.S. Mail by Depositing a Copy in a Sealed Envelope Via First Class Mail with the United States Postal Service with Postage Fully Paid Thereon To:*

See Attached List

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in Sacramento, California on October 31, 2000.



---

JAN WILCOX

CACHUMA CONSERVATION RELEASE BOARD  
MR. ARTHUR G. KIDMAN  
McCORMICK, KIDMAN & BEHRENS, LLP  
695 TOWN CENTER DRIVE, SUITE 400  
COSTA MESA, CA 92626

U. S. BUREAU OF RECLAMATION  
MS. KAYLEE ALLEN  
2800 COTTAGE WAY  
ROOM E-1712  
SACRAMENTO, CA 95825

SANTA YNEZ RIVER WATER CONSERVATION  
DISTRICT IRRIGATION DISTRICT NO. 1  
MR. GREGORY K. WILKINSON  
BEST, BEST & KRIEGER, LLP  
3750 UNIVERSITY AVE., STE 400  
RIVERSIDE, CA 92501

CITY OF LOMPOC  
MS. SANDRA K. DUNN  
SOMACH, SIMMONS & DUNN  
400 CAPITOL MALL, STE 1900  
SACRAMENTO, CA 95814

SANTA BARBARA COUNTY PARKS  
MS. JENNIFER BRIGGS  
610 MISSION CANYON ROAD  
SANTA BARBARA, CA 93105

DOS PUEBLOS ASSOCIATES  
MR. RICHARD W. HOLLIS  
211 W. CANNON PERDIDO  
SANTA BARBARA, CA 93101

CITY OF SOLVANG  
MR. CHRISTOPHER L. CAMPBELL  
BAKER, MANOCK & JENSEN  
5260 N. PALM AVE., STE 421  
FRESNO, CA 93704

DEPARTMENT OF WATER RESOURCES  
MR. DAVID SANDINO  
1416 NINTH ST., ROOM 1118  
PO BOX 942836  
SACRAMENTO, CA 94236-001

CALIFORNIA SPORTFISHING  
PROTECTION ALLIANCE  
RM. ROBERT J. BAIOCCHI  
PO BOX 1790  
GRAEAGLE, CA 96103

CALIFORNIA TROUT, INC.  
MR. CRAIG FUSARO  
435 EL SUENO ROAD  
SANTA BARBARA, CA 93110

SANTA YNEZ RIVER WATER  
CONSERVATION DISTRICT  
MR. ERNEST A. CONANT  
LAW OFFICES OF YOUNG WOOLDRIDGE  
1800 - 30<sup>TH</sup> ST., FOURTH FLOOR  
BAKERSFIELD, CA 93301

MORGAN WEHTJE  
2286 BARBARA DRIVE  
CAMARILLO CA 93012  
805-491-3551

#### RECENT EMPLOYMENT HISTORY

California Department of Fish & Game  
4949 Viewridge Avenue  
San Diego California 92123  
858-467-4209

Chuck Raysbrook 858-467-4210

May 1999 to present

Environmental Specialist IV supervisor coordinating and responding to wildlife and habitat issues in Santa Barbara, Ventura, and a portions of Los Angeles Counties

- A) **ENVIRONMENTAL REVIEW:** Supervise team of 5 biologists in the review of California Environmental Quality Act(CEQA) and National Environmental Policy Act(NEPA) documents, and the creation of CDFG section 1600 Stream Bed Alteration agreements. Coordination on permit compliance with Army Corps of Engineers, U.S. Fish & Wildlife Service, Regional Water Quality Control Board, and other permitting agencies. (40 %)
- B) **GEOGRAPHICAL AND HABITAT BASED PLANNING:** Department representative on multiple watershed management committees, coastal wetland committees, and multi-disciplinary committees such as the University of California at Santa Barbara's Natural Reserve System committee. (15%)
- C) **ADMINISTRATIVE DUTIES:** Travel logs, time sheets, annual work plans, vehicle maintenance, filing, drinking coffee etc. (15%)
- D) **GAME AND ENDANGERED SPECIES MANAGEMENT:** Implementation, and review of various endangered species management plans. Includes gathering of data, updating existing plans, and participating in studies. (13%)
- E) **PUBLIC OUTREACH:** Oral and visual presentations on endangered species, living with wildlife, individual species, local wildlife and habitats. Provide answers via the phone to a variety of wildlife questions ranging from identification, adverse interactions, illegal actions, and hunting information. (12%)
- F) **INTERAGENCY COORDINATION:** Interaction with USFS, USF&WS, Army COE, and various state and local agencies on projects or long term resource plans they may be developing. (5%)

California Department of Fish & Game  
4949 Viewridge Avenue  
San Diego, California 92123  
858-467-4209

Larry Sitton 562-590-5168

July 1990 to present

Associate Wildlife Biologist handling wildlife related matters in Santa Barbara and Ventura Counties.

- D) **ENVIRONMENTAL REVIEW:** Review of California Environmental Quality Act(CEQA) and National Environmental Policy Act(NEPA) documents. Coordination on permit compliance with Army Corps of Engineers, U.S. Fish & Wildlife Service, Regional Water Quality Control Board, Department section 1600 biologist , and other permitting agencies.(30 %)
  
- B) **GAME AND ENDANGERED SPECIES MANAGEMENT:** Implementation, and review of various game and endangered species management plans. Includes gathering of data, updating existing plans, participating in studies, population counts, collections, and captures. (25%)
  
- C) **PUBLIC OUTREACH:** Oral and visual presentations on endangered species, living with wildlife, individual species, local wildlife and habitats. Provide answers via the phone to a variety of wildlife questions ranging from identification, adverse interactions, illegal actions, and hunting information. (18%)
  
- D) **GEOGRAPHICAL AND HABITAT BASED PLANNING:** Department representative on 3 watershed management committees, 3 coastal marsh committees( including Goleta Slough Ecological Reserve), and the University of California at Santa Barbara's Natural Reserve System committee. (12%)
  
- E) **INTERAGENCY COORDINATION:** Interaction with USFS, USF&WS, Army COE, and various state and local agencies on projects they may be developing. (5%)
  
- F) **ADMINISTRATIVE DUTIES:** Travel logs, time sheets, annual work plans, vehicle maintenance, filing, drinking coffee etc.(5%)
  
- G) **OIL SPILL RESPONSE:** Coordination with OSPR for response to and evaluation of hazardous materials spill effects on wildlife and habitat.(3%)
  
- H) **PUBLIC SAFETY:** Response to wildlife nuisance and public safety issues. May involve immobilization, euthanasia, or relocation of wildlife species involved; mainly Mountain Lion and Black Bear. Responsible for region wide coordination of animal restraint drugs.(2%)



California Department of Fish & Game  
Trinity River Project  
5341 Ericson Way  
Arcata CA 95521  
707-822-0328

Bill Heubach (retired in 1992)

January 1988-July 1990

Fish & Wildlife Assistant I for 14 months then spent remaining time as Fisheries Biologist for project.

- A) **DATA BASE MANAGEMENT AND ADMINISTRATIVE DUTIES:** Organized, maintained and edited data bases with dbase program. Prepared spread sheets using Lotus 123, and assisted in interpreting and analyzing information. Prepared monthly, quarterly, and annual reports for the Department and Bureau of Reclamation. Maintained accounts, purchased equipment, constructed traps, supervised and hired up to 10 seasonal employees, and provided public information. (50%)
- B) **DATA COLLECTION:** Operated and supervised marked capture/ recapture study on Trinity River in Northern California. Phase one included coded wire tagging and fin clipping of hatchery raised juvenile salmonids. Phase two used Alaska style weir to trap upstream adult Salmonid migrants for tagging with Floy spaghetti tags, and collection of data to develop a population profile. Phase three occurred during and after spawning activity at Trinity River Hatchery when previously implanted coded wire, and Floy tags were removed. Post spawning surveys included snorkeling or rafting river reaches downstream of the hatchery searching for tagged fish. (50%)

Mauricio E. Cardenas  
410 Descanso Avenue  
Ojai, CA 93023  
(805)640-1852

## QUALIFICATIONS AND BACKGROUND

### PROFESSIONAL QUALIFICATION

From October 1991 to present I assumed the responsibilities as the Department of Fish and Game steelhead biologist for Region 5. As principal steelhead biologist for southern California my duties included: extensive steelhead surveys on costal streams and rivers in Santa Barbara, Ventura and Los Angeles Counties, developed steelhead monitoring systems applicable to unique southern California steelhead conditions, assisting in genetic research as well as other new technologies and methodologies which assist biologist in the decision making process as well as an improved understanding of the life cycle, habitat requirements, migration patterns, physical limitations of southern California steelhead. Active member of several steelhead advisory committees tasked to evaluate basin plans, steelhead passage projects, water quality / quantity issues, dam removal proposals and other steelhead related projects.

### ACHIEVEMENTS

Updated baseline information on the presence / absence of southern California steelhead from the Santa Maria River to Malibu Creek. A greater emphasis placed on the lower Santa Ynez River.

Through a strong working relationship with United Water Conservation District staff established operation guidelines for the first fish ladder and smolt trap in southern California. Documented the first adult steelhead through the fish ladder as well as smolt going to sea. The information on steelhead movement at the United Water Conservation District fish ladder facility has been extremely valuable in giving biologist an insight into the illusive world of the southern California steelhead. Currently involved in assisting other water districts in the process of placing two new fish ladder systems online on other streams.

Currently involved in a project with the City of Santa Barbara to sustain steelhead in a creek which meanders through the city's center. One of the results from this project is it shows that low flow releases (less than 20gpm) can sustain a healthy population of steelhead. The releases mimic stream conditions prior to the demands on the stream resulting from population growth. This year is the second year the city has allowed releases. The steelhead population within the artificially watered section shows a healthy age structure, good recruitment, good density, and all within a section of

stream that goes dry, due to human-caused conditions, every year.

Conducted four year study on effects to wild trout within a designated Wilderness Area stream in Santa Barbara County. As a result of the study the Department of Fish and Game changed in policy eliminating annual stocking of young of the year hatchery trout. Study indicated that the wild trout population was sustained at carrying capacity and the population remained healthy without the artificial supplement. Preliminary genetic analysis of the trout population suggest that hatchery trout did not introgress to a large degree with native stocks. These data have positive implications in streams where native stocks have been augmented by hatchery trout on a regular basis.

### **EXPERIENCE, SANTA YNEZ RIVER, SANTA BARBARA COUNTY**

Active member of the Santa Ynez River Technical Advisory Committee (TAC) from its beginning. Member of the Lower Tributaries Group, an extension of the Santa Ynez River Technical Advisory Committee.

As an active TAC member representing the Department of Fish and Game worked to assure that habitat assessment, ranking, and delineation for the lower Santa Ynez River was accurate and reasonable. Accuracy was based on relative long history with the lower Santa Ynez River, review of survey data, study data, and other relevant studies.

Conducted four years of electro-fishing and snorkel surveys of the lower Santa Ynez River below Bradbury Dam. Contiguous steelhead habitat surveys were conducted from the stilling basin below Bradbury Dam downstream approximately 8 miles. Other surveys were conducted on the mainstem as allowed by legal access, to the mouth of the river.

Conducted extensive steelhead surveys with some habitat analysis on two of the three principal steelhead tributaries on the lower Santa Ynez River: Hilton Creek and Salsipuedes Creek.

Involved in each rescue and / or relocation effort of steelhead trout within the lower Santa Ynez River.

With other TAC members, evaluated potential effects to steelhead in the mainstem during summer conditions through artificial flows (WR 89-18 releases). Water temperature data was recorded against ramped flows within a eight mile reach of stream. Water temperature data suggest that lethal water temperatures to steelhead result from the increased releases, even though measures were taken to release the coolest strata of water from the reservoir.

Extensive working relationship with Bureau of Reclamation, US Fish and Wildlife Service, and National Marine Fisheries Service on aquatic resource issues.

As the Department's contract manager for the dispersion of several funds dedicated towards steelhead restoration efforts I review, evaluate, and manage project proposals.

## **EDUCATION**

B.S., Natural Resource Management, Cal Poly, San Luis Obispo

## PROOF OF SERVICE

I hereby declare as follows:

I am employed in the County of Sacramento, State of California. I am eighteen years of age or older and am not a party to the within entitled action. My business address is 1416 Ninth Street, P. O. Box 944209, Sacramento, California 94244-2090. I am familiar with the business practice of the California Department of Fish and Game with regard to the collection and processing of documents for mailing with the United States Postal Service.

On January 2, 2001, I caused to be served the attached LETTER TO MR. JOHN W. BROWN, LETTER TO MS. KATHERINE MROWKA, NOTICE OF INTENT TO APPEAR, and STATEMENTS OF QUALIFICATIONS by placing a true copy thereof in the manner set forth below and addressed as follows:

*Via FACSIMILE AND U. S. MAIL*

Mr. John W. Brown  
Hearing Officer and Board Member  
State Water Resources Control Board  
P. O. Box 2000  
Sacramento, California 95812-2000

*Via U.S. Mail by Depositing a Copy in a Sealed Envelope Via First Class Mail with the United States Postal Service with Postage Fully Paid Thereon To:*

See Attached List

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in Sacramento, California on January 2, 2001.

  
\_\_\_\_\_  
JAN WILCOX

CACHUMA CONSERVATION RELEASE BOARD  
MR. ARTHUR G. KIDMAN  
McCORMICK, KIDMAN & BEHRENS, LLP  
695 TOWN CENTER DRIVE, SUITE 400  
COSTA MESA, CA 92626

CITY OF SOLVANG  
MR. CHRISTOPHER L. CAMPBELL  
BAKER, MANOCK & JENSEN  
5260 N. PALM AVE., STE 421  
FRESNO, CA 93704

U. S. BUREAU OF RECLAMATION  
MS. KAYLEE ALLEN  
2800 COTTAGE WAY  
ROOM E-1712  
SACRAMENTO, CA 95825

DEPARTMENT OF WATER RESOURCES  
MR. DAVID SANDINO  
1416 NINTH ST., ROOM 1118  
PO BOX 942836  
SACRAMENTO, CA 94236-001

SANTA YNEZ RIVER WATER CONSERVATION  
DISTRICT IRRIGATION DISTRICT NO. 1  
MR. GREGORY K. WILKINSON  
BEST, BEST & KRIEGER, LLP  
3750 UNIVERSITY AVE., STE 400  
RIVERSIDE, CA 92501

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SANTA BARBARA, CA 93105

SANTA YNEZ RIVER WATER  
CONSERVATION DISTRICT  
MR. ERNEST A. CONANT  
LAW OFFICES OF YOUNG WOOLDRIDGE  
1800 - 30<sup>TH</sup> ST., FOURTH FLOOR  
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DOS PUEBLOS ASSOCIATES  
MR. RICHARD W. HOLLIS  
211 W. CANNON PERDIDO  
SANTA BARBARA, CA 93101