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December 9, 2016

VIA EMAIL AND U.S. MAIL

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
P.O. Box 100
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Re: Santa Ynez River Water Conservation District's Comments on the Draft Order Dated September 7, 2016 Amending Permits 11308 and 11310 Held by the United States Bureau of Reclamation for the Cachuma Project, Santa Ynez River, Santa Barbara County ("Draft Order"); Supplemental Comments on Cachuma Project Water Rights Hearing Final EIR dated December, 2011 ("FEIR")

Dear Ms. Townsend:

This firm represents the Santa Ynez River Water Conservation District ("SYRWCD") and submits the following comments on the above-referenced Draft Order and FEIR prepared by the State Water Resources Control Board ("SWRCB" or "State Water Board") with regard to amending Permits 11308 and 11310 held by the United States Bureau of Reclamation ("Reclamation") for the Cachuma Project.¹ The SYRWCD was formed in 1939 for the protection of Santa Ynez River surface water rights and groundwater recharge for overlying, appropriative and riparian users downstream of the Cachuma Project's Bradbury Dam. To that end, SYRWCD and its constituents² are vitally interested in the continued accumulation

¹ Previously, the SYRWCD submitted numerous comments, testimony, briefing, and related materials to the State Water Board and has participated actively in hearing proceedings concerning the State Water Board's consideration of modifications to Reclamation's Water Right Permits 11308 and 11310 (Applications 11331 and 11332) to protect public trust values and downstream water rights on the Santa Ynez River below Bradbury Dam (the Cachuma Project). SYRWCD's previous submittals are expressly incorporated into this comment letter. In addition, the comments of Improvement District No. 1 of the Santa Ynez River Water Conservation District ("Improvement Dist. No. 1") and the Cachuma Conservation Release Board ("CCRB") on the Draft Order and FEIR are expressly incorporated into this comment letter as provided below.

² SYRWCD's constituents include not just residents (Draft Order, p. 8), but also agricultural, municipal and other domestic water users, including those within the Cities of Lompoc, Buellton and Solvang, as well as those within the boundaries of Improvement District No. 1.

of downstream water rights water in the Above Narrows and Below Narrows accounts and the storage and release of that water from Bradbury Dam when the River is dry and water levels in groundwater basins have been lowered and are in need of replenishment consistent with WR 73-37, as amended by WR 89-18. SYRWCD supports continued implementation of Alternative 3C, which includes the minor modifications to WR 89-18 presented by Reclamation in the technical amendments in Exhibit "C" to the Settlement Agreement. However, for the reasons set forth in detail in this letter and summarized immediately below, SYRWCD objects to the adoption of Alternative 5C as proposed in the Draft Order.

First, Alternative 5C will substantially impact the accumulation of ANA credits, which will "strand" and adversely affect the delivery of BNA credit water to the Lompoc Plain and the City of Lompoc for groundwater recharge and mitigation of Cachuma Project-related downstream water supply and quality impacts. As explained in SYRWCD's prior submittals and again below, the FEIR does not comply with CEQA for a number of reasons, including its failure to adequately study, mitigate for and make findings regarding the impacts of Alternative 5C on the ANA and BNA.

Second, the record does not support adoption of Alternative 5C. According to the Draft Order, the main purpose of Alternative 5C is to create more habitat for recovery or return of steelhead to "good condition" pursuant to Fish & Game Code section 5937. However, Alternative 5C's significant additional flows during above normal and wet periods will have little if any benefit to steelhead relative to Alternative 3C which already benefits steelhead. In fact, there is substantial evidence that Alternative 5C's additional flows will substantially harm the steelhead fishery in the Santa Ynez River system by providing improved habitat for non-native fish (primarily bass) that will reduce the steelhead population through predation (a problem not caused by water rights releases as suggested by the Draft Order). Moreover, Alternative 5C's additional flows have not been studied as required by CEQA, are not required by Fish & Game Code section 5937, will result in greater impacts on downstream water rights than Alternative 3C, and constitute an unreasonable use of water in violation of Article X, section 2 of the California Constitution. Given all these problems and deficiencies with regard to Alternative 5C and after balancing all appropriate factors in light of the public interests at stake, the State Water Board should decide against adopting Alternative 5C.

Third, Alternative 3C is the environmentally superior alternative and should be adopted by the SWRCB based on substantial evidence in the record. Alternative 3C produces substantially the same benefits to steelhead as Alternative 5C without Alternative 5C's creation of additional habitat conducive to development of steelhead predators, and, at the same time, Alternative 3C will have much less impact on Cachuma Project water supplies and the protection of downstream water rights. The Draft Order acknowledges that Alternative 3C, which is based on the Biological Opinion ("BO") for the Cachuma Project, has in fact benefitted steelhead even though it has only been in effect for a relatively short time involving extreme drought conditions and it has not been in place long enough to realize its full benefits. (Draft Order, p. 59.) It is not the time to throw caution to the wind and implement an untested

fish flow regime (Alternative 5C Table 2 flows) that threatens to upset the balance on the River that has been carefully struck by the Settlement Agreement which includes Alternative 3C. The SWRCB should issue a final order adopting Alternative 3C. Any remaining questions about the efficacy of Alternative 3C, recognizing it naturally needs more time to produce full benefits to steelhead, can be studied in the same way that the Draft Order requires Alternative 5C to be studied with future adjustments as may be shown necessary.

Finally, the Draft Order requires several studies that could impact the availability of water for downstream water rights, including a study of whether Table 2 flows may be used to satisfy downstream water rights or justify adjustment of the ANA and BNA accounting regime. Substantial undisputed expert testimony in the record shows that this is not the case – based on prior studies – and no further study is necessary. Nevertheless, given SYRWCD’s substantial involvement with the Cachuma Project, the water rights release regime, and its interest in the protection of downstream water rights, including the Settlement Agreement which settled long-standing disputes on the Santa Ynez River, SYRWCD should be involved with and participate in any study and change that may affect downstream water rights releases, the ANA or BNA, or the Settlement Agreement.

1. **SYRWCD’s Background and Substantial Efforts Taken for the Protection of Downstream Water Rights, including Development and Administration of the ANA and BNA and the Settlement Agreement Which Has Kept Peace on the River**

SYRWCD was formed in 1939 and encompasses most of the Santa Ynez River Watershed downstream of Lake Cachuma and Bradbury Dam. One of the primary functions of SYRWCD is to protect the downstream rights of their landowners and residents in and to the use of Santa Ynez River water below Bradbury Dam, including groundwater supplies and water released from Lake Cachuma. The SWRCB’s predecessor recognized from the very beginning, in Decision 886, that Cachuma Project operations can have adverse impacts on the downstream water rights of SYRWCD’s constituents and that such rights must be protected. (See, e.g., D-886, pp. 29, 33; D-1486, p. 15, fn. 11.) Decision 886 required Reclamation to release enough water to both satisfy downstream senior water right holders, and to maintain natural groundwater recharge from the Santa Ynez River. (Draft Order, p. 9.) Thus, Reclamation’s operation of the Cachuma Project is expressly conditioned on, among other things, Reclamation meeting its requirements to provide for downstream water rights releases. (Draft Order, p. 7.)

SYRWCD has historically been involved in Cachuma Project proceedings before the State Water Board. SYRWCD participated in the development of and is responsible for ordering water rights releases in accordance with WR 73-37, as amended by WR 89-18. These orders provide for two accounts – the Above Narrows Account (“ANA”) and Below Narrows Account (“BNA”), which provide for accumulation of credits to those accounts, storage and, at the appropriate time, subsequent water rights releases pursuant to a detailed set of procedures to satisfy prior rights and provide for replenishment of groundwater basins

above and below the Lompoc Narrows. SYRWCD places its orders with Reclamation for releases of downstream account water at Bradbury Dam pursuant to WR 89-18. SYRWCD participated in the prior hearings and has extensively commented on the SWRCB's prior 2003 DEIR, 2007 RDEIR, 2011 2nd RDEIR and FEIR for this matter. Because the FEIR contains responses to SYRWCD's comments and the Draft Order considers modifications to Reclamation's Cachuma Project water right permits and other related actions to protect public trust resources "and downstream water rights"³ in the Santa Ynez River below Bradbury Dam based on the FEIR, the Draft Order and the FEIR are of utmost importance to the SYRWCD and its constituents.

SYRWCD is also a party to the Settlement Agreement discussed in the Draft Order (Draft Order, pp. 15-16, 86-96), which settled long-standing disputes concerning operation of the Cachuma Project on downstream water rights and water quality. The release regime for fish flow ("fish releases") provided for in NMFS's BO for the Cachuma Project also formed the basis for negotiations among downstream water right interests and the Cachuma Member Units relating to resolution of their outstanding water quantity and quality issues. The compromise reached by these various interests is set forth in the "Settlement Agreement between Cachuma Conservation Release Board, Santa Ynez River Water Conservation District, Santa Ynez River Water Conservation District Improvement District No. 1, and the City of Lompoc, relating to Operation of the Cachuma Project," dated December 17, 2002 ("Settlement Agreement"). The Settlement Agreement is the first and only time, since proceedings commenced before the State Water Board well over a half century ago, in which all parties - Reclamation, CCRB and all downstream interests - agreed on a mechanism for operation of the Cachuma Project that protects downstream water right interests and is consistent with the BO's protections for steelhead and other public trust resources.⁴

In particular, the Settlement Agreement provides procedures for conjunctive operation of water rights releases with fish releases required by the BO and as provided in Alternative 3C. (Settlement Agreement, ¶ 1.2, Ex. "A.") The parties to the Settlement Agreement also agreed to advocate for a SWRCB Order to operate the Cachuma Project according to WR 89-18, modified as provided in the Settlement Agreement. (Settlement Agreement, ¶ 1.1.) The

³ Consistent with the Notice of Preparation and 2nd RDEIR (2nd RDEIR, p. 1.0-2, 3.0-1), as used herein protection of "downstream water rights" includes maintenance of percolation of water from the Santa Ynez River stream channel as such percolation and subsurface storage would occur from unregulated flow (if the project not been constructed), in order that the operation of the Cachuma Project shall not reduce natural recharge and storage of groundwater from the Santa Ynez River below Bradbury Dam.

⁴ The background leading up to the Settlement Agreement, its terms and conditions and how those terms and conditions integrate into operation of the Cachuma Project are particularly described in detail in testimony of Charles Evans, William Mills and Ali Shahroody (MU Exhibits 219 and 220; R.T. 198-218). The testimony and exhibits referred to herein are from the record relating to Phase II of the 2003 Cachuma Hearing.

modifications to Reclamation's permits that are required to continue implementation of the Settlement Agreement were described by Ms. Struebing (R.T. 218-220; DOI Exhibit 10) and are particularly described as technical amendments to WR 89-18 in Exhibit "C" to the Settlement Agreement. As described by Ms. Struebing, only minor modifications to WR 89-18 are requested from the State Water Board to provide for continued implementation of the Settlement Agreement. One modification involves resolution of the issue of when a lower percolation curve will be used in lieu of an upper percolation curve for calculation of BNA credits. In 1989, the State Water Board requested the parties to resolve the issue and return to the Board (see discussion of Ali Shahroody at MU Exhibit 220, p. 8-10; R.T. 208-211). The technical changes to WR 89-18 proposed by Reclamation resolve the issue and provide for credits based on the upper percolation curve for recharge on the Lompoc Plain in return for drought protection water for the South Coast Cachuma Member Units. The other requested changes to WR 89-18 proposed by Reclamation involve minor changes to observation and monitoring procedures necessary to update the water rights order WR 89-18 to make it consistent with operational changes that were, in fact, implemented in 1989 (see discussion of Ali Shahroody at MU Exhibit 220, pp. 10-13; R.T. 211-212).

It cannot be over emphasized that the Settlement Agreement, as reflected in Alternative 3C including the technical amendments proposed by Reclamation, resolved a long-standing dispute and resulted in a contractual agreement to protect downstream water rights between downstream interests and the CCRB, in concert with the requirements of the BO and the Fish Management Plan. The Settlement Agreement was entered into only after careful analysis, peer-review and study for many years and was subjected to thorough cross-examination in the State Water Board's hearings. The Settlement Agreement's importance in keeping peace on the River for over 15 years cannot be overstated. By way of contrast, there is no substantial evidence demonstrating that Alternative 5C will protect downstream water rights or create additional benefits for steelhead or other public trust values. Nor has Alternatives 5C been subjected to peer-review or cross-examination.

2. **The Draft Order and FEIR Fail To Disclose Alternative 5C's Impacts on Downstream Water Rights and Quality, Including the Reduction of ANA Credits and Stranding of BNA Water Needed to Replenish Downstream Dewatered Groundwater Storage and Avoid Water Quality Impacts**

An EIR must set forth the bases for its conclusions; a bare conclusion without an explanation of its factual and analytical basis is not a sufficient analysis of an environmental impact. (*Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 404.) If an EIR concludes that particular environmental impacts are not significant, it should explain the basis for that conclusion. (*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1111; *San Joaquin Raptor/Wildlife Rescue Ctr. v. County of Stanislaus* (1994) 27 Cal.App.4th 713.) By the same token, an EIR cannot simply label an impact as significant or insignificant without first providing a good faith reasoned analysis. Such a backwards approach "allows the lead agency to travel the legally

impermissible easy road to CEQA compliance.” (*Berkeley Keep Jets Over the Bay Comm. v. Board of Port Comm’rs* (2001) 91 Cal.App.4th 1344, 1370-1371.)

SYRWCD previously commented that the 2007 RDEIR and 2011 2nd RDEIR failed to adequately analyze whether Alternative 5C will result in significant adverse impacts on downstream water quality or water quantity due to, among other things, reduction of ANA credits and stranding of BNA water, particularly during drought years. (SYRWCD 2007 RDEIR Comments, pp. 14-18; SYRWCD 2011 2nd RDEIR Comments, pp. 9-10.) In this regard, we provided detailed Tables 1, 2, and 3 which were model (SYRHM) runs quantifying, among other things, the significant additional loss of ANA credits that will result from implementation of Alternative 5C in contrast to Alternative 3C, during drought periods. (*Id.* at pp. 16-17.) The 2007 RDEIR and 2011 2nd RDEIR similarly failed to adequately analyze whether Alternative 5C will result in significant adverse impacts on downstream water quantity or quality due to, among other things, reduction of ANA credits, particularly during drought years. The 2nd RDEIR stated that “[n]o significant difference in management of ANA releases is expected to occur under the project alternatives compared to baseline (Alternative 2) operations.” (2nd RDEIR, p. 4.4-6.) However, the 2nd RDEIR nowhere actually quantifies the reduction of ANA releases or analyzes the management implications of these reductions, or explains why such reduction is or is not significant. Without this analysis and explanation, it is unclear from the 2nd RDEIR how the SWRCB could conclude that Alternative 5C meets all the project objectives and does not cause reductions in the ANA credits or impact stored BNA credit water. The FEIR not only fails to remedy these problems, but also fails to respond to the SYRWCD’s comments in this regard (see, e.g., FEIR, pp. 2.0-154, 155). The FEIR also fails to take into account the 1988 Upper Santa Ynez River Operations Agreement, which in taking effect in pass-through mode further reduces both ANA and BNA credits⁵ which, at a minimum, is relevant to the FEIR’s cumulative impacts analysis but was ignored by the FEIR.

From a management perspective, the amount of water available for releases from the ANA is important for several reasons. It not only is important in satisfying water rights between Bradbury Dam and Lompoc Narrows, it also acts to convey BNA water to users in the Lompoc Valley. Even more importantly, its storage in the Reservoir provides supplies that are essential during droughts.

SYRWCD identified these issues as potential water quantity and quality problems during Phase II of the 2003 Cachuma Hearing and in its Closing Brief (Closing Brief of SYRWCD, pp. 16-17). SYRWCD raised these issues in prior comments, including its comments on the 2007 RDEIR and its comments on the 2011 2nd RDEIR. Yet, inexplicably,

⁵ Under the pass-through mode of operation, which the City of Santa Barbara declared in 2007, silted-in Gibraltar Reservoir (capacity of about 5,250 acre-feet) enlarges to a virtual reservoir with a capacity of about 8,700 acre-feet and the additional water is passed through the Cachuma Project to South Coast water users. The effect of this operation is to reduce the ANA and BNA by 1% and 7%, respectively.

the FEIR still fails to address or adequately analyze these issues, especially as they relate to Alternative 5C.

As provided in SYRWCD's comments on the 2007 RDEIR (SYRWCD 2007 RDEIR Comments, pp. 17-18), SYRWCD's long-standing General Manager, Dr. Bruce Wales, has tracked the ANA and the BNA, managed water rights releases in real time, and studied the history of past releases. Dr. Wales' opinion is that during a prolonged drought, riparian wells could fail⁶, and as a result, land could be fallowed, perennial crops could be lost, and domestic uses would have to be curtailed, if Alternative 5C were to be implemented. The loss of ANA water, especially with Alternative 5C, could leave the SYRWCD with too little ANA water to transport BNA water to the Narrows, thus "stranding" this water in Cachuma Reservoir. Stranding BNA water (making it unavailable for percolation in the below Narrows area) would also tend to increase the salinity of groundwater on the Lompoc Plain. (See also, SYRWCD 2011 2nd RDEIR Comments, Technical Comments, p. 6.)

In addition, the FEIR also fails to explore what impacts Alternative 5C will have on the Settlement Agreement, even though the Draft Order states that adoption of Alternative 5C may require adjustment of the ANA or BNA (Draft Order, p. 95). Furthermore, protection of downstream water rights is an objective of the proposed project and addressed in the Settlement Agreement. To be considered as an alternative, Alternative 5C must satisfy the project objective of protecting downstream water rights. (CEQA Guidelines, § 15126.6(a).) But, the record fails to include any substantial evidence that Alternative 5C will do so.

3. The Draft Order's Findings and Statement of Overriding Considerations Are Legally Inadequate

When an EIR identifies one or more significant environmental effects of a project, a public agency cannot approve or carry out the project unless the agency makes one or more written findings for each of those significant impacts, accompanied by a brief explanation of the rationale for each finding. (CEQA Guidelines, § 15091(a).) Possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make

⁶ In fact, during the current extreme drought under Alternative 3C wells have failed until the arrival of water rights releases. Under Alternative 5C with fewer credits such relief would not be available.

infeasible the mitigation measures or project alternatives identified in the final EIR.
(*Id.*)

The FEIR concedes that it does not “specifically evaluat[e] the downstream condition for the ANA,” but nevertheless concludes that “the 2011 2nd REIR finds that downstream water quantities would be significantly impacted under Alternative... 5C. As a result, downstream water right holders, including those above and below the narrows, would be similarly impacted.” (FEIR, 2.0-155.) The basis for this conclusion appears to be lacking or at least unclear, and it may be inconsistent with other statements in the FEIR suggesting there is no significant impact to downstream water rights. Be that as it may, however, assuming there are significant impacts to downstream water rights or the ANA or BNA, the Draft Order must but does not include any of the required CEQA findings with regard to any such significant impacts, including whether feasible mitigation is available to “avoid or substantially lessen” those impacts.

In addition, when an EIR determines that a proposed project will have one or more significant and unavoidable effects on the environment, CEQA requires the decision-making agency to adopt a statement of overriding considerations. (Pub. Res. Code § 21081(b); CEQA Guidelines, § 15093.) A statement of overriding considerations must identify the specific reasons why the benefits of the proposed project outweigh the unavoidable environmental risks, and substantial evidence in the record must support those reasons. (*Id.*) “Substantial evidence . . . means enough relevant information and reasonable inferences from this information that a fair argument can be made to support” the agency’s determination that the project’s benefits outweigh its significant environmental risks. (CEQA Guidelines § 15384(a).) Mere speculation does not constitute substantial evidence. (*Id.*)

The Draft Order’s Statement of Overriding Considerations (“Statement”) is deficient for the reasons provided in Section 8 of Improvement District No. 1’s comments and Section 5 of CCRB’s comments on the FEIR and Draft Order, which are incorporated herein by this reference. In addition, it is unclear whether the FEIR and Draft Order view the impacts on downstream water rights or the ANA or BNA as insignificant, significant but mitigatable, or significant and unavoidable. To the *extent that* Alternative 5C will have any significant and unavoidable impacts to downstream water rights holders or the ANA or BNA, the Draft Order’s Statement is deficient because any such impacts are ignored by the Statement, not considered in the required balancing of Alternative 5C’s benefits against its unavoidable adverse effects, and there is no substantial evidence that the benefits of Alternative 5C outweigh any such adverse effects on downstream water rights. (Draft Order, p. 109.) This omission is prejudicial, given Alternative 5C’s additional adverse impacts on downstream water rights, some of which are tabulated below.

Water rights releases are made to replenish the Santa Ynez River alluvial groundwater basin between Bradbury Dam and the Lompoc Narrows and below the Lompoc Narrows. Improvement District No.1 relies on replenishments provided to the alluvial groundwater basin by water rights releases from the Above Narrows Account (ANA). Additionally, water

stored in Lake Cachuma under the ANA is a source of drought water supply for water users downstream of Bradbury Dam. The amount of credits accrued to the ANA is crucial in the management of water supply for the water right holders in the Above Narrows area. Water rights releases from the ANA are impacted by the proposed alternatives when compared to the WR 89-18 operations (Alternative 1). In addition, as explained above, reduction of ANA adversely impacts the BNA by stranding BNA water that is needed in but cannot reach the below the Lompoc Narrows area and the City of Lompoc.

The average annual amounts of releases from the ANA for Alternatives 1, 3C and 5C are shown below. The average annual reductions in the ANA releases under these alternatives are compared to Alternative 1 in Table 2. The average annual reduction in the downstream water rights releases (ANA) under Alternatives 3C would be 13 percent. Under Alternative 5C, the reduction in the releases from the ANA would be 19 percent. In other words, the average annual decrease in the amount of available water in the ANA for releases would be about 20 percent under Alternative 5C. This level of reduction in the ANA would impair the supply of water to replenish the downstream alluvial groundwater basin which in turn impacts the supply and quality water that needs to be delivered for use by Improvement District No. 1, the City of Lompoc and many others.

**Average Annual Impacts on Releases from Above Narrows Account
 1918-1993, SYRHM
 (acre-feet)**

	Alt 1: WR 89- 18	Alt 3C: BO with 3' Surcharge	Alt 5C: 3C with Table 2 flows in Above-Normal/Wet Years
ANA Releases	4,559	3,949	3,690
Differences in ANA Releases	---	-610	-869
Percent Reduction in ANA Releases	---	-13%	-19%

Despite the clear impacts of Alternative 5C to downstream water rights, the Draft Order essentially dismisses them out of hand and/or gives them no weight.

4. Alternative 5C Will Benefit Invasive Bass and Beavers at the Expense of Endangered Steelhead

The Draft Order's conclusion that implementing Alternative 5C will benefit the steelhead population is not supported by substantial evidence in the record and in several respects is directly contrary to the evidence. The record clearly shows that increased flows in the mainstem Santa Ynez River will benefit beavers and non-native predator populations

(primarily bass) to the detriment of steelhead. In this regard, the SYRWCD joins and hereby incorporates by reference Section 3 of CCRB's comments on the Draft Order and FEIR.

The Draft Order asserts that water rights releases have created conditions favorable to predator and other exotic species. (Draft Order, p. 47 ["Reservoir operations to satisfy downstream water rights also modify natural flow patterns in a manner favorable to predator species and other exotic species."].) However, this assertion is not supported by any substantial evidence. Water right releases under WR 89-18 occur for only a short period (typically weeks to a few months) within a year and do not occur in every year. Given their relatively short duration and inconsistent occurrence among years, there is no basis for concluding that these releases result in an increase in abundance of predatory or other exotic fish species in the mainstem river.⁷ Unlike Alternative 5C, water rights releases do not create perennial flows. Providing increased perennial regulated flows in the mainstem river, as outlined in the Draft Order would, however, be expected to increase habitat for warm water predatory fish, which through an increase in their size and abundance in the mainstem, results in an increased risk of predation mortality for rearing and migrating juvenile steelhead.

Again, more water associated with Alternative 5C will produce willows, beavers and bass as discussed in the comments referenced above. On the other hand, no discernable vegetation or habitat impacts caused by water rights releases were identified in the Santa Ynez River Vegetation Monitoring Study required by DFG and submitted by Reclamation to the SWRCB. Quite simply, producing a perennial river produces these problems: water rights release operations do not.

5. The Draft Order Impermissibly Fails To Balance Public Trust Uses With Other Public Interests, Including Protection of Downstream Water Rights, and Misconstrues and Misapplies Fish & Game Code § 5937

As provided in Section 6 of Improvement District No. 1's comments and Section 6 of CCRB's comments on the Draft Order and FEIR, which are incorporated herein by this reference, the Draft Order misconstrues and misapplies the public trust doctrine as set forth by the California Supreme Court in *National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419 ("*National Audubon*"). The Draft Decision unmistakably elevates steelhead above all other Santa Ynez River-related resources and water uses, with no balancing of those resources, as California law requires.

In this regard, the Draft Order's public interest determination considers: "1) the water supply impacts of measures designed to protect public trust resources, and 2) the extent to which any water supply impacts can be minimized through the implementation of water

⁷ While Cachuma Reservoir operations change the frequency and amount of spills (high flows) as well as the frequency and amount of low flows, WR 89-18 water rights releases do not have anything to do with this. Bass predators are resident in the reservoir, escape downstream repeatedly with spills and have residualized to the lower river.

conservation measures.” (Draft Order, p. 37.) However, the Draft fails to adequately consider the public interest in protection of downstream water rights. Clearly, there is a strong public interest as well as legal duty to preserve downstream prior rights to Santa Ynez River including pre-Cachuma groundwater recharge. (E.g., Sawyer, *State Regulation of Groundwater Pollution Caused by Changes in Groundwater Quantity or Flow* (1988) 19 Pacific L.J. 1267, 1292 (“where surface water diversions would reduce groundwater supplies, a surface water appropriator cannot obtain a right to divert those surface waters if the effect would be to impair the rights of overlying users or prior groundwater appropriators dependent on the affected groundwater supply.”).) The protection of downstream water rights is a primary objective of the FEIR’s proposed project. Indeed, the requirement that releases for protection of downstream water rights be made below the Dam has been embedded in the Cachuma Project permit conditions from the very beginning (see Decision 886), due to the public interest in protecting from harm conditions that would have existed without the Cachuma Project for the benefit of residents and other users who rely upon the Santa Ynez River downstream of Bradbury Dam.

The Draft Order’s omission of downstream water rights protection from its public interest balance is particularly prejudicial because, as explained above, there is substantial evidence that Alternative 5C will have adverse impacts on the ANA and BNA although those impacts have not been sufficiently evaluated in the FEIR. The Draft Order addresses the topic of “Protection of Downstream Water Rights” in relation to the Settlement Agreement, but only does so on a *post hoc* basis after already justifying Alternative 5C without regard to downstream water rights, recognizing that “the accounting methodologies for the ANA and BNA may need to be adjusted again in light of implementation of the higher fish flows called for by this order.” (Draft Order, p. 95.) In addition to providing confirmation that the Draft Order fails to consider downstream water rights as part of its public interest balance, this recognition illustrates the lack of and need for further analysis of Alternative 5C’s impacts on downstream water rights pursuant to CEQA. It is improper under CEQA to substitute deferred mitigation measure for actual analysis. (See *Sierra Club v. Board of Forestry* (1994) 7 Cal.4th 1215, 1233 [CEQA compels government first to identify the significant effects of projects, and then to mitigate those effects through imposition of feasible mitigation measures or through selection of feasible alternatives].)

Finally, the Draft Order misconstrues and misapplies Fish & Game Code section 5937. Fish & Game Code section 5937 provides in pertinent part:

“The owner of any dam shall allow sufficient water at all times to pass through a fishway, or in the absence of a fishway, allows sufficient water to pass over, around or through the dame to *keep in good condition* any fish that may be planted or exist below the dam.” (Emphasis added.)

The Draft Order provides that “Section 5937 is a legislative expression of the reasonable use and public trust doctrines, which the State Water Board considers when exercising its authority under those doctrines.” (Draft Order, p. 22, citing *Cal. Trout, infra.*)

However, the operative word in section 5937 is to “keep,” which means to: “preserve, maintain.” (Merriam Webster Online Dict., <http://www.merriam-webster.com/dictionary/keep> [as of Nov. 27, 2016]; *Natural Resources Defense Council v. Patterson*, 791 F.Supp. 1425, fn. 20 (E.D. Cal. 1992) [“In § 5937, the affected area is the river bed below the dam and the beneficial need is defined as the *maintenance* of fish and wildlife.”]; *California Trout, Inc. v. State Water Resources Control Bd.* (1989) 207 Cal.App.3d 585, 626 [“[S]ection 5937 is a legislative expression of the public trust *protecting* fish as trust resources *when found below dams.*”].)

The Draft Order stretches Section 5937 far beyond its plain language. The Draft Order not only requires fish flows that will preserve or maintain the condition of existing steelhead, but also, by its own admission requires additional Table 2 flows to attempt to produce habitat that will hopefully “recover” or “restore” steelhead to a good condition (a questionable proposition as explained herein) – a condition that the Draft Order concludes does not otherwise exist (in part due to other dams upstream of the Cachuma Project) but which the Draft Order nevertheless attempts to “achieve” by additional Table 2 fish flows. (Draft Order, pp. 2, 60.) Not only are these additional flows beyond what the public trust doctrine and Section 5937 require, they fail to satisfy the primary project objective of protecting downstream water rights, and, as explained below, they also violate Article X, section 2 of the California Constitution.

6. The Flow Regime Required by The Draft Order Violates Article X, Section 2 of the California Constitution

Article X, section 2 of the California Constitution provides that “the waste or unreasonable use or unreasonable method of use of water [must] be prevented, and that the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare.” Although Fish & Game Code section 5937 may represent a legislative determination that the release of water from a dam for the purpose of keeping fish below the dam in “good condition” constitutes a reasonable use of water, the release of water in excess of the amount needed to keep fish in good condition is unreasonable if there would be adverse effects on other beneficial uses of water. (E.g., *In the Matter of the Diversion and Use of Water from Big Bear Lake, etc.*, Order WR 95-4, 1995 WL 17908291, at *11 (Feb. 16, 1995).) As explained above, Alternative 5C requires additional flows beyond what is necessary to satisfy Section 5937, public trust values and the public interest, and such additional flows are unreasonable because they will adversely impact downstream water rights, including the ANA and BNA, and water quality. The Draft Order also mandates an unreasonable use of water in violation of Article X, section 2 for the reasons set forth in Section 7 of Improvement District No. 1’s comments and Section 7 of CCRB’s comments on the Draft Order and FEIR, which are incorporated herein by this reference.

7. The State Water Board Should Adopt Alternative 3C, the Preferred Environmental Alternative

As discussed above, and in prior comments, Alternative 3C is the preferred environmental alternative and should be adopted by the SWRCB. Alternative 3C is consistent with and does not threaten the viability of the Settlement Agreement, and furthers public trust values and relevant public interests by providing fish flows consistent with the BO – which has benefitted steelhead – and does so with the least impact to Cachuma Project water supplies and downstream water rights. The benefits to steelhead of Alternative 3C are supported by substantial evidence in the record and have actually been realized in the real world.

In stark contrast to Alternative 3C, the benefits of Alternative 5C are speculative at best. Given the speculative benefits to steelhead and clear impacts of Alternative 5C on water rights in addition to the other problems discussed above, Alternative 5C should not be approved by the SWRCB. It is not time to play a game of Russian Roulette with the fragile ecosystem and myriad of water supply interests that rely on the Santa Ynez River each and every day, which has been and continues to be benefitted by Alternative 3C and the Settlement Agreement.

The Draft Order's conclusion that "[t]en years after implementation of the Biological Opinion, the Santa Ynez River steelhead population is not showing signs of recovery" does not adequately acknowledge Reclamation's actions under the BO. (*Id.* at 61.) Since the BO's long-term flow regime was not implemented until about 2005, its effects were evaluated on only 5 years of data. (FEIR Volume IV Appendix G at Table 11.) Because the steelhead lifecycle is approximately 4 to 6 years, 5 years is not enough time to expect population-level changes in abundance. Increased reproduction across multiple generations is usually required to see substantial changes in population size. Additionally, since 2012, the Santa Ynez River has experienced the worst drought on record which has prevented steelhead population increase. The Draft Order relies on the lack of a response in the steelhead population in 6 years to justify a significant increase in releases, the purported benefits of which are speculative.

If the SWRCB is concerned that further time is necessary to determine the full benefits of Alternative 3C, as an adaptive management measure, the SWRCB can order further studies of Alternative 3C in addition to or in lieu of additional studies of Alternative 5C. The SYRWCD also supports the permit term proposed in Improvement District No. 1's comments, regarding the suspension and/or further study of the 1.5-cfs target requirement at Alisal Bridge in the year after a spill which experience has shown results in more releases and more adverse impacts than modeled and studied in the FEIR for Alternatives 3C and 5C.

8. Undisputed Expert Testimony in the Record Demonstrates that Potential Use of Table 2 Flows to Satisfy Downstream Water Rights Has Been Proven Unworkable and Should Not Be Studied Further

The Draft Order requires Reclamation, as the “rightholder,” to study (among other things) the “extent to which the Table 2 flows can be conjunctively used to satisfy downstream water rights and whether any adjustments to the ‘above Narrows’ account or the ‘below Narrows’ account are warranted in order to minimize the effects of release or bypass flow requirements on Cachuma Project yield.” (Draft Order, p. 120.) This study is inappropriate and should not be pursued.

This concept has been around at least since 1996 (Draft Order, p. 23), was presented and rejected as an alternative in the Cachuma Project Contract Renewal FEIS, was discussed with NMFS and dismissed during the preparation of the NMFS’s BO and is a fruitless endeavor because the purposes and realities of fish flows and the water rights accumulation, storage and release system in WR 89-18 are generally not compatible and use of water rights releases in conjunction with Table 2 flows is unworkable.

This was explained in detail in the Cachuma Project Phase II hearings before the SWRCB. For example, Mr. Ali Shahroody testified why water rights releases are made in the manner they are and why, if water rights releases were extended over a longer period of time, the ANA would become exhausted and not be available in a drought year. In addition, if water rights releases were extended, he described how sufficient BNA water would not be able to be transported to the BNA (Lompoc) area for recharge (MU Exhibit 264-2nd Page 3). Mr. Shahroody detailed the results of such a scenario which include: (a) the amount of water able to be delivered to the BNA area would be diminished; (b) diminished quantities delivered to the BNA area would result in reduced supply and deterioration of water quality in the Lompoc area as BNA water would be “stranded” in Cachuma Reservoir; and (c) the ANA would be depleted prematurely without providing drought protection for downstream water users (MU Exhibit 264-2nd p. 3 and 4; R.T. 1004-05). Mr. Shahroody also noted that there had been several studies and evaluations in the past of potential changes to water rights releases and documents were presented summarizing those findings and associated problems with such potential changes. (See November 18, 1999 letter from Michael Jackson to Jim Lecky (SYRWCD Exhibit 7) and November 11, 1998 letter from Ali Shahroody to Craig Fusaro (SYRWCD Exhibit 8); R.T. 1007-08). No evidence was presented to contradict or question Mr. Shahroody’s testimony.

Mr. Shahroody also explained how the objective of water rights releases as follows:

“The objective of downstream water right releases is to percolate the quantity of water which would have occurred from the unregulated flows. That means in absence of the dam in the river. To the extent that we have regulation and storage by the Cachuma Project, there are impairments to the percolation, and those percolations are quantified in terms of the accounts, Above Narrows Account and Below Narrows Account. And the releases are basically to percolate effectively those quantified impairments due to the project. And to do that, that requires to percolate that water effectively in the riverbed which would turn out to be dry.” (R.T. 1001-1002).

In delivering the BNA water for recharge in the Lompoc Plain, any percolation occurring in the above Narrows area is debited to the ANA. The ANA is managed to deliver the BNA water to the Lompoc Plain and to meet the needs of water users in the above Narrows area. That is why downstream water rights releases are not made in wet periods or when the dewatered storage is less than 10,000 acre-feet. As explained by Mr. Shahroody, continuous releases of water rights water would result in depleting the ANA, without providing drought protection, and not being able to make the delivery of BNA water to Lompoc. If water rights releases were made when water cannot be recharged effectively, then most of those releases would flow beyond the recharge areas. This would cause an impairment of downstream water rights and deterioration of water quality in the Lompoc groundwater basin (R.T. 1002-1005; MU 264-2nd p. 2-4). No evidence was presented to contradict or question Mr. Shahroody's testimony, and no further study in this regard is necessary.

9. The SYRWCD Should Have the Right to Fully Participate and Have a Say in Any Studies and Proposed Changes that May Affect Downstream Water Rights Releases, the ANA or BNA, or the Settlement Agreement

SYRWCD believes that the study mentioned above is unnecessary because the underlying concept has already been proven to be unworkable by substantial evidence in the record. There is no reason to re-plow the same ground once again. However, if the study is nevertheless mandated, SYRWCD is an interested stakeholder and should be consulted and involved in and have an appropriate say in the study including in the scoping and conduct of the work. This should be the case for not only the above-referenced study regarding use of Table 2 flows to satisfy downstream water rights or alter ANA or BNA accounting, but also all other studies and changes that may affect downstream water rights or water rights releases including the studies and potential changes to Table 2 flows referenced in Paragraphs 9 through 11, inclusive, of the Draft Order (pages 117-123) and including any adjustments to the accounting methodologies for the ANA or BNA.⁸

In particular, the Draft Order suggests that the Alternative 5C may adversely impact the Settlement Agreement without any analysis in this regard. The Draft Order contains a rather cryptic statement that "accounting methodologies for the ANA and BNA may need to be adjusted [yet] again in light of implementation of the higher fish flows called for by this order" and provides for a reservation of authority to make changes that may be necessary based on any changes to the Settlement Agreement. (Draft Order, pp. 95-96.) While the

⁸ We note that the Draft Order allows for changes to Table 2 Flows by the Executive Director if there are no greater "water supply impacts" (E.g., Draft Order, pp. 78-80.) SYRWCD objects to this delegation of authority to the Executive Director for the reasons set forth in Section 2 of CCRB's comments on the Draft Order, and, also, to the extent any such changes could be made notwithstanding impacts to downstream water rights or supplies (including the ANA and BNA). In addition, the final order should clarify that "water supply impacts" includes impacts to downstream water rights and supplies where applicable.

SYRWCD does not believe Alternative 5C is appropriate nor should it be adopted if it will adversely impact the Settlement Agreement, SYRWCD should be able to participate and have a say in any proposed adjustment to the accounting methodologies for the ANA and BNA.

As the Draft Order recognizes, the SYRWCD is one of the primary water supply interests concerned with the effects of the Cachuma Project on downstream water supply, has played an active role in prior SWRCB decisions and orders, and is the party that is responsible for ordering water rights releases pursuant to WR 89-18. (Draft Order, p. 8.) Thus, it is clear that the SYRWCD is a stakeholder and has standing to and should participate and have a say in any process regarding studies and changes that could impact downstream water rights and downstream water rights releases affected by the Cachuma Project and Reclamation's water rights permit conditions. **SYRWCD, therefore, requests that the State Water Board's final order allow SYRWCD and the other parties with demonstrated water right/quality interests in downstream water rights releases, to participate and have a say in the design, approval and implementation of any studies and proposed changes that may affect downstream water rights – including and in particular any study or proposed change concerning the potential adjustment of accounting methodologies for the ANA or BNA.**

10. Conclusion

The SYRWCD appreciates the opportunity to comment on the Draft Order. As explained above, SYRWCD was formed for protection of the rights of Santa Ynez River water users downstream of the Cachuma Project's Bradbury Dam, including domestic, municipal and agricultural users who vitally rely upon the appropriate amount and timing of downstream water rights releases for direct diversion and groundwater replenishment. After many years of technical studies and negotiations, the SYRWCD and other interested parties, including the City of Lompoc, Improvement District No. 1 and CCRB, entered into the Settlement Agreement which included minor technical amendments to be adopted by the SWRCB to resolve a long-standing dispute regarding the impacts of the Cachuma Project on downstream water rights and water quality. For the reasons explained above, SYRWCD believes that the public interest is best served by adoption of Alternative 3C, with the technical amendments described in Exhibit "C" of the Settlement Agreement. Alternative 3C is the environmentally preferred alternative, is in accord with the BO which has been in place for several years, has benefitted steelhead, and will best protect downstream water rights and public trust values.

In contrast to Alternative 3C, the impacts of untested Alternative 5C have not been adequately studied, evaluated or mitigated as required by CEQA. However, it is clear that Alternative 5C will have greater impacts to downstream water rights - including loss of ANA and BNA water needed to replenish downstream groundwater basins and mitigate water quality impacts particularly in drought years. Alternative 5C risks reviving serious legal disputes on the River relating to the Cachuma Project which were put to rest by the Settlement Agreement. At the same time, Alternative 5C has speculative benefits to steelhead, and its

additional flows – which are contrary to Article X, section 2 and not required Fish & Game Code section 5937 or other applicable law or the public interest – will create additional habitat in the mainstem of the River where its perennial flows (unlike water rights releases) are likely to promote steelhead predators, including bass, and actually harm the steelhead fishery which has been benefitted by Alternative 3C. While the full benefits of Alternative 3C have not yet been realized, the final order should require further study of Alternative 3C in lieu of the more risky course of implementing Alternative 5C which the Draft Order acknowledges is in need of more study.

Finally, with regard to future studies required by the State Water Board's final order, the SYRWCD has long-standing involvement and experience with the Cachuma Project, particularly the development and implementation of the current, detailed downstream water rights release regime described in WR 73-37, as amended by WR 89-18. **Thus, SYRWCD believes it is important and respectfully requests that SYRWCD be allowed to participate and have a say in any study or proposed change that may affect downstream water rights or supplies (including any adjustments to the ANA or BNA).**

In conclusion, the SYRWCD sincerely appreciates the effort that the State Water Board has invested in the difficult process of striking the balance of the appropriate releases to be made from Bradbury Dam to protect both downstream water rights and public trust values, including steelhead. Alternative 3C strikes that balance; Alternative 5C does not. Thus, the SYRWCD supports the continued implementation of Alternative 3C including the minor modifications to WR 89-18 presented by Reclamation in the technical amendments to Exhibit "C" to the Settlement Agreement.

Once again, thank you for the opportunity to submit comments on this very important project, including the Draft Order and FEIR.

Very truly yours,

THE LAW OFFICES OF YOUNG
WOOLDRIDGE, LLP



Ernest A. Conant
Steven M. Torigiani

cc: Cachuma Project Evidentiary Hearings Service List
(http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/cachuma/docs/cachuma_servlist_090716.pdf)

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF KERN

I, Kristen L. Moen, declare: I am and was at the times of the service hereunder mentioned, over the age of eighteen (18) years, and not a party to the within cause. My business address is 1800 30th Street, Fourth Floor, Bakersfield, CA 93301.

On December 9, 2016, I caused to be served the below listed document(s) entitled as: **Santa Ynez River Water Conservation District's Comments on the Draft Order Dated September 7, 2016 Amending Permits 11308 and 11310 Held by the United States Bureau of Reclamation for the Cachuma Project, Santa Ynez River, Santa Barbara County ("Draft Order"); Supplemental Comments on Cachuma Project Water Rights Hearing Final EIR dated December, 2011 ("FEIR")** on the interested parties in this action, as listed below:

SEE ATTACHED SERVICE LIST

- (BY MAIL) on December 9, 2016, at Bakersfield, California, pursuant to C.C.P. Section 1013(a). By placing / / the original or / x / a true copy thereof enclosed in a sealed envelope. I am readily familiar with the firm's practice of collection and processing of documents for mailing. Under that practice it would be deposited with United States Postal Service on that same day with postage thereon fully prepaid at Bakersfield, California in the ordinary course of business.
- (BY ELECTRONIC SERVICE) on the date indicated below, pursuant to C.C.P. Section 1010.6; 1013(g), I caused such document to be electronically delivered to the recipient(s) via electronic service.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 9, 2016, at Bakersfield, California.



KRISTEN L. MOEN

Cachuma Project Evidentiary Hearings
Service List (updated 09/07/2016)

(Based on 01/05/2004 list, updated 07/26/2007, updated 06/08/2010, updated 01/20/2011, updated 05/13/2011, updated 07/29/2011, updated 01/05/2012, updated 01/30/2012, updated 03/28/2012, updated 12/12/2013, updated 01/06/2014(corrected), updated 01/23/14, updated 03/13/2014, updated 08/17/2016, update 09/07/16.)

The parties whose email addresses are listed below agreed to accept electronic service, pursuant to the rules specified in the hearing notice.

<p>Cachuma Conservation Release Board Mr. Kevin O'Brien Downey Brand LLP 621 Capitol Mall, Floor 18 Sacramento, CA 95814 kobrien@downeybrand.com bcougar@downeybrand.com</p> <p><i>updated 01/05/2012</i></p>	<p>City of Solvang Mr. Christopher L. Campbell Baker, Manock & Jensen 5260 N. Palm Avenue, Suite 421 Fresno, CA 93704 ccampbell@bakermanock.com</p> <p><i>updated 07/29/2011</i></p>
<p>Santa Ynez River Water Conservation District, Improvement District No. 1 Mr. Paeter Garcia Best Best & Krieger LLP 3390 University Avenue, 5th Floor Riverside, CA 92501 Paeter.Garcia@BBKlaw.com</p> <p><i>updated 08/15/2014</i></p>	<p>City of Lompoc Mr. Nicholas A. Jacobs Somach, Simmons & Dunn 500 Capitol Mall Suite 1000 Sacramento CA 95814 njacobs@somachlaw.com</p> <p><i>updated 01/06/2014</i></p>
<p>Santa Ynez River Water Conservation District Mr. Ernest A. Conant Law Offices of Young Wooldridge 1800 – 30th Street, Fourth Floor Bakersfield, CA 93301 econant@youngwooldridge.com</p>	<p>California Trout, Inc. Ms. Linda Krop Ms. Maggie Hall Environmental Defense Center 906 Garden Street Santa Barbara, CA 93101 lkrop@environmentaldefensecenter.org mhall@environmentaldefensecenter.org</p> <p><i>updated 08/17/2016</i></p>
<p>County of Santa Barbara Mr. Michael C. Ghizzoni, County Counsel 105 E. Anapamu Street Santa Barbara, CA 93101 mghizzoni@co.santa-barbara.ca.us</p> <p><i>updated 08/12/2016</i></p>	<p>U.S Bureau of Reclamation Ms. Amy Aufdemberg 2800 Cottage Way, Room E-1712 Sacramento, CA 95825 Fax (916) 978-5694 AMY.AUFDEMBERGE@sol.doi.gov</p> <p><i>updated 08/12/16</i></p>

**Cachuma Project Evidentiary Hearings
Service List (updated 09/07/2016)**

(Based on 01/05/2004 list, updated 07/26/2007, updated 06/08/2010, updated 01/20/2011, updated 05/13/2011, updated 07/29/2011, updated 01/05/2012, updated 01/30/2012, updated 03/28/2012, updated 12/12/2013, updated 01/06/2014(corrected), updated 01/23/14, updated 03/13/2014, updated 08/17/2016, update 09/07/16.)

The parties whose email addresses are listed below agreed to accept electronic service, pursuant to the rules specified in the hearing notice.

California Department of Fish and Wildlife Ms. Nancee Murray Senior Staff Counsel 1416 Ninth Street, 12 th Floor Sacramento, CA 95814 Nancee.Murray@wildlife.ca.gov <i>updated 08/15/2016</i>	Bureau of Reclamation, Mid-Pacific Region Mr. Michael Jackson Area Manager South-Central California Area Office 1243 N Street Fresno, CA 93721-1813 mjackson@usbr.gov
Montecito Water District Robert E. Donlan Ellison, Schneider & Harris L.L.P. 2600 Capitol Avenue, Suite 400 Sacramento, CA 95816 red@eslawfirm.com	Santa Barbara County CEO's Office Ms. Terri Maus-Nisich, Assistant CEO 105 E. Anapuma Street, 4 th Floor Santa Barbara, CA 93101 tmaus@co.santa-barbara.ca.us <i>updated 09/07/2016</i>

The parties listed below did not agree to accept electronic service, pursuant to the rules specified by this hearing notice.

NOAA Office of General Counsel Southwest Region Mr. Dan Hytrek 501 West Ocean Blvd., Suite 4470 Long Beach, CA 90802-4213 Dan.Hytrek@noaa.gov <i>updated 05/13/2011</i>	
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