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# CITY OF LOMPOC

STATE WATER RESOURCES CONTROL BOARD  
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DIV. OF WATER RIGHTS  
SACRAMENTO

October 18, 2010

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

Re: Completion of Final Environmental Impact Report (FEIR) and Water Rights Decision for Cachuma Project – United States Bureau of Reclamation Water Rights Permits 11308 and 11310

Dear Mr. Lindsay:

This letter is written on behalf of the City of Lompoc (Lompoc) in response to the requests made by both the National Marine Fisheries Service (NMFS) and the California Department of Fish and Game (DFG) to delay completion and release of the Final Environmental Impact Report on the Cachuma Project. Lompoc joins in the comments provided by letter dated September 28, 2010 from the Cachuma Conservation Release Board and the Santa Ynez River Water Conservation District, Improvement District No. 1, as well as the comments provided by letter dated October 4, 2010 from the Santa Ynez River Water Conservation District.

Neither NMFS nor DFG provides sufficient justification for delaying the release of the FEIR beyond the time period set forth by the State Water Resources Control Board in the schedule submitted to the parties in May 2010. As acknowledged by NMFS and DFG, the Steelhead Recovery Plan is currently a draft document. No information is given as to when the recovery plan will be finalized. Moreover, after it is made final, the recovery plan has no legally binding effect upon the State Water Resources Control Board. The State Water Resources Control Board is legally free to disregard any aspect of the recovery plan. Thus, the existence of a draft recovery plan should not be considered substantial evidence justifying delay in the completion or release of the FEIR.

Furthermore, Reclamation and NFMS have only recently reinitiated section 7 consultation under the federal Endangered Species Act. The process of reconsultation does not constitute substantial evidence requiring a delay in completion of the FEIR, particularly given the uncertainty of the end results.

Charles L. Lindsay, Chief

Re: Completion of FEIR and Water Rights Decision for Cachuma Project -- United States  
Bureau of Reclamation Water Rights Permits 11308 and 11310

October 18, 2010

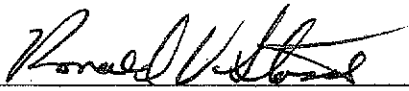
Page 2

Lompoc respectfully urges the State Water Resources Control Board to reject the request of NMFS and DFG and instead proceed expeditiously with the completion of the FEIR.

Sincerely,

CITY OF LOMPOC

By:



Ronald V. Stassi, Utilities Director

cc: Service List for Cachuma SWRCB Hearing (attached)

**Cachuma Project Hearing  
Phase-2 Hearing  
Final Service List  
(Last Updated 07/26/2007)**

<p>Cachuma Conservation Release Board Mr. Gregory K. Wilkinson Best, Best &amp; Krieger, LLP 3750 University Avenue, Suite 400 Riverside, CA 92501 gkwilkinson@bbklaw.com</p>	<p>City of Solvang Mr. Christopher L. Campbell Baker, Manock &amp; Jensen 5260 N. Palm Avenue, Suite 421 Fresno, CA 93704 clc@bmj-law.com</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>City of Lompoc Ms. Sandra K. Dunn Somach, Simmons &amp; Dunn 500 Capitol Mall, Suite 1000 Sacramento, CA 95814 sdunn@somachlaw.com</p>
<p>Santa Ynez River Water Conservation District, Improvement District No. 1 Mr. Gregory K. Wilkinson Best, Best &amp; Krieger, LLP 3750 University Avenue, Suite 400 Riverside, CA 92501 gkwilkinson@bbklaw.com</p>	<p>Santa Barbara County Parks Ms. Terri Maus-Nisich Director of Parks 610 Mission Canyon Road Santa Barbara, CA 93105 tmaus@co.santa-barbara.ca.us</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. c/o Ms. Karen Kraus Environmental Defense Center 906 Garden Street Santa Barbara, CA 93101 kkraus@edcnet.org</p>
<p>Christopher Keifer NOAA Office of General Counsel Southwest Region 501 West Ocean Blvd., Ste 4470 Long Beach, CA 90802-4213 Christopher.Keifer@noaa.gov</p>	<p>Department of Fish and Game Office of General Counsel Nancee Murray 1416 Ninth Street, 12th Floor Sacramento, CA 95814 Nmurray@dfg.ca.gov</p>