
State Water Resources Control Board

NOTICE OF PUBLIC HEARING

The State Water Resources Control Board will hold a
Public Hearing to Review

**U.S. Bureau of Reclamation Water Right Permits 11308 and 11310
(Applications 11331 and 11332) To Determine Whether
Any Modifications in Permit Terms and Conditions Are
Necessary to Protect Public Trust Values and Downstream Water Rights
On the Santa Ynez River Below Bradbury Dam (Cachuma Reservoir)**

**And to Consider Change Petitions
For Water Right Permits 11308 and 11310**

Phase 2

The hearing will commence on
Thursday, March 29, 2012 at 10:00 a.m.

and continue, if necessary, on
Friday, March 30, 2012 at 10:00 a.m.

in the Coastal Hearing Room
Joe Serna, Jr. Cal/EPA Building
1001 I Street, Second Floor
Sacramento, CA

PURPOSE OF HEARING

The purpose of this hearing is to assist the State Water Resources Control Board (State Water Board or Board) in determining whether the Final Environmental Impact Report for the Consideration of Modifications to U.S. Bureau of Reclamation's (Reclamation) Water Right Permits 11308 and 11310 to Protect Public Trust Values and Downstream Water Rights on the Santa Ynez River below Bradbury Dam (Final EIR) should be entered into the administrative record for Phase 2 of the Cachuma hearing.

BACKGROUND

On September 25, 2000, the State Water Board issued a Notice of Public Hearing for this proceeding. The notice indicated that the hearing would be conducted in two phases. Phase 1 was held on November 6, 2000. On August 13, 2003, a second notice was issued that slightly modified the key hearing issues for Phase 2. Background information is set forth in the two previous notices.

All testimony and exhibits related to Phase 2 were received at the hearing on October 21, 22 and 23, 2003, and November 12 and 13, 2003. On November 13, 2003, the hearing officer, Peter Silva, determined the hearing record for the Cachuma Project would be left open for State Water Board staff to offer the Final EIR into evidence.

On December 8, 2011, the State Water Board issued the Final EIR. At that time, the Cachuma hearing parties were notified the Final EIR would be included in the administrative record for the Cachuma Project unless parties to the proceeding raised an objection by January 9, 2012. Three parties submitted timely objections to entering the Final EIR into the administrative record.

For more information, see:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/cachuma/

KEY ISSUE

1. Should the Final Environmental Impact Report for the Consideration of Modifications to Reclamation's Water Right Permits 11308 and 11310 to Protect Public Trust Values and Downstream Water Rights on the Santa Ynez River below Bradbury Dam be entered into the administrative record for the Cachuma Project?

HEARING OFFICER AND HEARING TEAM

State Water Board Member Tam Doduc will preside as the hearing officer over this proceeding. Other members of the Board may be present during the hearing. State Water Board staff hearing team members will include Dana Heinrich, Senior Staff Counsel, Ernie Mona, Engineer, and Jane Farwell, Environmental Scientist. The hearing team will assist the hearing officer and other members of the State Water Board throughout this proceeding.

HEARING PARTICIPATION

Hearing participation is limited to those parties that previously participated in the hearing for this matter. Because the administrative record was left open for the limited purpose of taking the Final EIR into evidence, the State Water Board will be the only party putting on witnesses for direct examination. The State Water Board intends to call Mr. Joe Gibson and Dr. Daryl Koutnick of Impact Sciences, Inc., as witnesses to authenticate the Final EIR and to be available for cross examination. Due to the limited purpose for which these witnesses will be called and the fact that the Final EIR is already publically available, the State Water Board will not prepare any direct testimony in advance for those witnesses. Other parties may cross-examine the State Water Board's witnesses on the Final EIR, the witnesses' oral testimony, and other relevant matters not covered in the direct testimony. (Gov. Code, § 11513, subd. (b).) Cross-examiners initially will be limited to one hour per panel of witnesses. The hearing officer has discretion to allow additional time for cross-examination if there is good cause demonstrated in an offer of proof. Redirect examination may be allowed at the

discretion of the hearing officer. Any redirect examination and recross examination permitted will be limited to the scope of the cross-examination and the redirect examination, respectively. Rebuttal witnesses may be allowed but any rebuttal shall be limited to evidence that is responsive to evidence presented in connection with the State Water Board's witnesses, and it does not include evidence that should have been presented during the case-in-chief of the party submitting rebuttal evidence. It also does not include repetitive evidence. Cross-examination of rebuttal evidence will be limited to the scope of the rebuttal evidence.

Hearing parties intending to present rebuttal evidence shall identify their rebuttal witnesses and prepare an outline of their testimony. In addition, this information, along with evidence of the qualifications of each witness and a statement of service must be **received** by the State Water Board, and served on each of the Cachuma hearing parties, no later than **12 noon on Tuesday, February 28, 2012.**

SUBMITTALS TO THE WATER BOARD

Any correspondence regarding this notice should be sent to:

Division of Water Rights
State Water Resources Control Board

Attention: Jane Farwell
P.O. Box 2000 Sacramento, CA 95812-2000 (by mail)
1001 I Street, 2nd Floor, Sacramento, CA 95814 (by hand delivery)
Phone: (916) 341-5349; Fax: (916) 341-5400

Email: wrhearing@waterboards.ca.gov
With Subject of "**Cachuma Project Hearing**"

IF YOU HAVE ANY QUESTIONS

During the pendency of this proceeding, and commencing no later than the issuance of this notice, there shall be no *ex parte* communications between State Water Board members or State Water Board hearing team staff and any of the other participants regarding substantive or controversial procedural matters within the scope of the proceeding. (Gov. Code, §§ 11430.10-11430.80.) Prior to February 28, 2012, questions regarding non-controversial procedural matters (Gov. Code, § 11430.20, subd. (b)) should be directed to Staff Counsel David Rose at (916) 341-5196 or by email at drose@waterboards.ca.gov; or to Environmental Scientist, Jane Farwell at (916) 341-5349, or by email at jfarwell@waterboards.ca.gov.


After February 28, 2012, please contact Senior Staff Counsel Dana Heinrich at (916) 341-5188, or by email at dheinrich@waterboards.ca.gov, or Environmental Scientist, Jane Farwell at (916) 341-5349, or by email at jfarwell@waterboards.ca.gov.

PARKING, ACCESSIBILITY AND SECURITY

The Cal/EPA Building is accessible to people with disabilities. Individuals who require special accommodations at the Cal/EPA Building are requested to contact Michele Villados, Office of Employee Assistance, at (916) 341-5881.

Due to enhanced security precautions at the Cal/EPA Building, all visitors are required to register with security staff prior to attending any meeting. To sign in and receive a visitor's badge, visitors must go to the Visitor and Environmental Services Center, located just inside and to the left of the building's public entrance. Depending on their destination and the building's security level, visitors may be asked to show valid picture identification. Valid picture identification can take the form of a current driver's license, military identification card, or state or federal identification card. Depending on the size and number of meetings scheduled on any given day, the security check-in could take up to fifteen minutes. Please allow adequate time to sign in before being directed to the hearing.

January 23, 2012
Date



Jeanine Townsend
Clerk to the Board

Enclosure

Cachuma Project Phase 2 Hearing
Final Service List
(updated 01/05/2012)

(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)

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. Gregory K. Wilkinson Best, Best & Krieger, LLP 3750 University Avenue, Suite 400 Riverside, CA 92501 gkwilkinson@bbklaw.com</p>	<p>City of Lompoc Ms. Sandra K. Dunn Somach, Simmons & Dunn 500 Capitol Mall Suite 1000 Sacramento CA 95814 sdunn@somachlaw.com</p> <p><i>updated 06/08/2010)</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. c/o Ms. Karen Kraus Environmental Defense Center 906 Garden Street Santa Barbara, CA 93101 kkraus@edcnet.org</p>

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

<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>Ms. Terri Maus-Nisich, Assistant CEO Santa Barbara County CEO's Office 105 E. Anapuma Street, 4th Floor Santa Barbara, CA 93101 tmaus@co.santa-barbara.ca.us <i>updated 01/05/2012</i></p>
<p>Dan Hytrek NOAA Office of General Counsel Southwest Region 501 West Ocean Blvd., Suite 4470 Long Beach, CA 90802-4213 Dan.Hytrek@noaa.gov <i>updated 05/13/2011</i></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>

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

County of Santa Barbara
Mr. Dennis Marshall, County Counsel
105 E. Anapamu Street
Santa Barbara, CA 93101
dmarshall@co.santa-barbara.ca.us