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May 11, 2011

DIV. OF WATER RIGHTS

VIA E-MAIL

Jane Farwell
Environmental Scientist
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

Re: Comments on Second Revised Draft Environmental Impact Report Prepared in Connection with Consideration of Modifications to the U.S. Bureau of 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 (Cachuma Reservoir) (SCH #1999051051)

Dear Ms. Farwell:

The City of Lompoc (City) appreciates the opportunity to submit the following comments on the State Water Resources Control Board's (SWRCB) Second Revised Draft Environmental Impact Report (2d RDEIR) regarding the operations of the Cachuma Project. The City has participated for decades in proceedings before the SWRCB on the Cachuma Project in order to protect the quantity and quality of its downstream water rights. As part of the most recent proceedings, the City submitted comments by letter dated October 7, 2003 on the August 2003 Draft Environmental Impact Report and by letter dated September 28, 2007 on the Revised Draft Environmental Impact Report for the Cachuma Project. Consistent with the SWRCB's notice of release of the 2d RDEIR, the City's comments are related to the revised chapters, particularly the Revised Chapter 6.0, Comparison of Alternatives and the conclusions reached therein. It is the City's understanding that these comments, as well as the previous comments submitted by the City, including the technical comments from Timothy Durbin and Paul Bratovich, will be responded to in the Final EIR.

Although the SWRCB has addressed some of the issues previously raised by the City, the 2d RDEIR continues to include alternatives that are neither reasonable nor feasible. As noted on page 3.0-18 of the 2d RDEIR, the City does not consider Alternative 4B to be a viable alternative. Alternative 4B relies on State Water Project (SWP) water in exchange for water available for recharge to the Lompoc Plain from the Below Narrows Account (BNA). To implement this alternative, an agreement on a secure delivery of SWP water for recharge would be necessary, even when the SWP deliveries are curtailed. (See 2d RDEIR at p. 3.0-17.) The requirement of such an agreement serves to harden the demand for SWP water at a time when the State is looking to diversify regional water supply portfolios to improve water supply reliability and reduce dependence on the Delta. (See Wat. Code, § 10608.)

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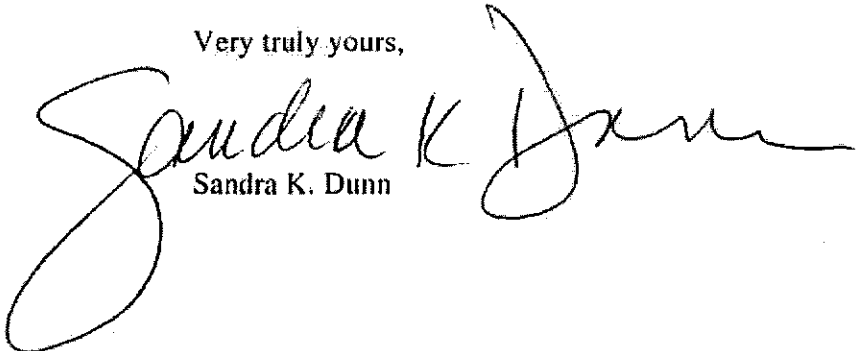
Furthermore, in the Biological Opinion issued by the National Marine Fisheries Service (NMFS) for the Cachuma Project Operations, NMFS expressed concern that salmonids may incorrectly imprint on SWP water and thus included a reasonable and prudent measure in the Biological Opinion requiring Reclamation to avoid mixing CCWA water (SWP water) in the Santa Ynez River downstream of Bradbury Dam when steelhead smolts could be imprinted with it. (See Biological Opinion at Appendix D, p. 68.)

In addition, the full range of environmental impacts of Alternative 4B is currently unknown. Further environmental review on the construction elements of Alternative 4B would be necessary. Without a full assessment of the impacts associated with Alternative 4B, Lompoc questions the SWRCB's conclusion that Alternative 4B represents an environmental superior alternative. In fact, for the reasons stated herein, in addition to the comments previously submitted, the City contends that Alternative 4B is not a reasonable alternative for consideration by the SWRCB.

The City of Lompoc entered 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 the Operation of the Cachuma Project as a means of resolving its long-standing dispute over the operations of Cachuma and as a practical means of protecting its downstream water rights. Alternative 3C, which incorporates the Settlement Agreement, is the alternative which best meets the objective of protecting downstream water rights, protecting public trust resources, and avoiding significant water supply impacts. As such, Alternative 3C is the most environmentally superior of all the alternatives.

In addition to the comments submitted herein, the City of Lompoc incorporates by reference the comments of the Santa Ynez River Water Conservation District and the Santa Ynez River Water Conservation District, Improvement District No. 1. The City appreciates the SWRCB's consideration of these and previously submitted comments.

Very truly yours,



Sandra K. Dunn

SKD:sb
Atch.

cc: Ron Stassi
Susan Segovia
Gene Margheim
Donald B. Mooney
Attached Service List

**Cachuma Project Hearing
Phase-2 Hearing
Final Service List
(Last Updated 01/20/11)**

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Service by Electronic Mail:

ENVIRONMENTAL RIGHTS

<p>Cachuma Conservation Release Board Kevin M. O'Brien Downey Brand LLP 621 Capitol Mall, Floor 18 Sacramento, CA 95814 kobrien@downeybrand.com tkuntz@downeybrand.com</p>	<p>City of Solvang Mr. Christopher L. Campbell Baker, Manock & Jensen 5260 N. Palm Avenue, Suite 421 Fresno, CA 93704 clc@bmj-law.com</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>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>

Service by fax or U.S. Mail:

<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>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>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>Department of Fish and Game Office of General Counsel Nancee Murray 1416 Ninth Street, 12th Floor Sacramento, CA 95814 Nmurray@dfg.ca.gov</p>