



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802- 4213

F/SWR:MHC

MAY 19 2003

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BEST BEST & KRIEGER

Peter S. Silva, Vice-Chair
California State Water Resources Control Board
1001 I Street
Sacramento, California 95814

Dear Vice-Chair Silva:

Re: Phase II Public Hearing, Cachuma Project (Water Rights Applications 11331 and 11332)

The National Marine Fisheries Service (NOAA Fisheries) wishes to modify its previous Notice of Intent to Appear in the above water-rights hearing to become a party. NOAA Fisheries would like to add additional witnesses to present material evidence in the above referenced Phase II Public Hearing. NOAA Fisheries believes that this requested modification to the previous Notice of Intent to Appear is warranted for the reasons discussed below.

One of the central issues raised in this hearing is the Public Trust interest in the steelhead resources of the Santa Ynez River. NOAA Fisheries listed the Southern California steelhead Evolutionarily Significant Unit (ESU), which includes the Santa Ynez River population, as an endangered species in 1997, and is currently in the process of developing a recovery plan for the ESU as a whole. NOAA Fisheries also issued a Biological Opinion (Opinion) to the Bureau of Reclamation on the operation of the Cachuma Project in 2000, pursuant to Section 7 of the Endangered Species Act, which addresses the effects of the Cachuma Project operations on endangered steelhead downstream of Bradbury Dam and in the ESU as a whole. Although the 2000 Opinion concluded that Cachuma Project operations were not likely to jeopardize the continued existence of the Southern California steelhead ESU, it did not address and identify those specific conservation and management measures that would be necessary for recovery of the ESU, including the population of steelhead in the Santa Ynez River.

NOAA Fisheries intends to provide the State Water Resources Control Board (Board) with information on the nature and scope of the 2000 Opinion, and its relationship to the recovery planning process for the Southern California steelhead ESU. We also intend to provide updated information on the status of the Santa Ynez River steelhead based upon a recent coast-wide review that we have undertaken of all listed Pacific Coast salmon and steelhead. Finally, NOAA Fisheries wishes to advise the Board of other conservation measures which may serve to meet the



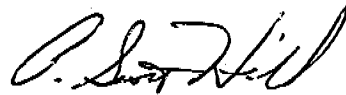
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Public Trust interests in the steelhead resources of the Santa Ynez River and that go beyond those mandatory measures which are contained in the 2000 Opinion for the Cachuma Project.

In summary, NOAA Fisheries requests the opportunity to add material witnesses to its previous Notice of Intent to Appear to address substantive issues regarding the Public Trust interest in the steelhead resources of the Santa Ynez River. Enclosed is a revised Notice of Intent to Appear which identifies the witnesses which NOAA Fisheries wishes to have participate in the Cachuma Project Phase II Hearing.

Your favorable consideration of this request would be greatly appreciated. If you have questions regarding this matter, please contact Christopher Keifer (562-980-4076).

Sincerely,



for Rodney R. McInnis
Acting Regional Administrator

Enclosure (Revised Notice of Intent to Appear)
cc: Cachuma Hearing Service List