CACHUMA CONSERVATION RELEASE BOARD
BOARD OF DIRECTORS

SPECIAL MEETING AGENDA

GOLETA WATER DISTRICT

Board Conference Room

4699 Hollister Avenue

Goleta, CA 93110

City of Santa Barbara (Kristen Sneddon, Dir.)

Goleta Water District (Lauren Hanson, Pres.)

Montecito Water District (Charles Tobe Plough, Dir.)

September 9, 2024
3:30 PM

Pursuant to the Brown Act, members of the Cachuma Conservation Release Board (CCRB) Board of Directors (Board) will attend this meeting in person, while other attendees, including members of the public, may attend in person or participate by videoconference. The remote conferencing link is as follows:

Join by videoconference:

https://us06web.zoom.us/j/82495270879

Join by conference call:

Dial 1.669.900.6833; enter code: 824 9527 0879#

CALL TO ORDER AND ROLL CALL OF BOARD MEMBERS

PUBLIC COMMENT PERIOD

Any member of the public may address the Board on any subject within the jurisdiction of the Board. The President of the Board will determine the total time for public comments. The Board is not responsible for the content or accuracy of statements made by members of the public, and no action will be taken by the Board on any Public Comment item. Those observing the meeting by video may comment during the designated public comment period using the "raise hand" feature of the video software. Commenters will be required to unmute their microphone when commenting. Those participating by telephone may comment during the designated public comment period by pressing *9 on the keypad to indicate such interest. Commenters will be prompted to press *6 to unmute their telephone when called upon to speak. CCRB will use best efforts to swiftly resolve requests for reasonable modifications or accommodations for individuals with disabilities, consistent with the Americans with Disabilities Act, and will resolve any doubt whatsoever in favor of accessibility.

CONSENT AGENDA

Matters listed here comprise a consent agenda that may be acted upon by a single roll call vote of the Board.

CA-1) Meeting Minutes

Approval of minutes of the Board of Directors' August 9, 2024 meeting.

CA-2) Unaudited Interim Financial Reports for Periods Ending June 30 and July 31, 2024

(Note: reports are being updated at this writing, and will be included in next report to the Board.)

REGULAR AGENDA

RA-1) Fiscal Year 2024/2025 Election of Officers

Take the following actions by motion and vote of the Board (Est. time: 5 min.):

a) Election of President
b) Election of Vice President

RA-2) State Water Board Order and Federal Consultation Process Update

Receive a status update regarding State Water Resources Control Board Water Rights Order 2019-0148 and the Consultation process underway with the U.S. Bureau of Reclamation and National Marine Fisheries Service. (Est. time: 10 minutes)

CLOSED SESSION AGENDA

CS-1) Conference with Legal Counsel – Anticipated Litigation

Initiation of litigation pursuant to Govt. Code sec. 54956.9(d)(4) (two potential cases)

Reconvene in open session and report on any actions taken in closed session pursuant to Government Code Sec. 54957.1.

REGULAR AGENDA (CONT.)

RA-3) Directors' Requests for Agenda Items for Future Board Meetings

RA-4) In Consideration of Rosh Hashanah, Set the Next CCRB Meeting for 3:00 pm Thursday, October 10, 2024, location TBD; and Adjourn

NOTICE TO PUBLIC

Americans with Disabilities Act: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Cachuma Conservation Release Board representative (*pcantle@ccrb-board.org*) at least 48 hours prior to the meeting to enable the Board to make reasonable arrangements.

[This Agenda was posted to the CCRB website and delivered in accordance with Sections 54954.1 and 54956 of the Government Code.]

MINUTES OF A SPECIAL MEETING
of the
CACHUMA CONSERVATION RELEASE BOARD
Held at Goleta Water District

August 9, 2024, 12:30 pm

CALL TO ORDER, ROLL CALL

The meeting was called to order at 12:32 pm by Board President Lauren Hanson. Those attending the meeting were:

Directors Present:

Lauren Hanson	Goleta Water District
Eric Friedman (alt.)	City of Santa Barbara
Tobe Plough	Montecito Water District

Also Present:

Dakota Corey	Scott Shapiro
Dana Hoffenberg	Joel Mulder
Nick Turner	Peter Cantle

PUBLIC COMMENT

No one from the general public attended the meeting or sought to comment.

CONSENT AGENDA

Executive Director Cantle noted that with the close of the fiscal year, constructive returns of $171,377 would be issued pro rata to Member Agencies, and that Nasif, Hicks, Harris would begin its audit, as authorized by the Board. Director Plough moved, and President Hanson seconded approval of June 6 and June 14, 2024 meeting minutes. The motion passed 2-0-1, Director Friedman abstaining. Director Plough moved, and Director Friedman seconded approval of the May 31, 2024 unaudited financial status report. The motion passed 3-0 by roll call vote.

REGULAR AGENDA

RA-1, Election of Officers. President Hanson noted the current slate includes herself and Director Sneddon as vice-president, and indicated her willingness to continue as Board president. Director Plough also indicated his availability to serve. After brief discussion, Director Friedman suggested tabling elections to the following meeting to allow Director Sneddon to participate. Counsel noted no concerns with postponement. The Board agreed and tabled the matter.

RA-2, Water Board Order and Consultation Update. Cantle advised the Board that Reclamation is now targeting mid- to late-August to distribute draft chapters of the Biological Assessment for review. Cantle will distribute to Member Agency staff on receipt, and will coordinate collation and Board review of any comments for return to Reclamation. Cantle also noted that the State Water Board denied Reclamation's petition for reconsideration on June 18, and that Reclamation is now on a schedule set by the Water Board to submit a steelhead passage study by June 2026. Reclamation has initiated efforts to assemble a passage study plan and has accepted CCRB's offer to provide technical support and assistance.

CLOSED SESSION

The Board went into Closed Session at 12:40 pm. The Board reconvened in Open Session at 1:20 pm, with no reportable actions.

REGULAR AGENDA – CONT.

RA-3, Agenda Items for Future Board Meetings. There were no items requested for future board meetings.

RA-4, Confirm Next Meeting(s) and Adjourn. Director Plough requested the regular September 5 meeting be moved to the following week. Cantle stated he would reschedule to a time and date suitable to all Board members. President Hanson adjourned the meeting at 1:22 pm.

Respectfully submitted,

Secretary to the Board

Cachuma Conservation
Release Board
Agenda Letter

Board of Directors

City of Santa Barbara

Goleta Water District

Montecito Water District

For Agenda Of:	September 9, 2024
Estimated Time:	5 minutes
Continued Item:	No
If Yes, date from:	

TO:	Board Members
FROM:	Peter Cantle, Executive Director
SUBJECT:	Item RA-1: Election of Officers for Fiscal Year 2024-2025

Legal Concurrence

As to form: N/A

Recommended Actions

a) Elect a Board President; and
b) Elect a Board Vice President.

Discussion

Section 8 of the CCRB Joint Powers Authority document directs the annual election of a President and Vice President, a process that typically occurs in July in alignment with the start of CCRB's fiscal year. Therefore, in its September 9, 2024 meeting (the first meeting of the Board since July 1 in which all primary members are present), the Board should elect a President and Vice President for the upcoming fiscal year. It is recommended that the current Board President conduct the election by taking nominations for President and Vice President, and that the Board as a whole elect two of its members to fill these positions. Consistent with past practice, the newly elected officers assume their responsibilities upon the adjournment of the Board meeting in which the election has occurred.

Attachments:

None.

Authored by:

Peter Cantle, Executive Director

Cachuma Conservation
Release Board

Board of Directors

City of Santa Barbara

Goleta Water District

Montecito Water District

For Agenda Of:	September 9, 2024
Estimated Time :	10 minutes
Continued Item:	No
If Yes, date from:	

TO: Board Members

FROM: Peter Cantle, Executive Director

SUBJECT: Item RA-2: State Water Board Order and Federal Consultation Process Update

Legal Concurrence:

As to form: N/A

Recommended Actions

Consider a status update regarding the State Water Resources Control Board (Water Board) Water Rights Order and the federal Endangered Species Act Sec. 7 Consultation process underway with the U.S. Bureau of Reclamation (Reclamation) and National Marine Fisheries Service (NMFS).

Discussion

Changes to the status of the regulatory actions in which CCRB is involved have occurred since the Board's last briefing. Updated information presented below is shown in underlined and italicized text.

State Water Resources Control Board Water Rights Order. The Water Board approved Water Rights Order 2019-0148 (the Order) on September 17, 2019. The Order requires Reclamation, as permit holder, to: a) release additional water from Cachuma reservoir during wetter-than-normal years; and, b) develop plans and conduct studies to assess, among other things, the possibility of steelhead passage around Bradbury Dam, the benefits of the increased flows, other opportunities for habitat enhancement, and reduction of predatory invasive species in the watershed.

In October 2019, Reclamation petitioned the Water Board to reconsider two conditions imposed in the Order: 1) the requirement to consider a NMFS draft 2016 Biological Opinion in the plans and studies that the Order requires of Reclamation; and, 2) the steelhead passage study noted above. In a hearing on June 18, 2024, the Water Board denied Reclamation's petition and required Reclamation to comply with the steelhead passage study requirement specified in the Order's Term 24(a). *The Board's ruling directs Reclamation to produce a passage study plan by mid-September 2024; quarterly progress reports beginning October 2024; and, a passage study report within 24 months of the June 18 decision. Reclamation has initiated efforts to address this study requirement and CCRB is providing biological technical support*.

Assistance with Plans Required by the Order. At Reclamation's request, CCRB has provided technical assistance in developing multiple plans required by the Order. This assistance is generally in the field of fish-

eries biology, with hydrology and legal regulatory input, as needed. To date, CCRB has worked with Reclamation primarily on plans required by Terms 20 and 24, which are closely linked within the Order. Term 20 requires Reclamation to develop a plan for conducting multiple studies identified in Term 24 "and any other studies that may be necessary to determine the measures necessary to protect the public trust resources of the Santa Ynez River and keep the steelhead fishery in the Santa Ynez River in good condition at the individual, population and community level." CCRB assisted Reclamation in drafting its Term 20 plan, which Reclamation submitted to the Water Board for review in March, 2020. *In May, 2024, the Water Board advised Reclamation that its response to the Term 20 plan would follow resolution of Reclamation's reconsideration petition, which the Board ruled on June 18, 2024, as noted above. However, to our knowledge, the Water Board has not responded at this writing.*

Term 24 of the Order requires of Reclamation, among other things, a study plan to evaluate water quality issues that may impact steelhead in the lower Santa Ynez River. Following CCRB board review, a draft water quality study plan for the lower river was transmitted in January 2021 to Reclamation for its consideration. Reclamation has not submitted the water quality study plan to date, as the agency continues to seek clarity regarding the Water Board's review and response process. As a general matter, plans with which CCRB staff provides assistance will be presented for CCRB board review before issuance to Reclamation.

In the fall of 2022, the Cachuma Operation and Maintenance Board (COMB) installed a new stream gauge on the Santa Ynez River just upstream of the Highway 154 bridge, consistent with a Term 25 requirement, an action that was received positively by the Water Board. Reclamation incorporated use of the stream gauge into a revised Term 18 plan (which addresses Reclamation's compliance with the multiple flow requirements of the Order) and submitted the revised plan to California Dept. of Fish and Wildlife (CDFW) and NMFS for review, as required by the Order. Reclamation received comments from both agencies and currently has draft responses to the agencies' input under review. Reclamation will submit the revised Term 18 plan, along with the CDFW and NMFS comments and Reclamation's responses to them, to the Water Board for its consideration and approval, but has not done at latest report.

Storm events that began in January 2023 changed Cachuma reservoir's Order-based water year classification from *below normal* to *wet*. This triggered the Order's Term 19 requirement to evaluate the effectiveness of Table 2 flows at protecting public trust resources, as evaluated over five *wet* or *above normal* water years. At Reclamation's request, COMB drafted a Term 19 plan framework and worked collaboratively with CCRB and the downstream interests to develop a draft Term 19 study plan. After review by personnel of all interested parties, the CCRB board considered a final draft Term 19 study plan in October 2023. The draft study plan was edited to address board input, reviewed by all interested parties and forwarded to Reclamation, which is using the draft to produce a Term 19 study plan for review by NMFS, CDFW and, eventually, the Water Board.

As an outgrowth of the Term 19 plan development, CCRB staff analyzed Reclamation's modeled and actual water rights and fish releases as well as calculation methodologies of the reservoir's downstream water rights accounts. CCRB staff met with Reclamation, County Water Agency, COMB and Cachuma Member Unit representatives in November 2023 to present an analysis of the most recent four years of water releases from Cachuma reservoir. The essential finding of the analysis is that Reclamation is releasing significantly more reservoir water than is required to meet the downstream flow targets specified in WRO 2019-0148. Reclamation agreed with CCRB's analysis, and posited that these "buffered" releases are necessary to ensure the agency remains continuously compliant with the Order's verbatim flow requirements. Reclamation committed to work to reduce the buffering as it gains more experience, particularly with the greater releases req-

uired under Table 2 flow conditions. *Notwithstanding, Reclamation continues to release water from the reservoir at flow rates considerably higher than what is necessary to meet flow requirements of the Order.*

Cachuma Project Section 7 Consultation Process. In November 2019, Reclamation submitted to NMFS a Biological Assessment (BA) of a proposed action that CCRB and the downstream interests helped develop. NMFS responded to this BA in February 2020 with a detailed insufficiency letter. When Reclamation did not respond timely with information requested by the letter, NMFS terminated consultation on the proposed action. On December 18, 2020, after working collaboratively with CCRB and the downstream interests, Reclamation submitted a revised BA to NMFS. This revised BA updated the November 2019 BA and used the Water Rights Order 2019-0148 flow regime, with some key modifications, as its basis. The BA is scoped to include other anticipated Reclamation actions, such as the long-term Master Service Contract and the COMB operations and maintenance contract. Reclamation tasked Stetson Engineering with producing hydrological modeling of specific scenarios in support of the revised BA. The modeling output was not ready by the submittal date; Reclamation thus submitted the BA to NMFS on December 18, 2020 without the hydrological modeling.

In early February through late April, 2021, CCRB staff and the downstream interests met with Reclamation and Stetson to review and understand the inputs and assumptions Stetson used to produce the hydrological modeling in support of Reclamation's revised BA.

On February 8, 2021, NMFS issued Reclamation an insufficiency letter identifying information NMFS needs to initiate formal consultation on the revised BA and its proposed action. NMFS required Reclamation to respond to the letter within 45 days. CCRB and the downstream interests assisted Reclamation with its March 18 response which addressed multiple issues identified in the letter. In addition to this March insufficiency letter response, Reclamation submitted to NMFS on April 30, 2021 an updated version of the BA addressing insufficiency issues and incorporating the hydrological modeling discussed above. CCRB staff assisted Reclamation with updating the BA prior to its April 30, 2021 submittal.

Reclamation has engaged NMFS in an ongoing dialogue to discuss elements of the revised BA and the proposed action prior to entering formal consultation under Section 7. CCRB has assisted Reclamation in refining project descriptions in the BA for which NMFS has requested additional detail. *Reclamation indicates that it will circulate revised chapters 1-5 of the draft document to CCRB and the downstream interests in late summer 2024 for review and comment, followed by issuance to NMFS for review.* We will provide these draft chapters to Member Agency staff once they become available. Reclamation, CCRB and the downstream interests will update the hydrological modeling supporting the BA once NMFS provides input to the submittal. Reclamation has indicated it expects to seek continued technical assistance from CCRB and the downstream interests in responding to NMFS input as part of the formal Section 7 consultation process.

Staff will continue to update the board with information as it becomes available on these regulatory matters.

Fiscal Analysis

CCRB's budget covers staff and consulting support for the Water Rights Order and Consultation processes.

Attachments

None.

Report authored by:

Peter Cantle, Executive Director