CACHUMA CONSERVATION RELEASE BOARD
BOARD OF DIRECTORS

MEETING AGENDA

GOLETA WATER DISTRICT

Board Conference Room

4699 Hollister Avenue

Goleta, CA 93110

City of Santa Barbara (Kristen Sneddon, Pres.)

Goleta Water District (Lauren Hanson, Dir.)

Montecito Water District (Charles Tobe Plough, Dir.)

March 6, 2025
2:00 PM

Members of the Cachuma Conservation Release Board (CCRB) Board of Directors (Board) intend to attend this meeting in person, absent an exception allowed under the Brown Act. It is the practice of CCRB to also present its meetings using Zoom videoconferencing as an accommodation to staff and members of the public. Members of the public may attend the meeting in person or participate by Zoom. CCRB cannot guarantee that Zoom will function or that all discussions of the Board can be heard on Zoom. Therefore, members of the public are advised to attend in person if they wish to ensure they can observe the meeting. The remote conferencing link for Zoom is as follows:

Join by videoconference:

https://us06web.zoom.us/j/87865012309

Join by teleconference:

Call-in Number: 1.669.900.6833

Meeting ID: 878 6501 2309

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' January 9, 2025 meeting.

CA-2) Unaudited Interim Financial Reports for Periods Ending December 31, 2024 and January 31, 2025

Receive and file unaudited interim financial reports for the periods ending December 31, 2024 and January 31, 2025.

REGULAR AGENDA

RA-1) Water Board Order and Federal Consultation Process Update

Receive a status update and potentially give direction 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 min.)

RA-2) Executive Director's Report

This item is reserved for the Executive Director to update the Board and general public with relevant information. This is for informational items only; no decisions will be made. From time to time, the Executive Director may seek informal feedback from Board members and the general public on issues within the Executive Director's authority, but no Board action will be taken. (Est. time: 5 min.)

CLOSED SESSION AGENDA

CS-1) Conference with Legal Counsel – Existing and Anticipated Litigation

Government Code section 54956.9(d)(1) (Existing case: City of Solvang Petition to Change Water Rights Permit 15878 before the State Water Resources Control Board Administrative Hearing Office); Government Code section 54956.9(d)(4) (One potential case).

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

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

RA-4) Set Next CCRB Meeting for 2:00 pm April 3, 2025 (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 Board Conference Room

January 9, 2025, 2:00 pm

CALL TO ORDER, ROLL CALL

The meeting was called to order at 2:01 pm by Board Vice-President Tobe Plough. Those attending the meeting were:

Directors Present:

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

Also Present:

Ryan Drake	Dakota Corey
Peter Cantle	Scott Shapiro
Joel Mulder	Brian Van Lienden

PUBLIC COMMENT

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

CONSENT AGENDA

Director Hanson moved, and Vice-President Plough seconded approval of the November 7, 2024 meeting minutes. The motion passed 2-0-1, Director Friedman abstaining. Director Hanson moved, and Director Friedman seconded approval of the October and November 2024 unaudited financial status reports. The motion passed 3-0 by roll call vote.

REGULAR AGENDA

RA-1, Water Board and Consultation Update. Regarding the Water Rights Order, Executive Director Cantle advised the Board that, due to deferred valve maintenance and related issues, Reclamation is unable to fully regulate water releases from Cachuma reservoir. Thus, though flow requirements may change to a lower threshold (e.g., Table 1 of the Order), actual flows may continue to be higher than required until the valve maintenance is performed. Reclamation is developing a maintenance plan that will be reviewed with Cachuma Operation and Maintenance Board and National Marine Fisheries Service prior to implementation. For water accounting purposes, Reclamation is considering the over-released water as valve leakage.

Regarding the federal Consultation process, Reclamation has not updated its expected schedule for distribution of the draft Biological Assessment for review, hydrological modeling or submittal of the document to NMFS for consideration.

RA-2, Executive Director's Report. Cantle updated the Board on the Mid-Pacific Water Users' Conference scheduled to be held in late January in Reno, NV. Cantle noted that, based on review of the agenda topics and expected cost to attend, CCRB did not appear to benefit from participating; the Board concurred.

CLOSED SESSION

No Closed Session was held.

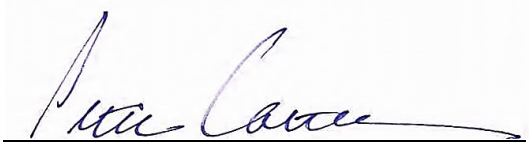
REGULAR AGENDA – CONT.

RA-3, Agenda Items for Future Board Meetings. No future items were identified.

RA-4, Confirm Next Meeting(s) and Adjourn. The next regular meeting was scheduled for 2:00 pm Thursday, February 6, 2025 at the Goleta Water District.

Vice-President Plough adjourned the meeting at 2:27 pm.

Respectfully submitted,



Secretary to the Board

Cachuma Conservation
Release Board

Board of Directors

City of Santa Barbara

Goleta Water District

Montecito Water District

For Agenda Of:	March 6, 2025
Estimated Time:	(Consent)
Continued Item:	No
If Yes, date from:	

TO: Board Members

FROM: Peter Cantle, Executive Director

SUBJECT: CA-2: Unaudited Interim Financial Report for Period Ending December 31, 2024

Legal Concurrence

As to form: N/A

Recommended Actions

Receive and file an unaudited interim Financial Report for the period ending December 31, 2024.

Discussion

The Board of Directors approves the CCRB budget each fiscal year. Upon subsequent approval by each Member Agency's governing body, it becomes CCRB's operating budget for the fiscal year beginning July 1. Through the fiscal year, the Board receives monthly unaudited financial reports to compare fiscal performance against the adopted budget. This report addresses the period ending December 31, 2024.

Fiscal Analysis

The approved FY24/25 budget is $1,439,000.00; Member Agencies are billed quarterly for their pro-rata contributions to the approved budget. Total income through December 31, 2024 was $720,760.34, reflecting receipt of first- and second-quarter payments from all Member Agencies. Total expenditures of $286,014.53 through December 31, 2024 reflect costs incurred for legal, technical, regulatory advisory, management and administrative services.

Attachments

Attachment 1: Unaudited Interim Financial Report for the period ending December 31, 2024

Authored by

Peter Cantle, Executive Director

ATTACHMENT 1

UNAUDITED INTERIM FINANCIAL REPORT FOR THE PERIOD ENDING DECEMBER 31, 2024

Cachuma Conservation Release Board
Statement of Revenue and Expense- Budget vs. Actual
July through December 2024

	Jul - Dec 24	Budget	$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
4200 · Income	719,500.00	1,439,000.00	-719,500.00	50.0%
4250 · Income - Other	1,260.34			
Total Income	720,760.34	1,439,000.00	-718,239.66	50.1%
Expense				
5050 · Office Lease	4,048.00	5,000.00	-952.00	81.0%
5100 · Audit	12,000.00	14,000.00	-2,000.00	85.7%
5200 · Liability Insurance	1,863.18	7,000.00	-5,136.82	26.6%
5301 · Managers Salary				
5301.01 · Managers Gross Wages	97,500.00			
5301.02 · Employer Tax Expense	6,771.39			
5301 · Managers Salary - Other	0.00	200,000.00	-200,000.00	0.0%
Total 5301 · Managers Salary	104,271.39	200,000.00	-95,728.61	52.1%
5304 · Administrative Support	3,198.66	16,000.00	-12,801.34	20.0%
5312 · Misc Admin Expense	1,573.54	4,000.00	-2,426.46	39.3%
5313 · Communications/Computer	1,653.96	8,000.00	-6,346.04	20.7%
5316 · Admin Fixed Assets	0.00	4,000.00	-4,000.00	0.0%
5330 · Admin Travel Expense	0.00	4,000.00	-4,000.00	0.0%
5331 · Travel Federal & State Meetings	964.55	12,000.00	-11,035.45	8.0%
5332 · Transportation	0.00	1,000.00	-1,000.00	0.0%
6500 · Contingency	0.00	46,000.00	-46,000.00	0.0%
7000 · Legal	5,625.00	91,000.00	-85,375.00	6.2%
7001 · BO Reconsultation Legal Support	3,072.50	394,000.00	-390,927.50	0.8%
7002 · SWRCB Water Rights	141,303.75	425,000.00	-283,696.25	33.2%
7100 · SWRCB Support				
7200 · SWRCB Proceedings Support	0.00	128,000.00	-128,000.00	0.0%
Total 7100 · SWRCB Support	0.00	128,000.00	-128,000.00	0.0%
7500 · Hydrologic Technical Support	6,440.00	80,000.00	-73,560.00	8.1%
Total Expense	286,014.53	1,439,000.00	-1,152,985.47	19.9%
Net Ordinary Income	434,745.81	0.00	434,745.81	100.0%
Net Income	**434,745.81**	**0.00**	**434,745.81**	**100.0%**

Cachuma Conservation Release Board
Reconciliation Summary
1020 · CWB - Chkg #7204, Period Ending 12/31/2024

	Dec 31, 24	
Beginning Balance		536,245.08
Cleared Transactions		
Checks and Payments - 9 items	-58,958.06	
Total Cleared Transactions	-58,958.06	
Cleared Balance		**477,287.02**
Uncleared Transactions		
Checks and Payments - 2 items	-44,838.75	
Total Uncleared Transactions	-44,838.75	
Register Balance as of 12/31/2024		**432,448.27**
New Transactions		
Checks and Payments - 1 item	-8,323.90	
Total New Transactions	-8,323.90	
Ending Balance		**424,124.37**

OK
Jan 21, 2025

Cachuma Conservation Release Board
Reconciliation Detail
1020 · CWB - Chkg #7204, Period Ending 12/31/2024

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						536,245.08
Cleared Transactions						
Checks and Payments - 9 items						
Bill Pmt -Check	11/20/2024		Downey Brand Attor...	X	-30,398.75	-30,398.75
Bill Pmt -Check	11/20/2024		Nasif Hicks Harris & ...	X	-12,000.00	-42,398.75
Bill Pmt -Check	11/20/2024		AccountabilityPlus, Inc	X	-733.87	-43,132.62
Bill Pmt -Check	11/20/2024		Peter Cantle	X	-190.80	-43,323.42
Bill Pmt -Check	11/20/2024		CIO Solutions LP	X	-25.00	-43,348.42
General Journal	12/11/2024			X	-7,698.11	-51,046.53
Bill Pmt -Check	12/19/2024		AccountabilityPlus, Inc	X	-305.18	-51,351.71
Bill Pmt -Check	12/19/2024		Peter Cantle	X	-208.24	-51,559.95
General Journal	12/24/2024			X	-7,398.11	-58,958.06
Total Checks and Payments					-58,958.06	-58,958.06
Total Cleared Transactions					-58,958.06	-58,958.06
Cleared Balance					-58,958.06	477,287.02
Uncleared Transactions						
Checks and Payments - 2 items						
Bill Pmt -Check	12/19/2024		Downey Brand Attor...		-44,813.75	-44,813.75
Bill Pmt -Check	12/19/2024		CIO Solutions LP		-25.00	-44,838.75
Total Checks and Payments					-44,838.75	-44,838.75
Total Uncleared Transactions					-44,838.75	-44,838.75
Register Balance as of 12/31/2024					-103,796.81	432,448.27
New Transactions						
Checks and Payments - 1 item						
General Journal	01/08/2025				-8,323.90	-8,323.90
Total Checks and Payments					-8,323.90	-8,323.90
Total New Transactions					-8,323.90	-8,323.90
Ending Balance					**-112,120.71**	**424,124.37**

OK
Jan 21, 2025

Cachuma Conservation
Release Board

Board of Directors

City of Santa Barbara

Goleta Water District

Montecito Water District

For Agenda Of:	March 6, 2025
Estimated Time:	(Consent)
Continued Item:	No
If Yes, date from:	

TO: Board Members

FROM: Peter Cantle, Executive Director

SUBJECT: CA-2: Unaudited Interim Financial Report for Period Ending January 31, 2025

Legal Concurrence

As to form: N/A

Recommended Actions

Receive and file an unaudited interim Financial Report for the period ending January 31, 2025.

Discussion

The Board of Directors approves the CCRB budget each fiscal year. Upon subsequent approval by each Member Agency's governing body, it becomes CCRB's operating budget for the fiscal year beginning July 1. Through the fiscal year, the Board receives monthly unaudited financial reports to compare fiscal performance against the adopted budget. This report addresses the period ending January 31, 2025.

Fiscal Analysis

The approved FY24/25 budget is $1,439,000.00; Member Agencies are billed quarterly for their pro-rata contributions to the approved budget. Total income through January 31, 2025 was $1,080,510.34, reflecting receipt of three quarterly payments from all Member Agencies. Total expenditures of $314,385.65 through January 31, 2025 reflect costs incurred for legal, technical, regulatory advisory, management and administrative services.

Attachments

Attachment 1: Unaudited Interim Financial Report for the period ending January 31, 2025

Authored by

Peter Cantle, Executive Director

ATTACHMENT 1

UNAUDITED INTERIM FINANCIAL REPORT FOR THE PERIOD ENDING JANUARY 31, 2025

Cachuma Conservation Release Board
Statement of Revenue and Expense- Budget vs. Actual
July 2024 through January 2025

	Jul '24 - Jan 25	Budget	$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
4200 · Income	1,079,250.00	1,439,000.00	-359,750.00	75.0%
4250 · Income - Other	1,260.34			
Total Income	1,080,510.34	1,439,000.00	-358,489.66	75.1%
Expense				
5050 · Office Lease	4,048.00	5,000.00	-952.00	81.0%
5100 · Audit	12,000.00	14,000.00	-2,000.00	85.7%
5200 · Liability Insurance	1,863.18	7,000.00	-5,136.82	26.6%
5301 · Managers Salary				
5301.01 · Managers Gross Wages	112,500.00			
5301.02 · Employer Tax Expense	8,000.19			
5301 · Managers Salary - Other	0.00	200,000.00	-200,000.00	0.0%
Total 5301 · Managers Salary	120,500.19	200,000.00	-79,499.81	60.3%
5304 · Administrative Support	3,526.40	16,000.00	-12,473.60	22.0%
5312 · Misc Admin Expense	1,867.54	4,000.00	-2,132.46	46.7%
5313 · Communications/Computer	1,887.20	8,000.00	-6,112.80	23.6%
5316 · Admin Fixed Assets	0.00	4,000.00	-4,000.00	0.0%
5330 · Admin Travel Expense	0.00	4,000.00	-4,000.00	0.0%
5331 · Travel Federal & State Meetings	964.55	12,000.00	-11,035.45	8.0%
5332 · Transportation	0.00	1,000.00	-1,000.00	0.0%
6500 · Contingency	0.00	46,000.00	-46,000.00	0.0%
7000 · Legal	7,245.00	91,000.00	-83,755.00	8.0%
7001 · BO Reconsultation Legal Support	3,072.50	394,000.00	-390,927.50	0.8%
7002 · SWRCB Water Rights	141,898.75	425,000.00	-283,101.25	33.4%
7100 · SWRCB Support				
7200 · SWRCB Proceedings Support	9,072.34	128,000.00	-118,927.66	7.1%
Total 7100 · SWRCB Support	9,072.34	128,000.00	-118,927.66	7.1%
7500 · Hydrologic Technical Support	6,440.00	80,000.00	-73,560.00	8.1%
Total Expense	314,385.65	1,439,000.00	-1,124,614.35	21.8%
Net Ordinary Income	766,124.69	0.00	766,124.69	100.0%
Net Income	**766,124.69**	**0.00**	**766,124.69**	**100.0%**

Cachuma Conservation Release Board
Reconciliation Summary
1020 · CWB - Chkg #7204, Period Ending 01/31/2025

	Jan 31, 25	
Beginning Balance		477,287.02
Cleared Transactions		
Checks and Payments - 4 items	-61,329.55	
Total Cleared Transactions	-61,329.55	
Cleared Balance		**415,957.47**
Uncleared Transactions		
Checks and Payments - 4 items	-11,880.32	
Total Uncleared Transactions	-11,880.32	
Register Balance as of 01/31/2025		**404,077.15**
Ending Balance		404,077.15

OK
Feb 5, 2025

Cachuma Conservation Release Board
Reconciliation Detail
1020 · CWB - Chkg #7204, Period Ending 01/31/2025

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						477,287.02
Cleared Transactions						
Checks and Payments - 4 items						
Bill Pmt -Check	12/19/2024		Downey Brand Attor...	X	-44,813.75	-44,813.75
Bill Pmt -Check	12/19/2024		CIO Solutions LP	X	-25.00	-44,838.75
General Journal	01/08/2025			X	-8,323.90	-53,162.65
General Journal	01/22/2025			X	-8,166.90	-61,329.55
Total Checks and Payments					-61,329.55	-61,329.55
Total Cleared Transactions					-61,329.55	-61,329.55
Cleared Balance					-61,329.55	415,957.47
Uncleared Transactions						
Checks and Payments - 4 items						
Bill Pmt -Check	01/24/2025		Downey Brand Attor...		-11,287.34	-11,287.34
Bill Pmt -Check	01/24/2025		AccountabilityPlus, Inc		-327.74	-11,615.08
Bill Pmt -Check	01/24/2025		Peter Cantle		-240.24	-11,855.32
Bill Pmt -Check	01/24/2025		CIO Solutions LP		-25.00	-11,880.32
Total Checks and Payments					-11,880.32	-11,880.32
Total Uncleared Transactions					-11,880.32	-11,880.32
Register Balance as of 01/31/2025					-73,209.87	404,077.15
Ending Balance					**-73,209.87**	**404,077.15**

OK
Feb 5, 2025

Cachuma Conservation
Release Board

Board of Directors

City of Santa Barbara

Goleta Water District

Montecito Water District

For Agenda Of:	March 6, 2025
Estimated Time :	15 minutes
Continued Item:	No
If Yes, date from:	

TO: Board Members

FROM: Peter Cantle, Executive Director

SUBJECT: Item RA-1: State Water Board Order and Federal Consultation Process Update

Legal Concurrence:

As to form: N/A

Recommended Actions

Receive a status update and potentially give direction 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.

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. 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. In September 2024, Reclamation timely submitted a passage study plan to the Water Board, and undertook a Value Planning Study (VPS) to identify possible passage options. CCRB and other stakeholders provided biological technical support to this effort. The final draft VPS report, including editorial input from stakeholders, is currently under review by Reclamation.

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 fisheries 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, according to Reclamation staff, the Water Board has not responded to the Term 20 plan 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 are 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 so 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 framework and then worked collaboratively with CCRB and the downstream interests to create a draft Term 19 study plan. After review by personnel of all interested parties, the CCRB board considered the draft Term 19 study plan in October 2023. The plan was edited to address board input, reviewed by all interested parties and offered to Reclamation in December 2023. *After engaging with CCRB and the downstream interests to update the study plan with newer information gained in the watershed during the ongoing high flows, COMB submitted the updated plan to Reclamation in December 2024. Recently, Reclamation circulated a revised plan to Cachuma interests for additional discussion. Upon resolution, Reclamation will submit the Term 19 study plan for review by NMFS, CDFW and 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 stated that "buffered" releases ensure the agency is never out of compliance 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 required under Table 2 flow conditions. In late September through November 2024, Reclamation incrementally reduced releases from the reservoir. *As of this February 15, due to drier hydrological conditions in the watershed, the Order's Table 1 flow requirements (5 cfs at Highway 154 gage; 1.5 cfs at Solvang gage) replaced the higher Table 2 requirements for reservoir releases. At this writing, flows at the Highway 154 gage are more than two times higher and flows at the Solvang gage are approximately 10 times higher than required by Table 1, based on Reclamation's releases from Bradbury dam.*

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 continued to engage NMFS regarding 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 recently deferred circulation of chapters 1-5 of the revised draft BA to focus on the above-noted Water Board Order efforts. An updated schedule for draft BA circulation and engagement with NMFS has not been identified; 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