



CACHUMA CONSERVATION RELEASE BOARD BOARD OF DIRECTORS

SPECIAL MEETING AGENDA

BY VIDEOCONFERENCE
(PARTICIPATION DETAILS BELOW)

City of Santa Barbara

Goleta Water District

Montecito Water District

February 12, 2021
11:00 AM

MODIFIED BROWN ACT COMPLIANCE IN LIGHT OF COVID-19

Pursuant to State of California Executive Orders N-25-20 and N-29-20, members of the Cachuma Conservation Release Board (CCRB) Board of Directors (Board) and members of the public will participate in this meeting electronically by video- and/or teleconference, as described below. The access information for the Board and members of the public for this board meeting is as follows:

Join videoconference:

<https://us02web.zoom.us/j/88985786454?pwd=a3IwdmtaY3YvbHIxZWNSa3JZMmVJUT09>

Join teleconference:

Call-in Number: 1.669.900.6833

Meeting ID: 889 8578 6454#

Passcode: 528743#

The Board may utilize different call-in information for any Closed Session items.

Any member of the public on the telephone may speak during the **Public Comment Period** or may email public comments to pcantle@ccrb-board.org and all comments will be read aloud during the meeting. During this period of modified Brown Act compliance, 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.

ROLL CALL

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. If you wish to address the Board, please email pcantle@ccrb-board.org, with subject line of "Request to Speak" and include a description of the subject you wish to address.

CONSENT AGENDA

All matters listed hereunder constitute a consent agenda and 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 14, 2021 meeting.

CA-2) Unaudited Interim Financial Statement for the Period Ending December 31, 2020

Receive and file an Unaudited Interim Financial Statement for the period ending December 31, 2020.

REGULAR AGENDA

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

Consider status updates 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. (Estimated time: 15 min.)

CLOSED SESSION AGENDA

CS-1) Conference with Legal Counsel – Anticipated Litigation

Initiation of litigation pursuant to 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

REGULAR AGENDA (CONT.)

RA-3) Identify Agenda Items for Future Board Meetings.

RA-4) Set Next Regular Meeting for 2 PM Thursday, March 4, 2021, by teleconference and/or videoconference; 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 REGULAR MEETING
of the
CACHUMA CONSERVATION RELEASE BOARD
BOARD OF DIRECTORS
held via Videoconference

Thursday, January 14, 2021, 2:00 pm

CALL TO ORDER, ROLL CALL

The videoconference meeting was called to order at 2:01 p.m. by Board President Lauren Hanson. Those attending the meeting were:

Directors Present:

Lauren Hanson	Goleta Water District
Kristen Sneddon	City of Santa Barbara
Tobe Plough	Montecito Water District

Also Attending:

Kathleen Werner	Kevin O'Brien
Ryan Drake	Sam Bivins
Cathy Taylor	Ted Harris
Amanda Flesse	Joel Mulder
Nick Turner	Warren Greco
Peter Cantle	Warren Greco

PUBLIC COMMENT

There were no requests from members of the public to address the Board during Public Comment.

CONSENT AGENDA

A motion was made (Plough) and seconded (Sneddon) to approve the items on the Consent Agenda. The motion passed on a 3-0 roll call vote.

REGULAR AGENDA

RA-1, State Water Rights Order and Federal Consultation Process Update. Executive Director Cantle summarized the status of CCRB's assistance to Reclamation in both regulatory processes. Regarding the 2019 Water Rights Order, the Board indicated its concurrence in sending a draft Water Quality Plan, required by Water Rights Order Term 24.b.4, to Reclamation for their consideration. Regarding consultation, the National Marine Fisheries Service has notified Reclamation of its receipt

of the Biological Assessment (BA) that Reclamation submitted on December 18, 2020 and that the submittal is under review. Cantle noted that hydrological modeling supporting the BA will be submitted to NMFS as a supplemental document in the first quarter of 2021. The Board was also briefed regarding recent nominations for key positions in the federal and state agencies governing the Water Rights Order and Consultation processes.

CLOSED SESSION

CS-1, Conference with Legal Counsel Anticipated Litigation. With Counsel concurrence, the Board determined there was no need for closed session and tabled the closed session items for future discussion.

REGULAR AGENDA – CONT.

RA-3, Agenda Items for Future Board Meetings. The Board identified consideration of the results of hydrological modeling review as a potential future agenda item.

RA-4, Set Next Meeting and Adjourn. The next regular meeting of the CCRB Board is scheduled for 2:00 pm Thursday, February 4, 2021 and will be held by videoconference. President Hanson adjourned the meeting at 2:34 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "A. Cantle", is written over a horizontal line. The signature is fluid and cursive.

Secretary to the Board



Cachuma Conservation
Release Board

Board of Directors

City of Santa Barbara

Goleta Water District

Montecito Water District

For Agenda Of: February 4, 2021

Estimated Time: (Consent)

Continued Item: No

If Yes, date from:

TO: Board Members
FROM: Peter Cantle, Executive Director
SUBJECT: CA-2: Unaudited Interim Financial Statement for Period Ending December 31, 2020

Legal Concurrence:

As to form: N/A

Recommended Actions:

Receive and file the Unaudited Interim Financial Statement for Period Ending December 31, 2020.

Discussion:

The Board of Directors approves the CCRB budget each fiscal year. It is subsequently approved by each Member Agency's governing body and becomes CCRB's annual operating budget. During the fiscal year, monthly unaudited interim financial results are provided to the Board to compare fiscal performance against the adopted budget. This report addresses the period ending December 31, 2020.

Fiscal Analysis:

Total income shown through December 31 was \$488,799.90, reflecting first and second quarter billings to the three Member Agencies. (As per Board direction, quarterly billings are being adjusted to reflect anticipated quarterly expenditures.) Total expenses booked through December 31 equal \$219,633.33, reflecting the second-quarter resumption of CCRB's technical support and engagement with Bureau of Reclamation in the State Water Board Order and Consultation regulatory processes, support and engagement which had been paused for much of the first quarter.

Attachments:

Attachment 1: Unaudited Interim Financial Statement for the period ending December 31, 2020

Authored by:

Peter Cantle, Executive Director

ATTACHMENT 1

**UNAUDITED INTERIM FINANCIAL STATEMENT
PERIOD ENDING DECEMBER 31, 2020**

Cachuma Conservation Release Board
Statement of Revenue and Expense- Budget vs. Actual
July through December 2020

	<u>Jul - Dec 20</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Ordinary Income/Expense				
Income				
4200 · Income	488,799.90	1,222,000.00	-733,200.10	40.0%
Total Income	488,799.90	1,222,000.00	-733,200.10	40.0%
Expense				
5050 · Office Lease	1,680.00	5,000.00	-3,320.00	33.6%
5100 · Audit	2,788.50	10,000.00	-7,211.50	27.9%
5200 · Liability Insurance	2,978.63	7,000.00	-4,021.37	42.6%
5301 · Managers Salary				
5301.01 · Managers Gross Wages	80,000.05	0.00	80,000.05	100.0%
5301.02 · Employer Tax Expense	4,355.86			
5301 · Managers Salary - Other	0.00	179,000.00	-179,000.00	0.0%
Total 5301 · Managers Salary	84,355.91	179,000.00	-94,644.09	47.1%
5304 · Administrative Support	2,666.01	16,000.00	-13,333.99	16.7%
5312 · Misc Admin Expense	1,289.78	40,000.00	-38,710.22	3.2%
5313 · Communications/Computer	2,931.93	80,000.00	-77,068.07	3.7%
5316 · Admin Fixed Assets	0.00	40,000.00	-40,000.00	0.0%
5318 · Fraud	0.00			
5330 · Admin Travel Expense	0.00	80,000.00	-80,000.00	0.0%
5331 · Travel Federal & State Meetings	0.00	20,000.00	-20,000.00	0.0%
5332 · Transportation	0.00	10,000.00	-10,000.00	0.0%
6500 · Contingency	0.00	103,000.00	-103,000.00	0.0%
7000 · Legal	79,895.64	146,000.00	-66,104.36	54.7%
7001 · BO Reconsultation Legal Support	40,936.93	406,000.00	-365,063.07	10.1%
7002 · SWRCB Water Rights	0.00	80,000.00	-80,000.00	0.0%
7100 · SWRCB Support				
7200 · SWRCB Proceedings Support	110.00	185,000.00	-184,890.00	0.1%
Total 7100 · SWRCB Support	110.00	185,000.00	-184,890.00	0.1%
7500 · Hydrologic Technical Support	0.00	40,000.00	-40,000.00	0.0%
Total Expense	219,633.33	1,447,000.00	-1,227,366.67	15.2%
Net Ordinary Income	269,166.57	-225,000.00	494,166.57	-119.6%
Net Income	269,166.57	-225,000.00	494,166.57	-119.6%

5:15 PM

01/04/21

Cachuma Conservation Release Board
Reconciliation Summary
1020 · CWB - Chkg #7204, Period Ending 12/31/2020

	<u>Dec 31, 20</u>
Beginning Balance	311,183.43
Cleared Transactions	
Checks and Payments - 14 items	-52,331.25
Deposits and Credits - 1 item	0.00
Total Cleared Transactions	<u>-52,331.25</u>
Cleared Balance	<u>258,852.18</u>
Uncleared Transactions	
Checks and Payments - 6 items	<u>-23,975.11</u>
Total Uncleared Transactions	<u>-23,975.11</u>
Register Balance as of 12/31/2020	<u>234,877.07</u>
Ending Balance	<u>234,877.07</u>



OK
Jan 5, 2021

Cachuma Conservation Release Board
Reconciliation Detail
1020 · CWB - Chkg #7204, Period Ending 12/31/2020

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						311,183.43
Cleared Transactions						
Checks and Payments - 14 items						
Bill Pmt -Check	11/23/2020		Downey Brand Attor...	X	-22,272.25	-22,272.25
Bill Pmt -Check	11/23/2020		California Strategies...	X	-8,000.00	-30,272.25
Bill Pmt -Check	11/23/2020		Bartlett, Pringle & W...	X	-2,788.50	-33,060.75
Bill Pmt -Check	11/23/2020		Patterson Self-Stora...	X	-280.00	-33,340.75
Bill Pmt -Check	11/23/2020		CIO Solutions, LP	X	-63.26	-33,404.01
General Journal	12/02/2020		Peter Cantle	X	-3,258.60	-36,662.61
Check	12/02/2020		Payroll Tax	X	-2,984.48	-39,647.09
Check	12/02/2020		Payroll Vault	X	-66.00	-39,713.09
General Journal	12/16/2020		Peter Cantle	X	-3,258.60	-42,971.69
Check	12/16/2020		Payroll Tax	X	-2,984.48	-45,956.17
Check	12/16/2020		Payroll Vault	X	-66.00	-46,022.17
General Journal	12/30/2020		Peter Cantle	X	-3,258.60	-49,280.77
Check	12/30/2020		Payroll Tax	X	-2,984.48	-52,265.25
Check	12/30/2020		Payroll Vault	X	-66.00	-52,331.25
Total Checks and Payments					-52,331.25	-52,331.25
Deposits and Credits - 1 item						
Bill Pmt -Check	12/17/2020		Downey Brand Attor...	X	0.00	0.00
Total Deposits and Credits					0.00	0.00
Total Cleared Transactions					-52,331.25	-52,331.25
Cleared Balance					-52,331.25	258,852.18
Uncleared Transactions						
Checks and Payments - 6 items						
Bill Pmt -Check	12/17/2020		Downey Brand Attor...		-13,940.36	-13,940.36
Bill Pmt -Check	12/17/2020		California Strategies...		-8,000.00	-21,940.36
Bill Pmt -Check	12/17/2020		Peter Cantle		-1,300.91	-23,241.27
Bill Pmt -Check	12/17/2020		AccountabilityPlus, Inc		-390.58	-23,631.85
Bill Pmt -Check	12/17/2020		Patterson Self-Stora...		-280.00	-23,911.85
Bill Pmt -Check	12/17/2020		CIO Solutions, LP		-63.26	-23,975.11
Total Checks and Payments					-23,975.11	-23,975.11
Total Uncleared Transactions					-23,975.11	-23,975.11
Register Balance as of 12/31/2020					-76,306.36	234,877.07
Ending Balance					-76,306.36	234,877.07



OK
Jan 5, 2021



Cachuma Conservation
Release Board

Board of Directors

City of Santa Barbara

Goleta Water District

Montecito Water District

For Agenda Of: February 12, 2021

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 regarding the State Water Resources Control Board (State 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

State Water Resources Control Board Water Rights Order. The State 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 feasibility 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.

Assistance with Plans Required by the Order. At Reclamation's request, CCRB has been providing 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. Assistance efforts were paused at the Board's direction in July 2020 pending resolution of contract matters involving Reclamation and the Cachuma Member Units. The Board then approved staff's re-engagement in mid-October with resolution of the contract matters that had been at issue. CCRB staff continue to meet electronically at regular intervals with Reclamation staff in furtherance of efforts to provide technical assistance.

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 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 the Term 20 plan, which Reclamation submitted to the Water Board for review on March 17, 2020. Reclamation has yet to receive input on the Term 20 plan.

Term 24 of the Order identifies several studies that are required of Reclamation, one of which (per Term 24.b.4) is to evaluate water quality issues that may impact steelhead in the lower Santa Ynez River. A draft study plan to evaluate water quality issues in the lower river was provided for the CCRB Board’s review and input in January, following which it was transmitted to Reclamation for its consideration and use. Additional plans required by the Order will be presented for CCRB Board review prior to submittal to Reclamation.

Cachuma Project Section 7 Consultation Process. Reclamation submitted a new proposed action and supporting biological assessment (BA) to NMFS in 2018 and November 2019, respectively. CCRB assisted Reclamation in developing both documents. However, in February 2020, NMFS notified Reclamation the BA had insufficient information to allow NMFS to move forward with its effects analysis and, in late March 2020, NMFS terminated formal consultation on the proposed action purportedly based on Reclamation’s inadequate response to the NMFS letter. One issue NMFS identified was Reclamation’s failure to incorporate the recently issued Water Rights Order 2019-0148 into the BA.

On August 21, 2020, Reclamation notified NMFS it would submit a revised BA incorporating Water Rights Order 2019-0148 on or about December 18, 2020. Reclamation, CCRB staff and the downstream interests worked collaboratively and without significant disagreement to revise and update the November 2019 BA, using the Water Rights Order flow regime as its basis. The BA was also scoped to include other anticipated Reclamation actions, such as the long-term Master Service Contract and the COMB O&M contract. Reclamation also tasked Stetson Engineering with producing hydrological modeling of specific scenarios in support of the draft BA; however, the modeling output was not ready in time for the December 18 target submittal date. Reclamation thus submitted the BA to NMFS on December 18, 2020 without the modeling results and, as of this writing, the BA is under review with NMFS. Reclamation will provide hydrological modeling in support of the proposed action via a supplement to the BA.

In early February, CCRB staff and the downstream interests met with Reclamation and Stetson for an initial review of the hydrological modeling results. As a result of this meeting, Reclamation committed to providing CCRB and the downstream interests a draft supplement containing the modeling output, analytical methods and assumptions in March for technical review and input prior to submittal of the supplement to NMFS. Staff anticipates continued productive engagement with Reclamation over the next several months regarding both the BA and its supporting hydrological modeling.

We will continue to update the Board with any new information on these consultation and Water Rights Order matters that come to light.

Fiscal Analysis:

CCRB’s approved FY21 budget of \$1,222,000 provides for staff and consulting support related to both the Water Board Order and the federal Consultation process.

Attachments:

None.

Report authored by:

Peter Cantle, Executive Director