



**CACHUMA CONSERVATION RELEASE BOARD
BOARD OF DIRECTORS**

REGULAR MEETING AGENDA

BY VIDEOCONFERENCE
(PARTICIPATION DETAILS BELOW)

City of Santa Barbara
Goleta Water District
Montecito Water District

**July 1, 2021
2: 00 PM**

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/87237278427?pwd=MFV3N0Zmb1RVYTdnYmdVcXYwa3J3UT09>

Join teleconference:

Call-in Number: 1.669.900.6833

Meeting ID: 872 3727 8427#

Passcode: 486465#

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

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' June 14, 2021 meeting.

REGULAR AGENDA

RA-1) Fiscal Year 2022 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

Consider and discuss the status and associated outreach 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: 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)

CS-2) Public Employee Performance Review

Conduct performance review, pursuant to Government Code section 54957(b)(1)(Executive Director)

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) Executive Director Compensation

At Board discretion, consider and approve a modification to Executive Director's contract to increase compensation for Fiscal Year 2021/2022. (Est. time: 10 min.)

RA-4) Identify Agenda Items for Future Board Meetings

RA-5) Set Next Meeting for 2 PM Thursday, August 5, 2021 by 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 SPECIAL MEETING
of the
CACHUMA CONSERVATION RELEASE BOARD
held by Videoconference**

June 14, 2021, 2:00 pm

CALL TO ORDER, ROLL CALL

The videoconference meeting was called to order at 2:02 pm 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 Present:

Ryan Drake	Ted Harris
Cathy Taylor	Joel Mulder
Nick Turner	Ali Taghavi
Peter Cantle	Warren Greco
Sam Bivins	

PUBLIC COMMENT

No one from the general public was present; there was no public comment.

CONSENT AGENDA

Executive Director Cantle noted to the Board that the CCRB proposed budget for the fiscal year beginning July 1, 2021 had been approved by all CCRB Member Agencies. Director Plough moved and Director Sneddon seconded approval of the Consent Agenda. The motion passed on a 3-0 roll call vote.

REGULAR AGENDA

RA-1, State Water Board and Federal Consultation Process Update. Executive Director Cantle advised the Board that the US Bureau of Reclamation (Reclamation) will meet with the National Marine Fisheries Service in late June to discuss Reclamation's revised Biological Assessment and proposed action prior to initiating formal consultation. CCRB has offered techni-

cal assistance in this process. Regarding the Water Board Order, Reclamation has had limited exchange recently with Water Board staff, as a result of the board's current focus on addressing the statewide drought.

RA-2, Continuing State Support for Virtual Meetings. The Board was advised that, in response to the coronavirus pandemic, the Governor recently issued an executive order extending the ability of boards and agencies to meet virtually through September 30, 2021. The state has also identified important cost and environmental benefits that have been gained with virtual meetings.

CLOSED SESSION

CS-1) Conference with Legal Counsel – Anticipated Litigation. The Board went into closed session at 2:20 pm to discuss matters regarding potential litigation, pursuant to Government Code § 54956.9(d)(4).

CS-2) Public Employee Performance Evaluation. The Board also met in closed session to conduct a performance evaluation, pursuant to Government Code § 54957(b)(1) (Executive Director).

The Board came out of closed session at 3:40 pm with no reportable actions regarding anticipated litigation. Regarding public employee performance evaluation, the Board directed President Hanson to meet with Executive Director Cantle to negotiate compensation in the context of his evaluation and to agendize the matter for a subsequent Board meeting.

REGULAR AGENDA – CONT.

RA-3, Identify Agenda Items for Future Board Meetings. The executive director performance evaluation and election of Board officers were identified as future agenda items.

RA-4, Confirm Next Meeting(s) and Adjourn. The CCRB Board will next meet at 2:00 pm July 1, 2021 by videoconference. President Hanson adjourned the meeting at 3:41 pm.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Anna Carter", is written over a light blue horizontal line.

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: July 1, 2021
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 2022

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 (the JPA) 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 July 1, 2021 regular meeting, 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 July 1, 2021 Board meeting.

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: July 1, 2021

Estimated Time : 15 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 and outreach 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

At this writing, no significant changes to the status of the two regulatory actions with which CCRB is involved have occurred since the Board's June 14, 2021 briefing. The following contextual information previously provided remains accurate and current.

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 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 is 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 CCRB board's direction in July 2020 and resumed in mid-October. CCRB staff continue to meet at regular intervals with Reclamation staff in furtherance of providing 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 ident-

ified 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 substantive input on its Term 20 plan submittal.

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. (Additional plans with which CCRB staff provides assistance will be presented for CCRB board review before issuance to Reclamation.) Reclamation has not submitted the water quality study plan, as the agency is seeking to clarify the Water Board’s review and response process. Per Reclamation, Water Board staff are currently focused on the intensifying statewide drought, which, coupled with staffing changes within the agency for the Cachuma Project, has meant that exchange with the Water Board regarding Reclamation’s Order-related submittals and associated issues has been delayed.

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 didn’t 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 updates the November 2019 BA and uses the Water Rights Order 2019-0148 flow regime, with some key modifications, as its basis. The BA is also scoped to include other anticipated Reclamation actions, such as the long-term Master Service Contract and the COMB O&M 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, CCRB staff and the downstream interests met with Reclamation and Stetson for an initial review of the hydrological modeling results. Following the meeting, Reclamation committed to providing more information about the modeling output, analytical methods and assumptions prior to submittal of the modeling to NMFS. CCRB staff and the downstream interests have continued to meet with Reclamation and Stetson personnel to review and understand the inputs and assumptions used to produce the hydrological modeling supporting 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 in addressing multiple issues identified in the letter. CCRB received Reclamation’s March 18 response to the insufficiency letter on March 31. In addition to this March insufficiency letter response, Reclamation submitted to NMFS on April 30 an updated version of the BA addressing insufficiency issues and incorporating the hydrological modeling discussed above. CCRB staff engaged with and assisted Reclamation regarding the updated BA prior to its submittal and now looks forward to assisting the agency in responding to input following the document’s review by NMFS. Reclamation is scheduled to meet late in June with NMFS to initiate discussion of the revised BA and proposed action prior to entering Section 7 formal consultation. CCRB’s assistance has been offered for this process.

Staff will continue to update the board with new information as it becomes available on these consultation and Water Rights Order matters.

Fiscal Analysis:

CCRB's approved FY21 budget provides for staff and consulting support related to both the Water Board Order and the federal Consultation process; costs incurred to date are well within budget.

Attachments:

None.

Report 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: July 1, 2021
Estimated Time : 10 min.
Continued Item: No
If Yes, date from:

TO: Board Members

FROM: Peter Cantle, Executive Director

SUBJECT: Item RA-3: Modification of Executive Director's Compensation

Legal Concurrence

As to form: N/A

Recommended Actions

At Board discretion, consider and approve an increase to the Executive Director's compensation.

Discussion

Recently, the Board provided a joint appraisal of my performance as Executive Director, which the Board President has discussed with me. I appreciate and respect the constructive input and will respond accordingly to the best of my ability. In conjunction with this performance appraisal, the Board also has the discretion to consider and approve a compensation increase for the coming year, which I hereby request the Board to do.

Fiscal Analysis

The approved budget for Fiscal Year 2021/22 is sufficiently scoped to provide for a compensation increase should the Board decide to approve one.

Attachments

None.

Authored by

Peter Cantle, Executive Director