



**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

**October 7, 2021
2: 00 PM**

PUBLIC ACCESS TO VIRTUAL MEETING IN LIGHT OF COVID-19

Members of the Cachuma Conservation Release Board (CCRB) Board of Directors (Board) and members of the public will participate in this meeting remotely by videoconference pursuant to the requirements of AB-361. The electronic access information for this meeting is as follows:

Join videoconference:

<https://us02web.zoom.us/j/83736582984?pwd=WjR2YmU4TzhlYXgrMHNCWUZaOW9vZz09>

Join teleconference:

Call-in Number: 1.669.900.6833

Meeting ID: 837 3658 2984#

Passcode: 386025#

CALL TO ORDER AND ROLL CALL OF BOARD MEMBERS

SPECIAL AGENDA TOPIC – HEALTH AND SAFETY

SA-1) RECEIVE A BRIEFING ON AB 361; ADOPT A RESOLUTION PURSUANT TO AB 361 FINDING THAT MEETING IN PERSON WOULD PRESENT IMMINENT RISKS TO THE HEALTH AND SAFETY OF ATTENDEES AND AUTHORIZING VIRTUAL MEETINGS

Receive a briefing regarding new Assembly Bill 361 and its requirements. Adopt a resolution that a state of emergency regarding COVID-19 was declared on March 4, 2020 by the governor of California and that such emergency currently exists; and that this Board finds, by majority vote, that as a result of the emergency, meeting in person would present imminent risks to the health or safety of its attendees. Adoption of this resolution will meet the requirements of AB 361 that allows the meeting to be held virtually (by videoconference) in compliance with applicable state law.

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,

it is recommended, but not required, that you email pcantle@ccrb-board.org, with subject line of “Request to Speak” and include a description of the subject you wish to address. During this period of working to reduce the potential for COVID-19 transmission, 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’ September 2, 2021 meeting.

CA-2) Unaudited Interim Financial Report for the Period Ending August 31, 2021

Receive and file an unaudited interim financial report for the period ending August 31, 2021.

REGULAR AGENDA

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

Consider and discuss the status and possible 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) (two potential cases)

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

REGULAR AGENDA (CONT.)

RA-2) Identify Agenda Items for Future Board Meetings

RA-3) Pursuant to the Board’s Adopted Resolution, Consider Setting a Special Meeting in mid-October; Set the Next Regular Meeting for 2 PM Thursday, November 4, 2021 to be Held 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.]



Cachuma Conservation
Release Board

Board of Directors

City of Santa Barbara

Goleta Water District

Montecito Water District

For Agenda Of: October 7, 2021

Estimated Time : 15 minutes

Continued Item: No

If Yes, date from:

TO: Board Members

FROM: Peter Cante, Executive Director

SUBJECT: Item SA-1: Health & Safety – AB 361 Briefing and Resolution to Meet Virtually

Legal Concurrence:

As to form: Counsel has reviewed this report and prepared the attached memorandum and resolution for board consideration.

Recommended Actions

Receive a briefing regarding new Assembly Bill 361 and its requirements. Adopt a resolution pursuant to the requirements of AB 361 allowing the current meeting, and any additional board meetings that occur in the 30-day period up to November 6, 2021, to be held virtually in compliance with applicable state law.

Discussion

On March 4, 2020, Governor Gavin Newsom declared a state of emergency to exist due to the COVID-19 pandemic and its impact on human health and safety. After approximately 20 months, the pandemic persists, and the declared state of emergency remains in place. In March 2020, Governor Newsom also issued Executive Order N-29-20 which allows local agencies such as CCRB to meet virtually rather than in-person while still complying with state open-meeting laws (e.g., Brown Act), using videoconferencing technology to decrease meeting attendees' potential exposure to COVID-19. CCRB has met successfully and in compliance with the Brown Act since April 2020 using a commercial videoconferencing platform.

The Executive Order N-29-20 waiver of Brown Act meeting requirements expires on September 30, 2021. In its place, Assembly Bill 361 (*Open meetings: state and local agencies: teleconferences*) was signed into law on September 16, 2021 and, beginning October 1, will apply to local agencies intending to meet virtually in the interest of reducing COVID-19 exposure. While there are details in AB 361 that will demand staff and counsel attention to ensure ongoing compliance, the salient requirements that allow the board to meet virtually are that: a) a governor-declared state of emergency is in effect; and b) a majority of the board must vote that, as a result of the emergency, meeting in person would present imminent risk to the health or safety of attendees.

As crafted in AB 361, upon the board's resolution to meet virtually for the above-stated reasons, that resolution is in effect for a 30-day period. A resolution to meet virtually that is approved October 7 will apply to any regular or special board meetings that occur through November 6, 2021. The board's regularly scheduled November 4 meeting would thus be covered by the original resolution. Assuming the declared emergency is still in place on November 4, the board may, in that meeting, again resolve to meet virtually, creating another 30-day period through December 4, thus covering the regular meeting that would normally be scheduled for December 2, 2021. For anticipated meetings that exceed the 30-day window embedded in AB 361, the board will need to either: a) hold a special meeting to reauthorize virtual meetings pursuant to AB 361 before the 30-day window expires; or b) if a special meeting cannot be held before the 30-day window lapses, conduct an in-person meeting to adopt a new resolution authorizing virtual meetings for a new 30-day period.

A memorandum prepared by Downey Brand that more fully explains the requirements and applicability of AB 361 to local agencies is found in Attachment 1. A resolution authorizing virtual meetings is found in Attachment 2. We recommend the board consider and adopt this resolution. Going forward, CCRB staff and legal counsel will work to keep the board compliant with the requirements of AB 361 and the Brown Act while facilitating virtual meetings during the declared emergency.

Fiscal Analysis

CCRB's approved FY21-22 budget provides for staff and legal administrative support. Costs to comply with AB 361 requirements are currently not expected to be substantial. The commercial videoconferencing platform is a subscription service costing \$150 annually. Additional costs for legal analysis and document preparation are well within CCRB's administrative budget.

Attachments

Att. 1: Downey Brand Memorandum *AB 361 Requirements for Virtual Meetings* (dated September 29, 2021)

Att. 2: CCRB Resolution 2021-1, *Proclaiming a Local Emergency, Ratifying the COVID-19 State of Emergency, and Authorizing Remote Teleconference Meetings of Cachuma Conservation Release Board Pursuant to the Brown Act.*

Report authored by:

Peter Cantle, Executive Director

Attachments authored by:

Kevin O'Brien/Sam Bivins, Downey Brand Law Firm

ATTACHMENT 1

DOWNEY BRAND MEMORANDUM

AB 361 REQUIREMENTS FOR VIRTUAL MEETINGS

(DATED SEPTEMBER 29, 2021)

MEMORANDUM

TO: CCRB BOARD OF DIRECTORS
FROM: KEVIN O'BRIEN
SAM BIVINS
DATE: SEPTEMBER 29, 2021
RE: AB 361 REQUIREMENTS FOR VIRTUAL MEETINGS

I. INTRODUCTION AND BACKGROUND

On September 16, 2021, Governor Gavin Newsom signed Assembly Bill 361 into law, codifying certain modified requirements for teleconference meetings held by state and local public agencies, similar to those previously authorized and extended by executive order during the COVID-19 State of Emergency. This memorandum briefly summarizes AB 361 and describes what local agencies must do to utilize the modified requirements for holding remote meetings.

The Ralph M. Brown Act (Brown Act), which governs local public agency meetings, traditionally permitted agencies to utilize teleconferencing (audio or video) for public meetings, subject to certain heightened requirements aimed to preserve public participation.

- Agendas must identify each teleconference location
- Agendas must be posted at each teleconference location
- Physical access for the public must be provided at each teleconference location
- Board actions must be taken by roll call vote
- One board member must be physically present at each meeting location and quorum of the board must participate within the agency's jurisdictional boundaries
- Members of the public must have an opportunity to address the Board from any teleconference location

(Gov. Code, § 54953(b)(3).) However, the rising spread of COVID-19 and the imposition of stay-at-home orders made some of those teleconference requirements untenable, leaving many public agencies unable to hold meetings at all.

On March 4, 2020, Governor Newsom proclaimed a State of Emergency due to COVID-19. Pursuant to that State of Emergency Proclamation, the Governor issued a series of executive orders (N-25-20, N-29-20, and N-35-20) which, among other things, provided several exceptions to the normal Brown Act teleconference rules to permit local agencies to continue meeting while stay-at-home orders were in effect or where meeting in person would pose a risk to health or safety. The executive orders allowed agencies to meet without first identifying or providing public access to each teleconference location, and without maintaining a physical presence of members within agency boundaries, though roll call votes and public participation were still required. On June 15, 2021, as vaccinations increased and in-person restrictions eased, Governor

Newsom issued Executive Order N-08-21 which provided the Brown Act modifications would expire on September 30, 2021.

II. ANALYSIS

A. AB 361

With the State of Emergency still in place and variant cases on the rise, AB 361 was introduced to provide a longer-term solution for teleconference meetings during states of emergency, effective until January 1, 2024. While not limited to COVID-19, the legislation mirrors many of the allowances made under the Governor's executive orders. AB 361 amends Section 54953 of the Government Code to allow the legislative body of a local agency to meet remotely without complying with the normal teleconference rules for agenda posting, physical location access, or quorum rules. To do so, one of three scenarios must exist, all of which require that the Governor has proclaimed a State of Emergency pursuant to Government Code section 8625:

- A. State or local officials have imposed or recommended measures to promote social distancing;
- B. The agency is holding a meeting for the purpose of determining whether meeting in person would present imminent risks to the health or safety of attendees; or
- C. The agency is holding a meeting and has determined that meeting in person would present imminent risks to the health or safety of attendees.

(Gov. Code, § 54953(e)(1).)

An agency that holds a meeting under either of the three scenarios must continue to post its agenda in the time required by the Brown Act, and ensure that the public is able to address the board directly through teleconference means. (*Id.* at subd. (e)(2). If a disruption prevents the public agency from broadcasting the meeting or receiving public comments in real time, the board may take no further action until those functions are restored; any actions taken during such a disruption are subject to legal challenge. (*Id.*)

Assuming the State of Emergency remains in effect and an agency wishes to continue meeting under the modified rules, it must adopt an initial resolution within 30 days of the first teleconference meeting-(which applies retroactively to that first meeting), and then must adopt an extension resolution at least every 30 days thereafter. (*Id.* at subd. (e)(3).) The resolutions must contain findings stating that the agency has reconsidered the circumstances of the State of Emergency and at least one of the following circumstances exist:

- i. The State of Emergency continues to directly impact the ability of the members to meet safely in person; or
- ii. State or local officials continue to impose or recommend measures to promote social distancing.

(*Id.*) The requirement for agencies to affirm by resolution every 30 days that the State of Emergency continues to necessitate remote meetings did not exist under the executive orders,

and may present a logistical challenge for agencies that meet quarterly—or even monthly when meetings are separated by more than 30 days. Where an agency is not able to rely on regular meetings to adopt extension resolutions within that time frame, the agency has two potential options:

- Hold a special “AB 361” remote meeting within the 30-day window simply to reauthorize the AB 361 exceptions.
- Allow the initial resolution or extension resolution to lapse and approve a new initial resolution at the next agency meeting, subject to the same substantive and procedural requirements as the first.

It should be noted it is not entirely clear from the text of the statute that an agency may simply adopt a new initial resolution after failing to adopt an extension resolution within 30 days, and still take advantage of the retroactive application of the modified teleconference rules for that meeting. A conservative approach, and the one we recommend, would be to avoid lapses by holding a special meeting every 30 days to reauthorize the modified teleconference rules.

Once AB 361 authorization lapses, the normal Brown Act rules will apply and an agency seeking to hold a teleconference meeting will once again be required to post agendas and provide public access at each remote location, identify those locations in the agenda, and maintain a quorum of the board within agency boundaries. If a meeting is not held in conformity with AB 361, board members may not teleconference from their residences or other locations which are not open and accessible to the public.

B. Clarification on Implementation Date

Upon its signing on September 16, 2021, AB 361 became effective immediately. However, on September 20, 2021, the Governor issued Executive Order N-15-21, clarifying that the changes in AB 361 shall be suspended until October 1, 2021, when the modified Brown Act provisions under Executive Order N-08-21 are set to expire.

III. CONCLUSION

AB 361 provides relief to many agencies that have grown accustomed to the modified Brown Act teleconference rules under the emergency executive orders, though the 30-day authorization window could require agencies to hold more special meetings. Without the AB 361 exceptions, agencies will be obligated to return to normal in-person meetings or provide public access at each remote location under the traditional teleconference rules, starting October 1, 2021.

ATTACHMENT 2

CCRB RESOLUTION 2021-1

**PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE COVID-19 STATE
OF EMERGENCY, AND AUTHORIZING REMOTE TELECONFERENCE
MEETINGS OF CACHUMA CONSERVATION RELEASE BOARD PURSUANT TO
THE BROWN ACT**

CACHUMA CONSERVATION RELEASE BOARD

RESOLUTION NO. 2021-XXX

PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE COVID-19 STATE OF EMERGENCY, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF CACHUMA CONSERVATION RELEASE BOARD PURSUANT TO THE BROWN ACT.

WHEREAS, the Cachuma Conservation Release Board (“CCRB”) is committed to preserving public access and participation in meetings of the Board of Trustees; and

WHEREAS, all CCRB meetings are open and public, as required by the Ralph M. Brown Act (Gov. Code, §§ 54950 – 54963) (“Brown Act”), so that any member of the public may attend, participate, and watch CCRB’s legislative body conduct its business; and

WHEREAS, Assembly Bill 361 added Government Code section 54953(e) to make provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body determines that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency to exist in California due to the threat of COVID-19; despite sustained efforts, the virus continues to spread and has impacted nearly all sectors of California; and

WHEREAS, the Board of Directors does hereby find that meeting in person would present imminent risks to the health or safety of attendees; and WHEREAS, the Board of Directors does hereby find that CCRB shall conduct its meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that the Board shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, all meeting agendas, meeting dates, times, and manner in which the public may participate in the public meetings of CCRB and offer public comment by telephone or internet-based service options including video conference are posted on the CCRB website and physically within CCRB’s boundaries.

NOW, THEREFORE, THE CCRB BOARD OF DIRECTORS DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Risks to Health and Safety of Attendees. The Board hereby determines that meeting in person would present imminent risks to the health or safety of attendees.

Section 3. Remote Teleconference Meetings. CCRB staff are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) November 6, 2021, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the CCRB may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

CERTIFICATION

The undersigned hereby certify that the foregoing resolution was approved at a duly noticed meeting of the Board of Directors of the Cachuma Conservation Release Board held on October 7, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lauren Hanson, President of the Board

Peter Cattle, Exec. Director & Board Secretary

MINUTES OF A MEETING
of the
CACHUMA CONSERVATION RELEASE BOARD
held by Videoconference

September 2, 2021, 2:00 pm

CALL TO ORDER, ROLL CALL

The videoconference meeting was called to order at 2:01 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	Kevin O'Brien
Cathy Taylor	Ted Harris
Nick Turner	Joel Mulder
Peter Cantele	Warren Greco

PUBLIC COMMENT

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

CONSENT AGENDA

Executive Director Cantele noted that constructive returns for the fiscal year ending June 30, 2021 were issued to CCRB Member Agencies in August. 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. Cantele advised the Board that the US Bureau of Reclamation (Reclamation) continues to meet with National Marine Fisheries Service personnel to discuss Reclamation's revised Biological Assessment and proposed action prior to initiating formal consultation under the Endangered Species Act. The Board discussed how CCRB may be of assistance to Reclamation in the consultation process and pro-

vided input on draft outreach materials. Cantle also noted that Reclamation continues to have limited exchange with Water Board staff because of the board's current focus on addressing the statewide drought.

CLOSED SESSION

CS-1) Conference with Legal Counsel – Anticipated Litigation. The Board went into closed session at 2:25 pm to discuss matters regarding potential litigation, pursuant to Government Code § 54956.9(d)(4).

The Board came out of closed session at 2:33 pm with no reportable actions.

REGULAR AGENDA – CONT.

RA-2, Identify Agenda Items for Future Board Meetings. Updated consultation-related outreach materials will be presented at a future meeting.

RA-3, Confirm Next Meeting(s) and Adjourn. The CCRB Board will next meet at 2:00 pm October 7, 2021, with format (videoconference or in-person) to be determined; Cantle will advise Board members and staff as meeting requirements in compliance with state law are clarified. President Hanson adjourned the meeting at 2:36 pm.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Anita Cantle", is written over a horizontal line.

Secretary to the Board



Cachuma Conservation
Release Board
Board of Directors

City of Santa Barbara
Goleta Water District
Montecito Water District

For Agenda Of: October 7, 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 Report for Period Ending August 31, 2021

Legal Concurrence

As to form: N/A

Recommended Actions

Receive and file an Unaudited Interim Financial Report for the period ending August 31, 2021.

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. As the fiscal year progresses, the Board receives monthly unaudited financial reports to compare fiscal performance against the adopted budget. This report addresses the period ending August 31, 2021.

Fiscal Analysis

Total income through August 31, 2021 was \$286,250.00, reflecting receipt of first quarter billings to the three Member Agencies. Total expenses of \$60,033.27 through August 31, 2021 reflect costs incurred for legal, technical, regulatory advisory, management and administrative services. Expenditures to date are well under budget.

Attachments

Attachment 1: Unaudited Interim Financial Report for the period ending August 31, 2021

Authored by

Peter Cantle, Executive Director

ATTACHMENT 1

**UNAUDITED INTERIM FINANCIAL REPORT FOR THE
PERIOD ENDING AUGUST 31, 2021**

Cachuma Conservation Release Board
Statement of Revenue and Expense- Budget vs. Actual
July through August 2021

	Jul - Aug 21	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
4200 · Income	286,250.00	1,145,000.00	-858,750.00	25.0%
Total Income	286,250.00	1,145,000.00	-858,750.00	25.0%
Expense				
5050 · Office Lease	580.00	5,000.00	-4,420.00	11.6%
5100 · Audit	10,000.00	12,000.00	-2,000.00	83.3%
5200 · Liability Insurance	0.00	7,000.00	-7,000.00	0.0%
5301 · Managers Salary				
5301.01 · Managers Gross Wages	25,892.32			
5301.02 · Employer Tax Expense	2,745.77			
5301 · Managers Salary - Other	0.00	185,000.00	-185,000.00	0.0%
Total 5301 · Managers Salary	28,638.09	185,000.00	-156,361.91	15.5%
5304 · Administrative Support	1,464.35	16,000.00	-14,535.65	9.2%
5312 · Misc Admin Expense	449.40	4,000.00	-3,550.60	11.2%
5313 · Communications/Computer	439.63	8,000.00	-7,560.37	5.5%
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	0.00	14,000.00	-14,000.00	0.0%
5332 · Transportation	0.00	1,000.00	-1,000.00	0.0%
6500 · Contingency	0.00	95,000.00	-95,000.00	0.0%
7000 · Legal	18,173.80	151,000.00	-132,826.20	12.0%
7001 · BO Reconsultation Legal Support	288.00	416,000.00	-415,712.00	0.1%
7002 · SWRCB Water Rights	0.00	40,000.00	-40,000.00	0.0%
7100 · SWRCB Support				
7200 · SWRCB Proceedings Support	0.00	165,000.00	-165,000.00	0.0%
Total 7100 · SWRCB Support	0.00	165,000.00	-165,000.00	0.0%
7500 · Hydrologic Technical Support	0.00	18,000.00	-18,000.00	0.0%
Total Expense	60,033.27	1,145,000.00	-1,084,966.73	5.2%
Net Ordinary Income	226,216.73	0.00	226,216.73	100.0%
Net Income	226,216.73	0.00	226,216.73	100.0%

1:36 PM

09/07/21

Cachuma Conservation Release Board
Reconciliation Summary
1020 · CWB - Chkg #7204, Period Ending 08/31/2021

	<u>Aug 31, 21</u>
Beginning Balance	275,292.54
Cleared Transactions	
Checks and Payments - 14 items	-51,952.51
Deposits and Credits - 2 items	248,780.00
Total Cleared Transactions	<u>196,827.49</u>
Cleared Balance	<u>472,120.03</u>
Uncleared Transactions	
Checks and Payments - 10 items	-248,200.84
Total Uncleared Transactions	<u>-248,200.84</u>
Register Balance as of 08/31/2021	<u>223,919.19</u>
New Transactions	
Checks and Payments - 3 items	-7,034.27
Total New Transactions	<u>-7,034.27</u>
Ending Balance	<u><u>216,884.92</u></u>



OK
Sep 8, 2021

**Cachuma Conservation Release Board
Reconciliation Detail
1020 · CWB - Chkg #7204, Period Ending 08/31/2021**

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						275,292.54
Cleared Transactions						
Checks and Payments - 14 items						
Bill Pmt -Check	07/22/2021	4673	Downey Brand Attor...	X	-17,896.00	-17,896.00
Bill Pmt -Check	07/22/2021	4671	California Strategies...	X	-8,000.00	-25,896.00
Bill Pmt -Check	07/22/2021	4670	AccountabilityPlus, Inc	X	-580.46	-26,476.46
Bill Pmt -Check	07/22/2021	4674	Patterson Self-Stora...	X	-290.00	-26,766.46
Bill Pmt -Check	07/22/2021	4675	Peter Cantle	X	-209.25	-26,975.71
Bill Pmt -Check	07/22/2021	4672	CIO Solutions, LP	X	-63.26	-27,038.97
Check	08/11/2021	EFT	Payroll Tax	X	-10,078.97	-37,117.94
General Journal	08/11/2021	PR08...	Peter Cantle	X	-4,663.82	-41,781.76
General Journal	08/11/2021	PR08...	Peter Cantle	X	-2,990.48	-44,772.24
Check	08/11/2021	EFT	Payroll Vault	X	-71.00	-44,843.24
Check	08/18/2021	EFT	Payroll Vault	X	-75.00	-44,918.24
Check	08/25/2021	EFT	Payroll Tax	X	-3,977.79	-48,896.03
General Journal	08/25/2021	PR08...	Peter Cantle	X	-2,990.48	-51,886.51
Check	08/25/2021	EFT	Payroll Vault	X	-66.00	-51,952.51
Total Checks and Payments					-51,952.51	-51,952.51
Deposits and Credits - 2 items						
Payment	08/05/2021	76134	Goleta Water District	X	131,761.00	131,761.00
Payment	08/10/2021	731266	City of Santa Barbara	X	117,019.00	248,780.00
Total Deposits and Credits					248,780.00	248,780.00
Total Cleared Transactions					196,827.49	196,827.49
Cleared Balance					196,827.49	472,120.03
Uncleared Transactions						
Checks and Payments - 10 items						
Bill Pmt -Check	08/24/2021	4681	Goleta Water Disctri...		-104,162.50	-104,162.50
Bill Pmt -Check	08/24/2021	4679	City of Santa Barbar...		-92,508.43	-196,670.93
Bill Pmt -Check	08/24/2021	4682	Montecito Water Dis...		-29,621.70	-226,292.63
Bill Pmt -Check	08/24/2021	4683	Nasif, Hicks, Harris ...		-10,000.00	-236,292.63
Bill Pmt -Check	08/24/2021	4677	California Strategies...		-8,000.00	-244,292.63
Bill Pmt -Check	08/24/2021	4680	Downey Brand Attor...		-2,461.80	-246,754.43
Bill Pmt -Check	08/24/2021	4676	AccountabilityPlus, Inc		-883.89	-247,638.32
Bill Pmt -Check	08/24/2021	4684	Patterson Self-Stora...		-290.00	-247,928.32
Bill Pmt -Check	08/24/2021	4685	Peter Cantle		-209.26	-248,137.58
Bill Pmt -Check	08/24/2021	4678	CIO Solutions, LP		-63.26	-248,200.84
Total Checks and Payments					-248,200.84	-248,200.84
Total Uncleared Transactions					-248,200.84	-248,200.84
Register Balance as of 08/31/2021					-51,373.35	223,919.19
New Transactions						
Checks and Payments - 3 items						
Check	09/08/2021	EFT	Payroll Tax		-3,977.79	-3,977.79
General Journal	09/08/2021	PR09...	Peter Cantle		-2,990.48	-6,968.27
Check	09/08/2021	EFT	Payroll Vault		-66.00	-7,034.27
Total Checks and Payments					-7,034.27	-7,034.27
Total New Transactions					-7,034.27	-7,034.27
Ending Balance					-58,407.62	216,884.92

**OK
Sep 8, 2021**



Cachuma Conservation
Release Board

Board of Directors

City of Santa Barbara

Goleta Water District

Montecito Water District

For Agenda Of: October 7, 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

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

No significant changes to the status of the two regulatory actions with which CCRB is involved have occurred since the Board's last briefing. CCRB is assisting Reclamation's response to NMFS input on the Biological Assessment regarding description of projects that are identified in the analysis. Below, previously provided contextual information has been updated to remain accurate and current. Updated draft outreach materials are attached for Board consideration.

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. While assistance efforts were paused from July to mid-October 2020, since that time CCRB staff have continued 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 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 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 to date, as the agency is seeking to clarify the Water Board’s review and response process. Per Reclamation, Water Board staff continue to be focused on addressing the 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.

Beginning in early February and extending through late April, 2021, CCRB staff and the downstream interests met at intervals 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 in its March 18 response that addressed multiple issues identified in the letter. 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 assisted Reclamation with updating the BA prior to its submittal. Since BA submittal, Reclamation has met multiple times with NMFS to discuss elements of the revised BA and the proposed action prior to entering Section 7 formal consultation. At this writing, CCRB is assisting Reclamation in fine-tuning project descriptions contained within the BA for which NMFS has requested additional information. Reclamation continues to indicate it will seek additional CCRB technical assistance when needed to address NMFS-identified insufficiency issues.

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 FY21-22 budget provides for staff and consulting support related to both the Water Board Order and the federal Consultation process. Costs incurred to date in the fiscal year beginning July 1 are within budget.

Attachments

Att. 1: (Revised Draft) Outreach Materials

Report authored by:

Peter Cantle, Executive Director

ATTACHMENT 1
(REVISED DRAFT) OUTREACH MATERIALS

CCRB Consultation “Elevator Pitch”

- CCRB and its member agencies are committed to protecting water supplies for our communities and for steelhead populations—and enhancing and improving steelhead habitat.
- CCRB’s member agencies have invested millions of dollars for habitat restoration and other fish management projects, including:
 - Removal of barriers to fish passage
 - Habitat improvements
 - Active fish monitoring and management
- CCRB has provided valuable technical input and local understanding to support the federal Endangered Species Act consultation process between the National Marine Fisheries Service (NMFS) and the Bureau of Reclamation (USBR) to analyze the effects of the operations and maintenance of the Cachuma Project on Southern California steelhead. It’s critically important that we continue to have a seat at the table in these discussions.
- Stay tuned as the process unfolds between USBR and NMFS—we may need your help to build upon the success of fish management programs that continue to protect the steelhead population while supporting more than 200,000 South Coast residents and 12,000 acres of coastal agriculture in Santa Barbara County.

Outreach Elevation List

October 7, 2021

List of potential meetings, zooms, or calls regarding the Section 7 process with the National Marine Fisheries Service (NMFS)/U.S. Department of Commerce, U.S. Bureau of Reclamation (USBR)/U.S. Department of the Interior, and elected officials:

West Coast NMFS:

- Darren Brumback, Fisheries Biologist, NOAA Long Beach Office
- Anthony Spina, Branch Chief, NOAA Long Beach Office
- Lisa Van Atta, NOAA Assistant Regional Administrator, West Coast Region
- Barry Thom, NOAA Regional Administrator, West Coast Region

NMFS/Department of Commerce:

- Samuel D. Rauch, Assistant Administrator for Fisheries
- Brittany Caplin, Deputy Director of Public Affairs and Dept. of Commerce Press Secretary
- Secretary Gina Raimondo, Secretary, Dept. of Commerce or designee

USBR/Department of Interior:

- Russ Callejo, Deputy Regional Director, Region 10
- Ernest Conant, Regional Director, Interior Region 10
- Commissioner Camille Touton and/or designee
- Secretary Deb Haaland, Secretary of the Interior or designee

Elected Officials:

- Congressman Salud Carbajal
- Congressman Jim Costa
- Senator Dianne Feinstein or designee
- Senator Alex Padilla or designee

Local Officials:

- CCRB Alternates
- Polly Holcomb, COMB Director
- Eric Friedman, Chair CCWA
- Other CCWA Board Members
- Water Commission Members
- Janet Gingras, COMB GM
- Other local and regional officials

ESA Consultation Timeline

Cachuma Conservation Release Board (CCRB), a joint powers agency, was formed in 1973 to represent its Member Agencies and their rate-paying customers in interactions with State and Federal agencies to protect vital water supplies for our communities and to protect Southern California Steelhead and habitat in the lower Santa Ynez River. Current members include the City of Santa Barbara, Goleta Water District, and the Montecito Water District.

1948 – The Secretary of the Interior approved the creation of a reservoir on the Santa Ynez River -- the Cachuma Project -- in recognition of the need for an additional reliable water supply for the Santa Barbara South Coast and Santa Ynez Valley.

1953 – The Cachuma Project construction was completed by the U.S. Bureau of Reclamation (USBR).

1958 – The reservoir spilled for the first time; since then, the Cachuma Project has provided significant and reliable water supplies to Santa Barbara County's South Coast and the Santa Ynez Valley.

1997 – The National Marine Fisheries Service (NMFS) listed Southern California Steelhead as an Endangered Species under the federal Endangered Species Act (ESA). The listing triggered an ESA requirement that USBR *consult* with NMFS regarding the potential effects of the Cachuma Project on Southern California Steelhead and its habitat.

2000 – Following consultation with USBR, NMFS released its Biological Opinion (BO) addressing the effects of the Cachuma Project on steelhead. The BO concluded that operation of the Cachuma Project would not jeopardize the continued existence of steelhead with the implementation of measures to minimize harm to the fish and its habitat.

2000-2009 – Since the listing of steelhead as an Endangered Species, USBR has worked with federal, state, and local Santa Ynez River stakeholders and the CCRB Member Agencies to develop and implement effective habitat restoration and fish management programs in the watershed. Collaborative fish management programs developed by Santa Ynez River stakeholders, including USBR, the CCRB Member Agencies, NMFS, CA Department of Fish and Wildlife, Cal Trout, the State Water Board and the U.S. Fish and Wildlife Service, were implemented as part of an effort to ensure that USBR complies with its obligations under Section 7 of the Endangered Species Act. Substantial work has been completed.

2009 – USBR reinitiated consultation with NMFS to review the effects of operations on steelhead and its habitat. Despite accomplishing a significant suite of projects listed in the 2000 Biological Opinion, not all were completed, due in part to geographical impediments and private landowner access issues.

2016 –NMFS produced a draft Biological Opinion (2016 draft BiOp) proposing modifications to Cachuma Project operations to further protect steelhead. Leading fisheries and hydromorphology experts, along with USBR and others, reviewed the 2016 draft BiOp and identified significant concerns, among them that the proposed flow regime would require releases from Cachuma that significantly exceed historical Santa Ynez River flows while not benefiting (and possibly hindering) the steelhead population.

2018 – CCRB and two water agencies downstream of Bradbury Dam partnered to develop a new flow proposal for USBR to submit to NMFS. This flow proposal balanced South Coast and Santa Ynez Valley interests, used accurate and representative hydrologic data, and was specifically designed to benefit steelhead by accounting for their unique biology and lifecycle as well as significant non-flow-related stressors to steelhead and their habitat throughout the lower Santa Ynez River. This new flow proposal thus provided better protection for steelhead than NMFS's 2016 draft BiOp while ensuring reliable water supplies for South Coast communities.

2020 – In response to the Biological Assessment (BA) of the new flow regime, NMFS requested additional information on the BA and then unilaterally cancelled formal consultation. CCRB then assisted USBR in reformulating the proposed action in a revised BA that reflects new regulatory requirements for the Cachuma Project imposed by the State Water Board. Reclamation submitted this revised BA to NMFS in December 2020.

2021 – present. Before entering formal consultation, NMFS requested that Reclamation make further revisions to the BA to provide even more information about the effects of Cachuma Project operations on listed steelhead. CCRB has provided USBR with substantial technical assistance in making these further revisions to the BA and continues to lend its considerable biological and hydrological expertise to USBR to ensure that both listed steelhead and critically important South Coast water supplies are protected for the foreseeable future.

CCRB Consultation Talking Points

Background:

The Cachuma Conservation Release Board (CCRB) is a joint powers agency, comprised of the City of Santa Barbara, Goleta Water District, and the Montecito Water District, formed in 1973 to jointly represent the agencies and their customers with state and federal agencies to protect water supplies and protect Southern California Steelhead and habitat.

Talking Points:

- CCRB and member agencies are committed to protecting water supplies for our communities and for steelhead populations—and enhancing and expanding steelhead habitat.
- Progress has been made by CCRB and member agencies to protect, enhance, and expand steelhead habitat.
 - Cachuma project member agencies (City of Santa Barbara, Goleta Water District, Montecito Water District, ID1, and Carpinteria Valley Water District) have invested more than \$2 million per year for habitat restoration and other fish management projects, including:
 - Removal and modification of numerous fish passage barriers and impediments in the Lower Santa Ynez River and its tributaries.
 - Habitat expansion and development of programs to increase habitat quality and quantity.
 - Extensive fishery monitoring, evaluation, and documenting of fish trends in the watershed.
- Consultation under Section 7 of the federal Endangered Species Act is formally recommencing soon between the Bureau of Reclamation and National Marine Fisheries Service, the federal agencies tasked with addressing these issues.
- Stay tuned as the process unfolds—we may call upon you to help build upon the success of fish management programs that continue to protect the steelhead population while supporting more than 200,000 South Coast residents and 12,000 acres of coastal agriculture in Santa Barbara County reliant on vital Cachuma Project water supplies.