CACHUMA CONSERVATION RELEASE BOARD

REGULAR MEETING AGENDA

BY TELECONFERENCE ONLY
(SEE PARTICIPATION DETAILS BELOW)

City of Santa Barbara
Goleta Water District
Montecito Water District

May 7, 2020
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 teleconference, as described below. The call-in information for the Board and members of the public for this board meeting is as follows:

Call-in Number: 1.669.900.6833

Meeting Number (enter): 85617728391#

Participant code (enter): #

Meeting Passcode (enter): 765205#

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' April 2 and April 17, 2020 meetings.

CA-2) Unaudited Interim Financial Statement for the Period Ending March 31, 2020.
Receive and file the Unaudited Interim Financial Statement for the Period Ending March 31, 2020.

REGULAR AGENDA

RA-1) State Water Board Order and Federal Consultation Process Updates.
Consider status updates regarding State Water Resources Control Board Water Rights Order 2019-0148 and the Consultation process underway with the US Bureau of Reclamation and National Marine Fisheries Service. (Estimated time: 20 minutes)

CLOSED SESSION AGENDA

CS-1) Conference with Legal Counsel – Anticipated Litigation
Government Code section 54956.9(d) (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-2) Identify Agenda Items for Future Board Meetings.

RA-3) Set Next Regular Meeting for 2 PM Thursday, June 4, 2020, to be by teleconference until further notice; 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 MEETING
of the
CACHUMA CONSERVATION RELEASE BOARD
held via Teleconference

Thursday, April 2, 2020, 2:00 pm

CALL TO ORDER, ROLL CALL

The teleconference meeting was called to order at 2:05 p.m. by Board President Lauren Hanson. Those attending the teleconference 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	Jean Baldrige
Nick Turner	Joel Mulder
Peter Cantle	Ali Taghavi
Kevin O'Brien	Warren Greco
Sam Bivins	

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 items on the Consent Agenda. The motion passed 3-0 on a roll call vote.

REGULAR AGENDA

RA-1, Fiscal Year 2020/2021 (FY21) Draft Budget. Executive Director Cantle summarized the draft budget development process, presented a draft FY21 budget for the Board's consideration and responded to questions from the Board. President Hanson noted her serious concern regarding the economic impact that the COVID-19 pandemic is having on local government and asked what considerations could be factored in to the proposed CCRB budget to lessen the financial impact to Member Agencies.

CLOSED SESSION

The Board entered closed session at 2:29 pm to discuss matters regarding potential litigation. The Board came out of closed session and reconvened the public meeting at 3:45 pm with no reportable action.

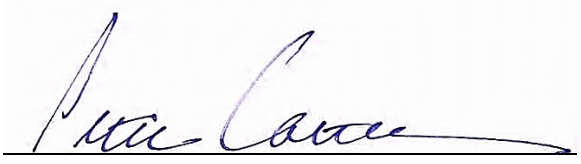
RA-1, Fiscal Year 2020/2021 (FY21) Draft Budget (cont.). Executive Director Cantle reported that he would schedule a Special meeting of the Board at a mutually agreeable time in the next few weeks. The intent of the meeting will be to present a revised proposed FY21 budget for the Board's consideration.

RA-2, State Water Board Order and Federal Consultation Process Updates. The Board considered and discussed a written status update regarding Water Rights Order 2019-0148 (the Order) and the Endangered Species Act-related Consultation process that is underway with the Bureau of Reclamation (Reclamation) and National Marine Fisheries Service (NMFS). Reclamation has received no feedback from the state yet regarding the Term 20 Plan that was submitted March 17. The evolving agency responses to COVID-19, including limits on in-person meetings, appear to be slowing the review process. Regarding the federal Consultation, CCRB received NMFS's February 13 *insufficiency* letter from Reclamation on March 7; staff has been analyzing the information and related requirements NMFS has identified as necessary to move forward with formal consultation on the new proposed action. A draft educational outreach document was tabled for consideration at a later date by the CCRB Board.

RA-3, Agenda Items for Future Board Meetings. Two issues for the Board's future consideration were identified: a revised FY21 budget and a draft Consultation educational outreach document.

RA-4, Set Next Meeting(s) and Adjourn. Executive Director Cantle will coordinate a Special teleconference meeting of the Board in the next few weeks to re-consider a draft FY21 operating budget. The next regular meeting of the CCRB Board is scheduled for 2:00 p.m. Thursday, May 7, 2020 and will be held by teleconference only. President Hanson adjourned the meeting at 4:13 pm.

Respectfully submitted,



Secretary to the Board

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

April 17, 2020, 1:30 pm

CALL TO ORDER, ROLL CALL

The teleconference meeting was called to order at 1:32 pm by Board President Lauren Hanson. Those attending the teleconference were:

Directors Present:

Lauren Hanson	Goleta Water District
Kristen Sneddon	City of Santa Barbara

Also Present:

Ryan Drake	Sam Bivins
Cathy Taylor	Jean Baldrige
Nick Turner	Joel Mulder
Peter Cantle	Ted Harris
Kevin O'Brien	Warren Greco

PUBLIC COMMENT

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

REGULAR AGENDA

RA-1, Fiscal Year 2020/2021 (FY21) Revised Proposed Budget. In response to input received from the Board at the April 2 meeting, Executive Director Cantle summarized the revised proposed FY21 budget of $1,222,000, reduced by $158,000 from the initial FY21 budget proposal, and by $306,000 from the current-year budget. Additionally, revised billing procedures are proposed to be implemented in the coming fiscal year based on quarterly projected workload.

CLOSED SESSION

The Board went into closed session at 1:39 pm to discuss matters regarding potential litigation. The Board came out of closed session with no reportable actions and reconvened the public meeting at 1:49 pm.

RA-1, Fiscal Year 2020/2021 (FY21) Revised Proposed Budget (cont.) Director Sneddon asked about travel costs included in the Administrative section of the proposed budget. Executive Director Cantle noted that this would allow attendance at meetings with federal agencies, should travel restrictions currently in place be loosened. Director Sneddon asked about the raise incorporated in the budget for the Executive Director. Executive Director Cantle noted that this is included as a part the employment agreement with CCRB and approval is at the Board's discretion. Director Sneddon then moved approval of the revised proposed FY21 operating budget. President Hanson seconded the motion. There was no additional discussion. The motion was approved 2-0 on a roll call vote (Director Plough being absent).

RA-2, Next Meeting. The next meeting of the Cachuma Conservation Release Board is scheduled for 2:00 pm May 7, 2020 by teleconference. President Hanson adjourned the meeting at 2:02 pm.

Respectfully submitted,

Secretary to the Board

Cachuma Conservation
Release Board
Agenda Letter

Board of Directors

City of Santa Barbara

Goleta Water District

Montecito Water District

For Agenda Of:	May 7, 2020
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 - Period Ending March 31, 2020

Legal Concurrence:

As to form: N/A

Recommended Actions:

Receive and file the Unaudited Interim Financial Statement – Period Ending March 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. Following budget approval, unaudited interim financial results are provided each month to the Board to compare fiscal performance against the adopted budget. This report addresses the period ending March 31, 2020.

Fiscal Analysis:

Total income through March 31, 2020 was $1,146,003.00, reflecting full receipt of Member Agencies' third-quarter assessments. Total expenses booked through January were $520,976.59, reflecting costs incurred for CCRB management, legal, technical and strategic regulatory support driven by the Consultation and Water Board Order processes underway, and essential administrative processes (e.g., accounting, auditing, computer/website support, insurance).

Three quarters of the way through the fiscal year, CCRB's expenditures stand at approximately 34% of total budget of $1,528,000, due in large part to anticipated litigation expenses that have not materialized. In recognition of Member Agencies' covid-19-related financial concerns, fourth-quarter assessments (which would normally issue in early April) have not been sent and it is currently expected that the fiscal year will be completed with the existing funds in hand ($1,146,003).

Attachments:

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

Authored by:

Peter Cantle, Executive Director

ATTACHMENT 1

UNAUDITED INTERIM FINANCIAL STATEMENT
PERIOD ENDING MARCH 31, 2020

Cachuma Conservation Release Board
Statement of Revenue and Expense- Budget vs. Actual
July 2019 through March 2020

	Jul '19 - Mar 20	Budget	$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
4200 · Income	1,146,003.00	1,528,000.00	-381,997.00	75.0%
Total Income	1,146,003.00	1,528,000.00	-381,997.00	75.0%
Expense				
5050 · Office Lease	2,520.00	5,000.00	-2,480.00	50.4%
5100 · Audit	4,120.00	10,000.00	-5,880.00	41.2%
5200 · Liability Insurance	3,676.53	7,000.00	-3,323.47	52.5%
5301 · Managers Salary				
5301.01 · Managers Gross Wages	116,923.15			
5301.02 · Employer Tax Expense	9,518.62			
5301 · Managers Salary - Other	0.00	175,000.00	-175,000.00	0.0%
Total 5301 · Managers Salary	126,441.77	175,000.00	-48,558.23	72.3%
5304 · Administrative Support	3,947.50	18,000.00	-14,052.50	21.9%
5312 · Misc Admin Expense	1,570.65	4,000.00	-2,429.35	39.3%
5313 · Communications/Computer	3,294.47	8,000.00	-4,705.53	41.2%
5316 · Admin Fixed Assets	0.00	4,000.00	-4,000.00	0.0%
5330 · Admin Travel Expense	0.00	8,000.00	-8,000.00	0.0%
5331 · Travel Federal & State Meetings	1,465.02	20,000.00	-18,534.98	7.3%
5332 · Transportation	0.00	1,000.00	-1,000.00	0.0%
6001 · BO Reconsultation Activities	163,284.25	414,000.00	-250,715.75	39.4%
6500 · Contingency	0.00	54,000.00	-54,000.00	0.0%
7000 · Legal	31,961.99	50,000.00	-18,038.01	63.9%
7001 · BO Reconsultation Legal Support	50,663.41	150,000.00	-99,336.59	33.8%
7002 · SWRCB Water Rights	23,611.25	252,000.00	-228,388.75	9.4%
7100 · SWRCB Support				
7200 · SWRCB Proceedings Support	0.00	110,000.00	-110,000.00	0.0%
Total 7100 · SWRCB Support	0.00	110,000.00	-110,000.00	0.0%
7400 · Legislative/Regulatory Analyst	72,000.00	96,000.00	-24,000.00	75.0%
7500 · Hydrologic Technical Support	32,419.75	142,000.00	-109,580.25	22.8%
Total Expense	520,976.59	1,528,000.00	-1,007,023.41	34.1%
Net Ordinary Income	625,026.41	0.00	625,026.41	100.0%
Net Income	**625,026.41**	**0.00**	**625,026.41**	**100.0%**

Cachuma Conservation Release Board
Reconciliation Summary
1015 · CWB - Checking, Period Ending 03/31/2020

	Mar 31, 20	
Beginning Balance		679,929.98
Cleared Transactions		
Checks and Payments - 16 items	-35,934.16	
Total Cleared Transactions	-35,934.16	
Cleared Balance		**643,995.82**
Uncleared Transactions		
Checks and Payments - 4 items	-21,196.95	
Total Uncleared Transactions	-21,196.95	
Register Balance as of 03/31/2020		**622,798.87**
Ending Balance		622,798.87

OK
April 4, 2020

Cachuma Conservation Release Board
Reconciliation Detail
1015 · CWB - Checking, Period Ending 03/31/2020

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						679,929.98
Cleared Transactions						
Checks and Payments - 16 items						
Bill Pmt -Check	02/24/2020		Downey Brand Attor...	X	-11,768.75	-11,768.75
Bill Pmt -Check	02/24/2020		California Strategies...	X	-8,000.00	-19,768.75
Bill Pmt -Check	02/24/2020		Bartlett, Pringle & W...	X	-1,083.00	-20,851.75
Bill Pmt -Check	02/24/2020		AccountabilityPlus, Inc	X	-507.25	-21,359.00
Bill Pmt -Check	02/24/2020		Peter Cantle	X	-310.40	-21,669.40
Bill Pmt -Check	02/24/2020		Patterson/101 Allstore	X	-280.00	-21,949.40
Bill Pmt -Check	02/24/2020		CIO Solutions, LP	X	-72.50	-22,021.90
Bill Pmt -Check	02/24/2020		Rauch Communicati...	X	-70.00	-22,091.90
Check	03/11/2020		Payroll Tax	X	-3,809.10	-25,901.00
General Journal	03/11/2020		Peter Cantle	X	-2,815.52	-28,716.52
Check	03/11/2020		Payroll Vault	X	-66.00	-28,782.52
Bill Pmt -Check	03/24/2020		AccountabilityPlus, Inc	X	-250.60	-29,033.12
Bill Pmt -Check	03/24/2020		Peter Cantle	X	-210.41	-29,243.53
Check	03/25/2020		Payroll Tax	X	-3,809.12	-33,052.65
General Journal	03/25/2020		Peter Cantle	X	-2,815.51	-35,868.16
Check	03/25/2020		Payroll Vault	X	-66.00	-35,934.16
Total Checks and Payments					-35,934.16	-35,934.16
Total Cleared Transactions					-35,934.16	-35,934.16
Cleared Balance					-35,934.16	643,995.82
Uncleared Transactions						
Checks and Payments - 4 items						
Bill Pmt -Check	03/24/2020		Downey Brand Attor...		-12,841.19	-12,841.19
Bill Pmt -Check	03/24/2020		California Strategies...		-8,000.00	-20,841.19
Bill Pmt -Check	03/24/2020		Patterson/101 Allstore		-280.00	-21,121.19
Bill Pmt -Check	03/24/2020		CIO Solutions, LP		-75.76	-21,196.95
Total Checks and Payments					-21,196.95	-21,196.95
Total Uncleared Transactions					-21,196.95	-21,196.95
Register Balance as of 03/31/2020					-57,131.11	622,798.87
Ending Balance					**-57,131.11**	**622,798.87**

OK
April 4, 2020

Cachuma Conservation
Release Board
Agenda Letter

Board of Directors

City of Santa Barbara

Goleta Water District

Montecito Water District

For Agenda Of:	May 7, 2020
Estimated Time :	20 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 Updates

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 underway with the U.S. Bureau of Reclamation and National Marine Fisheries Service.

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 is based on Alternative 5C in the State Water Board's final environmental impact report. 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.

Approval of the Order started a 30-day statute of limitations during which any petitions for reconsideration or litigation challenging the Order were required to be filed. On October 17, 2019, Reclamation timely petitioned for reconsideration based on its position that: a) requiring a passage feasibility study is beyond the State Water Board's authority and must be authorized by Congress; and, b) all references to the 2016 NMFS draft Biological Opinion in the Order should be removed as that document is not properly part of the proceeding's administrative record. The State Water Board has not addressed the petition for reconsideration at this writing, but State Water Board staff have indicated that they intend to do so and, further, that the timeline for judicial review of the Order does not begin until the State Water Board has ruled on the reconsideration petition. We will continue to update the CCRB Board on this matter as more information becomes available.

Assistance with Plans Required by the Cachuma Project Water Rights Order. In December 2019, the CCRB Board approved Reclamation's request that CCRB provide technical assistance in developing plans required by the Order. CCRB's technical assistance is primarily in the field of fisheries biology, with input from legal counsel and our hydrology consultant, as needed.

To date, CCRB staff have worked with Reclamation primarily on plans required by Terms 20 and 24, which are closely linked within the Order. Term 20 requires that a study plan be prepared to address multiple studies required under Term 24. The Term 20 Plan was due to the State Water Board on or about March 17, 2020. Prior to submitting the plan to the State Water Board, the Order required that Reclamation solicit review of the plan from NMFS and CDFW and address those agencies' input. NMFS and CDFW provided Reclamation their respective comments and CCRB's technical staff reviewed them in concert with Reclamation. The substantial majority of comments from both agencies addressed not the identified listing of plans required by Term 24 and their timelines, but rather what each agency wishes to see in each plan required by Term 24 when that plan is submitted for review. No additional plans other than those identified by Reclamation in the Term 20 Plan draft were called out in the agencies' review. Reclamation therefore submitted the Term 20 Plan to the State Water Board on March 17 with only very minor, non-substantive revisions. The Term 20 Plan remains under review with the State Water Board and, though CCRB staff participated in a March 18 joint Reclamation/Water Board teleconference to initiate exchange on the submittal and other matters, we are aware of no additional input from Water Board staff regarding the Term 20 Plan. At this writing, Reclamation staff is working to set a May 17 teleconference with Water Board staff to follow up on this plan and other matters. We have requested to attend and our request is under consideration.

In March, CCRB technical staff also initiated coordination with Reclamation personnel regarding the Term 19 Plan, which requires Reclamation to assess the effects of the Order's Table 2 flows on steelhead and steelhead habitat in the lower Santa Ynez River over five Wet and/or Above Normal water years. This coordination has been at the conceptual level, focusing on identifying criteria that could be used to quantify steelhead and habitat benefits associated with these new Table 2 flows, and no additional discussions have ensued since the initial coordination. As Term 19 also invokes conjunctive water rights releases as a means of satisfying the condition, we expect that Reclamation will also request that the downstream interests be involved in helping to develop the Term 19 draft plan. We will continue to keep the Board informed as the plan development process moves forward.

Cachuma Project Section 7 Consultation Process. Reclamation's Area Manager, Michael Jackson, transmitted the completed Biological Assessment (BA) and associated appendices supporting the Cachuma Project new proposed action to NMFS on November 8, 2019. After multiple requests for these documents, CCRB and the downstream interests finally received the BA, its appendices and transmittal letter on April 23, 2020. We have reviewed the BA as received and find that it is substantively the same as that reviewed by CCRB staff prior to Reclamation's transmittal to NMFS in November.

Reclamation received a February 13, 2020 "insufficiency" letter from NMFS representing that agency's review of the new proposed action and the associated BA. The NMFS letter presents technical questions and requests substantial additional information that NMFS requires to carry on with formal consultation on the new proposed action. Mr. Jackson distributed the February 13 NMFS letter to CCRB and other Cachuma interests on March 6. NMFS requested that Reclamation respond to their insufficiency letter by March 29, and Reclamation did so (see attached Mar 26, 2020 letter, Michael Jackson to Barry Thom). NMFS responded quickly (see attached Mar 30, 2020 letter, Anthony Spina to Michael Jackson) and indicated that, because

Reclamation did not substantively address any issues identified in its February 13 letter, NMFS has "closed out" Reclamation's request for formal consultation and will continue to engage with Reclamation in "informal" consultation until such time as Reclamation provides the information necessary to begin formal consultation on the new proposed action. CCRB staff's analysis of this exchange, received from Reclamation on April 13, is that it allows NMFS to avoid being subject to stricter timelines for formal consultations that have recently been implemented by the federal government. CCRB legal and technical staff continue to review and analyze the NMFS insufficiency letter in detail so that we may provide our perspective on NMFS's information requests and approach to Reclamation. We will update the Board with any new information as it becomes available.

Fiscal Analysis:

CCRB's approved FY20 budget of $1,528,000 provides for staff and consulting support related to both the Water Board Order and the federal Consultation process. To date, costs for both processes have been substantially under budget, and are expected to remain so through the end of the fiscal year.

Attachments:

Attachment 1. March 26, 2020 US Bureau of Reclamation to National Marine Fisheries Service Letter

Attachment 2. March 30, 2020 National Marine Fisheries Service to US Bureau of Reclamation Letter

Authored by:

Peter Cantle, Executive Director

ATTACHMENT 1

MARCH 26, 2020 RECLAMATION TO NMFS LETTER

United States Department of the Interior

BUREAU OF RECLAMATION
South-Central California Area Office
1243 N Street
Fresno, CA 93721-1813

IN REPLY REFER TO:

SCC-400
2.2.1.06

MAR 26 2020

VIA ELECTRONIC MAIL ONLY

Mr. Barry A. Thom
Regional Administrator
National Marine Fisheries Service
1201 NE Lloyd Boulevard, Suite I 100
Portland, OR 97232-1274

Subject: National Marine Fisheries Service's (NMFS) insufficiency letter of February 13, 2020

Dear Mr. Thom: Barry

We would like to thank you and your staff again for accommodating the additional time needed to develop the Biological Assessment for the Operation and Maintenance of the Cachuma Project (BA) submitted on November 8, 2019.

We are in receipt of NMFS's insufficiency letter regarding the BA and Reclamation provides by way of this letter its intention to continue consultation.

Although we are busily addressing ongoing matters during the COVID-19 pandemic, we request your staff work with Reclamation in a collaborative approach to address the requested changes to the proposed action and to ensure a more protective outcome for the species. With this in mind, we plan to schedule a meeting, on a mutually agreeable date, with Mr. Anthony Spina.

If you should have any questions regarding this matter, please feel free to contact me or have your staff contact David E. Hyatt at (559) 262-0334.

Sincerely,

Michael P. Jackson

Michael P. Jackson, P.E.
Area Manager

cc: Ms. Alecia Van Atta
Assistant Regional Administrator
California Coastal Office
National Marine Fisheries Service
777 Sonoma Avenue, Room 325
Santa Rosa, CA 95404

Mr. Anthony Spina
Chief, Southern California Branch
National Marine Fisheries Service
501 West Ocean Boulevard, Suite 4200
Long Beach, CA 90802-4213

ATTACHMENT 2

MARCH 30, 2020 NMFS TO RECLAMATION LETTER

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region

March 30, 2020

Michael Jackson
U.S. Bureau of Reclamation
1243 N Street
Fresno, California 93721-1813

Re: Notice of request for initiation of formal consultation close out due to insufficient information to initiate formal consultation under 7(a)(2) of the Endangered Species Act for Operation and Maintenance of the Cachuma Project in Santa Barbara County, California.

Dear Mr. Jackson:

Thank you for your November 8, 2019 letter requesting initiation of formal consultation with NOAA's National Marine Fisheries Service pursuant to section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq*.) for Operation and Maintenance of the Cachuma Project.

Unfortunately, the information you provided to support your request is insufficient to initiate formal consultation under the ESA as described in the regulations governing interagency consultations (50 CFR §402.14(c)). We notified you by letter on February 13, 2020, that you had not provided the information necessary to initiate formal consultation and indicated that if we did not receive a response within 45 days, we would consider the request withdrawn and we would close out the request for formal consultation.

Because you did not provide the information we identified as necessary to initiate formal consultation within 45 days, we consider the request withdrawn and have closed out your request for formal consultation.

We understand from your March 26, 2020, letter that you will continue to pursue this consultation. In support, we will continue to engage in informal consultation until we receive the information needed to begin formal consultation. We look forward to rescheduling the meeting originally scheduled for March 24, 2020, to learn when you expect to deliver a revised Biological Assessment to support formal consultation, and to discuss the process for that revision. To that end, please provide us your suggested dates for the upcoming meeting and identify those elements of our February 13, 2020, letter you wish to discuss in further detail.

Please contact Darren Brumback at (562) 980-4060 or Darren.Brumback@noaa.gov if you have a question concerning this letter.

Sincerely,

Anthony P. Spina
Chief, Southern California Branch
California Coastal Office

cc: Chris Dellith, U.S. Fish and Wildlife Service
Administrative File: 151422SWR2010PR00316