

NOTICE AND AGENDA

Regular Meeting of the Board of Trustees
SANTA YNEZ RIVER WATER CONSERVATION DISTRICT, IMPROVEMENT DISTRICT NO.1
will be held at **3:00 P.M., Tuesday, July 16, 2024**
1070 Faraday Street, Santa Ynez, CA - Conference Room

Notice Regarding Public Participation: For those who may not attend the meeting but wish to provide public comment on an Agenda Item, please submit any and all comments and written materials to the District via electronic mail at general@syrwd.org. All submittals should indicate "**July 16, 2024 Board Meeting**" in the subject line. Materials received by the District during and prior to the meeting will become part of the post-meeting Board packet materials available to the public and posted on the District's website.

1. **CALL TO ORDER AND ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **REPORT BY THE SECRETARY TO THE BOARD REGARDING COMPLIANCE WITH THE REQUIREMENTS FOR POSTING OF THE NOTICE AND AGENDA**
4. **ADDITIONS OR CORRECTIONS, IF ANY, TO THE AGENDA**
5. **PUBLIC COMMENT** - Any member of the public may address the Board relating to any non-Agenda matter within the District's jurisdiction. The total time for all public participation shall not exceed fifteen (15) minutes and the time allotted for each individual shall not exceed three (3) minutes. The District is not responsible for the content or accuracy of statements made by members of the public. No action will be taken by the Board on any public comment item.
6. **EMPLOYEE SPOTLIGHTS**
 - A. Lizeth Caro; Jill Petersen; Regina Goold; Debbie Curtis
7. **CLOSED SESSION:**
 - A. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION: TITLE - GENERAL MANAGER**
[Section 54957 of the Government Code]
 - B. **CONFERENCE WITH LABOR NEGOTIATOR:** Jeff Dinkin - Stradling, Yocca, Carlson & Rauth;
Unrepresented Employee - General Manager [Section 54957.6 of the Government Code]
8. **RECONVENE INTO OPEN SESSION:**
[Sections 54957.1 and 54957.7 of the Government Code]
 - A. Consideration and Approval of General Manager Cost of Living Adjustment Increase and Compensation Adjustment
9. **CONSIDERATION OF THE MINUTES OF THE REGULAR MEETING OF JUNE 18, 2024**
10. **CONSENT AGENDA** - All items listed on the Consent Agenda are considered to be routine and will be approved or rejected in a single motion without separate discussion. Any item placed on the Consent Agenda can be removed and placed on the Regular Agenda for discussion and possible action upon the request of any Trustee.
 - CA-1. Water Supply and Production Report
 - CA-2. Central Coast Water Authority Update
11. **MANAGER REPORTS - STATUS, DISCUSSION, AND POSSIBLE BOARD ACTION ON THE FOLLOWING SUBJECTS:**
 - A. **DISTRICT ADMINISTRATION**
 1. Financial Report on Administrative Matters
 - a) Presentation of Monthly Financial Statements - Revenues and Expenses
 - b) Approval of Accounts Payable

2. District Workplace Violence Prevention Plan

B. OPERATIONS UPDATE

12. REPORT, DISCUSSION, AND POSSIBLE BOARD ACTION ON THE FOLLOWING SUBJECTS:

A. SUSTAINABLE GROUNDWATER MANAGEMENT ACT

1. Eastern Management Area (EMA) Update

13. REPORTS BY THE BOARD MEMBERS OR STAFF, QUESTIONS OF STAFF, STATUS REPORTS, ANNOUNCEMENTS, COMMITTEE REPORTS, AND OTHER MATTERS AND/OR COMMUNICATIONS NOT REQUIRING BOARD ACTION

14. CORRESPONDENCE: GENERAL MANAGER RECOMMENDS FILING OF VARIOUS ITEMS

15. REQUESTS FOR ITEMS TO BE INCLUDED ON THE NEXT REGULAR MEETING AGENDA: Any member of the Board of Trustees may request to place an item on the Agenda for the next regular meeting. Any member of the public may submit a written request to the General Manager of the District to place an item on a future meeting Agenda, provided that the General Manager and the Board of Trustees retain sole discretion to determine which items to include on meeting Agendas.

16. NEXT MEETING OF THE BOARD OF TRUSTEES: The next Regular Meeting of the Board of Trustees is scheduled for August 20, 2024 at 3:00 p.m.

17. CLOSED SESSION:

The Board will hold a closed session to discuss the following items:

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

[Subdivision (d)(1) of Section 54956.9 of the Government Code – 3 Cases]

1. Name of Case: Adjudicatory proceedings pending before the State Water Resources Control Board regarding Permits 11308 and 11310 issued on Applications 11331 and 11332 to the United States Bureau of Reclamation for the Cachuma Project
2. Name of Case: Adjudicatory proceedings pending before the State Water Resources Control Board regarding Permit 15878 issued on Application 22423 to the City of Solvang, Petitions for Change, and Related Protests
3. Name of Case: Central Coast Water Authority, et al. v. Santa Barbara County Flood Control and Water Conservation District, et al., Santa Barbara County Superior Court Case No. 21CV02432

B. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

[Subdivision (d)(4) of Section 54956.9 of the Government Code – Potential Initiation of Litigation By the Agency – One Matter]

18. RECONVENE INTO OPEN SESSION:

[Sections 54957.1 and 54957.7 of the Government Code]

- A. Report (if any) on Closed Session Agenda Items 17.A – 17.B

19. ADJOURNMENT

This Agenda was posted at 3622 Sagunto Street, Santa Ynez, California, and notice was delivered in accordance with Government Code Section 54950 et seq., specifically Section 54956. This Agenda contains a brief general description of each item to be considered. The Board reserves the right to change the order in which items are heard. Copies of any staff reports or other written documentation relating to each item of business on the Agenda are on file with the District and available for public inspection during normal business hours at 3622 Sagunto Street, Santa Ynez. Such written materials will also be made available on the District's website, subject to staff's ability to post the documents before the regularly scheduled meeting. Questions concerning any of the Agenda items may be directed to the District's General Manager at (805) 688-6015. If a court challenge is brought against any of the Board's decisions related to the Agenda items above, the challenge may be limited to those issues raised by the challenger or someone else during the public meeting or in written correspondence to the District prior to or during the public meeting. In compliance with the Americans with Disabilities Act, any individual needing special assistance to review Agenda materials or participate in this meeting may contact the District Secretary at (805) 688-6015. Notification 72 hours prior to the meeting will best enable the District to make reasonable arrangements to ensure accessibility to this meeting.

SANTA YNEZ RIVER WATER CONSERVATION DISTRICT,
IMPROVEMENT DISTRICT NO.1
JUNE 18, 2024 REGULAR MEETING MINUTES

A Regular Meeting of the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1, was held at 3:00 p.m. on Tuesday, June 18, 2024, in-person at 1070 Faraday Street.

Trustees Present: Michael Burchardi
Jeff Clay
Brad Joos
Mark Moniot
Nick Urton

Trustees Absent: None

Others Present: Paeter Garcia Mary Robel Racel Cota
Karen King Dan Drugan Gary Kvistad
Laura Copple

1. CALL TO ORDER AND ROLL CALL:

President Clay called the meeting to order at 3:00 p.m., he stated that this was a Regular Meeting of the Board of Trustees. Ms. Cota conducted roll call and reported that all Trustees were present.

2. PLEDGE OF ALLEGIANCE:

President Clay led the Pledge of Allegiance.

3. REPORT BY THE SECRETARY TO THE BOARD REGARDING COMPLIANCE WITH THE REQUIREMENTS FOR POSTING OF THE NOTICE AND AGENDA:

Ms. Cota reported that the Agenda for this meeting was posted in accordance with the California Government Code commencing at Section 54953, as well as District Resolution No. 340.

4. ADDITIONS OR CORRECTIONS, IF ANY, TO THE AGENDA:

There were no additions or corrections to the Agenda.

5. PUBLIC COMMENT:

President Clay welcomed any members of the public and offered time for members of the public to speak and address the Board on matters not on the Agenda. There was no public comment. Mr. Garcia reported that no written comments were submitted to the District for the meeting.

6. CONSIDERATION OF THE MINUTES OF THE REGULAR MEETING OF MAY 21, 2024:

The Regular Meeting Minutes from May 21, 2024 were presented for consideration.

President Clay asked if there were any changes or additions to the Regular Meeting Minutes of May 21, 2024. There were no changes or additions requested.

It was MOVED by Trustee Burchardi, seconded by Trustee Urton, and carried by a 5-0-0 voice vote, to approve the May 21, 2024 Regular meeting minutes as presented.

1 7. CONSENT AGENDA:

2 The Consent Agenda Report was provided in the Board Packet.

3
4 Mr. Garcia reviewed the Consent Agenda materials for the month of May.

5
6 It was MOVED by Trustee Moniot, seconded by Trustee Joos, and carried by a 5-0-0 voice vote, to
7 approve the Consent Agenda.

8
9 8. MANAGER REPORTS - STATUS, DISCUSSION, AND POSSIBLE BOARD ACTION ON THE FOLLOWING
10 SUBJECTS:

11 A. DISTRICT ADMINISTRATION

12
13 1. Financial Report on Administrative Matters

14 a) Presentation of Monthly Financial Statements – Revenues and Expenses

15 Ms. Cota announced that the Financial Statements were provided to the Board via
16 email earlier in the day, and also included in the meeting handout materials and
17 posted on the District’s website.

18
19 Ms. Cota reviewed the Statement of Revenues and Expenses for the month of May.
20 She highlighted various line-items related to revenue and expense transactions that
21 occurred during the month and referred to the Fiscal-Year-to-Date Statement of
22 Revenues and Expenses that provides a budget to actual snapshot for the month of
23 May. Ms. Cota reported that the District revenues for the month of May exceeded the
24 expenses by \$177,354.23 and the year-to-date net income was \$2,208,189.43.

25
26 b) Approval of Accounts Payable

27 Ms. Cota announced that the Warrant List was provided to the Board via email earlier
28 in the day and included in the meeting handout materials and posted on the District’s
29 website.

30
31 The Board reviewed the Warrant List which covered warrants 25915 through 25972 in
32 the amount of \$581,941.02.

33
34 It was MOVED by Trustee Burchardi, seconded by Trustee Urton, and carried by a 5-
35 0-0 roll call vote, to approve the Warrant List for May 22, 2024 through June 18, 2024.

36
37 c) CalPERS Overview – Bartlett Pringle & Wolf

38 Mr. Garcia introduced Ms. Laura Copple, CPA, Bartlett Pringle & Wolf representative,
39 to provide an overview of CalPERS.

40
41 Ms. Copple provided a PowerPoint presentation which included an overview of the
42 CalPERS Pension Plan. She explained the California Public Employees Retirement
43 System (CalPERS) manages the largest public pension fund in the United States,
44 providing retirement and health benefits for California state, school, and public
45 agency members. Ms. Copple reviewed the Classic and PEPRA Member
46 contributions, Employee and Employer contributions, explained the unfunded
47 accrued liability, historical funding, and historical and projected contributions. The
48 Board was provided with time to ask questions and comment.

49
50 The Board and staff thanked Ms. Copple for her presentation.

- 1 2. Appropriation Limit for the 2024/2025 Fiscal Year - Article XIII B (Proposition 13)
2 a) Resolution No. 844: A Resolution of the Board of Trustees of the Santa Ynez River
3 Water Conservation District, Improvement District No.1 Establishing the
4 Appropriation Limit for Fiscal Year 2024/2025 Pursuant to Article XIII B of the
5 California Constitution
6

7 The Board packet included draft Resolution No. 844 and a copy of the Public Notice
8 regarding the FY 2024/2025 Appropriation Limitation Calculation that was published
9 in the Santa Ynez Valley News on June 6, 2024 and June 13, 2024, posted on the
10 District's website and at the District Office on May 22, 2024.
11

12 Mr. Garcia reported that the appropriation limit and related calculations for FY
13 2024/2025 were presented to the Board at the May 18, 2024 Board Meeting and were
14 published and publicly noticed in accordance with applicable requirements. He stated
15 that no public comment was received. Mr. Garcia explained that the FY 2024/2025
16 appropriation limit is \$2,481,499 based on factors and calculations published by the
17 California Department of Finance. He stated that adoption of a Resolution is required
18 pursuant to Government Code Section 7910 to establish an appropriation limit each
19 fiscal year and recommended approval of Resolution No. 844 Establishing the
20 Appropriation Limit for Fiscal Year 2024/2025.
21

22 Mr. Garcia explained that although the District can set the assessment up to the
23 maximum amount of \$2,481,499, the FY 2024/2025 Budget proposes no increase this
24 year, with the assessment to remain at \$875,000, which the Board has elected to do
25 previously for fiscal years 2017/2018 through 2024/2025. There was no public
26 comment.
27

28 It was **MOVED** by Trustee Burchardi, seconded by Trustee Urton, to adopt Resolution
29 No. 844, Establishing the Appropriation Limit for Fiscal Year 2024/2025 Pursuant to
30 Article XIII B of the California Constitution.
31

32 The Motion carried and Resolution No. 844 was adopted by the following 5-0-0
33 roll call vote:
34

35 **AYES, Trustees:** Mike Burchardi
36 Jeff Clay
37 Brad Joos
38 Mark Moniot
39 Nick Urton
40

41 **NOES, Trustees:** None
42 **ABSTAIN, Trustees:** None
43 **ABSENT, Trustees:** None
44

- 45 3. Consider Adoption of the Final Budget for Fiscal Year 2024/2025
46 a) Final Budget Summary

47 The Board packet included the Final Budget for Fiscal Year 2024/2025.
48

49 Mr. Garcia summarized the Final Budget for FY 2024/2025 that was included in the
50 Board packet. He explained that the Board reviewed the Preliminary Budget at the
51 May 21, 2024 Board meeting, which included a detailed budget narrative, summary of

1 revenues and expenses, debt service, other expenses, and capital improvement project
2 expenses. He indicated that the Board was asked to provide any comments and/or
3 questions prior to preparation and presentation of the Final Budget in June. He
4 reported that since the May Board meeting no additional comments have been
5 received from the Board or the public; however, staff is presenting amendments that
6 are included in the proposed Final Budget. Mr. Garcia reviewed the proposed changes
7 which relate to increased expenses for Legal and Engineering Services, Cr6
8 Implementation Planning & Studies, Water System Study analyses, and Capital
9 Improvement Projects, reflecting in an increase of \$222,500 over the Preliminary
10 Budget presented in May.

11
12 Board discussion ensued regarding the new Cr6 MCL Regulation and potential legal
13 challenges relating to the MCL, planning & studies relating to the Cr6 Regulation, the
14 District's special tax assessment levy, fixed/variable costs, 2016 water rate study, and
15 water conservation.

16
17 Mr. Garcia recommended approval of Resolution No. 845 approving and adopting the
18 FY 2024/2025 Final Budget and requesting the collection of an assessment levy in the
19 amount of \$875,000 for the Fiscal Year 2024/2025.

- 20
21 b) Resolution No. 845: A Resolution of the Board of Trustees of the Santa Ynez River
22 Water Conservation District, Improvement District No.1 Adopting the Final Budget
23 for Fiscal Year 2024/2025 and Requesting an Assessment Levy Required to Collect
24 \$875,000

25 The Board packet included draft Resolution No. 845.

26
27 It was **MOVED** by Trustee Burchardi, seconded by Trustee Joos, to adopt Resolution
28 No. 845, Adopting the Final Budget for Fiscal Year 2024/2025 and Requesting an
29 Assessment Levy Required to Collect \$875,000.

30
31 The Motion carried and Resolution No. 845 was adopted by the following 5-0-0
32 roll call vote:

33
34 **AYES, Trustees:** Mike Burchardi
35 Jeff Clay
36 Brad Joos
37 Mark Moniot
38 Nick Urton

39
40 **NOES, Trustees:** None
41 **ABSTAIN, Trustees:** None
42 **ABSENT, Trustees:** None

43
44 4. Conflict of Interest Code

- 45 a) Resolution No. 846 - A Resolution of the Board of Trustees of the Santa Ynez River
46 Water Conservation District, Improvement District No.1 Approving an Update to its
47 Conflict of Interest Code

48 The Board packet included draft Resolution No. 846 and the District's Conflict of
49 Interest Code.

50
51 Mr. Garcia reported that the Board regularly reviews the District's Conflict of Interest
52 Code for any updates. He explained that based on the retirement of Ms. Mary Robel,

1 and the appointment of Ms. Racel Cota to the Secretary/Treasurer position, the
2 District's Conflict of Interest Code requires an amendment to Appendix A –
3 Designated Employees/Positions, removing the Assistant General Manager position
4 and adding the Administrative & Financial Manager. Mr. Garcia reviewed the
5 designated employees/positions contained in the Conflict of Interest Code and
6 reported there are no other changes to the code.
7

8 It was MOVED by Trustee Joos, seconded by Trustee Moniot, to adopt Resolution No.
9 846, Approving an Update to its Conflict of Interest Code.
10

11 The Motion carried and Resolution No. 846 was adopted by the following 5-0-0
12 roll call vote:
13

14 AYES, Trustees: Mike Burchardi
15 Jeff Clay
16 Brad Joos
17 Mark Moniot
18 Nick Urton
19

20 NOES, Trustees: None
21 ABSTAIN, Trustees: None
22 ABSENT, Trustees: None
23

- 24 5. 2023 Consumer Confidence Report – Annual Water Quality Report Required by Federal
25 and State Regulations to Protect Drinking Water
26 The Board packet included the 2023 Consumer Confidence Report/Annual Water Quality
27 Report.
28 Mr. Garcia stated that the Annual Water Quality Report was prepared by Mr. Dan
29 Drugan, Water Resources Manager.
30

31 Mr. Drugan explained that the District is required by state and federal drinking water
32 regulations to prepare and distribute a Consumer Confidence Report, also known as the
33 Annual Water Quality Report. Mr. Drugan noted that the report includes information,
34 based on the 2023 calendar year, regarding the District's sources of water, the levels of
35 any contaminants detected in the water, compliance with other drinking water
36 regulations, and other educational information. He reported that the District met and
37 exceeded all applicable water quality standards for the 2023 reporting period. Mr. Drugan
38 stated that the Consumer Confidence Report was submitted to the California Division of
39 Drinking Water, posted on the District's website, noticed on the customer water bills, sent
40 electronically to all customers with email accounts, and made available at the District
41 office in accordance with the State requirements.
42

43 **9. REPORT, DISCUSSION, AND POSSIBLE BOARD ACTION ON THE FOLLOWING SUBJECTS:**
44

45 **A. SUSTAINABLE GROUNDWATER MANAGEMENT ACT**

- 46 1. Eastern Management Area (EMA) Update
47 a) Consider Approval of the Joint Exercise of Powers Agreement for the Santa Ynez River
48 Valley Basin Eastern Management Area Groundwater Sustainability Agency
49 The Board packet included a May 23, 2024 Eastern Management Area GSA Staff
50 Memorandum and a Joint Exercise of Powers Agreement for the Santa Ynez River
51 Valley Basin Eastern Management Area Groundwater Sustainability Agency.
52

1 Mr. Garcia announced that the Joint Powers Agency Agreement for the Eastern
2 Management Area has been finalized. He referred to the Agreement included in the
3 packet and explained that all parties of the EMA have approved the terms of the
4 Agreement. He explained that EMA GSA Committee met on May 23, 2024 and
5 provided its unanimous endorsement of the JPA Agreement. Mr. Garcia stated that
6 the JPA Agreement would become effective after each member agency approves and
7 executes the Agreement. He indicated that the City of Solvang City Council approved
8 the Agreement at their meeting on June 10, 2024, that the Conservation District will
9 consider the Agreement on June 19, 2024, and that the County Water Agency is
10 scheduled to consider the Agreement in mid-July. Mr. Garcia provided a review of
11 the activities leading up to approval of the final JPA Agreement, which included
12 negotiations to include an Agriculture Director, voting structure consisting of "one
13 director, one vote," a \$50,000 reimbursable cost contribution from each member
14 agency, and a separate voluntary agreement regarding additional reimbursable
15 contributions from each of the member agencies. Mr. Garcia expressed his
16 appreciation and compliments to all parties for their collaboration in finalizing the
17 Agreement. He recommends Board approval of the Joint Powers Agency Agreement
18 for the Eastern Management Area GSA, and authorization for the Board President and
19 Secretary to execute the Agreement.
20

21 It was MOVED by Trustee Joos, seconded by Trustee Burchardi, to approve the Joint
22 Powers Agency Agreement for the Eastern Management Area Groundwater
23 Sustainability Agency, and authorize the Board President and Secretary to execute the
24 Agreement.
25

26 The Board thanked Trustee Joos, Trustee Burchardi, and Mr. Garcia for their hard
27 work and efforts in negotiating the final Agreement.
28

- 29 b) Resolution No. 847 – A Resolution of the Board of Trustees of the Santa Ynez River
30 Water Conservation District, Improvement District No.1 Appointing District Trustees
31 to Serve as Director and Alternate Director to the Santa Ynez River Valley Basin
32 Eastern Management Area Groundwater Sustainability Agency
33

34 Mr. Garcia stated that with the approval of the JPA Agreement for the Eastern
35 Management Area Groundwater Sustainability Agency, each agency is required to
36 appoint by resolution a Director and Alternate Director to the JPA Board. He reported
37 that Trustees Joos and Burchardi currently are the District's primary and alternate
38 members of the GSA Committee.
39

40 It was MOVED by Trustee Moniot, seconded by Trustee Urton, to adopt Resolution
41 No. 847, Appointing Trustee Joos to serve as the District's Director and Trustee
42 Burchardi to serve as the District's Alternate Director on the Board of Directors for the
43 Santa Ynez River Valley Groundwater Basin Eastern Management Area Groundwater
44 Sustainability Agency to be formed by the JPA Agreement.
45

46 The Motion carried and Resolution No. 847 was adopted by the following 5-0-0
47 roll call vote:
48

49 **AYES, Trustees:** Mike Burchardi
50 Jeff Clay
51 Brad Joos
52 Mark Moniot

Nick Urton

NOES, Trustees: None

ABSTAIN, Trustees: None

ABSENT, Trustees: None

c) Other SGMA Updates

The Board packet included various materials, including a June 12, 2024 ACWA article titled "Bill that would have banned some new groundwater wells fails to pass out of Senate Committee," Assembly Bill 2079 language, Valley Ag Voice, California Water News Central article, and SYV Water articles relating to SGMA.

Mr. Garcia reviewed the various materials included in the Board packet related to the Sustainable Groundwater Management Act throughout the state, which was provided as information.

10. REPORTS BY THE BOARD MEMBERS OR STAFF, QUESTIONS OF STAFF, STATUS REPORTS, ANNOUNCEMENTS, COMMITTEE REPORTS, AND OTHER MATTERS AND/OR COMMUNICATIONS NOT REQUIRING BOARD ACTION

Mr. Garcia reported that, similar to last year, the District would be hosting an ID No.1 informational booth on Saturday, June 22, 2024 as part of the "Old Santa Ynez Days" event in downtown Santa Ynez.

The Board packet included various materials including the June 2024 Family Farm Alliance Monthly Briefing and a Sacramento Bee news article titled "California's largest reservoir project in decades clears environmental court challenge."

Mr. Garcia stated that the Santa Ynez River Water Conservation District (SYRWCD) will hold a special meeting on June 19, 2024 at 6:30 p.m. to discuss proposed groundwater charges for Fiscal Year 2024/2025 and SYRWCD's Rate Study Report. He indicated that last year ID No.1 submitted a comment letter which included various concerns and objections to the SYRWCD's FY 2023/2024 Rate Study and proposed groundwater charges. He further explained that the Rate Study and proposed groundwater charges for the upcoming FY 2024/25 raise concerns and objections which are similar to those that ID No.1 has communicated to SYRWCD over the past couple years, that ID No.1 has serious ongoing concerns that groundwater charges being imposed by SYRWCD for the Santa Ynez Uplands area are not tied to direct services or benefits provided to those paying the charges, and that ID No.1 customers are bearing a disproportionate burden with regard to sustainable groundwater management in the Eastern Management Area of the Basin. Board discussion ensued. Mr. Garcia stated that he would be attending the SYRWCD meeting and submitting a comment letter to SYRWCD prior to the meeting on June 19, 2024.

Mr. Garcia stated that staff has submitted a Notice of Elective Offices package to the Santa Barbara County Elections Office for the November 5, 2024 Election. He stated that the District has two Trustee seats open for election this November, which include Mr. Mark Moniot (Division 1) and Mr. Michael Burchardi (Division 4).

1 **11. CORRESPONDENCE: GENERAL MANAGER RECOMMENDS FILING OF VARIOUS ITEMS**

2 The Correspondence List was received by the Board.

3
4 **12. REQUESTS FOR ITEMS TO BE INCLUDED ON THE NEXT REGULAR MEETING AGENDA:**

5 There were no requests from the Board.

6
7 **13. NEXT MEETING OF THE BOARD OF TRUSTEES:**

8 President Clay stated that the next Regular Meeting of the Board of Trustees is scheduled for July
9 16, 2024 at 3:00 p.m.

10
11 **14. CLOSED SESSION:**

12 The Board adjourned to closed session at 5:55 p.m.

13
14 **A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

15 [Subdivision (d)(1) of Section 54956.9 of the Government Code - 3 Cases]

- 16
17 1. Name of Case: Adjudicatory proceedings pending before the State Water Resources
18 Control Board regarding Permits 11308 and 11310 issued on Applications 11331 and
19 11332 to the United States Bureau of Reclamation for the Cachuma Project
20
21 2. Name of Case: Adjudicatory proceedings pending before the State Water Resources
22 Control Board regarding Permit 15878 issued on Application 22423 to the City of
23 Solvang, Petitions for Change, and Related Protests
24
25 3. Name of Case: Central Coast Water Authority, et al. v. Santa Barbara County Flood
26 Control and Water Conservation District, et al., Santa Barbara County Superior Court
27 Case No. 21CV02432
28

29 **B. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION**

30 [Subdivision (d)(2) of Section 54956.9 of the Government Code - Significant Exposure to
31 Litigation Against the Agency - One Matter]
32

33 **C. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION**

34 [Subdivision (d)(4) of Section 54956.9 of the Government Code - Potential Initiation of
35 Litigation By the Agency - One Matter]
36

37 **15. RECONVENE INTO OPEN SESSION**

38 [Sections 54957.1 and 54957.7 of the Government Code]

39
40 The Board reconvened to open session at approximately 6:45 p.m. Mr. Garcia announced that
41 the Board met in closed session in accordance with Agenda Items 14.A.1, 14.A.2, 14.A.3, 14.B.,
42 and 15.B. He reported that there was no reportable action for any of the closed session Agenda
43 Items.
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16. ADJOURNMENT:

Being no further business, it was **MOVED** by Trustee Urton, seconded by Trustee Joos, and carried by a 3-0-0 voice vote, with Trustees Clay and Burchardi absent, to adjourn the meeting at approximately 6:45 p.m.

RESPECTFULLY SUBMITTED,

Racel Cota, Secretary to the Board

ATTEST:

Jeff Clay, President

MINUTES PREPARED BY:

Karen King, Board Administrative Assistant

**BOARD OF TRUSTEES
SANTA YNEZ RIVER WATER CONSERVATION DISTRICT,
IMPROVEMENT DISTRICT NO.1
July 16, 2024**

Consent Agenda Report

CA-1. Water Supply and Production Report. Total water production in **June 2024 (399 AF)** was 110 AF higher than total production in **May 2024 (289 AF)**, 27 AF lower than the most recent 3-year running average (2021-2023) for the month of **June (426 AF)**, and 72 AF lower than the most recent 10-year running average (2014-2023) for the month of **June (471 AF)**. Overall production in June 2024 was the second lowest for the month of June over the last 10 years; the next lowest June production over the last ten years was 347 AF in 2023; the highest June production in the last ten years was 585 AF in 2014. This below-average production for June is mostly attributable to extraordinary rainfall early in the year, which resulted in lower domestic and agricultural demands. As previously reported, the District's overall demands and total production have been trending well below historic levels for domestic, rural residential, and agricultural water deliveries due to water conservation, changing water use patterns, and private well installations.

For the month of **June 2024, 0 AF** was produced from the Santa Ynez Upland wells and **0 AF** was produced from the Santa Ynez River alluvium. As reflected in the Monthly Water Deliveries Report from the CCWA, the District took approximately **399 AF** of SWP supplies for the month. Direct diversions to the County Park and USBR were **2.0 AF**.

The USBR Daily Operations Report for Lake Cachuma in May (ending June 30, 2024) recorded the end of month reservoir elevation at **753.52'** with the end of month storage of **194,927 AF**. USBR recorded total precipitation at the lake of **0.0 inches** for the month. SWP deliveries to the reservoir for South Coast entities were **0 AF**. Reported reservoir evaporation in **June** was **1,713.0 AF**.

Based on the updated maximum storage capacity of 192,978 AF (previously 193,305 AF), as of **July 8, 2024** Cachuma reservoir was reported at **100.3%** of capacity, with then-current storage of **193,544 AF** (Santa Barbara County Flood Control District, Rainfall and Reservoir Summary). **As reported last month, USBR declared reservoir spill conditions effective February 1, 2024. On June 18th, USBR notified the Cachuma Member Units that spill/surplus conditions would terminate at the end of the day on June 21st.** At a point when reservoir storage exceeds 100,000 AF, the Cachuma Member Units typically have received a full allocation. Conversely, a 20% pro-rata reduction from the full allocation is scheduled to occur in Water Years beginning at less than 100,000 AF, where incremental reductions may occur (and previously have occurred) at other lower storage levels. For the federal WY 2021-2022 (October 1, 2021 through September 30, 2022), USBR issued a 70% allocation, equal to 18,000 AF. ID No.1's 10.31% share of that allocation was 1,855 AF. In the Fall of 2022 when reservoir conditions were low, the Cachuma Member Units initially requested an approximate 15% Cachuma Project allocation for federal WY 2022-2023. By letter dated September 30, 2022, USBR issued an initial 0% allocation for WY 2022-2023. **Based on extraordinary rain conditions that spilled the reservoir in early 2023, USBR approved a 100% Project allocation for WY 2023-2024. According to similar conditions this year, the Cachuma Member Units submitted a joint letter dated June 17, 2024 (attached below) requesting a 100% Project allocation for WY 2024-2025, which USBR is expected to approve.**

Water releases for the protection of fish and aquatic habitat are made from Cachuma reservoir to the lower Santa Ynez River pursuant to the 2000 Biological Opinion issued by the National Marine Fisheries Service (NMFS) and the 2019 Water Rights Order (WR 2019-0148) issued by the State Water Resources Control Board (SWRCB). These releases are made to Hilton Creek and to the stilling basin portion of the outlet works at the base of Bradbury Dam. The water releases required under the NMFS 2000 Biological Opinion to avoid jeopardy to steelhead and adverse impacts to its critical habitat are summarized as follows:

NMFS 2000 Biological Opinion

- *When Reservoir Spills and the Spill Amount Exceeds 20,000 AF:*
 - 10 cfs at Hwy 154 Bridge during spill year(s) exceeding 20,000 AF
 - 1.5 cfs at Alisal Bridge when spill amount exceeds 20,000 AF and if steelhead are present at Alisal Reach
 - 1.5 cfs at Alisal Bridge in the year immediately following a spill that exceeded 20,000 AF and if steelhead are present at Alisal Reach

- *When Reservoir Does Not Spill or When Reservoir Spills Less Than 20,000 AF:*
 - 5 cfs at Hwy 154 when Reservoir does not spill and Reservoir storage is above 120,000 AF, or when Reservoir spill is less than 20,000 AF
 - 2.5 cfs at Hwy 154 in all years when Reservoir storage is below 120,000 AF but greater than 30,000 AF
 - 1.5 cfs at Alisal Bridge if the Reservoir spilled in the preceding year and the spill amount exceeded 20,000 AF and if steelhead are present at Alisal Reach
 - 30 AF per month to “refresh the stilling basin and long pool” when Reservoir storage is less than 30,000 AF

The water releases required under the SWRCB Water Rights Order 2019-0148 for the protection of fish and other public trust resources in the lower Santa Ynez River and to prevent the waste and unreasonable use of water are summarized as follows:

SWRCB Order WR 2019-0148

- *During Below Normal, Dry, and Critical Dry water years (October 1 – September 30), releases shall be made in accordance with the requirements of the NMFS 2000 Biological Opinion as set forth above.*

- *During Above Normal and Wet water years, the following minimum flow requirements must be maintained at Hwy 154 and Alisal Bridges:*
 - 48 cfs from February 15 to April 14 for spawning
 - 20 cfs from February 15 to June 1 for incubation and rearing
 - 25 cfs from June 2 to June 9 for emigration, with ramping to 10 cfs by June 30
 - 10 cfs from June 30 to October 1 for rearing and maintenance of resident fish
 - 5 cfs from October 1 to February 15 for resident fish

- *For purposes of SWRCB Order WR 2019-0148, water year classifications are as follows:*
 - Wet is when Cachuma Reservoir inflow is greater than 117,842 AF;
 - Above Normal is when Reservoir inflow is less than or equal to 117,842 AF or greater than 33,707 AF;
 - Below Normal is when Reservoir inflow is less than or equal to 33,707 AF or greater than 15,366 AF;
 - Dry is when Reservoir inflow is less than or equal to 15,366 AF or greater than 4,550 AF
 - Critical Dry is when Reservoir inflow is less than or equal to 4,550 AF

Based on recent hydrology, inflows to Cachuma Reservoir this water year have exceeded 33,707 AF and therefore triggered higher fishery release requirements from Bradbury Dam (Table 2 flows under Order 20219-0148; highlighted above). Those requirements will remain in place for the remainder of this year.

CA-2. State Water Project (SWP) and Central Coast Water Authority (CCWA) Updates.

As previously reported, based on last year's extraordinary rain events, DWR declared the 2023 SWP Table A allocation at 100 percent for the first time since 2006 (compared to a 5 percent allocation in 2022). This year (2024), despite above normal precipitation and snowpack, and above-average storage levels in Lake Oroville (99% of capacity and 127% of historic average), DWR has taken a conservative approach to the Table A allocation. On December 1, 2023, DWR issued an initial 10 percent Table A allocation for 2024. By notice dated February 21, 2024 DWR increased the Table A allocation to 15 percent. On March 22, 2024 DWR increased the Table A allocation to 30 percent. On **April 23, 2024 DWR increased the Table A allocation to 40 percent.** DWR's April notice stated that the allocation may increase again if hydrologic conditions change. The DWR notice further stated:

Although water year 2024 is currently classified as an Above Normal year, the ability to move water supply south through the system this spring continues to be impacted by the presence of threatened and endangered fish species near SWP pumping facilities in the south Delta. The presence of these fish species has triggered state and federal regulations that significantly reduce the pumping from the Delta into the California Aqueduct, which limits the SWP's ability to move and store water in San Luis Reservoir. This reduced pumping is expected to continue into late spring. The SWP is prepared to increase pumping as soon as the fishery conditions and state and federal operating permits allow.

Although Lake Oroville currently stands at 92% of capacity (121% of the historical average), which would seem to justify a Table A allocation above 40 percent, it seems unlikely that DWR will increase the final allocation at this late stage of the water year.

As reflected in the Agenda for the June 27, 2024 meeting of the CCWA Board of Directors and July 11, 2024 meeting of the CCWA Operating Committee, CCWA remains engaged in a variety of matters relating to the SWP, including but not limited to: SWP supplies and related SWP operations; Devil's Den Pumping Plant recovery; proposed water transfers/exchanges by CCWA members; a Temporary Warren Act Contract for Cachuma Reservoir; draft policy for maintaining water quality; and DWR charges. CCWA and its member agencies also remain engaged in their pending litigation against the Santa Barbara County Flood Control and Water Conservation District to maintain CCWA sovereignty over important decisions pertaining to SWP supplies. The next regular meeting of the CCWA Board is scheduled for July 25, 2024.



— BUREAU OF —
RECLAMATION

Historical Archive and Report Database

Lake Cachuma Daily Operations

Run Date: 7/5/2024

June 2024

DAY	ELEV	STORAGE ACRE-FEET		COMPUTED*	CCWA	PRECIP ON	RELEASE - AF.				EVAPORATION		PRECIP
		IN LAKE	CHANGE	INFLOW AF.	INFLOW AF.	RES. SURF. AF.	TUNNEL	HILTON CREEK	OUTLET	SPILLWAY	AF.	INCH	INCHES
	754.19	197,003											
1	754.19	197,003	0	270.0	0.0	0.0	50.3	14.2	128.0	0.0	77.5	0.360	0.00
2	754.16	196,940	-63	170.3	0.0	0.0	48.1	14.2	128.0	0.0	43.0	0.200	0.00
3	754.16	196,940	0	242.6	0.0	0.0	48.9	14.2	130.0	0.0	49.5	0.230	0.00
4	754.15	196,909	-31	202.4	0.0	0.0	48.2	14.2	128.0	0.0	43.0	0.200	0.00
5	754.14	196,877	-32	214.9	0.0	0.0	48.8	14.2	128.0	0.0	55.9	0.260	0.00
6	754.13	196,846	-31	211.4	0.0	0.0	48.6	14.2	128.0	0.0	51.6	0.240	0.00
7	754.13	196,846	0	256.3	0.0	0.0	48.6	14.2	129.0	0.0	64.5	0.300	0.00
8	754.11	196,783	-63	188.0	0.0	0.0	48.6	14.2	128.0	0.0	60.2	0.280	0.00
9	754.08	196,657	-126	108.4	0.0	0.0	47.0	14.2	128.0	0.0	45.2	0.210	0.00
10	754.07	196,625	-32	209.2	0.0	0.0	42.1	14.2	129.0	0.0	55.9	0.260	0.00
11	754.05	196,594	-31	208.1	0.0	0.0	47.5	14.2	128.0	0.0	49.4	0.230	0.00
12	754.02	196,499	-95	157.1	0.0	0.0	51.9	14.2	128.0	0.0	58.0	0.270	0.00
13	754.00	196,436	-63	165.2	0.0	0.0	43.8	14.2	110.0	0.0	60.2	0.280	0.00
14	753.98	196,373	-63	136.1	0.0	0.0	42.3	14.2	91.0	0.0	51.6	0.240	0.00
15	753.98	196,373	0	188.7	0.0	0.0	42.3	14.2	72.0	0.0	60.2	0.280	0.00
16	753.95	196,279	-94	91.5	0.0	0.0	40.0	14.2	69.0	0.0	62.3	0.290	0.00
17	753.94	196,247	-32	149.8	0.0	0.0	47.1	14.2	69.0	0.0	51.5	0.240	0.00
18	753.91	196,153	-94	43.3	0.0	0.0	53.8	14.2	69.0	0.3	0.0	0.000	0.00
19	753.89	196,090	-63	144.5	0.0	0.0	58.8	14.2	68.0	0.0	66.5	0.310	0.00
20	753.85	195,964	-126	56.1	0.0	0.0	36.7	14.2	69.0	0.0	62.2	0.290	0.00
21	753.82	195,869	-95	103.0	0.0	0.0	59.0	14.2	69.0	0.0	55.8	0.260	0.00
22	753.80	195,806	-63	132.0	0.0	0.0	58.2	14.2	69.0	0.0	53.6	0.250	0.00
23	753.77	195,712	-94	110.0	0.0	0.0	57.5	14.2	68.0	0.0	64.3	0.300	0.00
24	753.74	195,617	-95	115.7	0.0	0.0	56.8	14.2	69.0	0.0	70.7	0.330	0.00
25	753.72	195,554	-63	154.8	0.0	0.0	58.3	14.3	68.0	0.0	77.2	0.360	0.00
26	753.68	195,428	-126	97.0	0.0	0.0	58.4	14.2	69.0	0.0	81.4	0.380	0.00
27	753.64	195,302	-126	81.6	0.0	0.0	59.0	14.2	68.0	0.0	66.4	0.310	0.00
28	753.59	195,146	-156	33.8	0.0	0.0	56.7	14.2	59.0	0.0	59.9	0.280	0.00
29	753.55	195,021	-125	62.2	0.0	0.0	58.5	14.2	61.0	0.0	53.5	0.250	0.00
30	753.52	194,927	-94	101.2	0.0	0.0	58.0	14.2	61.0	0.0	62.0	0.290	0.00
TOTALS			-2,076	4,405	0.0	0.0	1,523.8	426.1	2,818.0	0.3	1,713.0	7.980	0.00
AVERAGE		196,194											

Comments: *Computed inflow is the sum of change in storage, releases and evaporation minus precip on the reservoir surface and ccwa inflow.
Indicated outlet release includes leakage from outlet valves and spillway gates.
Data based on a 24 hour period ending 0800.



Santa Barbara County - Flood Control District

130 East Victoria Street, Santa Barbara CA 93101 - 805.568.3440 - www.countyofsb.org/pwd

Rainfall and Reservoir Summary

Updated 8am: 7/8/2024

Water Year: 2024

Storm Number: NA

Notes: Daily rainfall amounts are recorded as of 8am for the previous 24 hours. Rainfall units are expressed in inches.

All data on this page are from automated sensors, are preliminary, and subject to verification.

*Each Water Year (WY) runs from Sept 1 through Aug 31 and is designated by the calendar year in which it ends

County Real-Time Rainfall and Reservoir Website link > <https://rain.cosbpw.net>

Rainfall	ID	24 hrs	Storm Oday(s)	Month	Year*	% to Date	% of Year*	AI
Buellton (Fire Stn)	233	0.00	0.00	0.00	21.80	131%	131%	
Cachuma Dam (USBR)	332	0.00	0.00	0.00	31.00	157%	156%	
Carpinteria (Fire Stn)	208	0.00	0.00	0.00	26.24	153%	153%	
Cuyama (Fire Stn)	436	0.00	0.00	0.00	9.70	128%	126%	
Figueroa Mtn (USFS Stn)	421	0.00	0.00	0.00	26.51	124%	124%	10.3
Gibraltar Dam (City Facility)	230	0.00	0.00	0.00	42.70	162%	162%	10.5
Goleta (Fire Stn-Los Carneros)	440	0.00	0.00	0.00	25.40	139%	138%	
Lompoc (City Hall)	439	0.00	0.00	0.00	24.53	167%	167%	10.3
Los Alamos (Fire Stn)	204	0.00	0.00	0.00	20.87	137%	136%	
San Marcos Pass (USFS Stn)	212	0.00	0.00	0.00	57.47	168%	167%	
Santa Barbara (County Bldg)	234	0.00	0.00	0.00	32.95	180%	179%	
Santa Maria (City Pub.Works)	380	0.00	0.00	0.00	16.51	124%	124%	
Santa Ynez (Fire Stn /Airport)	218	0.00	0.00	0.00	20.52	130%	130%	
Sisquoc (Fire Stn)	256	0.00	0.00	0.00	15.43	103%	103%	

Countywide percentage of "Normal-to-Date" rainfall : **143%**

Countywide percentage of "Normal Water-Year" rainfall : **143%**

Countywide percentage of "Normal Water-Year" rainfall calculated assuming no more rain through Aug. 31, 2024 (End of WY2024).

AI (Antecedent Index / Soil Wetness)

6.0 and below = Wet (min. = 2.5)

6.1 - 9.0 = Moderate

9.1 and above = Dry (max. = 12.5)

Reservoirs

Reservoir Elevations referenced to NGVD-29.

**Cachuma is full and subject to spilling at elevation 750 ft.

However, the lake is surcharged to 753 ft. for fish release water.

(Cachuma water storage based on Dec 2021 capacity revision)

Click on Site for Real-Time Readings	Spillway	Current	Max.	Current	Current	Storage	Storage
	Elev. (ft)	Elev. (ft)	Storage (ac-ft)	Storage (ac-ft)	Capacity (%)	Change Mo.(ac-ft)	Change Year*(ac-ft)
Gibraltar Reservoir	1,400.00	1,400.05	4,693	4,704	100.2%	-41	1,522
Cachuma Reservoir	753.**	753.18	192,978	193,544	100.3%	-942	9,550
Jameson Reservoir	2,224.00	2,223.82	4,848	4,826	99.5%	-2	42
Twitchell Reservoir	651.50	563.12	194,971	16,729	8.6%	-3,121	-38,703

[Previous Rainfall and Reservoir Summaries](#)

CIMIS Daily Report

Rendered in ENGLISH Units.

Saturday, June 1, 2024 - Sunday, June 30, 2024

Printed on Monday, July 1, 2024

Santa Ynez - Central Coast Valleys - Station 64

Date	ETo (In)	Precip (In)	Sol Rad (Ly/day)	Avg Vap Pres (mBars)	Max Air Temp (°F)	Min Air Temp (°F)	Avg Air Temp (°F)	Max Rel Hum (%)	Min Rel Hum (%)	Avg Rel Hum (%)	Dew Point (°F)	Avg Wind Speed (mph)	Wind Run (miles)	Avg Soil Temp (°F)
6/1/2024	0.16	0.00	548	12.8	70.1	51.7	57.4	96	57	79	51.1	3.4	81.2	69.2
6/2/2024	0.20	0.00	650	13.1	71.8	52.4	58.9	93	58	77	51.8	3.7	87.6	69.1
6/3/2024	0.18	0.00	576	14.8	79.0	53.4	62.1	93	55	77	55.0	3.5	83.0	69.2
6/4/2024	0.23	0.00	688	15.6	83.1	53.5	67.2	97	47	69	56.6	2.9	68.4	69.4
6/5/2024	0.25	0.00	718	16.8	88.2	52.4	69.7	96	46	68	58.6	2.7	65.1	70.2
6/6/2024	0.24	0.00	707	16.6	86.7	54.0	67.6	96	49	72	58.2	3.2	76.2	71.1
6/7/2024	0.23	0.00	711	16.0	80.2	54.1	64.7	98	56	77	57.3	3.3	79.1	71.7
6/8/2024	0.19	0.00	610	15.1	74.4	55.6	62.0	96	62	80	55.7	3.4	82.7	72.1
6/9/2024	0.21	0.00	667	14.5	79.8	52.8	63.5	93	49	73	54.5	3.3	78.0	72.1
6/10/2024	0.21	0.00	661	14.4	80.3	52.5	62.3	94	52	75	54.3	3.0	72.6	72.2
6/11/2024	0.23	0.00	710	15.8	85.1	51.5	65.7	98	48	73	56.8	3.0	71.1	72.3
6/12/2024	0.22	0.00	700	16.2	81.4	55.1	65.1	96	53	77	57.6	3.1	73.8	72.8
6/13/2024	0.21	0.00	668	15.5	78.5	54.2	64.2	93	54	75	56.3	3.0	72.3	73.2
6/14/2024	0.22	0.00	691	14.0	81.1	49.0	63.3	94	46	71	53.6	2.9	69.9	73.3
6/15/2024	0.24	0.00	757 R	11.9	79.2	44.2	60.7	97	43	66	49.2	3.1	75.5	73.4
6/16/2024	0.23	0.00	736	11.7	79.0	45.5	59.5	94	44	67	48.7	3.3	78.5	73.2
6/17/2024	0.24	0.00	747	11.5	77.3	42.7	59.2	94	45	67	48.3	3.2	77.3	73.0
6/18/2024	0.25	0.00	741	11.0	84.9	39.1 Y	61.4	96	33	59	47.1	3.0	72.5	72.7
6/19/2024	0.22	0.00	700	12.2	79.1	45.8	59.9	96	40	69	49.7	3.1	73.9	72.8
6/20/2024	0.21	0.00	687	12.3	76.0	48.8	58.6	95	46	73	50.0	3.0	71.6	72.9
6/21/2024	0.22	0.00	678	13.1	79.0	50.8	61.0	95	48	71	51.7	2.9 Y	70.4 Y	72.9
6/22/2024	0.27	0.00	747	14.4	98.6	49.9	70.6	97	23	56	54.2	2.6 Y	63.1 Y	73.1
6/23/2024	0.26	0.00	680	13.7	99.7 Y	49.6	75.8 Y	95	18	45 Y	52.9 Y	2.4 Y	58.7 Y	74.0
6/24/2024	0.24 R	0.00	608	15.4	98.4	61.7 Y	76.3 Y	84	25	50 Y	56.1 Y	2.6 Y	63.6 Y	75.0
6/25/2024	0.26 R	0.00	717	15.1	93.5	60.6 Y	75.2 Y	80	30	51 Y	55.7 Y	2.8 Y	67.3 Y	75.8
6/26/2024	0.24	0.00	721	14.7	85.7	54.4	66.6	95	39	66	54.8	3.3	79.0	76.5
6/27/2024	0.24	0.00	741	13.7	81.2	50.1	62.9	95	44	70	52.9	3.0	72.1	76.5
6/28/2024	0.22	0.00	684	13.7	79.2	51.2	61.6	96	49	74	53.0	3.0	72.0	76.2
6/29/2024	0.24	0.00	725	14.5	88.8	50.8	65.3	97	41	68	54.5	2.9	69.7	76.0
6/30/2024	0.27	0.00	750 R	14.1	95.4	49.7	68.3	96	28	60	53.8	3.2	76.2	76.2
Tots/Avgs	6.83	0.00	691	14.1	83.2	51.2	64.6	95	44	69	53.7	3.1	73.4	72.9

Flag Legend		
A - Historical Average	I - Ignore	R - Far out of normal range
C or N - Not Collected	M - Missing Data	S - Not in service
H - Hourly Missing or Flagged Data	Q - Related Sensor Missing	Y - Moderately out of range
Conversion Factors		
Ly/day/2.065=W/sq.m	inches * 25.4 = mm	(F-32) * 5/9 = c
mph * 0.447 = m/s	mBars * 0.1 = kPa	miles * 1.60934 = km



CENTRAL COAST WATER AUTHORITY

MEMORANDUM

TO: Dessi Mladenova, Controller
FROM: Lacey Adam, Senior Accountant
SUBJECT: Monthly Water Deliveries

July 9, 2024

According to the CCWA revenue meters at each turnout, the following deliveries were made during the month of June 2024:

<u>Project Participant</u>	<u>Delivery Amount (acre-feet)</u>
Chorro	152.93
Lopez.....	71.78
Shandon.....	0.00
Guadalupe.....	42.91
Santa Maria	504.87
Golden State Water Co.	0.00
Vandenberg.....	277.21
Buellton	30.04
Solvang	89.07
Santa Ynez ID#1	399.06
Bradbury.....	0.00
TOTAL	1,567.87

In order to reconcile these deliveries with the DWR revenue meter, which read 1,582 acre-feet, the following delivery amounts should be used for billing purposes:

<u>Project Participant</u>	<u>Delivery Amount (acre-feet)</u>
Chorro	154
Lopez	73
Shandon.....	0
Guadalupe.....	43
Santa Maria	466*
Golden State Water Co	43*
Vandenberg	280
Buellton	30
Solvang	90
Santa Ynez ID#1	403
Bradbury	0
TOTAL	1,582

*Golden State Water Company delivered 43 acre-feet into its system through the Santa Maria turnout. This delivery is recorded by providing a credit of 43 acre-feet to the City of Santa Maria and a charge in the same amount to the Golden State Water Company.

Notes: Santa Ynez ID#1 water usage is divided into 0 acre-feet of Table A water and 403 acre-feet of exchange water.

The exchange water is allocated as follows

<u>Project Participant</u>	<u>Exchange Amount (acre-feet)</u>
Goleta	145
Santa Barbara	97
Montecito	97
Carpinteria	<u>64</u>
TOTAL	403

Bradbury Deliveries into Lake Cachuma are allocated as follows:

<u>Project Participant</u>	<u>Delivery Amount (acre-feet)</u>
Carpinteria	0
Goleta	0
La Cumbre	0
Montecito	0
Morehart	0
Santa Barbara	0
Raytheon	<u>0</u>
TOTAL	0

cc: Tom Bunosky, GWD
Mike Babb, Golden State WC
Joshua Haggmark, City of Santa Barbara
Janet Gingras, COMB
Craig Kesler, San Luis Obispo County
Paeter Garcia, Santa Ynez RWCD ID#1
Shad Springer, City of Santa Maria
Todd Bodem, City of Guadalupe
Robert MacDonald, Carpinteria Valley WD
Mike Alvarado, La Cumbre Mutual WC
Pernell Rush, Vandenberg SFB
Nick Turner, Montecito WD
Randy Murphy, City of Solvang
Rose Hess, City of Buellton

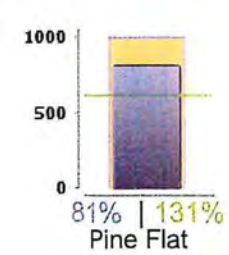
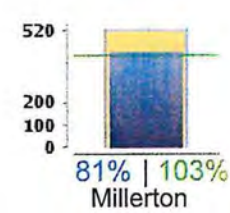
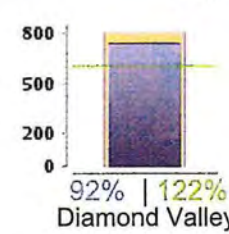
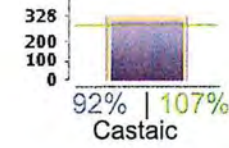
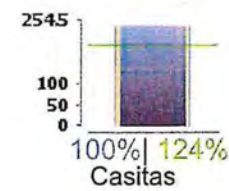
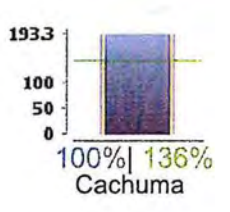
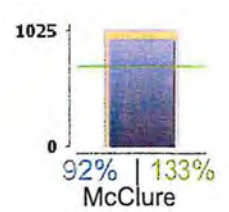
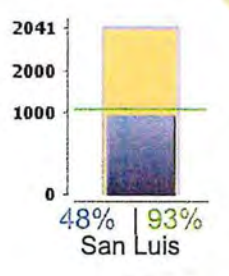
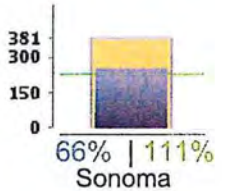
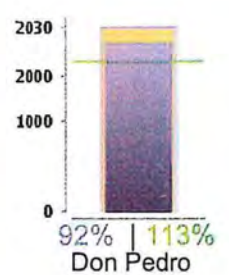
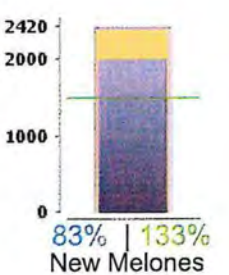
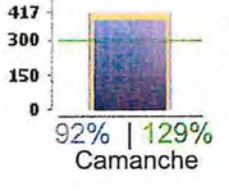
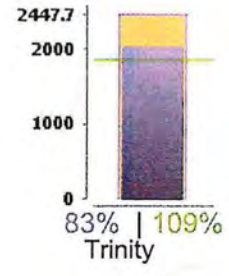
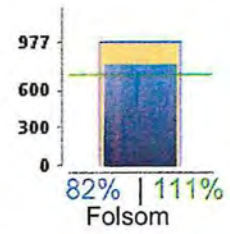
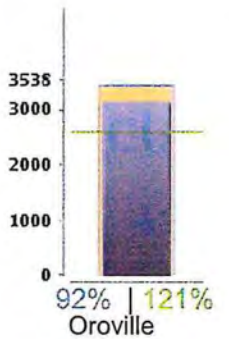
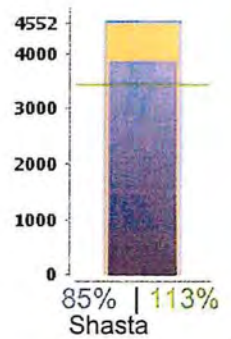
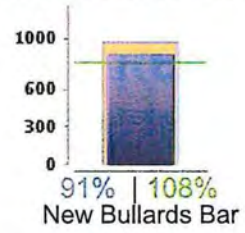
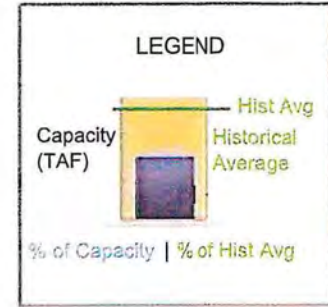


CURRENT RESERVOIR CONDITIONS

CALIFORNIA MAJOR WATER SUPPLY RESERVOIRS

Midnight - July 8, 2024

CURRENT CONDITIONS





A Meeting of the
**BOARD OF DIRECTORS
 OF THE
 CENTRAL COAST WATER AUTHORITY**

will be held at 9:00 a.m., on Thursday, June 27, 2024
 at 255 Industrial Way, Buellton, California 93427

Members of the public may participate by video call or telephone via
 URL: <https://meetings.ringcentral.com/j/1478305541>
 or by dialing (623)404-9000 and entering access Code/Meeting ID: 1478305541 #

Eric Friedman
 Chairman

Jeff Clay
 Vice Chairman

Ray A. Stokes
 Executive Director

Brownstein Hyatt
 Farber Schreck
 General Counsel

Member Agencies

City of Buellton

Carpinteria Valley
 Water District

City of Guadalupe

City of Santa Barbara

City of Santa Maria

Goleta Water District

Montecito Water District

Santa Ynez River Water
 Conservation District,
 Improvement District #1

Associate Member

La Cumbre Mutual
 Water Company

Public Comment on agenda items may occur via video call or telephonically, or by submission to the Board Secretary via email at lfw@ccwa.com no later than 8:00 a.m. on the day of the meeting. In your email, please specify (1) the meeting date and agenda item (number and title) on which you are providing a comment and (2) that you would like your comment read into the record during the meeting. If you would like your comment read into the record during the meeting (as either general public comment or on a specific agenda item), please limit your comments to no more than 250 words.

Every effort will be made to read comments into the record, but some comments may not be read due to time limitations. Please also note that if you submit a written comment and do not specify that you would like this comment read into the record during the meeting, your comment will be forwarded to Board members for their consideration.

Pursuant to Government Code section 54957.5, non-exempt public records that relate to open session agenda items and are distributed to a majority of the Board less than seventy-two (72) hours prior to the meeting will be available on the CCWA internet website, accessible at <https://www.ccwa.com>.

I. Call to Order and Roll Call

II. CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Initiation of litigation pursuant to Government Code section 54956.9(d) (4): 1 case
- B. CLOSED SESSION: CONFERENCE WITH REAL PROPERTY NEGOTIATORS Government Code section 54956.8
 Property: State Water Contract
 Agency negotiator: Ray Stokes
 Negotiating parties: CCWA and DWR
- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Government Code section 54956.9(d) (1)
 Name of case: Central Coast Water Authority, et al. v. Santa Barbara County Flood Control and Water Conservation District, et al. (Case No. 21CV02432)

III. Return to Open Session

- A. Report on Closed Session Actions (if any)

IV. Public Comment – (Any member of the public may address the Board relating to any matter within the Board’s jurisdiction. Individual Speakers may be limited to five minutes; all speakers to a total of fifteen minutes.)

V. Election of Officers and Committee Appointments

Staff Recommendation: Take nominations from Board.
 [Motion: Elect Chairperson]
 [Motion: Elect Vice Chairperson]
 [Motion: Elect Treasurer]
 [Motion: Elect Secretary]

Continued

255 Industrial Way
 Buellton, CA 93427
 (805) 688-2292
 Fax (805) 686-4700
www.ccwa.com

* Indicates attachment of document to original agenda packet.

VI. Consent Calendar

- * A. Minutes of the April 25, 2024 Regular Meeting
- * B. Bills
- * C. Controller's Report
- * D. Operations Report
Staff Recommendation: Approve the Consent Calendar

VII. Executive Director's Report

- A. Introduction of David Beard, CCWA Deputy Director of Operations & Engineering
Staff Recommendation: Informational item only.
- B. Water Supply Situation Report
Staff Recommendation: Informational item only.
- * C. Assistance Agreement with Montecito Water District related to Transfer/Exchanges with Homer LLC
Staff Recommendation: Approve and adopt Resolution No. 24-03 Approving Assistance Agreement Related to Transfers/Exchanges with Homer LLC
- * D. Assistance Agreement with La Cumbre Mutual Water Co. related to Transfer/Exchanges with Homer LLC
Staff Recommendation: Approve and adopt Resolution No. 24-04 Approving Assistance Agreement Related to Transfers/Exchanges with Homer LLC
- * E. Temporary Contract Between the United States and the Central Coast Water Authority Providing for Storage and Conveyance of Non-Project Water
Staff Recommendation: For discussion only
- * F. Ernst & Young Audit Report on the 2024 DWR Statement of Charges
Staff Recommendation: Accept report.
- G. State Water Contractors Update
Staff Recommendation: Informational item only.
- * H. Legislative Report
Staff Recommendation: Informational item only.
- I. Recognition of John Brady on his Retirement from CCWA
Staff Recommendation: Informational item only.

VIII. Reports from Board Members for Information Only

IX. Items for Next Regular Meeting Agenda

X. Date of Next Regular Meeting: July 25, 2024

XI. Adjournment

**A REGULAR MEETING OF THE OPERATING COMMITTEE
of the
CENTRAL COAST WATER AUTHORITY**

will be held at 9:00 a.m., on Thursday, July 11, 2024
at 255 Industrial Way, Buellton



Members of the public may participate by video call or telephone via
URL: <https://meetings.ringcentral.com/j/1464072427>
or via telephone by dialing 1 (623) 404-9000 and entering code # 146 407 2427

Public Comment on agenda items may occur via video call or telephonically, or by submission to the Board Secretary via email at lfw@ccwa.com no later than 8:00 a.m. on the day of the meeting. In your email, please specify (1) the meeting date and agenda item (number and title) on which you are providing a comment and (2) that you would like your comment read into the record during the meeting. If you would like your comment read into the record during the meeting (as either general public comment or on a specific agenda item), please limit your comments to no more than 250 words.

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Eric Friedman
Chairman

Jeff Clay
Vice Chairman

Ray A. Stokes
Executive Director

Brownstein Hyatt
Farber Schreck
General Counsel

Member Agencies

City of Buellton

Carpinteria Valley
Water District

City of Guadalupe

City of Santa Barbara

City of Santa Maria

Goleta Water District

Montecito Water District

Santa Ynez River Water
Conservation District,
Improvement District #1

Associate Member

La Cumbre Mutual
Water Company

- I. Call to Order and Roll Call**
- II. Public Comment – (Any member of the public may address the Committee relating to any matter within the Committee’s jurisdiction. Individual Speakers may be limited to five minutes; all speakers to a total of fifteen minutes.)**
- III. Election of Officers**
Staff Recommendation: Take nominations from Committee.
- IV. * Consent Calendar**
 - A. Minutes of the March 14, 2024 Operating Committee Meeting
Staff Recommendation: Approve Consent Calendar.
- V. Executive Director’s Report**
 - A. Operations Update
Staff Recommendation: Informational item only.
 - B. Devil’s Den Pumping Plant Recovery Presentation
Staff Recommendation: Informational item only.
 - C. Water Supply Situation Report
Staff Recommendation: Informational item only.
 - D. San Luis Obispo County State Water Feasibility Study
Staff Recommendation: Informational item only.
 - * E. Proposed Temporary Warren Act Contract No. 24-WC-20-XXXX with United States Bureau of Reclamation
Staff Recommendation: Informational item only.
 - * F. Draft Policy on Water Usage to Maintain Pipeline Health
Staff Recommendation: Informational item only.
 - * G. Calendar Year 2025 DWR Statement of Charges
Staff Recommendation: Informational item only.

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Continued

* Indicates attachment of document to agenda packet

VI. CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to Government Code section 54956.9(d)
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Government Code section 54956.9(d) (1)
Name of case: Central Coast Water Authority, et al. v. Santa Barbara
County Flood Control and Water Conservation District, et al. (Case No.
21CV02432)

VII. Reports from Committee Members for Information Only

VIII. Date of Next Regular Meeting: October 10, 2024

IX. Adjournment



Central Coast Water Authority

(<https://www.ccwa.com/>)

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JUL
25
2024

Board Meeting

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**County of Santa Barbara Public Works Department
Water Resources Division**

Santa Barbara County Water Agency - Project Clean Water
130 E. Victoria Street, Suite 200, Santa Barbara, CA 93101
(805) 568-3440
<https://www.countyofsb.org/189/Water-Resources>



Chris Sneddon
Director

Walter Rubalcava
Deputy Director

June 25, 2024

Mr. Michael Jackson, P.E., Area Manager
South-Central California Area Office
United States Bureau of Reclamation
1243 "N" Street
Fresno, CA 93721-1813

RE: Cachuma Project Water Year 2024-25 Allocation Request

Dear Mr. Jackson,

Pursuant to Article 3 of the Cachuma Water Service Contract I75r-1802R, as amended by Amendatory Contract No. I75r-1802RA, the Santa Barbara County Water Agency (Water Agency) is to submit a yearly allocation request on behalf of the Cachuma Member Units. Enclosed please find a letter from the Member Units dated June 17, 2024 requesting an allocation of 25,714 acre-feet for Water Year 2024-25.

If you have any questions regarding this request, please contact me at 805-568-3546.

Sincerely,

Matthew C. Young
Water Agency Manager

Enclosure: Notice on Behalf of All Cachuma Member Units Specifying Total Quantity of Available Supply Requested for Water Year 2024-25.

CC: Mr. Paeter Garcia, SYRWCD ID#1
Mr. Dave Matson, Goleta Water District
Mr. Joshua Haggmark, City of Santa Barbara
Mr. Nicholas Turner, Montecito Water District
Mr. Robert McDonald, Carpinteria Valley Water District
Ms. Janet Gingras, Cachuma Operation and Maintenance Board
Mr. David Hyatt, US Bureau of Reclamation
Ms. Rain Emerson, US Bureau of Reclamation

AA/EEO Employer



The Cachuma Project Member Units

Goleta Water District
City of Santa Barbara
Montecito Water District
Carpinteria Valley Water District
Santa Ynez River Water Conservation District, Improvement District No. 1

June 17, 2024

Matthew Young
Santa Barbara County Water Agency, Manager
130 E. Victoria St., Suite 200
Santa Barbara, CA 93101

RE: Notice on Behalf of All Cachuma Member Units Specifying Total Quantity of Available Supply Requested for Water Year 2024-25

Dear Mr. Young:

Pursuant to Section 3(a) of the April 14, 1996 Contract Between the United States and Santa Barbara County Water Agency (SBCWA) Providing for Water Service from the Project, Contract No. 175r-1802R (as amended by Amendatory Contract No. 175r-1802RB ("Master Contract"), the Cachuma Project Member Units acting jointly hereby provide Notice to the Santa Barbara County Water Agency requesting allocation of all Available Supply from the United States Bureau of Reclamation (USBR) during Water Year 2024-25, commencing October 1, 2024.

Pursuant to section 1(a):

'Available Supply' shall mean the maximum quantity of Project Water the Contracting Officer is authorized by Federal law, State law, and the Project Water Rights to make available to the Cachuma Member Units during each Water Year pursuant to this contract. The Available Supply in each Water Year does not include the quantity of water the Contracting Officer is required by Federal law, State law, Project Water Rights, and any agreements to which the Contracting Officer and all of the Cachuma Member Units are parties to release from Cachuma Reservoir other than to make Project Water available to the Cachuma Member Units pursuant to this contract.

After two consecutive wet seasons in 2022-23 and 2023-24, Cachuma reservoir remains at capacity and has been spilling since February of 2024 into June 2024. As of June 17, 2024, there is 195,900 acre-feet

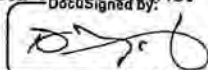
(AF) of water in Lake Cachuma, comprised of the 12,000 AF "minimum pool," water reserved to meet fish release requirements, ANA/BNA stored water for downstream releases, and the Cachuma Member Units' prior 2023-2024 water year allocation of 25,714 AF. Given the current maximum amount of water in storage at the Cachuma Project, the Cachuma Member Units respectfully request that USBR make a full 100% allocation 25,714 AF of unallocated water available in Water Year 2024-25, consistent with the terms of the Master Contract.

This request includes the attached delivery schedules for each respective agency over Water Year 2024-25 and estimate of projected water deliveries (Attachment 1) required by section 3(a) the Master Contract. All such water can and will be put to reasonable and beneficial irrigation, municipal, domestic, and industrial uses within the Member Units' respective service areas.

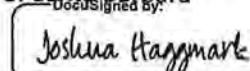
Sincerely,

[Signatures to follow on next page]

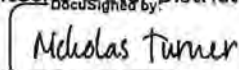
David Matson
General Manager
Goleta Water District

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By: 
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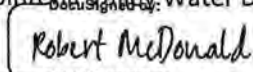
Joshua Haggmark
Water Resources Manager
City of Santa Barbara

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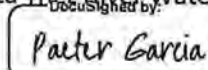
Nicholas Turner
General Manager
Montecito Water District

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By: 
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Robert McDonald
General Manager
Carpinteria Valley Water District

DocuSigned by:
By: 
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Paeter Garcia
General Manager
Santa Ynez River Water Conservation District, Improvement District No. 1

DocuSigned by:
By: 
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Cc: Michael Jackson, PE, Area Manager, South-Central California Area Office, United States Bureau of Reclamation

Enclosures:

Attachment 1— Cachuma Member Unit M&I and Agricultural Water Delivery

Attachment 1— Cachuma Member Unit M&I and Agricultural Water Delivery WY 24-25

ENTITLEMENT REQUEST BREAKDOWN - AG / M & I
2024-25 WATER YEAR: 1ST PERIOD REQUEST (10/01/24-3/31/25)
CACHUMA PROJECT, CONTRACT I75r-1802R

MEMBER UNIT	Classification	TOTAL AF Ordered
Goleta Water District	M & I	2,594
	Irrigation	608
	Total	3,202
City of Santa Barbara	M & I	3,273
	Total	3,273
Montecito Water District	M & I	602
	Irrigation	108
	Total	710
Carpinteria Valley Water District	M & I	704
	Irrigation	704
	Total	1,407
SYRWCD-ID#1	M & I	273
	Irrigation	243
	Total	516
U.S.B.R. TOTALS		9,108

Breakdown is based on the percentages defined in the Renewal Master Contract, dated April 14, 1996.
Pursuant to Bureau of Reclamation letter to Santa Barbara County Water Agency dated August 10, 1981, it is required to use whole acre-feet, commencing Water Year 1982-83.

ENTITLEMENT REQUEST BREAKDOWN - AG / M & I
 2024-25 WATER YEAR: 2nd PERIOD REQUEST (4/01/25-9/30/25)
 CACHUMA PROJECT, CONTRACT I75r-1802R

MEMBER UNIT	Classification	TOTAL AF Ordered
Goleta Water District	M & I	4,050
	Irrigation	2,070
	Total	6,120
City of Santa Barbara	M & I	5,004
	Total	5,004
Montecito Water District	M & I	1,642
	Irrigation	299
	Total	1,941
Carpinteria Valley Water District	M & I	703
	Irrigation	703
	Total	1,406
SYRWCD-ID#1	M & I	662
	Irrigation	1,473
	Total	2,135
U.S.B.R. TOTALS		16,606

Breakdown is based on the percentages defined in the Renewal Master Contract, dated April 14, 1996.
 Pursuant to Bureau of Reclamation letter to Santa Barbara County Water Agency dated August 10, 1981, it is required to use whole acre-feet, commencing Water Year 1982-83.

2024-25 WATER YEAR CACHUMA ENTITLEMENT OBLIGATION - WATER DELIVERY SCHEDULE
 (All figures are in Acre Feet)

Month	Carpinteria VWD	Goleta WD	Montecito WD	City of Santa Barbara	SYRWCD ID#1	TOTALS
October, 2024	235	895	312	619	300	2361
November	234	678	164	754	60	1890
December	234	408	56	506	56	1260
January, 2025	235	354	0	398	0	987
February	234	422	83	420	0	1159
March	235	445	95	576	100	1451
SUB-TOTAL	1407	3202	710	3273	516	9108
April	234	425	197	650	165	1671
May	235	675	297	768	200	2175
June	234	950	311	755	375	2625
July	235	1290	403	932	450	3310
August	234	1392	383	988	495	3492
September	234	1388	350	911	450	3333
SUB-TOTAL	1406	6120	1941	5004	2135	16606
TOTAL Entitlement	2813	9322	2651	8277	2651	25714
Entitlement Request	<u>2813</u>	<u>9322</u>	<u>2651</u>	<u>8277</u>	<u>2651</u>	<u>25714</u>
Entitlement %						100.00
TOTAL	2813	9322	2651	8277	2651	25714

Lake Fire Command Opening Second Base Camp As Resources Grow

Five days into the firefighting effort, about 2,800 personnel are assigned to the blaze burning in the eastern Santa Ynez Valley



by **Janene Scully** | Noozhawk North County Editor

July 10, 2024 | 9:40 am UPDATED July 10, 2024 | 10:59 am



The Lake Fire seen from the Sedgwick Reserve area in the Santa Ynez Valley on Tuesday evening.
(Ray Ford / Noozhawk photo)

Five days after it ignited, the Lake Fire burning near Los Olivos has grown to 28,987 acres and a force of 2,760 personnel. The complexity of the incident lead commanders to create a second base camp.

The blaze started Friday afternoon on Santa Lucia Road near Zaca Lake and quickly grew as the area fell under an excessive heat warning.

Containment remained at 16% as crews continue to work to surround the blaze on Wednesday.

Away from the fire lines, changes will take place reflecting the complexity of the incident and capacity issues.

An influx of additional resources will lead to the opening of a second fire camp located at the Santa Maria Speedway, 1900 Hutton Road in Nipomo in southern San Luis Obispo County.

The original camp at the Santa Maria Elks/Unocal Event Center is overflowing with firefighting equipment and support facilities. Tents dot the landscape and sleeper trailers have been set up at the site.



During the foggy Wednesday morning Lake Fire briefing, the incident commanders spoke to crews heading to the fire lines. From left are Anthony Stornetta, Santa Barbara County Fire, Cal Fire's Todd Hopkins and Joshua Boehm from the U.S. Forest Service. (Janene Scully / Noozhawk photo)

Despite this change, the firefighting effort will continue under a unified command, involving U.S. Forest Service, Cal Fire and Santa Barbara County Fire, Lake Fire leaders said.

"We're going to continue to fight this fire together. We're going to continue to lead you guys through the fire together," said the U.S. Forest Service's Joshua Boehm, one of the incident commanders with Team 13.

"This on us should be seamless. We should not lose any efficiency and you guys should be doing your jobs like nothing ever happened in the camp," said Anthony Stornetta, deputy fire chief of operations for the Santa Barbara County Fire.

In addition to the 2,485 personnel, resources assigned to the Lake Fire include 11 helicopters, 225 engines, 62 dozers, 39 water tenders and 70 hand crews.

Challenging Firefighting Conditions

On Wednesday morning, incident commanders emphasized firefighters should be mindful of safety.

“This is some pretty unforgiving ground,” said Boehm. “A couple of days ago, we had some serious injuries.”

Two firefighters reportedly had been injured this week, with one reportedly taken to a burn center. Others have dealt with poison oak and heat exhaustion and minor health issues.

Firefighters headed to the fire lines Wednesday were told to expect a change in the wind conditions.

Instead of winds from the north pushing the fire south, winds generally will come from the west-southwest, which could change the smoke in the area.



The Lake Fire seen from the Sedgwick Reserve area in the Santa Ynez Valley on Tuesday evening.
(Ray Ford / Noozhawk photo)

Firefighters continue to cope with fine fuels with twice as much dry and tall grass in the area.

“It could be twice as much of that grass and it’s taller and it’s very receptive to ignition,” said Dan Michael, fire behavior trainee for the incident management team. “And that’s been the primary driver of this fire behavior.”

For a couple of days, the fire reliably has moved about 1 mile south, Michael added.

“Even though the wind direction has changed and it’s not northerly anymore it’s still going to (move) south as its primarily driven by those fuels and the topography,” Michael added. “The exception to that is where suppression action is taken.”

For some areas, the wind direction will be favorable for firing operations since it would push flames into the already burned areas.

He reminded crews that might remain on the line beyond daytime that the fire has remained active at night.

On Monday, commanders had **water-dropping helicopters work overnight** to protect the Happy Canyon area, Stornetta told county supervisors. That's unusual, but this fire is "burning all night long," he said.

An excessive heat warning is in effect through Saturday night for Figueroa Mountain and other interior mountain areas of Santa Barbara County, with 100-degree temperatures expected.

Evacuations and Road Closures for Lake Fire

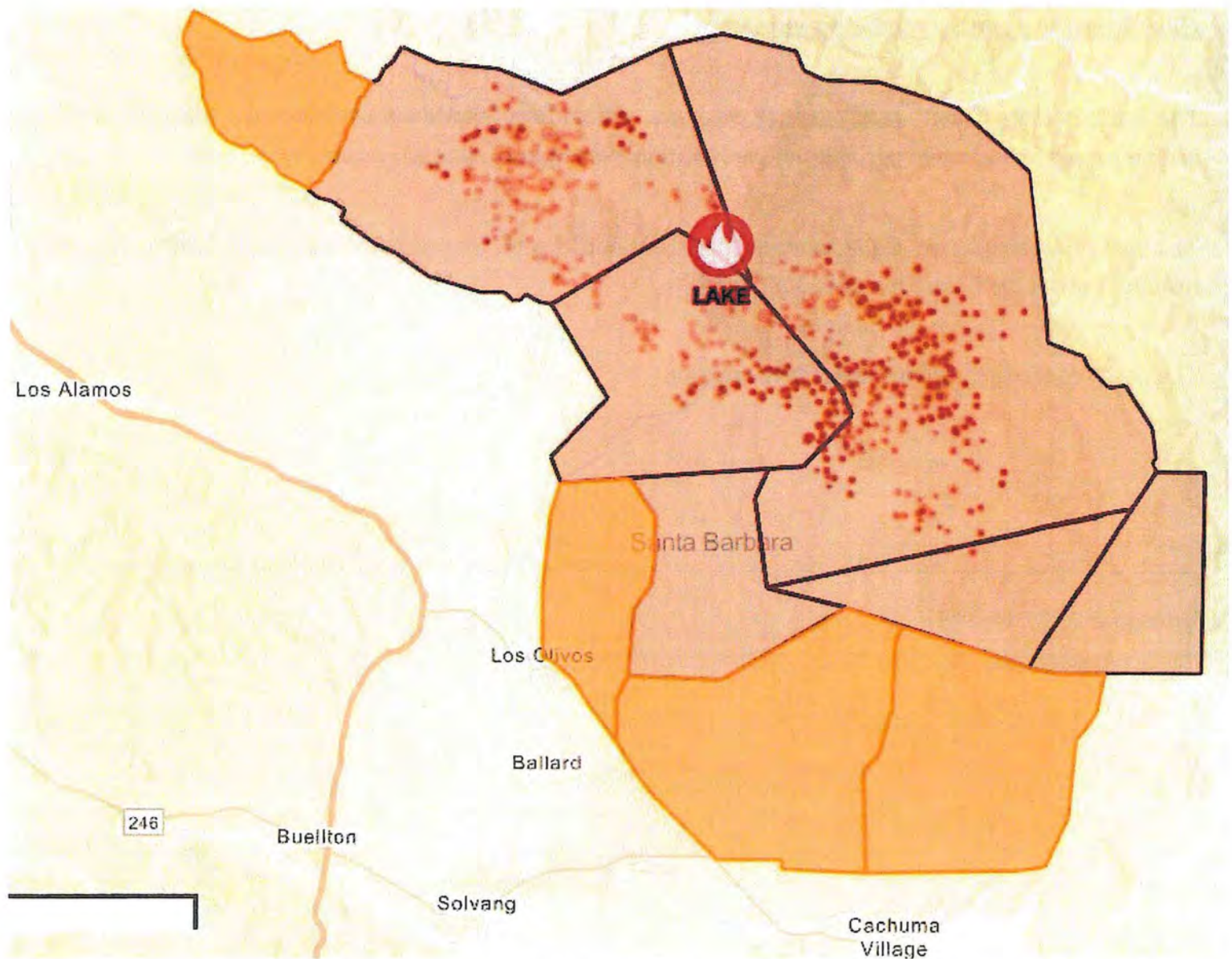
The fire perimeter is about 8 miles from Los Olivos.

As of Wednesday, evacuation areas are in effect for remote communities and Los Padres National Forest areas including Figueroa Mountain Road and Happy Canyon.

[Click here for an interactive map of evacuation order and warning areas in effect.](#)

"Significant fire activity on the southeast side of the fire footprint has prompted additional evacuations and an increase in acreage," Los Padres National Forest officials said Wednesday morning.

"Since the start of the Lake Fire, 1,500 people have been evacuated. There have been some firefighter injuries but they were not life threatening. Medical response has been quick and effective as firefighter safety remains the top priority."



A Lake Fire map shows evacuation orders in effect (in red) and evacuation warnings in effect (in orange) for Santa Barbara County. The 'Santa Barbara' noted on the map notes the county. The city of Santa Barbara is about 35 miles southeast of Los Olivos. (Screenshot via Santa Barbara County)

Highway 154 is not within the evacuation zone but officials advise people to use Highway 101 instead, to avoid delays due to the fire. There is one-way traffic control still in effect near Painted Cave Road for emergency repairs on the Santa Barbara side of Highway 154.

Road closures include:

- Happy Canyon Road at the Forest Service Boundary
- Foxen Canyon Road at the Zaca Station Road and Alisos Canyon Road
- Figueroa Mountain Road at Midland School.

[Click here for a county road closure map.](#)

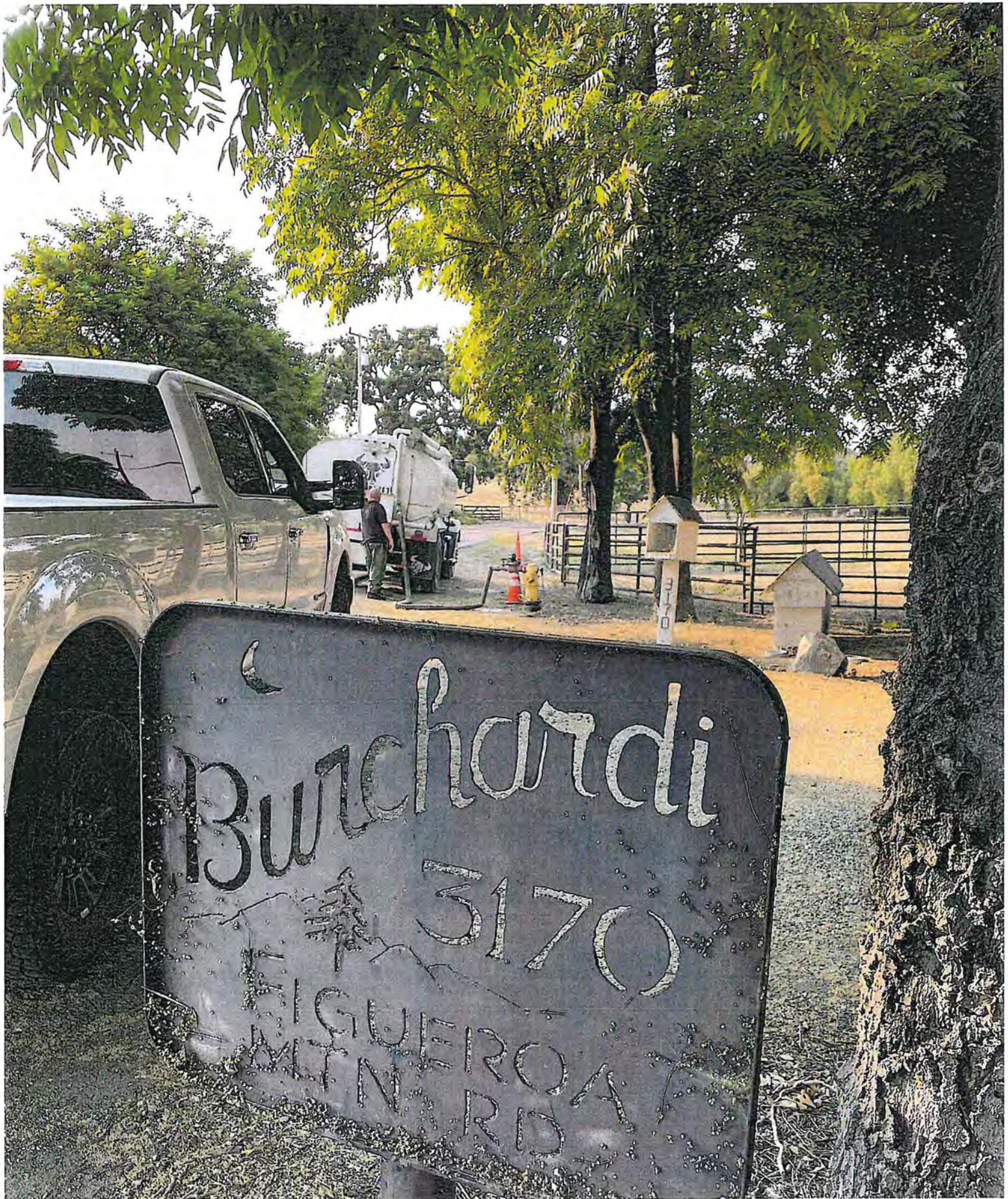
The Santa Barbara County **[readysbc.org page](#)** has more information about evacuations, animal evacuations, and ag passes for access to agricultural lands within evacuation and road closure areas.

The Santa Barbara County Call Center is open daily until 7 p.m. for residents to get more information and resources about the Lake Fire, at 833.688.5551.

The cause of the fire remains under investigation.







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NOTICE AND AGENDA OF SPECIAL MEETING

**GROUNDWATER SUSTAINABILITY AGENCY FOR THE EASTERN MANAGEMENT AREA
IN THE SANTA YNEZ RIVER GROUNDWATER BASIN**

**HELD AT
SANTA YNEZ COMMUNITY SERVICES DISTRICT, MEETING ROOM
1070 FARADAY STREET, SANTA YNEZ, CALIFORNIA
6:30 P.M., THURSDAY, JUNE 27, 2024**

Optional remote public participation is available via Telephone or Microsoft Teams

To access the meeting via telephone, please dial: 1-805-724-0311 Conference ID: 473 443 798#

or

Join teleconference via Microsoft Teams

Meeting ID 252 475 582 993 Meeting Passcode: QauPtj (passcode is case sensitive)

***** Please Note *****

The above teleconference option for public participation is being offered as a convenience only and may limit or otherwise prevent your access to and participation in the meeting due to disruption or unavailability of the teleconference line. If any such disruption of unavailability occurs for any reason the meeting will not be suspended, terminated, or continued.

Therefore in-person attendance of the meeting is strongly encouraged.

AGENDA OF SPECIAL MEETING

1. Call to Order and Roll Call
2. Additions or deletions to the Agenda
3. Public Comment (Any member of the public may address the Committee relating to any non-agenda matter within the Committee's jurisdiction. The total time for all public comment shall not exceed fifteen minutes and the time allotted for each individual shall not exceed five minutes. No action will be taken by the Committee at this meeting on any public comment item.)
4. Review and consider approval of meeting minutes of May 23, 2024
5. Receive update on EMA Joint Powers Agreement
6. Consider endorsing the proposed Prop 68 grant funding allocation and division of work among the three GSAs in the Basin
7. Review Annual Report Comment Letter from DWR
8. Discuss a tentative date for joint meeting of the three GSAs in the Basin
9. Next Regular EMA GSA Committee meeting scheduled for Thursday, August 22, 2024
10. EMA GSA Committee reports and requests for future Agenda items
11. Adjournment

[This agenda was posted at least 24 hours prior to the noticed special meeting at 3669 Sagunto Street, Suite 101, Santa Ynez, California, and SantaYnezWater.org in accordance with the Government Code. In compliance with the Americans with Disabilities Act, if you need special assistance to review agenda materials or participate in this meeting, please contact the Santa Ynez River Water Conservation District at (805) 693-1156. Advanced notification as far as practicable prior to the meeting will enable the GSA to make reasonable arrangements to ensure accessibility to this meeting.]

EXHIBIT B

**TO SUBGRANT AGREEMENT FOR IMPLEMENTATION OF GRANT AGREEMENT NUMBER 4600015265
BETWEEN THE STATE OF CALIFORNIA DEPARTMENT OF WATER RESOURCES AND SANTA YNEZ RIVER WATER CONSERVATION DISTRICT**

GRANT AGREEMENT PROJECT COMPONENTS BUDGET ALLOCATION

Component	Description	Grant	Component	WMA	CMA	EMA	TOTAL
		Admin	Project Manager				
1	Grant Administration	\$154,000	-	-	-	-	\$154,000
2	Well Extraction Measurement and Reporting (Metering)	-	\$163,000	\$192,667	\$192,666	\$192,667	\$741,000
3	Rate Studies	-	-	\$27,333	\$27,333	\$27,334	\$82,000
4	Annual Reports and 5-yr Updates	-	-	\$497,333	\$497,334	\$497,333	\$1,492,000
5	Monitoring Improvement & Expansion (Data Gap Filling)	-	\$107,000	\$679,331	\$513,832	\$544,838	\$1,845,000
6	Stormwater Capture	-	-	\$335,000	-	-	\$335,000
7	Conservation Study	-	-	\$600,000	-	-	\$600,000
8	Recycled Water Study	-	-	\$285,000	-	-	\$285,000
TOTALS:		\$154,000	\$270,000	\$2,616,668	\$1,231,164	\$1,262,174	\$5,534,000

NOTES:

1. This allocation is subject and an exhibit to the Subgrant Agreement between SYRWCD, in its role as Grantee, and the three (3) GSAs.
2. As provided in the Grant Agreement and Subgrant Agreement, all work must be completed by April 30, 2026.
3. As provided in the Grant Agreement and Subgrant Agreement, eligible costs include work from October 4, 2022.

**Exhibit B
Component – Detail**

Component 2	Extraction Measurement & Reporting	Basin-Wide	WMA	CMA	EMA	Sub-Total	Total
Category (a)	Component Administration	\$90,000				\$90,000	\$90,000
Category (b)	Environmental / Design / Engineering					\$0	\$88,000
Task 1	Enviro / CEQA / Permitting		\$5,000	\$5,000	\$5,000	\$15,000	
Task 2	DMS Program Development						
	Landowner Outreach & Agreements						
	- Establish DMS	\$30,000				\$30,000	
	- Memo DMS Development	\$3,000				\$3,000	
Task 3	- Access agreements		\$5,000	\$5,000	\$5,000	\$15,000	
	Demo Project Development						
Task 4	- Tech Memo	\$10,000				\$10,000	
	Basin-wide Extraction Measurement Program						
	- Rules and Regulations		\$5,000	\$5,000	\$5,000	\$15,000	
Category (c)	Implementation / Construction						\$413,000
	Demo Projects						
	- Install/register projects						
	- Data eval/DMS upload		\$127,667	\$127,667	\$127,666	\$383,000	
	Activity summaries						
	- Proofs of purchase						
	- Tech Memo	\$30,000				\$30,000	
Category (d)	Monitoring / Assessment						\$100,000
	- Compile/analyze data						
	- Update model/ budgets		\$33,333	\$33,333	\$33,334	\$100,000	
	- Tech Memo						
Category (e)	Engagement / Outreach						50,000
	- Outreach / engagement		\$16,667	\$16,666	\$16,667	\$50,000	
	- Meetings / workshops						
Totals		\$163,000	\$192,667	\$192,666	\$192,667		\$741,000

**Exhibit B
Component – Detail**

Component 5	Monitoring Improvement & Expansion	Component Manager	WMA	CMA	EMA	SUB	Total
Category (a)	Component Administration	\$100,000				\$100,000	\$100,000
Category (b)	Environmental / Design / Engineering						\$175,000
Task 1	Enviro / CEQA		\$7,000	\$7,000	\$7,000	\$21,000	
Task 2	Land Purchase / Easements		-	-	-		
	• Secure access agreements, easements, permits		\$35,000	\$35,000	\$35,000	\$105,000	
Task 3	Projects Planning & Design						
	• Preliminary design plans – Wells		\$7,000	\$7,000	\$7,000	\$21,000	
	• Preliminary design plans – Piezometer		-	-	\$7,000	\$7,000	
	• Preliminary design plans – Gages		\$7,000	\$7,000	-	\$14,000	
	• Tech Memo	\$7,000				\$7,000	
Category (c)	Implementation / Construction						\$890,000
Task 4	Advertise, Bid, & Award						
	• Prepare final designs & specs		\$25,000	\$25,000	\$25,000	\$75,000	
	• Complete bid docs & bid process		\$5,000	\$5,000	\$5,000	\$15,000	
Task 5	Equipment Installation						
	• Install Monitoring Well		\$160,000	\$160,000	\$160,000	\$480,000	
	• Install Piezometer		-	-	\$100,000	\$100,000	
	• Install Stream Gages		\$70,000	\$70,000	-	\$140,000	
	<u>Deliverables:</u> Health & Safety Plans; Summary of Activities w/ Photos; Record Drawings; Proofs of Purchase; Well Completion Reports		\$26,665	\$26,665	\$26,670	\$80,000	

**Exhibit B
Component – Detail**

Component 5 (Continued)	Monitoring Improvement & Expansion	Component Manager	WMA	CMA	EMA	SUB	Total
Category (d)	Monitoring / Assessment						\$580,000
Task 6	Monitoring Network Field Screenings						
	• Update Monitoring Networks		\$10,000	\$10,000	\$10,000	\$30,000	
	• Tech Memos						
	• Survey or video logs		\$70,333	\$70,333	\$70,335	\$211,000	
	• Well Survey and/or Video Log Reports						
Task 7							
	Data Collection and DMS Updates						
	• Semi-annual groundwater data		\$1,000	\$1,000	\$1,000	\$3,000	
	• Semi-annual piezometer data		-	-	\$1,000	\$1,000	
	• Bi-weekly streamflow data (storms)		\$26,000	-	-	\$26,000	
	• Quarterly seawater intrusion well data		\$90,000	-	-	\$90,000	
	• Field surveys re potential GDEs		\$100,000	\$50,500	\$50,500	\$201,000	
	• Updates to DMS		\$6,000	\$6,000	\$6,000	\$18,000	
	• Tech Memo		-	-	-	-	
Category (e)	Engagement / Outreach						\$100,000
	• Outreach and engagement materials		\$33,333	\$33,334	\$33,333	\$100,000	
	• Meetings / workshops						
	TOTAL		\$107,000	\$679,331	\$513,832	\$544,838	\$1,845,000

Santa Ynez River Valley Groundwater Basin

(<https://www.santaynezwater.org/>)

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EASTERN GSA

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[EMA-DOCUMENTS \(/EMA-DOCUMENTS\)](/EMA-DOCUMENTS)

[EMA-PRESENTATIONS \(/EMA-PRESENTATIONS\)](/EMA-PRESENTATIONS)

[EMA-REQUESTS FOR QUALIFICATIONS \(/EMA-REQUESTS-FOR-QUALIFICATIONS\)](/EMA-REQUESTS-FOR-QUALIFICATIONS)

EMA Requests for Qualifications

Eastern Management Area (EMA)
Groundwater Sustainability Agency (GSA)

The logo for the Eastern Management Area (EMA) consists of the letters 'EMA' in a large, serif, all-caps font. The letters are white with a dark outline, set against a dark, textured background.

Santa Ynez River Valley Groundwater Basin
Eastern Management Area
Groundwater Sustainability Agency

EMA GSA - Requests for Qualifications

EMA

Santa Ynez River Valley Groundwater Basin Eastern Management Area Groundwater Sustainability Agency

EMA RFQ-Executive Director

The EMA GSA is seeking Statements of Qualification (SOQs) from qualified firms and individuals to serve as Executive Director of the GSA. Qualification submittals should be received no later than 12:00 pm on July 26, 2024.

READ MORE »

[\(/ema-rfq-executive-director\)](#)

EMA

Santa Ynez River Valley Groundwater Basin Eastern Management Area Groundwater Sustainability Agency

EMA RFQ-Legal Counsel

The EMA GSA is seeking Statements of Qualification (SOQs) from qualified firms and individuals to serve as Legal Counsel of the GSA. Qualification submittals should be received no later than 12:00 pm on July 26, 2024.

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(/ema-rfq-legal-counsel)

EMA

Santa Ynez River Valley Groundwater Basin Eastern Management Area Groundwater Sustainability Agency

EMA RFQ-Rate Consultant

The EMA GSA is seeking Statements of Qualification (SOQs) from qualified firms and individuals to serve as a Rate Consultant for the GSA. Qualification submittals should be received no later than 12:00 pm on July 26, 2024.

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(/ema-rfq-rate-consultant)

A costly fight over water

Central California residents tell legislators that a court case could benefit big carrot-growing companies and ruin their community



A MECHANICAL harvester pulls and gathers carrots in a field near New Cuyama, Calif., in October. (Luis Sinco Los Angeles Times)

BY IAN JAMES

NEW CUYAMA, Calif. — A lunch of pozole, chips and homemade salsa awaited a group of residents — including ranchers, farmers and owners of stores and restaurants — who gathered at folding tables in a community center to discuss a subject they are deeply concerned about: their declining groundwater.

The meeting in late June offered a chance for people to share their fears not only with neighbors, but also with three visiting state legislators and a high-ranking water official from Sacramento.

“We are an engaged community,” said Lynn Carlisle, executive director of the Cuyama Valley Family Resource Center. “We’re a committed community. But we need help.”

The Cuyama Valley north of Santa Barbara is one of the areas of California where groundwater levels have been dropping rapidly and where water continues to be heavily pumped to irrigate thousands of acres of farmland.

Like other regions, the valley has developed a state-mandated plan to address overpumping under California’s groundwater law, the Sustainable Groundwater Management Act. But while that plan is just starting to be implemented, disagreements over addressing the water deficit have led to a bitter legal fight.

A group of agricultural landowners in 2021 sued other property owners throughout the valley, asking a judge to determine how water rights should be divided. That case, called a water adjudication, sparked an outpouring of opposition and prompted residents to organize a boycott of

carrot-growing companies that are the valley's biggest water users. Participants have put up signs and banners reading "Boycott Carrots" and "Stand With Cuyama Against Corporate Greed."

As the meeting began, some residents said the court case is saddling them with thousands of dollars in legal bills. Others said they fear the lawsuit could undermine the parallel process of limiting pumping under the Sustainable Groundwater Management Act.

"We know that [the] SGMA is not perfect," Carlisle said. "We want it to work."

She said residents organized the meeting to tell legislators how the groundwater law is playing out, and "how it is now being challenged and potentially compromised."

Those attending included state Sen. Monique Limón (D-Goleta), Assemblymember Gregg Hart (D-Santa Barbara) and Sen. Melissa Hurtado (D-Sanger).

Brenton Kelly, a community facilitator, said groundwater levels have dropped about 500 feet in part of the valley over the last half-century. He pointed to data showing "a consistent extraction of more than twice the natural recharge."

The local plan calls for cutting water use by as much as two-thirds by 2040. But five years into its implementation, Kelly said, there haven't yet been substantial reductions in pumping.

On lunch tables decorated with olive branches, organizers placed a packet of papers with numbers and graphics. A color-coded map marked areas of rapid depletion in red and orange. It read: "The big pumpers are pumping us dry."

“We have the power dynamics of essentially David and Goliath, where we have a couple of powerful entities that are in control,” Kelly said. “And then we have a disadvantaged community that’s trying to preserve its natural resources.”

He was referring to two of the world’s largest carrot-growing companies, Grimmway Farms and Bolthouse Farms, as well as other companies that lease them farmland. The two farming companies dropped out of the lawsuit last year, while other landowning companies stayed on as plaintiffs in the case, which is pending in Los Angeles County Superior Court.

Those who organized the meeting said representatives of the companies weren’t invited.

Ella Boyajian, who helped organize the boycott, said many people saw the companies’ lawsuit as an unfair attempt to impose cutbacks on others, and an affront to the tight-knit community’s collaborative values.

She said the lawsuit seems “adversarial” to the aims of the state groundwater law.

“Now we have adjudication, which is encouraging everybody’s self-interest,” Boyajian said. “And we are all fighting for our little slice of the pie, the groundwater.”

The case has prompted many in the community to hire lawyers. Boyajian said for some, the mounting bills are bringing financial trouble, forcing them to sell vehicles or delay retirement plans.

Even the local school district was forced to hire a lawyer, and Supt. Alfonso Gamino said the legal bills have reached more than \$28,000.

Dave Lewis, a farmer who grows pistachios and lavender, said he and other small growers are struggling with as much as \$50,000 in legal bills while also worrying that declining aquifer levels could leave them with dry wells.

“The water is declining really quick,” Lewis said. “It’s the big pumpers.”

He said he’s concerned water allocations will likely be calculated based on past usage, benefiting large growers while harming his small operation.

“I’m just a little guy,” he said. “So I rely on the government and agencies to protect me. And right now, I’m not feeling it.”

Pam Doiron, who owns a cattle ranch, said the lawsuit “has thrown us a staggering amount of overhead that is unsustainable.”

“If we have our water usage cut as a result of the adjudication, there will be no way to keep ranching here,” she said.

Doiron said it’s sad that while local residents were working toward a solution to reduce water use, the large Bakersfield-based growers were “working behind the scenes to undermine the groundwater sustainability agency and the livelihood of our Cuyama families.”

Grimmway Farms has said it’s not in favor of cutting the water rights of the school or small residential water users. The company withdrew from the case as a plaintiff in October.

Bolthouse Farms has said that its decision to withdraw from the lawsuit in August was “driven by our commitment to sustainability,” and that the company is reducing water use.

One of the remaining plaintiffs is Bolthouse Land Co., a subsidiary of Bolthouse Properties, which split from Bolthouse Farms in 2005.

Daniel Clifford, vice president and general counsel for Bolthouse Properties, said a decision by other growers to challenge the basin's boundaries "delayed the adjudication for almost a year and half and ended up costing every groundwater user, including the school district and water district, unnecessary time and money." He was referring to pistachio growers and a large vineyard owned by a subsidiary of Harvard University's investment company.

"Sustainability requires one basin-wide approach where all groundwater users share water cutbacks equally," Clifford said in an email, adding that the company supports a "scientifically and legally appropriate" groundwater sustainability plan.

Robert Kuhs, a lawyer representing plaintiffs Diamond Farming Co., Lapis Land Co. and Ruby Land Co., said the local groundwater agency voted to impose cutbacks on growers in the central part of the valley, and the lack of regulated pumping in other areas "inhibits sustainability and disproportionately impacts certain landowners."

Kuhs said in an email that the companies sought the adjudication to have the court determine their water rights and to ensure that "all commercial agricultural pumpers share in reductions."

The Cuyama Valley is one of nine areas in the state where such cases are pending.

During the meeting, some residents accused carrot growers of over-irrigating with sprinklers and allowing water to run in ditches.

“They waste a lot of water because I’ve seen it,” farmworker Veronica Espinosa López said, speaking in Spanish. “I think there should be management, for them as well as for us in the community.”

She also expressed concern that growers have been hiring local farmworkers for shorter periods in recent years, leaving them with less income.

Longtime resident Roberta Jaffe, who dry-farms wine grapes on a five-acre farm, said that in past cases, water allocations have often been granted based on historical use, “which means the largest pumpers are going to gain the most,” while small farmers who have been conserving will probably be penalized.

During the discussion, farmer Jim Wegis pointed at state water official Paul Gosselin and asked: “We presented a plan. You made adjustments to it. ... Are you going to help support it when it goes to court?”

“That’s a loaded question,” Gosselin replied, eliciting laughter from around the room.

“We’re tracking a number of these adjudications very closely, for a variety of reasons,” Gosselin said, with the goal of preserving “what was the promise of SGMA about local control and bringing basins into balance.”

The law’s implementation is entering its most difficult period, he said.

“This is where the rubber is meeting the road,” Gosselin said. “And you’re all sort of at the tip of the spear, involved in this change that’s going to profoundly change how water is managed.”

The legislators said they want to help work on solutions.

“I think we are faced with a really difficult decision, that a policy did this — a policy that was meant to help, and a policy that can help,” Limón said.

“And so we, I think, are going to take this back to figure out how we need to correct the policy,” she said. “We are walking out with a profound sense of the challenges that are in front of you.”



**OLD
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YNEZ
60TH ANNIVERSARY
DAYS**
EST ★ 1882

★ **JUNE 22ND, 2024** ★

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THIS YEARS GRAND MARSHAL: SANTA YNEZ VALLEY ELKS LODGE 2640

LIVE MUSIC | COMMUNITY LINE DANCING | FOOD TRUCKS

ARTISAN VENDORS | BEER GARDEN | WINE BARREL | TORTILLA TOSS

FREE CARRIAGE RIDES | FREE KIDS AREA | BOUNCE HOUSE | PONY RIDES

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Monthly Briefing

A Summary of the Alliance's Recent and Upcoming Activities and Important Water News

Growing Senate Concern that Farm Bill Will Not Pass in 2024

Despite recent progress on the 2024 Farm Bill — including passage of the House Agriculture Committee's version of the bill and frameworks released by Democrat and GOP factions in the Senate Agriculture Committee — Senators in recent weeks have been hinting that passage of a full Farm Bill in 2024 is growing more unlikely.

This means that another extension of the 2018 Farm Bill could be the most likely outcome before the end of September, when the existing deadline expires.

Every five years, the farm bill expires and is updated: it goes through an extensive process where it is proposed, debated, and passed by Congress and is then signed into law by the President. Each farm bill has a unique title, and the current farm bill is called the Agriculture Improvement Act of 2018.

Senate Ag Chairwoman Debbie Stabenow, D-Mich., doesn't think the House Ag Committee's bill can pass the

House and fears a Senate bill could face the same fate, she said on a recent broadcast of *Agri-Pulse* Newsmakers.

"I don't want to bring a bill out of the committee in the Senate that has the same fate" as the House bill, she told *Agri-Pulse*.

Chair Stabenow has rejected the GOP proposals in part because of cuts to nutrition spending and their removal of climate guardrails on Inflation Reduction Act funding.

"The way you get a farm bill is making sure everybody's happy. And so that recognition hasn't happened yet," she said.

Brownfield Ag News also reported late last month that U.S. Senator Roger Marshall (R-KANSAS) says a new farm bill isn't likely to get passed this year.

The GOP-led House Agriculture Committee in late May conducted a marathon markup on its 2024 farm bill that started at 11:00 a.m. on May 23 and didn't wrap up



Senator Jeff Merkley (D-OREGON) (fifth from right) met with representatives of Klamath Water Users Association (KWUA) and Family Farm Alliance executive director Dan Keppen (far right) last month in Klamath Falls to discuss the 2024 farm bill and local water challenges.

Photo Source: KWUA

Continued on Page 2

STORIES INSIDE.....

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New Deputy Commissioner Appointed at Reclamation

Bureau of Reclamation Commissioner Camille Calimlim Touton last month announced the appointment of Roque Sánchez, as Reclamation's deputy commissioner.

In this role, Mr. Sánchez oversees Reclamation's internal and external relations strategies with Congress and the American public to increase awareness and understanding of Reclamation's mission priorities, policies, and programs.

"I am excited to have Roque start this new role at the Bureau of Reclamation," said Commissioner Touton. "His experience working in energy and climate policy will be an asset to Reclamation as we deal with the impacts of a changing climate and a long-term drought in the Western United States."

Sánchez was named as senior advisor at the Bureau of Reclamation in October 2022. Prior to



Roque Sánchez. Photo Source: USBR

joining Reclamation, he served at the White House as policy advisor for the Office of Domestic Climate Policy and startup facilitator for the Office of Clean Energy Innovation and Implementation. Prior to joining the Biden-Harris administration, Roque worked in several roles to advance climate resilience and clean energy, including President Obama's White House Office of Energy and Climate Change.

"I am honored to begin this new role at Reclamation," said Mr. Sánchez. "I look forward to working with our customers and stakeholders on advancing Reclamation's mission of delivering water and generating power across the West."

Sánchez holds degrees in civil and environmental engineering from Rice University and was raised in the Rio Grande valley of New Mexico.

Farm Bill Fate in Senate Uncertain (Cont'd from Page 1)

until after midnight, May 24. The bill passed the committee by a 33-21 vote, with four Democrats—Reps. Bishop (GA), Caraveo (COLORADO), Davis (KANSAS) and Sorensen (IL) - joining all of the committee Republicans to advance the bill to a House floor vote.

The House's \$1.5 trillion Farm Bill spans 677 pages and covers various programs, including nutrition assistance and conservation efforts.

Senate Ag Republicans unveiled their own farm bill plan last month. It includes policies similar to the GOP-led House farm bill, with an emphasis on the farm safety net.

Senator John Boozman (R-Ark.) the Ranking Member on the Senate Ag Committee, told reporters last month his proposal reflects the feedback he received from farmers and policy groups at more than 20 roundtables in the last two years.

"The Republican framework addresses those priorities," Senator Boozman said.

Still, amid stark partisan disagreements, lawmakers are set to miss the Sept. 30 deadline to reauthorize a new farm bill.

Alliance Reps Meet with Western Senators

The Senate Ag subcommittee on conservation, climate, forestry and natural resources focused on federal drought investments late last month during a trip this week to Colorado and Kansas. U.S. Senators Michael Bennet (D-COLORADO), Chair of the Subcommittee on Conservation, Climate, Forestry, and Natural Resources, and Roger Marshall (R-KANSAS), Ranking Member, held a subcommittee field hearing in Burlington (COLORADO).

"Today's farmers and ranchers face a 1,200-year drought, a changing climate, and a future that keeps getting hotter and drier," said Senator Bennet. "Yet America's agriculture conservation programs haven't kept pace with a West that looks very different from the Dust Bowl era."

Key Senate Democrats - led by Senators Michael Bennet and Jeff Merkley (OREGON) - have been pushing in public and private for months to boost investments in the farm bill for ag producers facing severe drought, especially in the West.

Alliance Director Jim Yahn (COLORADO) attended the hearing and talked directly with Senator Bennet, thanking him for the kind words he said on the floor of the U.S. Senate last March in memory of the late Pat O'Toole, the former president of the Alliance who passed away in February.

Senator Bennet, along with fellow Colorado Democrat Senator John Hickenlooper and Wyoming Republican Senators John Barrasso and Cynthia Lummis delivered a tribute to Mr. O'Toole that lasted over twenty minutes.

Earlier in the month, Alliance Executive Director Dan Keppen participated in a meeting in Klamath Falls (OREGON) where local ag leaders met with Senator Merkley.

Mr. Keppen said that Senator Merkley has been a strong advocate in support of funding for Farm Bill watershed programs that farmers in Oregon and other Westerners utilize.

"The NRCS Watershed and Flood Prevention Operations Program has a strong track record of helping farmers, ranchers and local water management agencies with efforts to modernize water systems across the West," he said. "Senator Merkley and his staff have been champions in the Senate, looking for creative ways to support this already over-subscribed program."

Alliance Engages in EPA Nutrient Workshop

EPA, Partners Pursue Scalable Models to Fund and Implement NPS Projects

The Family Farm Alliance last month joined other agriculture and conservation partners in a two-day workshop hosted by the Environmental Protection Agency (EPA) in Washington, D.C. to discuss the need and recommended durable solutions for scaling up action and funding for nutrient reductions to address the national challenge of nonpoint source (NPS) pollution.

Alliance Executive Director Dan Keppen joined Joe Whitworth (President and CEO of The Freshwater Trust) and Tim Male (Environmental Policy Innovation Center) for a 45-minute panel discussion on the first day of the two-day workshop.

“The goal of the workshop was to scale up and sustain nonpoint source pollution reductions to restore water quality in U.S. waters,” said Alliance Executive Director Dan Keppen. “Our panel was set up to make the case for a data-driven, incentive-based, coordinated funding approach that works for Western producers.”

Results from the National Rivers and Streams Assessment show that over 40% of the nation’s flowing water bodies are in poor condition due to excess nutrients. In many of these systems, NPS are the predominant source of pollutants. In addition to the continued effective regulation of point sources, EPA believes improved tools and approaches are needed to catalyze NPS investment to achieve watershed-scale solutions.

The Nutrient Funding Discussion Group (NFDG)— which the Alliance is a part of - has been created to fine tune a bipartisan policy approved by the agricultural community to improve the environment and provide fiscal sustainability. Other core participants in the NFDG include EPA, The Freshwater Trust (co-leader with the EPA), Blue Forest Conservation, Environmental Policy Innovation Center, Electric Power Research Institute, National Association of Clean Water Agencies, and the Soil & Water Outcomes Fund.

“Things are all over the place, and that scattering discourages investments,” Jim Gebhardt (Director of EPA’s Water

Infrastructure and Resiliency Finance Center) previously told the audience at the February 2023 Alliance annual conference in Reno (NEVADA). “I want to see farmers managing the land they want without going out of business.”

The NFDG over the past two years has met virtually to examine how to convert many of the elements from EPA’s

April 5, 2022 *Accelerating Nutrient Pollution Reductions in the Nation’s Waters* Memorandum into actionable steps. Since the memo’s release, EPA has acted by proposing a new rule that would state explicitly that National Pollutant Discharge Elimination System (NPDES) Permits may allow the use of market-based approaches to comply with water quality-based effluent limitations as part of the EPA’s efforts to expand the use of market-based approaches to achieve greater water quality improvements on a watershed scale.

“Our goal working with EPA is to develop bushels of nature with value for farmers and ranchers,” said Mr. Whitworth.

“There is a tsunami of cash coming from Washington, D.C. and if we spend it the same way we have in the past, a few years down the road nothing will have changed.”

Day 1 of the workshop was kicked off with opening remarks from EPA Acting Assistant Administrator Bruno Pigott, who oversees EPA’s Office Water. Over the course of the two-day workshop, planners walked through the NFDG framework, explored examples of operating frameworks currently in the field, and heard from various partner groups on how they can collectively accelerate NPS results.

The NFDD framework found that conservation funding is often not aligned with agricultural business needs. Operating with historically thin margins and limited resources, many agricultural producers decline to participate in conservation programs because the costs and risks often outweigh the potential returns. Mr. Keppen noted that applicants must navigate complicated applications and bear most risks to receive funding.

“If you want farmers and ranchers to participate, things have to fit,” he said. “Right now, many producers rightly observe that the burdens are greater than the benefits.”



The William Jefferson Clinton Building in Washington, D.C., headquarters for the U.S. Environmental Protection Agency. About 50 participants, including Family Farm Alliance, participated in a workshop hosted here last month. Photo Source: EPA

Reclamation Proposes Expanded use of CatEx

Tweaks Also Made to Financial Policies and Aging Infrastructure Program

The Bureau of Reclamation (Reclamation) is seeking public comment on proposed revisions to seven categorical exclusions (CEs) under the National Environmental Policy Act (NEPA) of 1969 as well as changes to a directive and standard (D&S) that governs administration of financial assistance. Public webinars have been scheduled for both efforts, in response to a request made by the Family Farm Alliance last month.

D&S provide the level of detail necessary to ensure consistent application of policy across the Bureau of Reclamation.

"We worked with the Commissioner of Reclamation's office last month and raised concerns we have with both proposals," said Alliance Executive Director Dan Keppen. "Both of Reclamation's proposals are important actions to our members—particularly those who utilize WaterSMART grants."

Meanwhile, another D&S relating to administration of Reclamation's Aging Infrastructure Account (AIA) was finalized in June.

Proposed CE Expansion

The White House Council on Environmental Quality (CEQ) in 2016 directed all federal agencies to begin regular reviews of the use of CEs, with the intent of making the NEPA process easier.

"The latest effort initiated by the Biden Administration marks the third time in three administrations that this effort has been undertaken," said Alliance Executive Director Dan Keppen.

The latest proposed CEs pertain to water-related contracts, use authorizations, financial assistance, loans, and funding activities, such as WaterSMART grants. The revisions aim to streamline environmental reviews for infrastructure projects under the Infrastructure Investment and Jobs Act (IIJA) and Inflation Reduction Act (IRA), aligning with NEPA regulations to enhance efficiency and clarity for Reclamation, project proponents, and the public.

In summary, the package will revise three existing CEs related to financial assistance, loans, and funding activities to incorporate other programs including the WaterSMART program; revise two existing CEs for water-related contracts and revise two existing CEs related to use authorizations.

The Federal Register posted the proposed expansion in early June and set a 30-day comment period that expires on July 8. The Alliance met virtually with senior level Reclamation leaders from the Commissioner's office last month, raised some questions and concerns with them, and suggested that a public webinar be scheduled to provide an opportunity for Reclamation water and power customers and other stakeholders to raise additional concerns in an open forum.

Reclamation two days later announced it would host an informational webinar on July 2nd at 2:00 pm EDT/11:00 am PDT.

"Unfortunately, the comment period for the CE proposal could not be extended, since there are fairly rigid timelines associated with the White House Federal Register notice process," said Mr. Keppen. "However, we appreciate Reclamation's willingness and quick action taken to set up the webinar."

Reclamation is accepting comments on the proposed revisions through July 8th.

The proposal documents can be reviewed at <https://www.usbr.gov/nepa>. Written comments must be submitted by July 8, 2024 electronically to usbr_ce@usbr.gov.

Draft D&S ACM 01-01

Reclamation has proposed changes to the existing D&S ACM 01-01, which outlines requirements for award and administration of financial assistance agreements. The draft document includes new definitions, more citations to the Code of Federal Regulation, and descriptions of new positions at Reclamation.

Reclamation leaders told Alliance representatives that the Department of Interior has tightened up some of its internal financial requirements, so Reclamation is doing the same. However, since this D&S does drive some marquee programs, such as WaterSMART, it is also of interest to Reclamation's customers.

"Some of our member districts and some NGOs involved with securing Reclamation financial assistance have experienced long response times, detailed and extended budget reviews, and extended period of time to get a financial award under contract, even for a modest planning grant with no ground-disturbing activities," said Mr. Keppen.

"We suggested to Reclamation that conducting a webinar on the draft D&S would allow for some of our more vocal members to weigh in on the timelines and potential efficiencies that "could" be addressed in the newly revised D&S," added Mark Limbaugh with The Ferguson Group, the Alliance's representative in Washington, D.C.

In response to the Alliance's request, Reclamation has agreed to extend the public comment period on the draft D&S by 30 days (closing on August 9, 2024) and to host a webinar for customers and stakeholders during the second week of July.

Reclamation leaders explained that there is a different timeline and level of urgency associated with this draft D&S, since it is not tied to a White House directive.

"We think this could provide a forum to allow Reclamation to be more transparent on what they are changing and listen to our members identify challenges they are having," said Mr. Keppen. "We appreciate Reclamations' receptivity and quick response to our request."

Continued on Page 6

Senators Introduce Bill to Extend Upper Colorado River Program And...Reclamation Announces \$700 M for Lower Basin

Efforts continue across the Colorado River Basin to find ways to stabilize water storage volumes in Lakes Powell and Mead.

“Despite the diversity of Colorado River policy opinions within our membership, the Alliance board of directors in 2015 and again in 2022 adopted principles and recommendations intended to guide state and federal decision-makers as they negotiate a long-term operating

agreement on the Colorado River,” said Alliance First VP Don Schwindt (COLORADO).

The 2022 policy paper – which has also been adopted by several water agencies served by the Colorado River– has as its top principle the need to “recognize that Western irrigated agriculture is a strategic and irreplaceable national resource”.

In the past month, lawmakers on Capitol Hill and the Bureau of Reclamation have announced actions intended to continue conservation efforts to bolster lake level elevations in Lakes Mead and Powell, the largest reservoirs on the Colorado River.

System Conservation Extension Act Introduced

A bipartisan group of Western senators is backing a program created by the Inflation Reduction Act (IRA) to extend a major water conservation initiative in the Upper Colorado River Basin. Colorado Democrats John Hickenlooper and Michael Bennet (D-CO), along with Wyoming Republicans John Barrasso and Cynthia Lummis, and Senator Mitt Romney (R-UTAH), introduced the “Colorado River Basin System Conservation Extension Act.”

“Programs like the System Conservation Pilot Project are critical to helping address drought issues across these states,” said Senator Barrasso. “Our bipartisan legislation extends this program and provides our farmers and ranchers with resources to conserve water in the Colorado River and the lakes they depend on.”

This bill aims to extend the Colorado River System Conservation Pilot Program (“Pilot Program”) through 2026, beyond its current expiration date, to continue reducing Colorado River water use in the Upper Basin states of Colorado, New Mexico, Utah, and Wyoming.

The \$125 million program, initiated in late 2022 as part of an emergency effort to address the severe drought impacting the Colorado River Basin which supports 40 million people and irrigates 5.5 million acres of farmland. Persistent drought and warming temperatures have reduced the river’s water levels by 20% since 2000.

“As drought wreaks havoc on the Colorado River system, Colorado and Upper Basin states are doing their part and stepping up to conserve real water,” said Senator Bennet.

Existing management agreements for

the Colorado River will expire at the end of 2026, prompting negotiations among the seven states and federal officials for a new agreement. In announcing the bill’s introduction, the senators emphasized the importance of collaboration to address the crisis and provide resources for farmers and ranchers to conserve water.

Pilot Program Participation

The Pilot Program in 2023 saw low participation, with only 64 water-savings projects approved, and about 38,000 acre-ft of water conserved, at a cost of nearly \$16 million. The program pays water users in the Upper Basin states to fallow their fields and leave that water instream. Program participation was low, likely due to a “lowball” offer per-acre-foot basis from the Upper Colorado River Commission and a complicated process.

This year, the Commission tweaked the program, and participation has nearly doubled.

“I view the doubling of interest and participation from one year to the next as a significant success,” Commission Executive Director Chuck Cullom said.

However, water managers on the Western Slope continue to be critical of the program.

The Colorado River Water Conservation District has been vocal critics of the conservation pilot program, pointing out the ways that it could, if not done carefully, harm certain water users and rural agricultural communities.

“Without significant improvements, it would be hard for the River District to support additional expenditures on system conservation,” Peter Fleming, the district’s general counsel, told *WyoFile*.



Lake Powell and Glen Canyon Dam on the Colorado River.
Photo Source: Upper Colorado River Commission.

Continued on Page 6

Page 5

BOR Proposes CE and Finance Policy Changes (Cont'd from Pg 4)

Extended Repayment of XM Costs

Reclamation last month also finalized the most recent revisions for Reclamation’s Directives and Standards Process for PEC 05-03 (Extended Repayment of Extraordinary Maintenance, or “XM” Costs).

Congress amended P.L. 111-11 to create the AIA in late 2020, and Reclamation revised PEC 05-03 to implement the new authority and requirements. After a few years of practical experience with the program, Reclamation started working on some revisions in hopes of resolving some legal and policy questions, of which the Family Farm Alliance has been a part.

Draft revisions were sent out to the Alliance, Reclamation’s customers and other stakeholders for review and comment last November, leading up to a stakeholder engagement session on November 30, 2023. Reclamation subsequently made some changes to the draft and extended the comment period until after a second engagement session last March.

“Due to the feedback we received, we made some notable changes including our elimination of the requirements to ex-

haust other funding possibilities, as well as having to first spend contractors’ reserves before receiving funding from the AIA,” said Chris Beardsley, Reclamation’s Director of Mission Assurance and Protection Organization. “Another change to highlight was reducing the reserve expenditure requirement for XM funding from regular regional budgets.”

One item that was raised that Reclamation did not change its decision on was the ability to keep “ability-to-pay” (ATP) provisions that require a study for a repayment period of more than 30 years.

“Some of our members have expressed concerns that this section would have potential impacts on existing ATP levels as set in current repayment contracts,” said Mr. Keppen. “We suggested that it would be helpful to include some language that states that the ATP for the purposes of the AIA application under PEC 05-03, does not impact or change any existing ATP values.”

Reclamation leadership has said the agency remains committed to working with the Alliance on identifying potential alternatives or approaches and will schedule a meeting in the future for that purpose.

Colorado River (Continued from Page 5)

Lower Basin Funding Announced

The Bureau of Reclamation last month announced an initial \$700 million investment for long-term water conservation projects across the Lower Colorado River Basin.

This investment – which has the potential to save more than 700,000 acre-feet of water in Lake Mead – will fund innovative projects like water distribution structures, advanced metering infrastructure, farm efficiency improvements, canal lining, turf removal, groundwater banking, desalination, recycling water and water purification.

The funding announced today is for “Bucket 2” projects being funded by the Lower Colorado Basin System Conservation and Efficiency Program, which was established through the Inflation Reduction Act, which represents the largest investment in tackling climate change in history. The program uses historic investments to address the drought crisis with prompt and responsive actions by providing resources for short-term water management and long-term conservation efforts in the Colorado River Basin.

“We are already seeing returns on the historic investments made by the Biden-Harris administration in the Lower Colorado River Basin, with commitments to save more than 1.7 million acre-feet of water in the basin through 2026 facilitated largely through the Bucket 1 program,” said Bureau of Reclamation Commissioner Camille Calimlim Touton.

“These Bucket 2 projects will build long-term resiliency in the basin by investing in system efficiency projects across all sectors.”



Intake tower at Hoover Dam on Lake Mead.

Coalition Weighs in on Climate-Smart Ag and Forestry Mitigation List

The Family Farm Alliance, along with 19 other water user groups, Western state farm bureaus, and other ag and conservation organizations, sent a letter to the U.S. Department of Agriculture (USDA) in December 2022 asking that a variety of irrigation modernization and forest fuel control measures be added to the list of “climate smart” practices that are eligible for the \$20 billion in the IRA provided to NRCS earlier that year.

A few months later, NRCS added “irrigation pipelines”, “irrigation systems”, “sprinkler systems” and “pumping plants”, “brush management”, “prescribed burning”, “fuel breaks” to the Climate-Smart Agriculture and Forestry Activities list.

Each year, the Climate Office reviews NRCS conservation activities (practices and enhancements) to recommend additions, removals, or to provide further detail for listed activities.

“The climate smart list guides eligibility for funds from the IRA,” said Alliance Executive Director Dan Keppen. “NRCS’s Climate Office this past spring sought additional input on its list. Our friends at The Freshwater Trust last month took the lead on another letter.”

The letter was transmitted to NRCS in early June.

“Our letter basically says, ‘nice job’ adding those new practices to the list last year,” said Tim Wigington with The Freshwater Trust. “It also reiterates our strong science that justifies their inclusion and requests that the energy use reduction qualifier be removed or modified.”

These modifications to the climate smart list are intended to allow funding to flow to practices that reduce Greenhouse Gas emissions, improve water quality, and help build drought resiliency.

“All these outcomes benefit our environment and our communities,” the coalition letter concluded.

The Alliance continues to pursue legislative changes to the IRA climate sideboards to provide further assurances that irrigation modernization and other water management efforts can be funded.

“We appreciate USDA’s efforts to incorporate water management practices to the extent they can, but the legislation was drafted so tight it is like fitting a square peg into a round hole,” said Lane Dickson with The Ferguson Group, the Alliance’s representative in Washington, D.C. “In the West, climate resilient agriculture is all about water and drought management. While we understand there are pressures to retain the climate focus of those dollars, it makes sense to broaden them slightly to include water.”

Biden Administration Announces Agency Climate Plans Through 2027

More than 20 federal agencies, from the Defense Department to Interior to the EPA, have released updated climate adaptation plans to prepare for climate change hazards. These plans are part of the Biden Administration’s initiative to address risks such as extreme heat, flooding, and wildfires.

“As communities face extreme heat, natural disasters and severe weather from the impacts of climate change, President Biden is delivering record resources to build climate resilience across the country,” said Brenda Mallory, Chair of the White House Council on Environmental Quality. “Through his Investing in America agenda and an all-of-government approach to tackling the climate crisis, the Biden-Harris Administration is delivering more than \$50 billion to help communities increase their resilience and bolster protections for those who need it most. By updating our own adaptation strategies, the federal government is leading by example to build a more resilient future for all.”

The updated plans, covering 2024 to 2027, aim to make federal buildings and operations more resilient, protect federal workers from climate hazards, and promote climate resilience in federal lands and waters.

For example, the Interior Department and NOAA are focusing on coastal and watershed restoration projects to manage wildfire risks and support endangered species protection. The EPA’s plan aims to harden its operations against climate

impacts, ensure resilient investments by nonfederal grantees, and incorporate climate considerations into procurement practices and grant programs.

USDA is developing a mission-wide approach to climate adaptation, establishing protocols to promote climate resilience in agricultural production, natural resource and land management, rural development, food security and safety, and science and innovation. For example, USDA’s Forest Service is seeking to reduce climate-driven wildfire risk through the implementation of the Wildfire Crisis Strategy (WCS) and support post-wildfire recovery through climate-informed actions in its Reforestation Strategy.

“USDA has taken a Department-wide approach to considering the impacts of climate change on our mission delivery and those we serve,” said Agriculture Secretary Tom Vilsack. “From USDA headquarters to field offices nationwide, these efforts enable USDA to support the agriculture and forestry sectors and diverse communities across the country as they confront the impacts of climate change.”

These efforts are funded by the Inflation Investment and Jobs Act and the Inflation Reduction Act totaling \$91.5 billion.

All plans are available at www.sustainability.gov/adaptation.

Interior Issues Report on Fishery Impacts of Columbia River Basin Dams

The Interior Department released a report last month detailing the "devastating impact" that 11 federal dams in the Columbia River Basin have had on Native American tribes, particularly affecting salmon and steelhead populations.

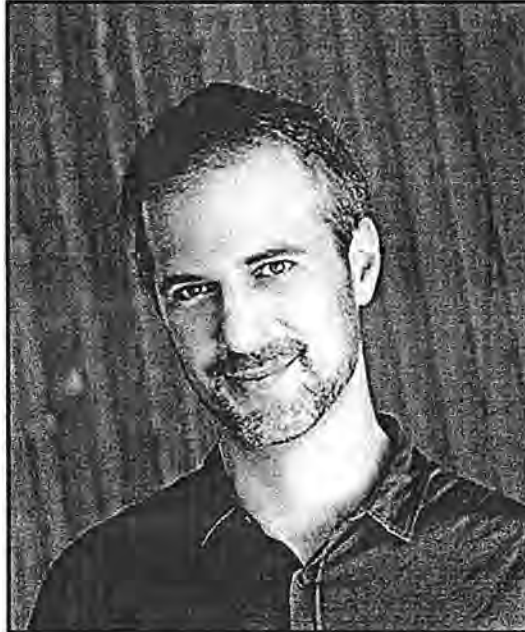
"Since time immemorial, Tribes along the Columbia River and its tributaries have relied on Pacific salmon, steelhead, and other native fish species for sustenance and their cultural and spiritual ways of life," said Secretary of the Interior Deb Haaland. "Acknowledging the devastating impact of federal hydropower dams on Tribal communities is essential to our efforts to heal and ensure that salmon are restored to their ancestral waters."

The report is part of a \$1 billion settlement from a long-standing lawsuit over federal hydropower operations on the Snake and Columbia rivers. It highlights the significant cultural, physical, and economic harm to tribes due to altered river flows and ecosystem disruptions.

Tribal nations in the basin have long argued that these dams have decimated crucial anadromous fish populations. The report acknowledges these impacts and emphasizes the need for restoration efforts. Although it stops short of endorsing dam removal, which requires Congressional approval, the report spurred the creation of the Columbia River Task Force. This interagency group will coordinate efforts to restore fish populations and includes representatives from various federal departments.

The task force will be led by Nik Blosser, who previously served as chair of his family's Sokol Blosser Winery, vice

president of Portland General Electric, chief of staff in the White House Office of Cabinet Affairs, and chief of staff to former Oregon Gov. Kate Brown (D), will serve as the group's executive director.



Nik Blosser will lead a new Columbia River Task Force set up by the Biden Administration. Photo source: Sokol Blosser Winery.

"I am honored to lead the new Task Force, which will coordinate efforts across the federal government and partner with states and Tribal governments to restore native fish populations while ensuring communities and businesses continue to have reliable clean energy in the region," said Mr. Blosser.

Other federal officials from Interior, Energy, NOAA, and other agencies will play key roles on the Task Force. Northwest power and water interests are emphasizing the importance of staying engaged as anti-dam interests continue to focus on Lower Snake River Dams and flow manipulation as priority solutions to pursue in the Columbia-Snake system.

Northwest RiverPartners is a member-driven organization that serves not-for-profit, community-owned electric utilities in Oregon, Washington, Idaho, Montana, Utah, Nevada and Wyoming. "We...urge the Biden Administration and the Columbia River Task Force to take a holistic view of hydropower using peer-reviewed science to drive decisions and ensure long-term confidence

amongst all regional residents," said Clark Mather, executive director of Northwest River Partners. "Climate change is among the greatest threats to people and salmon...affordable, reliable, carbon-free hydropower remains central to meeting rapidly growing energy demands while offsetting countless tons of air emissions."

House Resources Committee Approves Water, Other Bills

The House Natural Resources Committee last month passed several Western water resource bills as well as several bills affecting wildlife and critical minerals.

The committee approved two water resource bills.

H.R. 7776, the "Help Hoover Dam Act," from Rep. Susie Lee (D-NEVADA), would provide an additional \$45 million in operating funds for the Hoover Dam. The bill would allow access to a "stranded" account initially meant to cover shortfalls in retirement accounts of Western Area Power Administration (WAPA) and Bureau of Reclamation employees which are already covered by other funding sources.

H.R. 7872, the "Colorado River Salinity Control Fix Act," from Rep. John Curtis (R-UTAH), would increase federal cost share on efforts to desalinate the Colorado River.

"From modernizing the critical mineral list to bipartisan support for a clean and healthy Long Island Sound, House Committee on Natural Resources members are advancing responsible solutions to problems facing Americans," said Committee Chair Bruce Westerman (R-Ark.). "The nine bills we passed today are a product of diligent work from my colleagues, and I look forward to moving these bills further through the legislative process."

Water Rights Compromise Reached in Idaho

After weeks of negotiations between Idaho's surface water users and groundwater districts, a compromise was reached last month that ends the potential water curtailment order from the Idaho Department of Water Resources (IDWR).

"I am pleased that the parties to this delivery call were able to negotiate a settlement for 2024 that avoids large-scale curtailment of land irrigated from junior ground water wells," IDWR Director Mathew Weaver said. "The parties did what I cannot do. They agreed to management solutions outside the strict legal confines of an approved mitigation plan and the priority administration of water rights."

The temporary agreement avoids the need to curtail water for the 2024 irrigation season to Idaho's farmers along the Eastern Snake Plain Aquifer.

Under Idaho's prior appropriation water law, water users with senior water rights have priority over water users with junior rights. On the Eastern Snake River Plain, IDWR has administered both surface and groundwater resources together as one whole, or "conjunctively," since 2005.

Under the senior water right-holding Surface Water Coalition' (SWC's) water delivery call in 2005, the Director of IDWR is required by law to issue an order at the beginning of the irrigation season and again in early July determining the shortfall in senior surface water user water supplies due to the pumping impacts of junior groundwater users.

When the IDWR calculates a shortfall, junior groundwater users must mitigate their impacts or be curtailed.

The curtailment order was issued May 30 as part of the SWC's ongoing delivery call after IDWR projected Twin Falls Canal Co. might sustain a water supply shortage of 74,100 acre-feet. The order would have impacted about 6,400 junior water rights in six groundwater districts that were not operating under an approved mitigation plan. The curtailment would have cut off water to about half a million acres.

"I sincerely appreciate all the stakeholders and user groups for their hard work," said Idaho Governor Brad Little. "I especially want to thank Lt. Governor Scott Bedke, a widely recognized technical expert in water, for answering my call to assist in the negotiations."

Governor Little acknowledged that there still much to be done and that a better plan will be needed in the coming years to protect farmers and ensure Idaho maintains its water sovereignty.

Still, many were pleased to see a settlement reached for this irrigation season.

"A lot of hard work by many individuals went into this agreement and all are to be commended," said Paul Arrington, executive director and general counsel of the Idaho Water Users Association.

House T&I Committee Marks Up Bipartisan WRDA Bill

The House Transportation and Infrastructure (T&I) Committee last month marked up its Water Resources Development Act of 2024 (WRDA).

WRDA authorizes the U.S. Army Corps of Engineers (Corps) Civil Works Program to improve the nation's ports, harbors, inland waterways, flood and storm protection, and other water resources infrastructure. This legislation aims to enhance global competitiveness, economic growth, and community protection.

Committee Chairman Sam Graves (R-MO) emphasized the bill's economic benefits, faster infrastructure project delivery, and increased accountability.

"Safe and reliable water infrastructure plays a central role in keeping our economy and supply chain moving, while also protecting life and property. That's exactly what this bill provides, and that's why WRDA delivers," said Chairman Graves. "This bill also makes commonsense reforms to streamline project development processes at the Corps and empower local, non-federal project sponsors, which will allow water resource projects to get done faster and at a lower cost to taxpayers."

Ranking Member Rick Larsen (D-WASHINGTON) highlighted WRDA's investment in jobs, economy, flood control, and infrastructure resilience.

"It will build on a decade of work to strengthen flood control, wastewater, and stormwater infrastructure, keeping people healthy and communities protected," said Ranking Member Larsen. Critically, WRDA 2024 will help communities increase resiliency in the face of climate change."

Water Resources and Environment Subcommittee Chairman David Rouzer (R-NC) and Ranking Member Grace Napolitano (D-CALIFORNIA) stressed the bill's importance for addressing water resource needs and bipartisan support.

The House version of WRDA 2024 includes 159 new feasibility studies and 12 Corps-reviewed projects. The Committee states that they have consistently developed WRDA legislation on a bipartisan, biennial basis since 2014, ensuring congressional input into Corps projects. The Senate Environment and Public Works (EPW) Committee has already marked up their version of WRDA 2024.

Now, the full House and Senate must pass both individual WRDA bills. This will be followed by a Conference process to determine the final legislative language that will be included in the bill.

"The Conference version of the bill will need to pass both the House and Senate again before being sent to the President's desk for signature," said Mark Limbaugh with The Ferguson Group, the Alliance's representative in Washington, D.C.

SCOTUS Decision a Win for New Mexico Irrigators

The U.S. Supreme Court last month rejected a settlement between Western states over the management of the Rio Grande. The 5-4 decision rebuffs an agreement that had come recommended by a federal judge overseeing the case over how New Mexico, Texas and Colorado must share water from the Rio Grande.

Justice Ketanji Brown Jackson, writing for the majority, emphasized the United States' distinct federal interests in the Rio Grande Compact.

"We agreed with the United States," Justice Jackson wrote in the opinion. "Although interstate compacts are (as the name suggests) agreements between States, 'we have sometimes permitted the federal government to participate in compact suits to defend 'distinctively federal interests,'" Jackson wrote, citing a 1981 *Maryland v. Louisiana* case as precedent.

The ruling returns the case to Judge Michael Melloy of the U.S. Court of Appeals for the Eighth Circuit for further proceedings.

"The Court found that the States cannot compromise away the obvious interests that Reclamation and Elephant Butte Irrigation District (EBID) have in the federal reservoir by entering into an agreement that only involves the States," said Alliance general counsel Norm Semanko (IDAHO).

Alliance Advisory Committee member Samantha Salopek (NEW MEXICO), who filed an amicus brief on behalf of EBID and was present during oral argument before the high court, agreed.

"The States cannot settle this case without the U.S. and impacted irrigation districts," she said. "EBID essentially has a water right that is protected by the Rio Grande Compact, and something New Mexico cannot interfere with."

Much of the media coverage on the Court's decision suggests that this case could enhance the federal government's influence in future Western water negotiations, including those involving the Colorado River.

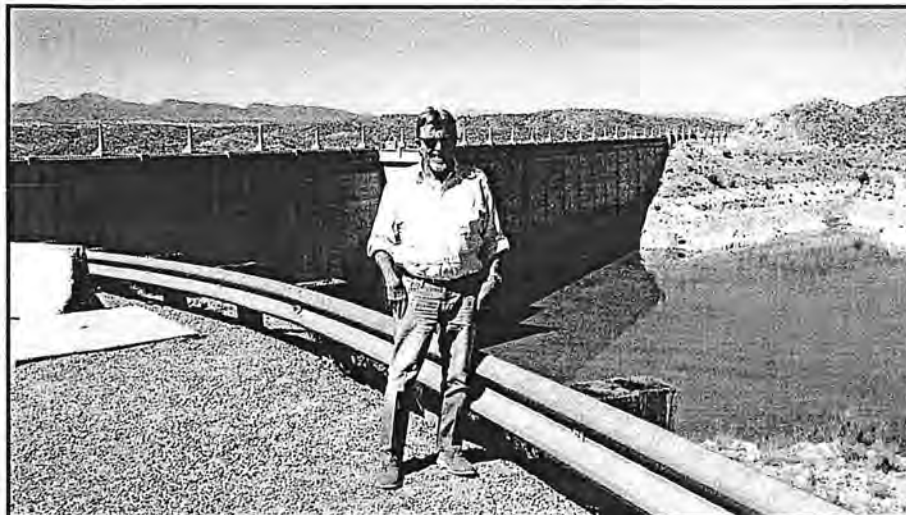
Mr. Semanko and Ms. Salopek believe this case is unique to the Rio Grande Project and the outcome may not be similar anywhere else in the country. It is important to note that the United States formally intervened in the matter and had claims that could not be settled without its consent.

"The take home message is that while States rightly have control over the allocation and administration of water, the vested rights of federal irrigation projects – and the farmers who have contracted with the Bureau of Reclamation – cannot be compromised away by the States," said Mr.

Semanko. "The irrigation water rights stored in federal reservoirs must be protected."



The Supreme Court of the United States. Justice Ketanji Brown Jackson, who wrote the opinion for the majority in the recent decision on Texas v. New Mexico, is the back row, far right. Photo Source: Supreme Court of the United States.



Gary Esslinger, former manager of the Elephant Butte Irrigation District and former Chair of the Family Farm Alliance, poses before Elephant Butte Dam (NEW MEXICO) in 2016.

A Big Thank You to Our New and Supporting Members!

MAY—JUNE 2024

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California Cotton Alliance

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**Testimony of Mauricio Guardado, General Manager United Water Conservation District
House Committee on Natural Resources
Subcommittee on Water, Wildlife and Fisheries Legislative Hearing**

**Washington, D.C.
July 9, 2024**

Good afternoon, Subcommittee Chairman Bentz, Ranking Member Huffman and Members of the Subcommittee.

On behalf of United Water Conservation District (United), I thank you for the opportunity to present this testimony today.

My name is Mauricio Guardado. I serve as general manager of United, which covers approximately 214,000 acres in Ventura County, California and serves a population of approximately 400,000 residents including the U.S. Naval Base Ventura County, the cities of Oxnard, Port Hueneme, Ventura, Santa Paula, and Fillmore. Considered one of the prime agricultural areas of the world, the year-round growing season supports high value crops such as avocados, strawberries, lemons, raspberries, row crops and flowers.

United administers a “basin management” program for all the hydrologically connected groundwater basins within its boundaries utilizing the surface flow of the Santa Clara River and its tributaries. This program includes the capture of stormwater flows, groundwater recharge, supplemental wholesale drinking water deliveries and other water supply activities enabling beneficial use by various cities, industry, military bases, and agriculture throughout Ventura County.

United is one of California’s few legislatively established Water Conservation Districts. In performing its District-wide watershed management efforts, United not only stores water at its Santa Felicia Dam and Lake Piru reservoir, it also directly recharges the groundwater aquifers via its Freeman Diversion. United also provides surface water deliveries to agricultural groundwater users to minimize groundwater extractions near the coastline in its fight to mitigate seawater intrusion from contaminating the aquifers.

I would like to focus my comments on the dire need to reform the Endangered Species Act (ESA) and the accompanying legislative discussion draft aimed at achieving that goal. United has direct and painful experience with the damage that can happen when an agency abuses the ESA for its own agenda. United’s service area is home to numerous endangered species and United works collaboratively with many federal agencies on complex permitting efforts. Agencies such as the U.S. Fish and Wildlife Service (USFWS), the U.S. Army Corps of Engineers, and the Federal Energy Regulatory Commission (FERC) are tough but fair regarding their regulatory requirements; however, time and again, the National Marine Fisheries Service (NMFS) has used the ESA as a weapon to punish water agencies for its own political agenda. NMFS arbitrary decision making, ignoring of best available science, and routine “moving of the goal posts” is unacceptable and unattainable for water entities working in good faith. NMFS has created such fear that water agencies are afraid to challenge these abuses, for fear of retribution from NMFS in their next permitting effort. For many

years, NMFS has used the *Chevron* case as a shield and has boldly cited poor science for its egregious biological opinions. Now that the Supreme Court has overturned *Chevron*, there is an opportunity for change.

The ESA Reform draft legislation addresses definitions of habitat and baseline, incentives for the recovery of listed species, increased transparency and accountability in ESA decisions including the disclosure of data used in listing decisions, and rightfully requires limitations on overreach in mitigation requirements, all of which are critical issues for United's operations. In United's view, this legislation would improve the regulatory process by adding important clarification to the ESA, and United would like to voice our support for this important piece of legislation.

In United's experience, ambiguities under the ESA have long been exploited by federal agencies, specifically NMFS. With the United States Supreme Court's recent decision to overturn *Chevron*, we feel that the improvements to the ESA under the draft legislation will aid both agency interpretation and legal decisions in the future implementation of the law. United's specific experiences with the ESA regulatory process described below offer some insight into real-world implementation challenges faced by applicants, such as United, that provide critical public services.

NMFS Overreach and Impact on Santa Felicia Dam Safety Concerns

United owns and operates the Santa Felicia Dam on Piru Creek, located approximately 6 miles upstream of the confluence with the Santa Clara River. The Santa Felicia Dam was completed in 1956, and United currently operates the facility under a license from FERC. More recently, United has been designing safety improvements to its Santa Felicia Dam to replace the original outlet works that is vulnerable to damage from earthquakes, and to increase the size of its spillway to handle larger flood flows. Moving this project forward expeditiously is critical for the safety of 400,000 people who live downstream of the dam. Because of the large population below the dam, the California Division of Safety of Dams considers the Santa Felicia Dam to be an "extremely high hazard dam." While working to move forward the critical safety improvements to the dam, United has run into roadblock after roadblock by NMFS and their exploitation of the ESA. In our numerous meetings and correspondence on the project, the human safety element is never acknowledged as a consideration for NMFS.

Unfortunately, the people of Ventura County are familiar with the consequences of dam failures. In 1928, the Saint Francis Dam failed catastrophically, sending a 70-foot wave through the Santa Clara River valley, killing hundreds of downstream residents, destroying properties, and leaving extensive damage across a two-mile wide flood path. This took place in United's service area. Additionally, the community is aware of the near disastrous failure of the Lake Oroville spillway in 2017. Fortunately, both the California Division of Safety of Dams and FERC are actively engaged in United's design effort to begin construction soon. United is designing the project to address both the human safety needs and requirements of the ESA. However, NMFS is now holding the human safety project hostage and making numerous demands concerning ocean run steelhead that have never been documented at the project site. Through its participation in the FERC license amendment process, NMFS is once again exploiting its jurisdiction under the ESA to, among other things, attempt to reinstate consultation on United's existing FERC license, which has led to delays in the project design and permitting process. For example, NMFS recently filed a motion to

intervene in the FERC dam safety license amendment proceeding six years after NMFS advised the project would require formal consultation. FERC denied NMFS' motion as untimely and unjustified.

Piru Creek is Not Occupied by Ocean Run Steelhead

NMFS listed the southern California steelhead in 1997 and designated critical habitat for the species in 2005, at the time designating only "occupied" habitat and declining to designate any "unoccupied" areas as critical habitat. Effectively, by designating lower Piru Creek as critical habitat, NMFS made a determination that the reach was "occupied" by the listed unit (ocean run steelhead) at that time. Although the ESA and its implementing regulations do not define "occupied," the Courts have interpreted this term to refer to when a species "uses [the area] with sufficient regularity that it is likely to be present during any reasonable span of time." *Arizona Cattle Growers' Ass'n v. Salazar*, 606 F.3d 1160, 1164 (9th Cir. 2010). The ESA is clear that the USFWS and NMFS must designate critical habitat based on the occupancy status as it exists at the time the species is listed. 16 U.S.C. § 1532(5)(A)(i). The designated critical habitat in lower Piru Creek was not – and still is not – occupied by ocean run steelhead and the available habitat within lower Piru Creek does not meet the intent of the ESA.

In their review of areas for designation of critical habitat, the NMFS Critical Habitat Analytical Review Team (CHARTs) report evaluated reaches at Hydrologic Unit scale. The unit that lower Piru Creek fell into also included Hopper Creek and a portion of the Santa Clara River mainstem. Hopper Creek and this portion of the SCR mainstem often run dry. Yet, NMFS designated migration, spawning, and rearing critical habitat for the entire Hydrologic Unit concluding that it contains habitat of "high conservation value" for the species. In the same year that NMFS designated critical habitat in lower Piru Creek, in correspondence related to United's FERC license, NMFS made contradictory statements about the quality of the habitat in lower Piru Creek for steelhead, including the characterization of the habitat as "severely degraded" and "unsuitable for the rearing of juvenile steelhead". Clearly, NMFS' contradictory statements exhibit the arbitrary and capricious nature of their actions in implementing the ESA, whereby NMFS has taken advantage of its jurisdiction to exert its will on the regulated community, which results in substantial costs in terms of time, money, water, resources, and person hours with no justification for the requirements being imposed.

Since the early 1900s, documentation from federal and state fish biologists and other regulatory and research agencies has stated that the Piru Creek watershed in Ventura and Los Angeles Counties is not conducive to ocean run steelhead. In fact, across the breadth of available literature, these researchers have never found ocean run steelhead in this watershed. Related to United's operation of Santa Felicia Dam, FERC submitted a Biological Assessment that supports this assertion. However, despite clear historical data, consistently dry conditions, natural migration barriers and assessments of the region, NMFS reaches a different conclusion because they like to operate under the assumption of "absence of evidence is not the evidence of absence." Not only does NMFS' Biological Opinion attest to the possibility of a steelhead resource, it also requires the construction of a very expensive fish passage structure and continuous water releases from

United's infrastructure into lower Piru Creek (designated critical habitat). Again, this is for fish that have never been documented in that reach.

NMFS' assumptions are based on the false premise that historical population data is not available or is not representative of southern California steelhead. United has conducted extensive research and provided our results to NMFS numerous times in the past; however, these facts are disregarded as they do not align with NMFS's narrative about the status of the species. Historical planting of steelhead from northern California rivers is one primary example. In southern California, the rise and fall of the steelhead population directly correlates with the planting of northern steelhead in southern California waters by the California Department of Fish and Game (now the California Department of Fish and Wildlife, CDFW) beginning in the 1890s and continuing up to the 1930s. In the 1910s, southern California rivers, including the Santa Clara and Ventura, along with their tributaries, were receiving up to 3 million steelhead from northern hatcheries per year. Prior to the planting from northern hatcheries, records of steelhead in the southern California rivers are minimal. For example, records from the missionary period never mention trout or steelhead, which contrasts with the rivers further north, and scarce records from the pre-colonial period. As noted in a scholarly review of steelhead in the Santa Ynez River (the watershed with the largest presumed historical run of ocean run steelhead in the range of the listed southern California steelhead), "we found relatively few explicit records of Chumash exploitation of riverine fish, such as steelhead in the Santa Ynez River, from Spanish, Mexican, and early American explorers and settlers" and continued "the only archaeological evidence for steelhead presence comes from several theses and a museum contribution describing excavations of sites in former inland Chumash villages with associated information on the identity of fish elements...6 salmonid bone elements found...constituted only 0.2% of the identifiable fish bones recovered at this site, with the rest assignable to marine species, and these bones appeared to come from immature steelhead or rainbow trout." Even more relevant to United's operations, in historical reviews of native American midden piles, over 152,000 fish remains were found, attributable to over 200 species of fish, and no steelhead were identified from Ventura County. Again, the narrative pushed by NMFS of a historical run size in the tens of thousands of ocean run steelhead is not supported by the available literature and this information is simply ignored as it runs counter to NMFS' stated position.

Following issuance of NMFS' Biological Opinion, since 2010, United has released over 45,000 acre-feet of water (over 14 billion gallons) much of which was released during a historic drought in the region between 2012-2017, the replacement value of which is \$22-36 million dollars. United has also spent over \$10 million dollars on scientific studies, consultants, and legal fees to comply with the Biological Opinion. Ultimately, NMFS is pushing for a volitional fish passage system over Santa Felicia Dam that would cost well over \$100 million dollars, and again, no ocean run steelhead have ever been observed. The requirements that United and our ratepayers are facing add up to hundreds of millions of dollars spent and tens of thousands of acre-feet of water lost to provide for a listed species that has never been observed in the affected area. Associated costs to our ratepayers could eventually add up to over a billion dollars spent. Unless there are changes to the ESA and the overreach by federal agencies is reined in, NMFS will continue to exploit the law and the result will be at the cost of rate payers.

NMFS Misinterpretation of Environmental Baseline Issues at the Freeman Diversion

Separately from our experiences at the Santa Felicia Dam, United has a long history of ESA consultation with NMFS in relation to our Freeman Diversion. The Freeman Diversion was constructed in 1991 following a decade-long project design and permitting process primarily involving the California State Water Resources Control Board and California Department of Fish and Game (now CDFW) and including input from NMFS and the USFWS. The Freeman Diversion is a surface water diversion facility utilized as the primary means to recharge the groundwater basins on the Oxnard Plain.

A fish passage facility was constructed as part of the existing facility; however, since the listing of southern California steelhead in 1997, United has been in various stages of ESA consultation with NMFS. Initially in a Section 7 consultation process with the U.S. Bureau of Reclamation (Reclamation) between 1997-2008, and currently a Section 10 consultation process that has been ongoing since 2008. With respect to southern California steelhead, NMFS' interpretation of environmental baseline in past biological opinions has effectively placed the species in a state of "baseline jeopardy". From a practical standpoint, this "baseline jeopardy" status severely limits the types of projects and activities that can receive a non-jeopardy biological opinion from NMFS. NMFS' interpretation of the ESA, primarily the environmental baseline, was the main driver in Reclamation making the determination that they could not accept or implement NMFS' biological opinion. Ultimately, Reclamation stepped away from the ESA consultation in 2008. Without a nexus to a federal agency, United has since been in the process of developing a Habitat Conservation Plan (HCP) under Section 10 of the ESA with NMFS and USFWS over the past 15+ years.

Habitat Conservation Plan Challenges

United has been working in earnest on HCP development for well over a decade and has dedicated significant staff and financial resources to moving it forward. While the USFWS has been helpful in providing their guidance throughout this process, NMFS has stifled the significant progress made on proposed infrastructure projects – including an agreement between United, NMFS, and CDFW on a \$200 million dollar fish passage facility renovation project at the Freeman Diversion – due to its interpretation of environmental baseline.

Revisions to the definition of environmental baseline proposed in the ESA Reform draft legislation are necessary to clarify the intention in the ESA to separate existing facilities and ongoing operations from new or modified facilities and operations. The status of a listed species is directly related to these existing facilities and ongoing operations and these "past and present effects" are appropriately included in the environmental baseline. The implementation of new or modified facilities and operations and their respective effects on a listed species are appropriately included in the effects of the action. NMFS' interpretation and application of the environmental baseline in past Biological Opinions for United's facilities have been applied inconsistently across the west coast region. The Calaveras River HCP is one recent example. The Biological Opinion issued for the Calaveras River HCP, which notably was issued by the NMFS California Central Valley office, concludes that, regarding an existing facility undergoing proposed design modifications, "Fish passage would still be impaired...and the adverse impacts described would still occur." Ultimately, however, the biological opinion concludes that the "long-term beneficial effects from the proposed action would outweigh both the short-term and long-term negative impacts" and concludes with the determination that the Calaveras River HCP is not likely to jeopardize the continued existence

of the listed species at issue (California Central Valley steelhead). In United's ongoing HCP development process, the NMFS Long Beach office, which notably has never approved any HCPs, has continually utilized its jurisdiction under the ESA to impose requirements that discount or outright ignore the measurable benefits of the proposed fish passage project at the Freeman Diversion, leading to obvious inconsistencies with these other ESA consultations. To date, NMFS has not provided the scientific justification for such requirements, even after multiple requests from United for this information, leading United to develop a project and HCP under threat of denial by NMFS.

The ESA includes assurances in both Section 7 and Section 10 that require the project proponent/applicant to improve conditions for the listed species through the implementation of a project. The current interpretation of environmental baseline by NMFS has resulted in years of delay on United's projects, and in receiving incidental take protection for our facilities. This delay has left United to face multiple third-party lawsuits, the most recent of which resulted in several additional years of delays and millions of dollars spent on legal fees. As a bright spot, through a process overseen by a federal judge, United and NMFS have agreed on a proposed project at United's Freeman Diversion to improve conditions for southern California steelhead within the Santa Clara River watershed. The project has been NMFS' preferred project for a number of years but it is significantly more costly than the other viable alternative. Nevertheless, United selected NMFS' preferred project, and along with the federal judge, all involved see this project as a huge leap forward for fish passage in the watershed. Yet, this progress has been overshadowed by NMFS' jurisdictional overreach under the ESA regarding the operation of the new facility. Although the proposed project would lead to measurable improvements to the listed species, NMFS has utilized its leverage under the ESA to refuse to acknowledge the overall benefits of the project. NMFS remains obstinate in its position and is determined to delay the project until its other demands are met.

Importance of the ESA Reform Draft Legislation

United is hopeful that the ESA Reform draft legislation can clarify some of the ambiguity in the implementation of the ESA and provide a more consistent process for applicants. In United's experience, NMFS has used their jurisdiction under the ESA as both a carrot and stick, and while we understand that NMFS will always have authority under the ESA, a more reasonable regulatory process will enable public and private entities to implement projects in a timely and cost-effective manner to benefit both the listed species and allow for important infrastructure improvements to be completed.

1. Habitat Definition

United is encouraged to see the addition of the definition of habitat as it relates to critical habitat in the ESA Reform draft legislation as this could provide a clearer interpretation for both the regulated community and the regulatory agency staff charged with implementing projects that balance our vital resources – whether they are water, land or minerals – in a way that provides a meaningful benefit to the listed species while allowing for our communities to receive what we need to be sustainable into the future. As described above, United's experience with the ESA regulatory process demonstrates that NMFS has repeatedly exploited their jurisdiction to overreach and impose arbitrary and capricious requirements that lack scientific justification. With the recent Supreme Court decision to overturn *Chevron*, United is hopeful that NMFS and the federal courts

will implement the ESA in a more practical manner and the language proposed, and in United's view the ESA Reform draft legislation is a positive step in that direction.

2. Environmental Baseline Definition

The additions to the definition of environmental baseline would help to clarify the ESA consultation process, specifically those effects that would fall into the environmental baseline versus those that would fall into the effects of the action. United has direct experience with the need for clarification on the definition of environmental baseline, which has been inconsistently interpreted by NMFS across the west coast region, causing delay or outright stopping projects, including those that provide an overall benefit to listed species.

I also serve on the Advisory Committee for the Family Farm Alliance, which represents farmers, ranchers and water districts in 16 Western states, including California. An Alliance subcommittee was established in 2018 to provide detailed recommendations to USFWS and NMFS in July 2018 on proposed revisions to regulations that implement portions of the ESA. Many of the important sections of the ESA Reform draft legislation we are discussing today are similar to those recommendations; the definition of "Environmental Baseline" was a top priority.

3. Title IV: Creating Greater Transparency and Accountability in Recovering Listed Species

In addition to the above remarks, United would like to voice our support for the ESA Reform draft legislation proposals to improve the transparency and accountability in recovering listed species. Regarding the availability of information related to a proposed regulation, United fully supports the intent of the ESA Reform draft legislation. In addition to a proposed regulation, the regulatory agencies, NMFS and USFWS, should provide all information that are the basis of regulatory decisions and/ or requirements under the ESA (e.g., Reasonable and Prudent Measures and Reasonable and Prudent Alternative) to improve agency and regulatory process transparency. In our experience, some of which is described in detail above, NMFS has repeatedly failed to provide adequate justification for several decisions, requirements, or recommendations, which calls into question the reasoning and appropriateness of their actions.

Related to actual observations of steelhead at United's Freeman Diversion, NMFS has failed to produce evidence requested by United on multiple occasions related to the genetics of individuals recovered by United and provided to NMFS as part of our responsible and transparent operation of our facility. NMFS has instead chosen not to reveal this information and stonewalled United's attempts to better characterize these individuals and the overall species. Through direct agency outreach and Freedom of Information Act requests, United has attempted to gain a more complete understanding of decisions issued by NMFS that have significant implications for not only the listed species but also United's facilities, our ratepayers, and the communities we serve with only limited success. With a complete understanding of the reasoning behind a decision, we would have an opportunity to develop creative multi-benefit solutions. Without a complete understanding, we are left to implement a decision, no matter how detrimental, or risk enforcement action or third-party lawsuit. Improvements in the sharing and distribution of information related to a proposed regulation – and ideally expanded to all regulatory decisions and/ or requirements – would only benefit the ESA regulatory process and provide needed clarity in regulatory decisions.

4. Title V: Limitation on Reasonable and Prudent Measures

Lastly, United would also like to voice our support for the ESA Reform draft legislation proposal to add a limitation on Reasonable Prudent Measures to align with the existing language of the ESA. As noted above, United is currently in the process of developing an HCP under Section 10 of the ESA for our Freeman Diversion and anticipates entering consultation under Section 7 of the ESA for our Santa Felicia Dam Safety Improvement Project soon. Both consultation processes require United to adhere to the impact avoidance and minimization provisions set forth in the ESA, which require extensive and costly mitigation measures. Without the proposed language in the ESA Reform draft legislation, NMFS and USFWS could potentially apply additional Reasonable and Prudent Measures unilaterally in their issuance of a Biological Opinion, leading to potential permitting delays and exorbitant project costs for applicants such as United. As with many critical infrastructure projects, United's facilities are located in areas which limit design alternatives, and thus, limit the options for minimizing or offsetting impacts associated with their implementation.

Conclusion

In closing, United fully supports the ESA Reform draft legislation and the regulatory changes that would result from enacting this piece of legislation. We remain committed to working with your Committee and the Congress to share our concerns and perspectives. Thank you for this opportunity to present this testimony to you today.

CORRESPONDENCE LIST

Agenda Item 14

JULY 2024

1. June 14, 2024 - Notice and Agenda received from the Santa Ynez River Water Conservation District for the Board of Directors Meeting on June 19, 2024
2. June 19, 2024 - Letter from District regarding refund for unused deposit for APN 135-093-004
3. June 19, 2024 - Letter from District to Santa Ynez River Water Conservation District regarding SYRWCD Proposed FY 2024-25 Groundwater Charges and Rate Study Report Dated June 14, 2024
4. June 20, 2024 - Notice and Agenda received from the Cachuma Operation and Maintenance Board for the Regular Board on June 24, 2024
5. June 20, 2024 - Public Records Act Request received from CivilGrid
6. June 20, 2024 - Existing Water Service/Can and Will Serve Letter sent for APN 135-172-018
7. June 21, 2024 - Response letter sent to CivilGrid regarding Public Records Act Request
8. June 22, 2024 - Notice and Agenda received from the Los Olivos Community Services District for the Technical Subcommittee Meeting on June 28, 2024
9. June 23, 2024 - Notice and Agenda received from the Santa Ynez Community Services District for the Regular Board Meeting on June 26, 2024
10. June 24, 2024 - Letter from District to Santa Barbara County Auditor regarding Resolution No. 845 Adopting SYRWCD, ID No. 1 FY 2024-2025 Budget and Requesting an Assessment Levy for FY 2024-25
11. June 24, 2024 - Letter from District sent to two customers regarding past due water service accounts
12. June 26, 2024 - Notice and Agenda received from the Santa Ynez River Water Conservation District for the Special Meeting on June 27, 2024
13. June 28, 2024 - Notice and Agenda received from the Los Olivos Community Services District for the Finance Subcommittee Meeting on July 3, 2024
14. July 1, 2024 - Letter from District sent to twenty customers regarding Notice of Tap Water Sampling Results
15. July 3, 2024 - Letter from District sent to five customers regarding past due water service accounts
16. July 3, 2024 - Preliminary Water Availability Letter sent for APN 141-380-026
17. July 5, 2024 - Notice and Agenda received from the Santa Ynez Community Services District for the Wastewater Committee Meeting on July 10, 2024
18. July 5, 2024 - Notice and Agenda received from the Santa Ynez Community Services District for the Personnel Committee Meeting on July 10, 2024

19. July 6, 2024 – Notice and Agenda received from the Los Olivos Community Services District for the Regular Meeting on July 10, 2024
20. July 8, 2024 – Letter sent to nine customers regarding backflow testing requirement