

## **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, September 17, 2024**  
**1070 Faraday Street, Santa Ynez, CA - Conference Room**

**PUBLIC PARTICIPATION OPTION VIA TELECONFERENCE**

**TELECONFERENCE PHONE NUMBER: 1-669-900-9128**

**MEETING ID: 929 0039 9487#**

**PARTICIPANT ID No.: 180175#**

**MEETING PASSCODE: 180175#**

Trustee Michael Burchardi will be attending the meeting via teleconference from the following location:

The Residence Inn, 441 West Center Street, Rochester, Minnesota, 55902

Members of the public may join Trustee Burchardi at that location.

The meeting will be held according to California time, 3:00 p.m. Pacific Standard Time

**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](mailto:general@syrwd.org). All submittals should indicate **"September 17, 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. **CONSIDERATION OF THE MINUTES OF THE REGULAR MEETING OF AUGUST 20, 2024**
7. **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
8. **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
  - B. **OPERATIONS UPDATE**

9. **REPORT, DISCUSSION, AND POSSIBLE BOARD ACTION ON THE FOLLOWING SUBJECTS:**
  - A. **SUSTAINABLE GROUNDWATER MANAGEMENT ACT**
    1. Eastern Management Area (EMA) Update
  - B. **CACHUMA PROJECT**
    1. Value Planning Study Regarding Feasibility of Fish Passage Above Bradbury Dam
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**
11. **CORRESPONDENCE: GENERAL MANAGER RECOMMENDS FILING OF VARIOUS ITEMS**
12. **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.
13. **NEXT MEETING OF THE BOARD OF TRUSTEES:** The next Regular Meeting of the Board of Trustees is scheduled for **October 15, 2024 at 3:00 p.m.**
14. **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 – 4 Cases]
    1. Name of Case: Aqueous Film-Forming Foams Product Liability Litigation, Master Docket No. 2:18-mn-2873-RMG: City of Camden, et al. v. BASF Corporation, Civil Action No.: 2:24-cv-03174-RMG
    2. Name of Case: Aqueous Film-Forming Foams Product Liability Litigation, Master Docket No. 2:18-mn-2873-RMG: City of Camden et. al. v. Tyco Fire Products LP, Civil Action No.: 2-24-cv-02321-RMG
    3. 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
    4. 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]
15. **RECONVENE INTO OPEN SESSION:**  
[Sections 54957.1 and 54957.7 of the Government Code]
  - A. Report (if any) on Closed Session Agenda Items 14.A – 14.B
16. **ADJOURNMENT**

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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  
AUGUST 20, 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, August 20, 2024, in-person at 1070 Faraday Street.

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

Trustees Absent: None

Others Present: Paeter Garcia Racel Cota Karen King  
 Dan Drugan Gary Kvistad

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.

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 JULY 16, 2024:

The Regular Meeting Minutes from July 16, 2024 were presented for consideration.

President Clay asked if there were any changes or additions to the Regular Meeting Minutes of July 16, 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 July 16, 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 July.

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

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, included in the meeting handout materials, and posted on  
17 the District’s website.

18  
19 Ms. Cota reviewed the Statement of Revenues and Expenses for the month of July.  
20 She explained that the District’s fiscal year 2024/2025 began on July 1<sup>st</sup> and that the  
21 financials reflect the first month of activity for the new fiscal year. She highlighted  
22 various line-items related to revenue and expense transactions that occurred during  
23 the month and referred to the Fiscal-Year-to-Date Statement of Revenues and  
24 Expenses that provides a budget to actual snapshot for the month of July. Ms. Cota  
25 stated that District revenues exceeded expenses by \$484,730.46.

26  
27 b) Approval of Accounts Payable

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

31  
32 The Board reviewed the Warrant List which covered warrants 26032 through 26085  
33 in the amount of \$697,326.26.

34  
35 It was MOVED by Trustee Burchardi, seconded by Trustee Urton, and carried by a 5-  
36 0-0 voice vote, to approve the Warrant List for July 17, 2024 through August 20, 2024.

37  
38 B. OPERATIONS UPDATE

39 Mr. Dan Drugan provided a summary of several operational activities. He reported that at  
40 the end of July the District transitioned from state water to groundwater supplies for Zone  
41 3 to get ahead of nitrification due to extremely hot temperatures. Mr. Drugan informed the  
42 Board of the District’s ongoing research of mixer options for the Zone 3 reservoir. He  
43 explained the purpose of mixers and informed the Board that the District currently utilizes  
44 two types of mixers (Solarbee in Zone 2 and Gridbee in Zone 1) and is investigating whether  
45 to purchase a mixing device for the Zone 3 reservoir. Mr. Drugan explained the revision to  
46 the Lead and Copper regulation which now requires all water agencies to develop and  
47 maintain an inventory of all service lines. He stated the inventory must describe both water  
48 system-owned and customer-owned segments of the service line and noted that the District’s  
49 field crew has performed inspections of each meter box, service line, and customer line  
50 within the District boundaries. Mr. Drugan indicated that the inventory is complete, and  
51 the findings will be submitted to the State in October. He stated this was a big effort to  
52 complete and expressed his appreciation and compliments to the field crew for their  
53 participation with this project. Mr. Drugan also mentioned that all of the District’s

1 engineering, record, and project drawings have been digitized by an outside vendor and are  
2 now stored in our records management software. He stated that staff will be reviewing,  
3 indexing, and eventually incorporating these digitized documents into our GIS program  
4 (digital mapping system).  
5

6 **9. REPORT, DISCUSSION, AND POSSIBLE BOARD ACTION ON THE FOLLOWING SUBJECTS:**  
7

8 **A. SUSTAINABLE GROUNDWATER MANAGEMENT ACT**

9 **1. Eastern Management Area (EMA) Update**

10 The Board packet included notice of the August 29, 2024 EMA Special Committee  
11 Meeting.  
12

13 Mr. Garcia reported that the Joint Powers Agency Agreement for the EMA was finalized  
14 and effective as of July 16, 2024. He reported that all four agencies have approved and  
15 executed the agreement. Mr. Garcia stated that the first official meeting of the JPA is  
16 scheduled for August 29, 2024. He explained that the EMA GSA Committee authorized  
17 staff from the respective EMA agencies to issue Requests for Qualifications (RFQs) for  
18 an Executive Director, Legal Counsel, and Rate Consultant. He stated that proposals  
19 have been received for each of the RFQs and that staff will be discussing these positions  
20 at the first JPA meeting. Mr. Garcia stated that the Agricultural Director and Alternate  
21 Director will be selected through a public application and appointment process as part  
22 of the upcoming EMA meetings. Mr. Garcia reviewed several of the topics the EMA  
23 Board is scheduled to discuss at the August 29<sup>th</sup> meeting.  
24

25 **10. REPORTS BY THE BOARD MEMBERS OR STAFF, QUESTIONS OF STAFF, STATUS REPORTS,**  
26 **ANNOUNCEMENTS, COMMITTEE REPORTS, AND OTHER MATTERS AND/OR COMMUNICATIONS**  
27 **NOT REQUIRING BOARD ACTION:**  
28

29 Trustee Burchardi provided a summary of topics discussed at the August 14, 2024 Los Olivos  
30 Community Services District meeting. He stated that the CSD is hosting a community  
31 wastewater workshop at 6:30 p.m. on August 21, 2024 at the Grange Hall in Los Olivos.  
32

33 The Board packet included a July 2024 letter of appreciation to the District from Cal Fire Incident  
34 Management Team 5 – for assistance with the Lake Fire.  
35

36 The Board packet included the Family Farm Alliance Monthly briefing for the month of August  
37 2024 and an August 5, 2024 news article titled “State Forecasts Lower Deliveries of Imported  
38 Water Over Next 20 Years.”  
39

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

41 The Correspondence List was received by the Board. Trustee Urton asked about the process of  
42 Public Record Act (PRA) requests. Mr. Garcia explained how the District periodically receives  
43 and responds to PRA requests based on statutory requirements. Trustee Joos inquired about  
44 the four Can and Will Serve letters and asked if that was a normal number of requests in a  
45 month. Mr. Garcia explained that the number of new water service applications received and  
46 processed by the District can vary in any given month and over the course of the year.  
47

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

2 There were no requests from the Board.

3  
4 **13. NEXT MEETING OF THE BOARD OF TRUSTEES:**

5 President Clay stated the next Regular Meeting of the Board of Trustees is scheduled for  
6 September 17, 2024 at 3:00 p.m.

7  
8 **14. CLOSED SESSION:**

9 The Board adjourned to closed session at 3:54 p.m.

10  
11 **A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

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

- 13  
14 1. Name of Case: Adjudicatory proceedings pending before the State Water Resources  
15 Control Board regarding Permits 11308 and 11310 issued on Applications 11331 and  
16 11332 to the United States Bureau of Reclamation for the Cachuma Project  
17  
18 2. Name of Case: Adjudicatory proceedings pending before the State Water Resources  
19 Control Board regarding Permit 15878 issued on Application 22423 to the City of  
20 Solvang, Petitions for Change, and Related Protests  
21  
22 3. Name of Case: Central Coast Water Authority, et al. v. Santa Barbara County Flood  
23 Control and Water Conservation District, et al., Santa Barbara County Superior Court  
24 Case No. 21CV02432  
25

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

27 [Subdivision (d)(4) of Section 54956.9 of the Government Code - Potential Initiation of  
28 Litigation By the Agency - One Matter]  
29

30 **15. RECONVENE INTO OPEN SESSION:**

31 [Sections 54957.1 and 54957.7 of the Government Code]

32  
33 **A. Report (if any) on Closed Session Agenda Items 14.A - 14.B**

34  
35 The Board reconvened to open session at approximately 4:37 p.m. Mr. Garcia announced that  
36 the Board met in closed session in accordance with Agenda Items 14.A.1, 14.A.2, 14.A.3, and  
37 14.B. He reported that there was no reportable action for any of the closed session Agenda  
38 Items.  
39

40 **16. ADJOURNMENT:**

41 Being no further business, it was **MOVED** by Trustee Burchardi, seconded by Trustee Urton, and  
42 carried by a 5-0-0 voice vote, to adjourn the meeting at approximately 4:37 p.m.  
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44

45 **RESPECTFULLY SUBMITTED,**

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51 **Racel Cota, Secretary to the Board**  
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**ATTEST:** \_\_\_\_\_  
Jeff Clay, President

**MINUTES PREPARED BY:**  
\_\_\_\_\_  
Karen King, Board Administrative Assistant

DRAFT



**BOARD OF TRUSTEES  
SANTA YNEZ RIVER WATER CONSERVATION DISTRICT,  
IMPROVEMENT DISTRICT NO.1  
September 17, 2024**

**Consent Agenda Report**

CA-1. Water Supply and Production Report. Total water production in **August 2024 (467 AF)** was 10 AF lower than total production in **July 2024 (477 AF)**, 30 AF lower than the most recent 3-year running average (2021-2023) for the month of **August (497 AF)**, and 78 AF lower than the most recent 10-year running average (2014-2023) for the month of **August (545 AF)**. Overall production in August 2024 was the lowest for the month of August over the last 10 years; the next lowest August production over the last ten years was 478 AF in 2023; the highest August production in the last ten years was 623 AF in 2014. This below-average production for July is mostly attributable to extraordinary rainfall early in the year, which resulted in lower domestic and agricultural demands as the season progressed. 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 **August 2024, approximately 147 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 CCWA, the District took approximately **320 AF** of SWP supplies for the month, all of which was allocated to Exchange with the South Coast Cachuma Member Units. Direct diversions to the County Park and USBR were **2.64 AF**.

The USBR Daily Operations Report for Lake Cachuma in August (ending August 31, 2024) recorded the end of month reservoir elevation at **750.38'** with the end of month storage of **185,267 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 **55 AF**. Reported reservoir evaporation in **August** was **1,753.6 AF**.

Based on the updated maximum storage capacity of 192,978 AF (previously 193,305 AF), as of **September 9, 2024** Cachuma reservoir was reported at **95.2%** of capacity, with then-current storage of **183,721 AF** (Santa Barbara County Flood Control District, Rainfall and Reservoir Summary). **As previously reported Cachuma spill conditions were in effect this year from February 1st to 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 requesting a 100% Project allocation for WY 2024-2025. USBR approved the 100% allocation request by letter dated July 19, 2024.** ID No.1 currently holds approximately 2,054 AF of current year allocation plus 2,651 AF of upcoming year allocation in the reservoir.

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 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, DWR has taken a conservative approach and limited the final Table A allocation to 40 percent. DWR's rationale for its allocation decision was outlined in its notice to SWP Contractors dated April 23, 2024, as follows:

*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.*

As discussed in prior ID No.1 meetings and reflected in the Agenda for the September 13, 2024 Special Meeting of the CCWA Board of Directors, CCWA remains engaged in a variety of matters relating to the SWP, including but not limited to: SWP supplies and related SWP operations; the Temporary Warren Act Contract with USBR for the storage and conveyance of SWP supplies in the Cachuma Project; various CCWA infrastructure improvements; and DWR's statement of 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 August meeting of the CCWA Board of Directors August was cancelled, and a Special Meeting is scheduled for September 13, 2024.



**BUREAU OF  
RECLAMATION**

Historical Archive and Report Database

**Lake Cachuma Daily Operations**

Run Date: 9/10/2024

**August 2024**

DAY	ELEV	STORAGE ACRE-FEET		COMPUTED* INFLOW AF.	CCWA INFLOW AF.	PRECIP ON		RELEASE - AF.				EVAPORATION		PRECIP INCHES
		IN LAKE	CHANGE			RES. SURF. AF.	TUNNEL	HILTON CREEK	OUTLET	SPILLWAY	AF.	INCH		
	752.06	190,394												
1	752.00	190,209	-185	11.4	0.0	0.0	68.1	14.1	54.0	0.0	60.2	0.290	0.00	
2	751.95	190,055	-154	32.5	0.0	0.0	62.2	14.1	50.0	0.0	60.2	0.290	0.00	
3	751.90	189,901	-154	57.0	0.0	0.0	63.0	14.0	49.0	0.0	85.0	0.410	0.00	
4	751.79	189,562	-339	-171.5	0.0	0.0	64.1	14.1	50.0	0.0	39.3	0.190	0.00	
5	751.79	189,562	0	167.5	0.0	0.0	64.1	14.1	50.0	0.0	39.3	0.190	0.00	
6	751.74	189,408	-154	44.7	0.0	0.0	58.1	14.0	50.0	0.0	76.6	0.370	0.00	
7	751.69	189,253	-155	39.5	0.0	0.0	57.0	14.0	49.0	0.0	74.5	0.360	0.00	
8	751.64	189,099	-154	31.3	0.0	0.0	55.1	14.0	50.0	0.0	66.2	0.320	0.00	
9	751.58	188,916	-183	5.8	0.0	0.0	55.8	14.0	55.0	0.0	64.0	0.310	0.00	
10	751.52	188,733	-183	-1.1	0.0	0.0	56.1	14.0	54.0	0.0	57.8	0.280	0.00	
11	751.47	188,581	-152	34.3	0.0	0.0	56.4	14.0	54.0	0.0	61.9	0.300	0.00	
12	751.41	188,398	-183	16.4	0.0	0.0	54.1	14.0	55.0	0.0	76.3	0.370	0.00	
13	751.35	188,215	-183	-23.8	0.0	0.0	56.2	14.0	54.0	0.0	35.0	0.170	0.00	
14	751.30	188,063	-152	51.7	0.0	0.0	55.4	14.0	54.0	0.0	80.3	0.390	0.00	
15	751.24	187,880	-183	-0.5	0.0	0.0	59.0	13.9	54.0	0.0	55.6	0.270	0.00	
16	751.18	187,697	-183	8.4	0.0	0.0	63.8	13.9	54.0	0.0	59.7	0.290	0.00	
17	751.12	187,514	-183	8.3	0.0	0.0	59.6	14.0	54.0	0.0	63.7	0.310	0.00	
18	751.05	187,301	-213	-31.8	0.0	0.0	61.8	14.0	54.0	0.0	51.4	0.250	0.00	
19	751.00	187,148	-153	33.4	0.0	0.0	61.0	13.9	54.0	0.0	57.5	0.280	0.00	
20	750.95	186,996	-152	19.0	10.3	0.0	60.0	13.9	54.0	0.0	53.4	0.260	0.00	
21	750.90	186,843	-153	36.5	11.1	0.0	63.0	13.9	54.0	0.0	69.7	0.340	0.00	
22	750.84	186,661	-182	-23.3	11.1	0.0	61.5	7.0	48.0	0.0	53.3	0.260	0.00	
23	750.78	186,478	-183	-14.1	11.1	0.0	60.9	13.9	54.0	0.0	51.2	0.250	0.00	
24	750.73	186,325	-153	12.0	11.4	0.0	63.5	13.9	54.0	0.0	45.0	0.220	0.00	
25	750.67	186,142	-183	-20.6	0.0	0.0	61.8	13.9	54.0	0.0	32.7	0.160	0.00	
26	750.61	185,960	-182	-9.5	0.0	0.0	61.7	13.9	54.0	0.0	42.9	0.210	0.00	
27	750.57	185,839	-121	83.1	0.0	0.0	62.6	13.9	54.0	0.0	73.6	0.360	0.00	
28	750.52	185,689	-150	3.4	0.0	0.0	56.9	13.9	54.0	0.0	28.6	0.140	0.00	
29	750.47	185,538	-151	33.5	0.0	0.0	61.5	13.9	54.0	0.0	55.1	0.270	0.00	
30	750.42	185,387	-151	22.6	0.0	0.0	64.0	13.8	53.0	0.0	42.8	0.210	0.00	
31	750.38	185,267	-120	52.1	0.0	0.0	63.5	13.8	54.0	0.0	40.8	0.200	0.00	
<b>TOTALS</b>			<b>-5,127</b>	<b>508</b>	<b>55.0</b>	<b>0.0</b>	<b>1,871.8</b>	<b>425.8</b>	<b>1,639.0</b>	<b>0.0</b>	<b>1,753.6</b>	<b>8.520</b>	<b>0.00</b>	
<b>AVERAGE</b>		<b>187,697</b>												

**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: 9/9/2024

Water Year: 2025

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

Rainfall	ID	24 hrs	Storm Oday(s)	Month	Year*	% to Date	% of Year*	AI
Buelton (Fire Stn)	233	0.00	0.00	0.00	0.00	0%	0%	
Cachuma Dam (USBR)	332	0.00	0.00	0.00	0.00	0%	0%	
Carpinteria (Fire Stn)	208	0.00	0.00	0.00	0.00	0%	0%	
Cuyama (Fire Stn)	436	0.00	0.00	0.00	0.00	0%	0%	
Figueras Mtn. (USFS Stn)	421	0.00	0.00	0.00	0.00	0%	0%	12.5
Gibraltar Dam (City Facility)	230	0.00	0.00	0.00	0.00	0%	0%	12.5
Goleta (Fire Stn-Los Cameros)	440	0.00	0.00	0.00	0.00	0%	0%	
Leopoldo (City Hall)	439	0.00	0.00	0.00	0.00	0%	0%	12.5
Los Arroyos (Fire Stn)	204	0.00	0.00	0.00	0.00	0%	0%	
San Marcos Pass (USFS Stn)	212	0.00	0.00	0.00	0.00	0%	0%	
Santa Barbara (County Bldg)	234	0.00	0.00	0.00	0.00	0%	0%	
Santa Maria (City Pub.Works)	380	0.00	0.00	0.00	0.00	0%	0%	
Santa Mesa (Fire Stn /Airport)	218	0.00	0.00	0.00	0.00	0%	0%	
Sauquon (Fire Stn)	256	0.00	0.00	0.00	0.00	0%	0%	

Countywide percentage of "Normal-to-Date" rainfall : **0%**

Countywide percentage of "Normal Water-Year" rainfall : **0%**

Countywide percentage of "Normal Water-Year" rainfall calculated assuming no more rain through Aug. 31, 2025 (End of WY2025).

**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)

<a href="#">Click on Site for Real-Time Readings</a>	Spillway Elev. (ft)	Current Elev. (ft)	Max. Storage (ac-ft)	Current Storage (ac-ft)	Current Capacity (%)	Storage Change Mo.(ac-ft)	Storage Change Year*(ac-ft)
<a href="#">Gibraltar Reservoir</a>	1,400.00	1,390.84	4,693	2,810	59.9%	-425	-425
<a href="#">Cachuma Reservoir</a>	753.**	749.99	192,978	183,721	95.2%	-1,004	-1,004
<a href="#">Jameson Reservoir</a>	2,224.00	2,223.24	4,848	4,755	98.1%	-22	-22
<a href="#">Twitchell Reservoir</a>	651.50	NA	194,971	NA		NA	NA

# CIMIS Daily Report

Rendered in ENGLISH Units.

Thursday, August 1, 2024 - Monday, September 2, 2024

Printed on Tuesday, September 3, 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)
8/1/2024	0.25	0.00	677	15.2	94.7	53.0	70.0	99	28	61	55.9	2.9	69.4	80.4
8/2/2024	0.23	0.00	643	15.3	95.4	54.6	70.6	95	31	60	56.0	2.9	69.0	80.6
8/3/2024	0.25	0.00	686	15.4	98.2	54.3	71.1	95	25	59	56.2	3.0	70.9	80.9
8/4/2024	0.23	0.00	673	14.9	92.4	53.1	67.0	97	34	66	55.2	3.1	74.3	81.0
8/5/2024	0.23	0.00	666	15.0	92.0	53.7	67.5	96	36	65	55.4	3.0	72.9	81.0
8/6/2024	0.25	0.00	925 R	16.9	98.3	60.5	- S	94	31	- Q	- Q	3.5	83.1	80.9
8/7/2024	0.25	0.00	857 R	16.4	99.1	58.7	81.1 R	89	23	- R	- I	3.3	80.4	81.2
8/8/2024	0.24	0.00	792 R	16.0	92.3	55.5	73.0	94	37	58	57.3	3.2	76.6	81.6
8/9/2024	0.23	0.00	654	14.8	95.1	54.6	67.2	95	29	65	55.1	2.9	68.8	81.6
8/10/2024	0.23	0.00	654	14.8	96.8	53.4	69.0	95	29	61	55.0	2.8	67.2	81.5
8/11/2024	0.25	0.00	667	14.2	96.5	50.6	69.4	93	28	58	53.8	2.9	68.6	81.4
8/12/2024	0.23	0.00	659	14.5	95.0	52.4	67.0	96	31	64	54.5	2.9	70.8	81.4
8/13/2024	0.24	0.00	674	13.9	93.4	51.2	66.3	98	28	63	53.3	2.9	68.5	81.3
8/14/2024	0.23	0.00	677 R	13.7	90.3	48.4	64.7	97	34	66	53.0	2.7	65.8	81.1
8/15/2024	0.23	0.00	670	14.0	90.5	49.1	64.7	99	35	67	53.6	2.8	67.8	80.8
8/16/2024	0.24	0.00	672 R	13.2	92.8	43.0 Y	66.2	97	31	60	51.8	2.7 Y	64.9 Y	80.6
8/17/2024	0.22	0.00	654	15.8	84.1	49.8	66.2	98	45	72	56.8	2.8	68.2	80.4
8/18/2024	0.23	0.00	655	16.2	86.9	54.4	68.9	94	42	67	57.5	3.0	72.5	80.5
8/19/2024	0.22	0.00	648	14.3	92.9	50.3	66.4	97	32	65	54.1	2.7 Y	63.9 Y	80.7
8/20/2024	0.25	0.00	865 R	13.1	99.0	51.5	78.4 R	97	23	- R	- I	3.5	83.5	80.4
8/21/2024	0.23	0.00	855 R	14.2	91.1	49.9	71.9	95	31	53	53.9	3.8	91.3	80.3
8/22/2024	0.20	0.00	605	14.0	81.3	53.6	63.6	96	43	70	53.6	3.0	72.1	80.3
8/23/2024	0.21	0.00	638	14.1	80.7	53.0	65.8	92	42	65	53.7	3.0	72.1	80.1
8/24/2024	0.21	0.00	627	13.5	82.4	46.9	64.5	95	39	65	52.6	2.8	68.0	80.0
8/25/2024	0.22	0.00	631	13.2	89.7	49.1	66.4	96	29	59	51.8	2.6 Y	61.3 Y	79.8
8/26/2024	0.23	0.00	631	13.0	95.2	44.8 Y	68.2	94	24	55	51.4	2.4 Y	57.9 Y	79.7
8/27/2024	0.21	0.00	599	15.0	94.3	52.8	67.6	98	32	65	55.5	2.5 Y	60.8 Y	79.8
8/28/2024	0.20	0.00	603	15.4	86.2	52.9	65.7	98	38	72	56.2	2.8	66.1	80.0
8/29/2024	0.19	0.00	570	15.5	84.1	51.7	64.6	97	46	75	56.3	2.8	66.2	80.0
8/30/2024	0.18	0.00	573	15.0	83.4	51.6	63.9	96	44	74	55.3	2.7	63.7	79.9
8/31/2024	0.18	0.00	564	15.4	83.4	51.7	64.1	98	47	75	56.1	2.7	63.7	79.7
Tots/Avgs	6.99	0.00	676	14.7	91.2	51.9	68.0	96	34	64	54.7	2.9	70.0	80.6

## 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)
9/1/2024	0.20	0.00	573	15.4	93.1	53.3	66.7	98	33	69	56.2	2.6 Y	62.4 Y	79.6
9/2/2024	0.21	0.00	599	14.7	94.7	48.7	67.8	95	32	63	54.9	2.4 Y	58.8 Y	79.6
Tots/Avgs	0.41	0.00	586	15.1	93.9	51.0	67.3	97	33	66	55.6	2.5	60.6	79.6

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		



**CENTRAL COAST WATER AUTHORITY**

**MEMORANDUM**

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

September 5, 2024

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

<u>Project Participant</u>	<u>Delivery Amount (acre-feet)</u>
Chorro .....	170.10
López.....	67.42
Shandon.....	0.00
Guadalupe.....	44.22
Santa Maria.....	571.95
Golden State Water Co.....	0.00
Vandenberg.....	321.84
Buellton .....	30.94
Solvang .....	93.69
Santa Ynez ID#1 .....	319.66
Bradbury.....	<u>54.96</u>
<b>TOTAL .....</b>	<b>1,674.78</b>

In order to reconcile these deliveries with the DWR revenue meter, which read 1,719 acre-feet, the following delivery amounts should be used for billing purposes:

<u>Project Participant</u>	<u>Delivery Amount (acre-feet)</u>
<b>Chorro .....</b>	<b>175</b>
<b>López .....</b>	<b>69</b>
<b>Shandon.....</b>	<b>0</b>
<b>Guadalupe.....</b>	<b>45</b>
<b>Santa Maria .....</b>	<b>541*</b>
<b>Golden State Water Co .....</b>	<b>47*</b>
<b>Vandenberg .....</b>	<b>331</b>
<b>Buellton .....</b>	<b>32</b>
<b>Solvang .....</b>	<b>96</b>
<b>Santa Ynez ID#1 .....</b>	<b>328</b>
<b>Bradbury .....</b>	<b><u>55</u></b>
<b>TOTAL .....</b>	<b>1,719</b>

\*Golden State Water Company delivered 47 acre-feet into its system through the Santa Maria turnout. This delivery is recorded by providing a credit of 47 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 328 acre-feet of exchange water.

The exchange water is allocated as follows

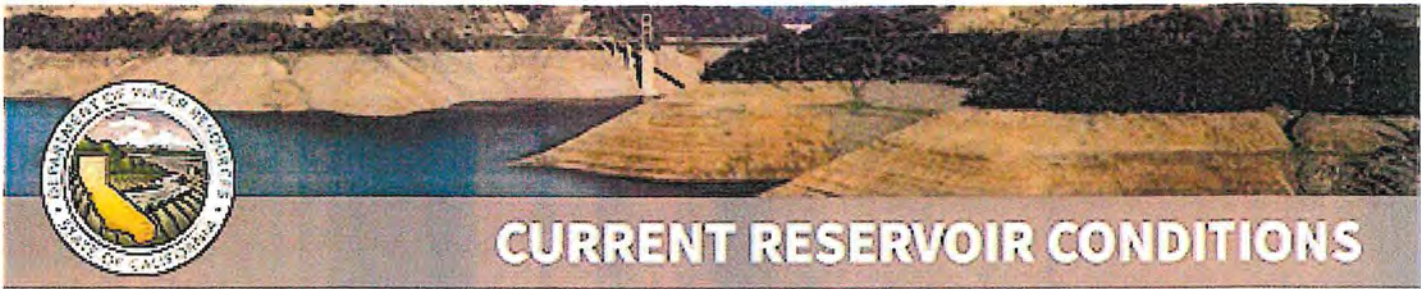
<u>Project Participant</u>	<u>Exchange Amount (acre-feet)</u>
Goleta	118
Santa Barbara	79
Montecito	79
Carpinteria	<u>52</u>
<b>TOTAL</b>	<b>328</b>

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	50
Montecito	0
Morehart	5
Santa Barbara	0
Raytheon	<u>0</u>
<b>TOTAL</b>	<b>55</b>

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

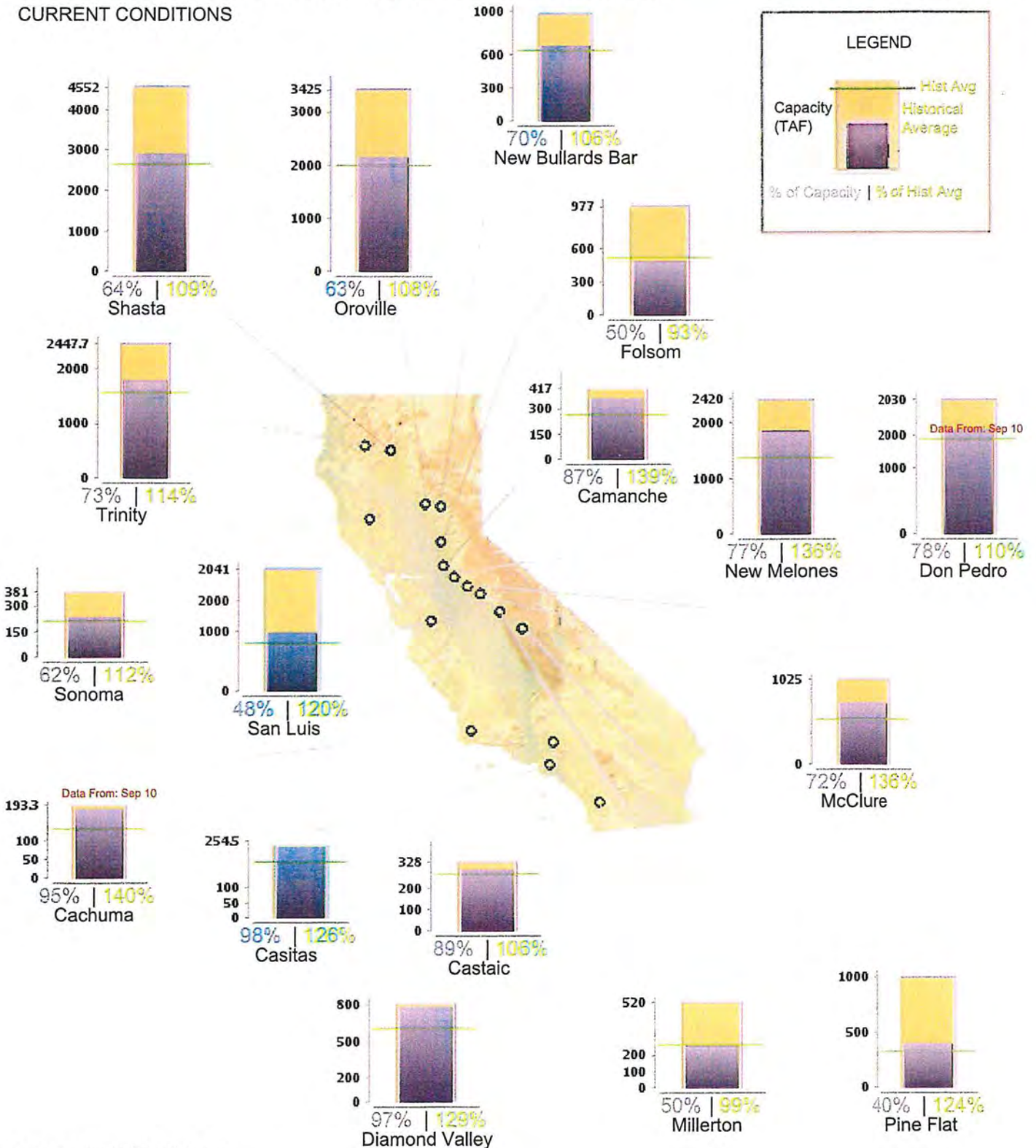




# CURRENT RESERVOIR CONDITIONS

## CALIFORNIA MAJOR WATER SUPPLY RESERVOIRS CURRENT CONDITIONS

Midnight - September 11, 2024





REVISED

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

will be held at 9:00 a.m., on Friday, September 13, 2024
at 255 Industrial Way, Buellton, California
and
1021 Anacapa Street, Santa Barbara, California

Members of the public may participate by video call or telephone via
Microsoft Teams Meeting ID: 291 638 914 395
Passcode: 7m9qME

or by dialing 323-484-5095 and entering access Code/Meeting ID: 639523582#

- 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 web site, accessible at https://www.ccwa.com.

- I. Call to Order and Roll Call
II. 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.)
III. Closed Session
A. CLOSED SESSION: CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Government Code section 54956.8
Property: Warren Act Contract
Negotiating parties: Ray Stokes, CCWA Executive Director
B. CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Initiation of litigation pursuant to Government Code section 54956.9(d) (4): 1 case
IV. Return to Open Session
A. Report on Closed Session Actions
V. \* Resolution No. 24-08 for Approval of Temporary Warren Act Contract No. 24-WC-20 6310 with United States Bureau of Reclamation
Staff Recommendation: Approve and adopt Resolution No. 24-08 for Approval of Temporary Warren Act Contract No. 24-WC-20-6310 with United States Bureau of Reclamation
VI. \* Correspondence from Board Chair to the United States Bureau of Reclamation re. Temporary Warren Act Contract No. 24-WC-20-6310
Staff Recommendation: Authorize Board Chair to finalize and send draft correspondence
VII. Date of Next Regular Meeting: September 26, 2024
VIII. Adjournment

\* Indicates attachment of document to original agenda packet.

## Paeter Garcia

---

**From:** David R. Beard <drb@ccwa.com>  
**Sent:** Monday, September 9, 2024 2:05 PM  
**To:** Adam Kanold (akanold@montecitowater.com); Alexandra Griffith; Anna Narduzzi, Space Force VAFB; Carlos Gonzalez, American Water MSG; Cindy Scheid, Morehart Land Co; Dakota Corey; Damaris Hanson; Daniel Covarrubias, American Water; Daniel Drugan; Danny Durbiano; David Matson, Goleta WD; fzenker@co.slo.ca.us; Gabriele Cook, City of Santa Barbara; Haggmark, Joshua N.; Howard Laguna - Morehart Land Co.; Jaime Vidales; Jason Heering, Space Force VAFB; Jeff Densmore, SWRCB Division of Drinking Water; Joe Come; John Sanchez, City of Buellton; Leo Rainwater, Golden State Water Co.; Lopez WTP Operators; Luke Deras, AM Water; Mario Villarreal, American Water; Mark Zimmer, Golden State Water Co.; Mary Robel; Mary McMaster; Mike Alvarado, LaCumbre Mutual Water Company; Mike Mathews, City of Solvang; Mike Schwartz, CMC Water Treatment Plant; mike.babb@gswater.com; Natalie Correa, Golden State Water; Nick Turner, Montecito Water District; Norma Rosales (norma@cvwd.net); Olivas Rojas, Montecito Water District; Paeter Garcia; Pernel Rush (pernell.rush@us.af.mil); Peter Sevcik, Nipomo Community Services District; Randy Murphy, City of Solvang; Ray Stokes; Raymond Dienzo, Nipomo Community Services District; Robert McDonald, CVWD; Rose Hess, City of Buellton; Ryan Drake (RDrake@goletawater.com); Sarah Knecht, City of Santa Barbara; Scott Buffaloe (CA Men's Colony); Shad Springer, City of Santa Maria ; Stephanie Hastings; Tifani Woolsey, American Water; Toby Moore, Golden State Water Co; Todd Bodem, City of Guadalupe; Todd Suter, City of Santa Maria; Wes Thomson, SLO County  
**Cc:** Brandon L. Ladd; Thomas Petersen; Todd A. York  
**Subject:** RE: 2024 DWR Scheduled Coastal Branch Shutdown Dates

### CCWA Project Participants-

DWR has updated the 2024 Coastal Branch shutdown dates in response to a CCWA request. The shutdown dates are scheduled to begin **Monday, October 28** and end on **Tuesday, November 12**. Additional details regarding CCWA Project Participant turnout shutdown and activation operations will be provided in future correspondence.

Feel free to contact me with any questions at my office (805) 688-2292 ext. 228 or on my cell phone (805) 680-2116. Please forward this email to others that may benefit from the updated shutdown schedule information.

Thanks,

David Beard  
Central Coast Water Authority

**From:** David R. Beard  
**Sent:** Wednesday, August 21, 2024 9:43 AM  
**To:** Adam Kanold (akanold@montecitowater.com) <akanold@montecitowater.com>; Alexandra Griffith <agriffith@cityofsantamaria.org>; Anna Narduzzi, Space Force VAFB <anna.narduzzi@spaceforce.mil>; Carlos Gonzalez, American Water MSG <Carlos.Gonzalez@amwater.com>; Cindy Scheid, Morehart Land Co <cindy@mlc.sbcoxmail.com>; Dakota Corey <dcorey@santabarbaraca.gov>; Daniel Covarrubias, American Water <daniel.covarrubias@amwater.com>; Danny Durbiano, SYRWCD#1 <ddurbiano@syrwd.org>; David Matson, Goleta WD <DMatson@goletawater.com>; Eric Tambini, SYID#1 <etambini@syrwd.org>; fzenker@co.slo.ca.us; Gabriele Cook, City of Santa Barbara <GCook@SantaBarbaraCA.gov>; Haggmark, Joshua N. <JHaggmark@SantaBarbaraCA.gov>; Howard Laguna - Morehart Land Co. <Howard.mlco@gmail.com>; Jaime Vidales <JVidales@ci.guadalupe.ca.us>; Jason Heering,

Space Force VAFB <jason.heering.1@spaceforce.mil>; Jeff Densmore, SWRCB Division of Drinking Water <Jeff.Densmore@waterboards.ca.gov>; Joe Come', SYID#1 <jcome@syrwd.org>; John L. Brady <jlb@ccwa.com>; John Sanchez, City of Buellton <ajs@cityofbuellton.com>; Leo Rainwater, Golden State Water Co. <Leo.Rainwater@gswater.com>; Lopez WTP Operators <pw.lopezwtp@co.slo.ca.us>; Luke Deras, AM Water <luke.deras@amwater.com>; Mario Villarreal, American Water <mario.villarreal@amwater.com>; Mark Zimmer, Golden State Water Co. <MarkZimmer@gswater.com>; Mary Martone - SYRWCD <mmartone@syrwd.org>; Mary McMaster <mcmasterlawsb@gmail.com>; Mike Alvarado, LaCumbre Mutual Water Company <malvarado@lacumbrewater.com>; Mike Mathews, City of Solvang <mikem@cityofsolvang.com>; Mike Schwartz, CMC Water Treatment Plant <Michael.Schwartz@cdcr.ca.gov>; mike.babb@gswater.com; Natalie Correa, Golden State Water <Natalie.Correa@gswater.com>; Nick Turner, Montecito Water District <nturner@montecitowater.com>; Norma Rosales (norma@cvwd.net) <norma@cvwd.net>; Olivas Rojas, Montecito Water District <orojas@montecitowater.com>; Paeter Garcia, Santa Ynez RWCD ID#1 <pgarcia@syrwd.org>; Pernell Rush (pernell.rush@us.af.mil) <pernell.rush@us.af.mil>; Peter Sevcik, Nipomo Community Services District <psevcik@ncsd.ca.gov>; Randy Murphy, City of Solvang <randym@cityofsolvang.com>; Ray Stokes <RAS@ccwa.com>; Raymond Dienzo, Nipomo Community Services District <rdienzo@ncsd.ca.gov>; Robert McDonald, CVWD <bob@cvwd.net>; Rose Hess, City of Buellton <roseh@cityofbuellton.com>; Ryan Drake (RDrake@goletawater.com) <RDrake@goletawater.com>; Sarah Knecht, City of Santa Barbara <SKnecht@SantaBarbaraCA.gov>; Scott Buffaloe (CA Men's Colony) <scott.buffaloe@cdcr.ca.gov>; Shad Springer, City of Santa Maria <sspringer@cityofsantamaria.org>; Stephanie Hastings <shastings@bhfs.com>; Tifani Woolsey, American Water <tifani.woolsey@amwater.com>; Toby Moore, Golden State Water Co <TobyMoore@gswater.com>; Todd Bodem, City of Guadalupe <tbodem@ci.guadalupe.ca.us>; Todd Suter, City of Santa Maria <tsuter@cityofsantamaria.org>; Wes Thomson, SLO County <WThomson@co.slo.ca.us>  
**Cc:** Brandon L. Ladd <bl@ccwa.com>; Thomas Petersen <TTP@ccwa.com>; Todd A. York <tay@ccwa.com>  
**Subject:** 2024 DWR Scheduled Coastal Branch Shutdown Dates

#### CCWA Project Participants-

The Department of Water Resources (DWR) is preparing for its 2024 Coastal Branch shutdown which is proposed to begin on Saturday, October 26 and end on Sunday, November 10. Both DWR and CCWA will utilize the Coastal Branch shutdown period to complete required maintenance work. The purpose of this email is to inform CCWA Project Participants of the anticipated shutdown dates for planning purposes. Additional details about when CCWA Project Participant turnouts will be shut down and activated will be provided in future correspondence.

During the outage, CCWA will have the Water Treatment Plant Clearwell, Tank 2, Tank 5 and Tank 7 available as a limited source of emergency supply. Weekly bacteriologic water quality samples will be collected and analyzed throughout the shutdown period. If your system requires an emergency source of supply during the shutdown period, please contact me to coordinate.

If you have any questions, feel free to call me at my office (805) 688-2292 ext. 228 or on my cell phone (805) 680-2116.

Thanks,

David Beard  
Deputy Director  
Central Coast Water Authority  
(805) 680-2116

**WARNING:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

## Paeter Garcia

---

**From:** David R. Beard <drb@ccwa.com>  
**Sent:** Monday, August 26, 2024 1:24 PM  
**To:** Adam Kanold (akanold@montecitowater.com); Brad Joos; Chris Dahlstrom; Cindy Scheid, Morehart Land Co; Dakota Corey; Daniel Drugan; David Matson, Goleta WD; Gabriele Cook, City of Santa Barbara; Haggmark, Joshua N.; Howard Laguna - Morehart Land Co.; Jeff Clay; John McInnes, Goleta Water District; Mary Robel; Mary McMaster; Matt van der Linden, City of Solvang; Mike Alvarado, LaCumbre Mutual Water Company; Nick Turner, Montecito Water District; Norma Rosales (norma@cvwd.net); Olivias Rojas, Montecito Water District; Paeter Garcia; Ray Stokes; Rebecca Bjork, City of Santa Barbara; Robert McDonald, CVWD; Ryan Drake (RDrake@goletawater.com); Sarah Knecht, City of Santa Barbara; Stephanie Hastings  
**Cc:** Thomas Petersen; Chris T. Wall  
**Subject:** Santa Ynez Pumping Plant Surge Tank Pedestal Replacement Project Schedule

CCWA South Coast Participants-

CCWA's Santa Ynez Pumping Plant Surge Tank Pedestal Replacement Project (Project) is scheduled to begin in September. The Project consists of removing and recoating the existing surge tank and demolishing and rebuilding the concrete pedestals the surge tank is mounted on. The Project is scheduled to begin on September 9, 2024 and finish on October 25, 2024. The Santa Ynez pump station will be offline for the duration of construction and CCWA will make September water deliveries to South Coast Participants prior to September 9. CCWA plans on making October water deliveries for South Coast Participants once Project construction has been completed.

If you have any questions, feel free to call me at my office (805) 688-2292 ext. 228 or on my cell phone (805) 680-2116.

Thanks,

David Beard  
Deputy Director  
Central Coast Water Authority  
(805) 680-2116

**WARNING:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

**NOTICE AND AGENDA OF SPECIAL MEETING**

**BOARD OF DIRECTORS OF THE SANTA YNEZ RIVER VALLEY GROUNDWATER BASIN  
EASTERN MANAGEMENT AREA GROUNDWATER SUSTAINABILITY AGENCY**

**HELD AT  
SANTA YNEZ COMMUNITY SERVICES DISTRICT, MEETING ROOM  
1070 FARADAY STREET, SANTA YNEZ, CALIFORNIA  
6:30 P.M., THURSDAY, AUGUST 29, 2024**

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**Optional remote public participation is available via Telephone or TEAMS**

To access the meeting via telephone, please dial: ~~615-724-1311, #11327547~~  
or via the Web at: **Join the meeting now**

**“Join a Meeting” - Meeting ID 259 892 443 287 Meeting Passcode: tw4dfF**

**\*\*\* 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.

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**AGENDA OF SPECIAL MEETING**

1. Call to Order and Roll Call
2. Additions or Deletions to the Agenda
3. Election or Appointment of Officers
  - a. Chair
  - b. Vice Chair
  - c. Secretary
  - d. Treasurer
4. 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.)
5. Review and consider approval of meeting minutes of June 27, 2024
6. Review and consider approval of Financial Statements and Warrant List
7. Review and consider request for EMA GSA Written Verification under Executive Order N-7-22 revised under Executive Order N-5-23 in the EMA for the following parcel:
  - a. APN: 135-280-044 3160 Live Oak Rd. Santa Ynez (Majcher)
8. Direct member agency staff regarding GSA bank account, and authorize signature authority
9. Receive member agency staff memo regarding responses to Executive Director RFQ, and potentially direct member agency staff to contract with Executive Director
10. Receive member agency staff memo regarding responses to Legal Services RFQ, and potentially direct member agency staff to contract for legal services

11. Receive member agency staff memo regarding responses to Rate Consultant RFQ, and potentially direct member agency staff to contract with a rate consultant
12. Receive and potentially take action on member agency staff memo regarding GSA insurance
13. Receive update from SYRWCD staff on subgrant agreement for DWR Proposition 68 Grant
14. Request that Santa Ynez Water Group solicit applications for an Agricultural Director, and alternate, pursuant to Section 7.2 of the EMA Joint Powers Agreement.
15. Review and discuss meeting location and schedule for next two months.
  - a. Basin-wide Joint GSA Board meeting, Friday, September 6, 2024
  - b. Tentative Special EMA GSA Board meeting Thursday, September 26, 2024
  - c. Tentative Special EMA GSA Board meeting, Thursday, October 24, 2024
16. Director reports and requests for future agenda items
17. Adjournment

[This agenda was posted at least 24 hours prior to the special meeting at 3669 Sagunto Street, Suite 101, Santa Ynez, California, and SantaYnezWater.org in accordance with Government Code Section 54954. 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.]

## **Santa Ynez Water Group now accepting applications for director positions**

Contributed Report  
Sep 5, 2024

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The Santa Ynez Water Group now is accepting applications for Agricultural Director and Alternate Director positions on the Eastern Management Area Groundwater Sustainability Agency (EMA GSA) board.

Effective July 16 the Santa Ynez River Conservation District, Santa Ynez River Conservation District Improvement District No.1, Santa Barbara County Water Agency, and the City of Solvang approved and adopted a Joint Powers Agreement (JPA) to form the EMA GSA.

The JPA calls for a five-member board of directors consisting of one representative from each above mentioned public agency, and one representative from the agricultural community at-large.

The JPA provides for the Santa Ynez Water Group, a nonprofit entity representing landowners, farmers, and ranchers who rely on groundwater within the Santa Ynez River Groundwater Basin.

The JPA currently is taking applications and submitting nominations to the board for the open positions of Agricultural Director and Alternate Director, with appointment decisions to be made by the directors representing each of the four public agencies within the JPA.

To qualify as a candidate for the position, the JPA has outlined that candidates must:

- Be an owner or representative of an owner of property located within the boundaries of the EMA GSA and involved in commercial agriculture (as defined in the JPA), producing at least 2 acre-feet per year of groundwater from within the boundaries of the EMA GSA to support commercial agriculture on said property;
- Be a resident and registered voter within the boundaries of the EMA GSA;
- Not be party to any pending litigation against the EMA GSA, other than as a party to a groundwater rights adjudication affecting the EMA GSA (no such adjudication is pending).



Please be aware that the board positions are public official designations, where individuals appointed are subject to the requirements of the Fair Political Practices Act, Public Records Act, Brown Act, and other applicable public laws and regulations.

Those interested in applying for either the Agricultural Director and/or Alternate Director positions, email [santaynezwatergroup@gmail.com](mailto:santaynezwatergroup@gmail.com) requesting an application.

All applications must be completed and submitted to the Santa Ynez Water Group by 5 p.m. Monday, Sept. 30.

[Learn More](#) / [About Us](#) / [Contact Us](#) / [Privacy Policy](#)

# BUSINESS

<b>DOW JONES</b> ▼ 40,934.97 -424.15	<b>Nasdaq</b> ▼ 12,136.30 -572.33	<b>S&amp;P 500</b> ▼ 5,218.97 -119.47	<b>Gold</b> ▼ \$2,524.20 -21.80
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	SB County		SLO County		Santitas AA of the Large Forest
	Regular	Special	Regular	Special	
Thursday	\$4.36	\$4.25	\$4.36	\$4.25	
Month ago	\$4.26	\$4.06	\$4.27	\$4.21	
Year ago	\$3.32	\$3.50	\$3.57	\$4.24	



A woman buys eggs at a Walmart Superstore in Secaucus, New Jersey July 11.

## Fed welcomes 'soft landing' even if many don't feel like cheering

CHRISTOPHER HOGAN  
AP Economics Writer

WASHINGTON — When Jerome Powell delivered a high-profile speech last month, the Federal Reserve chair came the closest he ever had to declaring that the inflation surge that gripped the nation for three painful years was now essentially defeated.

And not only that. The Fed's high interest rates, Powell said, had managed to achieve that goal without causing a widely predicted recession and high unemployment.

Yet most Americans are not in the same celebratory mood about the plummeting of inflation in the face of the high borrowing rates the Fed engineered. Though consumer sentiment is slowly rising, a majority of Americans in some surveys still complain about elevated prices, given that the costs of such necessities as food, gas and housing remain far above where they were before the pandemic erupted in 2020.

The relatively good mood of the public is creating challenges for Vice President Kamala Harris as she seeks to succeed President Joe Biden. Despite the fall of inflation and strong job growth, many voters say they're dissatisfied with the Biden-Harris administration's economic record — and especially frustrated by high prices.

That disparity points to a striking gap between how economists and policymakers assess the past several years of the economy and how many ordinary Americans do.

In his remarks last month, given at an annual economic symposium in Jackson Hole, Wyoming, Powell underscored how the Fed's sharp rate hikes succeeded much more than most economists had predicted in taming inflation — without hammering the economy — a notoriously difficult feat known as a "soft landing."

"The 4-1/2 percentage point reduction in inflation from its peak two years ago," he noted, "has occurred in a context of low unemployment — a welcome and historically unusual result."

With high inflation now essentially conquered, Powell and other central bank officials are preparing to not their key interest rate in mid-September for the first time in more than four years. The Fed is becoming more focused on sustaining the job market with the help of lower interest rates than on continuing to fight inflation.

Many consumers, by contrast, are still preoccupied most by today's price levels.

"It really has been a remarkable success, how inflation went up, has come back, and is around the target," said Kristin Forbes, an economist at MIT and a former official at the United Kingdom's central bank, the Bank of England.

"But from the viewpoint of households, it has not been so successful," she added. "Many have taken a big hit to their wages. Many of them feel like the basket of goods they buy is now much more expensive."

Two years ago, economists feared that the Fed's ongoing rate hikes — it ultimately raised its benchmark rate more than 5 percentage points to a 21-year high in the fastest pace in four decades — would hammer the economy and cause millions of job losses. After all, that's what happened when the Fed under Chair Paul Volcker sent its benchmark rate to nearly 20% in the early 1980s, ultimately throttling a brutal inflationary spell.

In fact, at Jackson Hole two years ago, Powell himself warned that using high interest rates to defeat the inflation spike "would bring some pain."

Yet now, according to the Fed's preferred measure, inflation is 2.5%, not far above its 2% target. And while a weaker pace of hiring has caused some concern, the unemployment rate is at a still-low 4.3%, and the economy expanded at a solid 3% annual rate last quarter.

While no Fed official will outright declare victory, some take satisfaction in defying the predictions of doom and gloom.

"2023 was a historic year for inflation falling," said Austan Goolsbee, president of the Chicago Fed. "And there wasn't a recession, and that's unprecedented. And so we will be studying the mechanics of how that happened for a long time."

Measures of consumer sentiment, though, indicate that three years of hurtful inflation have dimmed many Americans' outlook. In addition, high loan rates, along with elevated housing prices, have led many young workers to fear that homeownership is increasingly out of reach.

Last month, the consulting firm McKinsey said that 53% of consumers in its most recent survey "still say that rising prices and inflation are among their concerns." McKinsey's analysts attributed the elevated figure to "an inflation overshoot" — the belief that it can take months, if not years, for consumers to adjust emotionally to a much higher level of prices even if their pay is keeping pace.

Economists point to several reasons for the wide gap in perceptions between economists and policymakers on the one hand and everyday consumers and workers on the other.

The first is that the Fed lowers its interest rate policies to manage inflation — this rate of price changes — rather than price levels themselves. So when inflation spikes, the central bank's goal is to return it to a sustainable level rather than to reverse the price increases. The Fed's policymakers expect average wages to catch up and eventually to allow consumers to afford the higher prices.

"Central bankers think even if inflation gets away from 2% for a period, as long as it comes back, that's fine," Forbes said. "But the amount of time inflation is away from 2% can have a major cost."

Research by Stefania Stantcheva, a Harvard economist, and two colleagues found that most people's views of inflation are very different from those of economists. Economists tend to regard inflation as a consequence of strong growth. They often describe inflation as a result of an "overheating" economy. Low unemployment, strong job growth and rising wages lead businesses to sharply increase prices without necessarily losing sales.

By contrast, a survey by Stantcheva found, ordinary Americans "view inflation as an unambiguously bad thing and very rarely as a sign of a good economy or as a byproduct of positive developments."

Her survey respondents also said they believed that inflation stems from excessive government spending or greedy businesses. They "do not believe that (central bank) policymakers face trade-offs, such as having to reduce economic activity or increase unemployment to control inflation."

At the Jackson Hole conference, Andrew Bailey, governor of the Bank of England, argued that central banks cannot guarantee that high inflation will never appear — only that they will try to drive it back down when it does.

The test of central bank, Bailey said, "is not that we will never have inflation. The test of the regime is how well, once you get hit by these shocks, you bring it back to target."

Still, Forbes suggested that there are lessons to be learned from the inflation spike, including whether inflation was allowed to stay too high for too long.

The Fed has long been criticized for having taken too long to start raising its benchmark rate. Inflation first spiked in the spring of 2022. Yet the Fed, under the mistaken impression that high inflation would prove "transitory," didn't begin raising rates until nearly a year later.

"Maybe should we rethink ... where we seem to be now: 'As long as it comes back four to five years later, that's fine,'" she said.

"Maybe four to five years is too long."

How much unemployment or slowdown in growth should we be willing to accept to shorten the length of time that inflation is too high?

## Harris to propose tenfold startup tax incentive increase

WILL WEISSEY  
Associated Press

WASHINGTON — Vice President Kamala Harris plans to propose on Wednesday a tenfold increase in federal tax incentives for small business startup expenses, from \$5,000 to \$50,000, hoping to help spur a record 25 million new small business applications over her four-year term should she win the presidency in November.

She's set to unveil the plan during a campaign stop in the Portsmouth area of New Hampshire, marking a rare deviation from the Midwestern and Sunbelt battlegrounds the Democrats have focused on in her race against former Republican President Donald Trump.

A Harris campaign official, who spoke on the condition of anonymity to discuss a policy plan the candidate is not publicly, said Tuesday the change would cover the \$40,000 it costs on average to start a business. The proposal would let new businesses wait to claim that deduction until they first turn a profit, to better maximize its impact lowering their taxes.

Such changes would likely require congressional approval. But a series of tax cuts approved during the Trump administration are set to expire at the end of next year, setting up a scenario where lawmakers may be ready to consider new tax policies. The proposal can help Harris show her support for entrepreneurs even as she's called for higher corporate tax rates.

Since President Joe Biden dropped his reelection bid and endorsed Harris in July, the vice president has focused on campaigning in the "blue wall" states of Michigan, Wisconsin and Pennsylvania that have been the centerpiece of Democratic campaigns that have won the White House in recent decades.

In the suburbs since Harris took over the top of the Democratic ticket, she has offered relatively few major policy proposals — attempting to strike a political balance between enticing new energy into the race and continuing to support many of the Biden administration proposals she helped champion as vice president.

Harris' small business plan follows her announcing last month proposed steps to fight inflation by working to lower grocery prices, and to use tax cuts and other incentives to encourage homeownership. The vice president has also proposed ending federal taxes on tips to service industry workers, an idea Trump proposed first.

The plan she's introducing Wednesday further calls for developing a standard deduction for small businesses meant to save their owners time when doing their taxes, and making it easier to get occupational licenses — letting people work across state lines and businesses expand into new states. Harris also wants to offer federal incentives to state and local government will ease their regulations.

In an effort to spur business investment outside urban and suburban hubs, Harris is pledging to launch a small business expansion fund to enable community banks and federal entities to cover interest costs while small businesses are expanding into the suburbs, since Harris took over the top of the Democratic ticket, she has offered relatively few major policy proposals — attempting to strike a political balance between enticing new energy into the race and continuing to support many of the Biden administration proposals she helped champion as vice president.



Democratic presidential nominee Vice President Kamala Harris campaigns with President Joe Biden at the IBEW Local Union #5 union hall in Pittsburgh on Labor Day Monday.

olins, which last voted Democratic in a presidential race in 2008 but which she's still hoping to flip from Trump. Biden won New Hampshire by 7 percentage points in 2020, though Trump came far closer to winning it against Hillary Clinton in 2016.

"The cost of living in New Hampshire is through the roof, their energy bills are some of the highest in the country, and their housing market is the most unaffordable in history," Trump posted last week on his social media platform.

Harris' team says securing 25 million new business applications in four years if she wins the White House would exceed the roughly 19 million such applications filed since Biden took office. And those were millions more than the previous four years under Trump. The vice president's goal would be a record for new small business applications — but records only go back about 20 years.

Applications to start a business don't always translate to small businesses actually being formed. Still, Harris' plan could keep new small businesses that do come to fruition from over-incurring more debt while, at a time of high interest rates, might help them better succeed.

In the suburbs since Harris took over the top of the Democratic ticket, she has offered relatively few major policy proposals — attempting to strike a political balance between enticing new energy into the race and continuing to support many of the Biden administration proposals she helped champion as vice president.

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**SANTA YNEZ WATER GROUP**  
MEDIA RELEASE  
Contact: Santa Ynez Water Group  
August 30, 2024  
3942 Roblar Ave  
Santa Ynez, CA 93460  
Phone: 714.630.0259  
Email: santaynezwatergroup@gmail.com

**FOR IMMEDIATE RELEASE**  
Now Accepting Applications for the Agricultural Director and Alternate Director Positions on the Board of Directors for the Eastern Management Area Groundwater Sustainability Agency

Effective July 18, 2024, the Santa Ynez River Conservation District, the Santa Ynez River Conservation District, the Santa Barbara County Water Agency, and the City of San Juan approved and adopted a Joint Powers Agreement (JPA) forming the Eastern Management Area Groundwater Sustainability Agency (EMA GSA). Among other things, the JPA calls for a five-member Board of Directors (Board) consisting of one representative from each of the public agencies mentioned above and one representative from the agricultural community at large. The JPA provides for the Santa Ynez Water Group, a private entity representing growers, farmers, and ranchers who rely on groundwater within the Santa Ynez River Groundwater Basin, to solicit applications and submit nominations to the Board for the Agricultural Director and Alternate Director positions. Appointment decisions are made by the directors representing the four public agencies of the JPA.

The purpose of this press release is to inform the public that the Santa Ynez Water Group is now accepting applications for the Agricultural Director and Alternate Director positions on the EMA GSA Board. According to the JPA, to qualify as a candidate for the position, you must:

- Be an owner or representative of an amount of property located within the boundaries of the EMA GSA and involved in Commercial Agriculture as defined in the JPA and a high producer of at least 2 acre-feet per year of groundwater from within the boundaries of the EMA GSA to support Commercial Agriculture on said property.
- Be a resident and registered voter within the boundaries of the EMA GSA.
- Not be party to any pending litigation against the EMA GSA, other than as a party to a groundwater rights adjudication affecting the EMA GSA (no such adjudication is pending).

Please be aware that the Agricultural Director and Alternate Director positions on the JPA Board are public official designations, where individuals appointed to these positions are subject to the requirements of the Fair Political Practices Act, Public Records Act, Brown Act, and other applicable public laws and regulations. If you are interested in applying for the Agricultural Director and/or Alternate Director positions, please email [santaynezwatergroup@gmail.com](mailto:santaynezwatergroup@gmail.com) to receive an application. All applications must be completed and submitted to the Santa Ynez Water Group by 5:01 PM PT on September 23, 2024.

# Farmworkers plan to ask for county wage ordinance

Goal is to guarantee wage of \$26 an hour

By MICHAEL ROSS  
Contributing Writer

Nearly a score of farmworkers and supporters told the Santa Barbara County Board of Supervisors they plan to ask for a wage ordinance that would guarantee them \$26 an hour, but such a move was opposed by a growers representative.

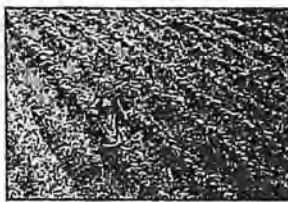
The issue came up Tuesday during the general public comment portion of the meeting in Santa Maria, where a number of farmworkers spoke to the board in Spanish, translated into English.

Nasal Davalos, of Central Coast Alliance United for a Sustainable Economy, or CAUSE, asked the board to have a proposed ordinance placed on a future meeting agenda.

She commended the county on working with the nonprofit organization to improve working conditions for farmworkers over the past decade.

"Despite our efforts, however, if you ask any farmworker in our county what's the biggest challenge they face, it's low wages — not earning enough to pay high Central Coast rents, living in crowded housing, struggling to pay for food and health care and provide for their children," Davalos said.

For that reason, she said, CAUSE and Mestizo Indígena Community Organizing Project, or MICOP, joined forces to form Aliante Campesina, an organization of farmworkers



LEN WOOD, STAFF  
A farmworker picks produce in a field near North A Street in Lompoc in March 2020. A group representing farmworkers plans to seek an ordinance that would guarantee farmworkers a minimum wage of \$26 an hour in Santa Barbara County.

leaders working to increase farmworker wages in the county.

"All our convening workers have expressed the hurt of being called essential workers yet being paid and treated as if they're disposable," Davalos said, noting vigils were organized last year when two farmworkers — a woman from Cuyama and a man from Guadalupe — were killed in the fields by machinery.

Farmworkers have organized to fight for dignity, however, and inspired by workers from other sectors, to seek a higher minimum wage through an ordinance, she said.

"The farmworker leaders of Aliante Campesina are asking you to pass a farmworker living wage ordinance of \$26 per hour," Davalos said. "We can do this. With a single policy, you as a board can lift thousands of families in our county out of poverty."

She said the county plays a major role in keeping farmworker families afloat "in large part because growers won't pay livable wages."

She also noted that low wages affect the education of farmworkers' children, because after paying for basic necessities, there is little money left over to cover the costs of extracurricular activities that children of wealthier families enjoy.

Instead, she said, farmworkers' children spend their time off from school helping their parents in the fields.

"Let us not put a price tag and expiration date on the health and wellbeing of our farmworkers who work tirelessly and laborfully to provide us with fresh produce," Aquino said.

"Instead, let us provide our community of farmworkers with the means and resources to live with a dignified wage instead of forcing them and their families to simply survive," she said.

Even before Davalos raised the request for a farmworker wage ordinance, the proposal was opposed by a growers representative.

Claire Wineman, president of the Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties, said a guarantee of \$26 an hour would represent a 63% increase in the minimum wage, but would not reflect farmworkers' actual take-home earnings.

"Most farmworkers are paid a piece-rate basis, which offers lucrative opportunities based on performance," Wineman said. "Additionally, the ongoing increases in the California minimum wage have created compression across many other job opportunities, which has proved difficult to navigate."

Blanca Antonia Aquino, a farmworker and a daughter of farmworkers, told the board that their "normal" consisted of shopping at thrift stores and yard sales and attending food distribution events as a way to deal with low wages.

She also noted that low wages affect the education of farmworkers' children, because after paying for basic necessities, there is little money left over to cover the costs of extracurricular activities that children of wealthier families enjoy.

# Registrar of voters encourages citizens to register to vote

Voter registration cards available at US post offices, libraries, elections offices, online

SANTA MARIA TIMES STAFF REPORT

The Santa Barbara County Election Office asks all eligible citizens to register to vote before the Presidential General Election on Nov. 5.

The last day to register to vote for the Nov. 5 election is Oct. 21.

County Registrar of Voters Joe Holland said "registering to vote or verifying that your voter registration is accurate is important."

A voter must be a citizen of the United States and be at least 18 years of age on election day to be eligible to vote. Voters can verify the accuracy of their voter registration, including residential and mailing addresses, at the California Secretary of State's website, [sos.ca.gov/elections/registration-status](http://sos.ca.gov/elections/registration-status), or Santa Barbara County Elections Office website at [sbcovle.com](http://sbcovle.com).

PHILIP JAY POTTERS, PAGE A5

## Cassie Flora Talavera (Hamilton)

July 25, 1990 - July 27, 2024



The family and friends of Cassie Flora Talavera (Hamilton) are deeply saddened to announce her passing on Wednesday, July 24, 2024, one day before her 34th birthday.

Cassie was welcomed into the family of Shk and Beckie (Johnson) Hamilton on July 25th 1990, in Lompoc, California - she was their fourth and youngest child. Her older siblings, Dena, Josh and Kacie delighted in the presence of their baby sister - she was truly the light of their lives. They remember her as an exceptionally happy and smart child, making friends easily, doing well in school and sports.

Graduating from Lompoc's Cabrillo High School in 2008, Cassie then completed the Alan Hancock Dental Program, graduating as a Registered Dental Assistant. Her work in a dentist's office was rewarding for many years, but it could not compare to the joys that motherhood brought to Cassie and she devoted herself entirely to raising her three children, Aida (13), Emit (9), and Owen (7). She is remembered by family and friends as the champion of mothers, always pushing her children first.

Cassie was an amazing mother, sister, daughter, granddaughter, niece, cousin and friend. She touched the lives of many people and her spirit will live on through them. Her love of life will be remembered always, and her loss, felt deeply.

We extend an invitation to all those close to Cassie and her family to remember her and celebrate her life on Friday, September 13th at Sunny Fields Park, Area A, Solvang from 2-4 PM.

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## Lake

from A2

Torres said that compensation can be as much as \$10,000 per day, depending on the facility's size and usage. Both the Elk Rodeo grounds and the Speedway confirmed that they had formal contracts with the firefighting agencies and were compensated accordingly.

Torres said that CalFire collaborates closely with local, state, and even out-of-state agencies to bring in necessary resources "during the mutual aid system to get city and county departments to all our fires."

"So even though the fires are locally in your area, we have firefighters from Northern California, from Southern California coming into your fire, we have forestry service partners, come into the fire as well," he said. "Also, we have out-of-state resources — we will reach out to Oregon, Washington and Nevada to bring resources over as well."

Torres said the influx of firefighters is a positive thing for local economies.

"We spend a lot of money in town locally in restaurants. As firefighters are there for long periods of time and we get tired of our sack lunches and our local food that's made at the base camp, so sometimes we want to explore outside of that and go to restaurants," said Torres.

Torres noted that the fire base camps can lead to traffic congestion, particularly during peak times when fire trucks are heading to or from the camp.

The busiest periods, he said, are typically between 6 a.m. and 8 a.m. in the morning, and again from 5 p.m. to 7 p.m. in the evening.

David Castaneda, general manager and event coordinator for Santa Maria Speedway, said he and his staff were working on the go-kart track when officials from CalFire pulled up, inquiring about the track's availability.

"A few hours later, we were visited by logistics chief Tim Fitzgerald, and by Wednesday early morning, they were moving to," Castaneda said. "It was like the Marines moved in — very efficient."

The original handshake agreement between CalFire and the Speedway was for 10 days, but the base camp ultimately stayed open for 13 days.

"We ended up expanding the area they used because it was clear they needed more space for all the visiting fire departments," said Castaneda.

While the Speedway canceled some events, including a go-kart race and practice, Castaneda said it felt good to help the firefighters out.

"We met firefighters from all over California, and it introduced our race track to a lot of people who didn't even know we were here," he said.

Johanna McGuire, media director for Elk Rodeo, described the urgency of the situation when CalFire first contacted them.

"We received a call at 3 a.m. informing us that a fire was in progress and they needed to set up a fire camp as quickly as possible," said McGuire. "The U.S. Forest Service, which managed the fire camp at the rodeo grounds, remained there for 13 days."

The facility has a partnership with Santa Barbara County Animal Services for large animal evacuation, as the land was well-prepared for the task, McGuire said.

"Our top priority is making sure that we're able to provide any kind of safety and care in an emergency situation," she said.

Both the Speedway and the Elk rodeo grounds emphasized their willingness to support future emergency efforts.

"We would do it again," said Castaneda.

April Chavez is the Santa Maria City Reporter for the Santa Maria Times. If you have information, or a story idea that you would like to share, send her an email at [AChavez@SantaMariaTimes.com](mailto:AChavez@SantaMariaTimes.com).

## SANTA YNEZ WATER GROUP

### MEDIA RELEASE

Contact: Santa Ynez Water Group  
August 30, 2024  
1943 Rockler Ave  
Santa Ynez, CA 93460  
Phone: 714.630.0299  
Email: [santaynezwatergroup@gmail.com](mailto:santaynezwatergroup@gmail.com)

**FOR IMMEDIATE RELEASE**  
Now Accepting Applications for the Agricultural Director and Alternate Director Positions on the Board of Directors for the Eastern Management Area Groundwater Sustainability Agency

Effective July 16, 2024, the Santa Ynez River Conservation District, the Santa Ynez River Conservation District Improvement District No. 1, the Santa Barbara County Water Agency, and the City of Solvang approved and adopted a Joint Powers Agreement (JPA) forming the Eastern Management Area Groundwater Sustainability Agency (EMA GSA). Among other things, the JPA calls for a five-member Board of Directors (Board) consisting of one representative from each of the public agencies mentioned above and one representative from the agricultural community at large. The JPA provides for the Santa Ynez Water Group, a non-profit entity representing landowners, farmers, and ranchers who rely on groundwater within the Santa Ynez River Groundwater Basin, to solicit applications and submit nominations to the Board for the Agricultural Director and Alternate Director positions. Appointment decisions are made by the director representing the four public agencies of the JPA.

The purpose of this press release is to inform the public of all the Santa Ynez Water Group is now accepting applications for the Agricultural Director and Alternate Director positions on the EMA GSA Board. According to the JPA, to qualify as a candidate for the positions, you must:

- (1) Be an owner or representative of an estate of property located within the boundaries of the EMA GSA and involved in Commercial Agriculture (as defined in the JPA), and which produces at least 2 one-half percent per year of gross revenues from within the boundaries of the EMA GSA to support Commercial Agriculture on said property.
- (2) Be a resident and registered voter within the boundaries of the EMA GSA.
- (3) Not be party to any pending litigation against the EMA GSA other than as a party to a groundwater rights adjudication affecting the EMA GSA (no such adjudication is pending).

Please be aware that the Agricultural Director and Alternate Director positions on the JPA Board are public official positions, where individuals appointed to these positions are subject to the requirements of the Fair Pay Public Records Act, Brown Act, and other applicable public laws and regulations. If you are interested in applying for the Agricultural Director and/or Alternate Director position, please email [EMA@Santaynezwatergroup.com](mailto:EMA@Santaynezwatergroup.com) to receive an application. All applications must be completed and submitted to the Santa Ynez Water Group by 5:00 PM PT on September 23, 2024.

## Lompoc Unified School District

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**NOTICE AND AGENDA OF JOINT SPECIAL MEETING  
OF THE BOARD OF DIRECTORS FOR THE FOLLOWING AGENCIES:**

SANTA YNEZ RIVER VALLEY GROUNDWATER BASIN CENTRAL MANAGEMENT AREA  
GROUNDWATER SUSTAINABILITY AGENCY

AND

SANTA YNEZ RIVER VALLEY GROUNDWATER BASIN EASTERN MANAGEMENT AREA  
GROUNDWATER SUSTAINABILITY AGENCY

AND

SANTA YNEZ RIVER VALLEY GROUNDWATER BASIN WESTERN MANAGEMENT AREA  
GROUNDWATER SUSTAINABILITY AGENCY

**WILL BE HELD ON FRIDAY, SEPTEMBER 6, 2024, AT 10:00 A.M.  
AT BUELLTON CITY COUNCIL CHAMBERS  
140 WEST HIGHWAY 246, BUELLTON, CALIFORNIA**

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EMA GSA Director Brett Marymee will be attending the meeting via teleconference from the following location:  
32001 Railroad Canyon Rd, Canyon Lake, California. Members of the public may join him at that location.

WMA GSA Director Myron Heavin will be attending the meeting via teleconference from the following location:  
2700 Lewis Place, Lompoc, California. Members of the public may join him at that location.

WMA GSA Alternate Director Mike Garner will be attending the meeting via teleconference from the following location:  
2824 Desert Song Drive Bullhead City, Arizona. Members of the public may join him at that location.

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**Optional remote public participation is available via Telephone or ZOOM**

To access the meeting via telephone, please dial: 1-669-900-6833 or via the Web at: <https://us02zoom.us/j/87836281693>  
"Join a Meeting" - Meeting ID: 878 3628 1693 Meeting Passcode: 538074

**\*\*\* 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 or unavailability occurs for any reason the meeting will not be suspended, terminated, or continued. Therefore in-person attendance of the meeting is strongly encouraged.

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**AGENDA OF JOINT SPECIAL MEETING**

1. Call to Order
2. Roll Call
3. Consider Appointment of Moderator to Facilitate Joint GSA Meeting
4. Public Comment (Any member of the public may address the Committees relating to any non-agenda matter within the Committees' jurisdictions. 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 Committees at this meeting on any public comment item.)
5. Update Proposition 68 Grant
6. Discuss Outreach to pumpers of river-alluvium in response to DWR comment on the GSPs

7. Discuss alternative approaches for a coordinated annual report for the basin
8. Discuss Quarterly Basin-wide joint-GSAs schedule of Special Meetings
  - a. Friday, December 6, 2024, 9:00 a.m. – 10:30 a.m.
  - b. Other dates
9. Next GSA Regular Meetings
  - a. WMA: Wednesday, September 25, 2024, at 10:00 a.m. at Vandenberg Village Community Services District, Meeting Room, 3745 Constellation Rd, Lompoc, California
  - b. CMA: (Special Meeting in lieu of Regular Meeting) Tuesday, October 15, 2024, at 10:00 a.m. at Buellton City Council Chambers, 140 West Highway 246, Buellton, California (Cancelled Regular Meeting of Monday, November 18, 2024, due to lack of quorum)
  - c. EMA: Thursday, November 21, 2024, at 6:30 p.m. at Santa Ynez Community Services District Meeting Room, 1070 Faraday Street, Santa Ynez, California
10. GSA Board member reports and requests for future agenda items
11. Adjournment

[This agenda was posted 24 hours prior to the scheduled special meeting at 3669 Sagunto Street, Suite 101, Santa Ynez, California, and SantaYnezWater.org in accordance with Government Code Section 54954. 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.]

**STATE OF CALIFORNIA**  
**STATE WATER RESOURCES CONTROL BOARD**

**ORDER WR 2024-0007**

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In the Matter of the Petition of  
**United States Bureau of Reclamation**  
for Reconsideration of State Water Board Order WR 2019-0148,  
Amending Permits 11308 and 11310 (Applications 11331 and 11332)  
for the Cachuma Project on the Santa Ynez River

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SOURCE: Santa Ynez River

COUNTY: Santa Barbara

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**ORDER DENYING PETITION FOR RECONSIDERATION**

**1.0 INTRODUCTION**

The United States Bureau of Reclamation (Reclamation or Petitioner) petitions the State Water Resources Control Board (State Water Board or Board) for reconsideration of State Water Board Order WR 2019-0148 (Order WR 2019-0148 or Order). The Order, adopted by the Board on September 17, 2019, amends permits 11308 and 11310 (applications 11331 and 11332) (collectively, Permits) for the Cachuma Project on the Santa Ynez River in Santa Barbara County.

Reclamation raises two bases for reconsideration of the Order. First, Reclamation asserts that term 24(a) of the amended Permits (Term 24[a]) is contrary to federal law because Reclamation lacks the authority to conduct a study on options for providing passage around Bradbury Dam for steelhead trout (*Oncorhynchus mykiss*) (steelhead)

without specific authorization from Congress. Second, Reclamation asserts that the Order is contrary to California law because it references and relies on a draft 2016 biological opinion (2016 Draft BO) prepared by the National Marine Fisheries Service (NMFS) that was not admitted into the Order's administrative record for this proceeding.

For the reasons set forth below, the State Water Board has considered the merits of Reclamation's petition for reconsideration and finds that the Order was appropriate and proper. Accordingly, Reclamation's petition is denied.

## **2.0 GROUNDS FOR RECONSIDERATION**

Within 30 days of the adoption of a State Water Board order or decision, any interested person may petition the Board for reconsideration of the order or decision pursuant to Water Code section 1122 and California Code of Regulations, title 23, sections 768 through 770. Such a petition may be brought upon any of the following grounds:

- (a) Irregularity in the proceedings, or any ruling, or abuse of discretion, by which the person was prevented from having a fair hearing;
- (b) The decision or order is not supported by substantial evidence;
- (c) There is relevant evidence which, in the exercise of reasonable diligence, could not have been produced;
- (d) Error in law.

(Cal. Code Regs., tit. 23, § 768.)

The State Water Board may refuse to reconsider a decision or order if the petition for reconsideration fails to raise substantial issues related to the causes for reconsideration set forth in section 768 of the Board's regulations. (Cal. Code Regs., tit. 23, § 770, subd.

(a)(1).) Alternatively, after review of the record, the Board may deny the petition if it finds that the decision or order in question was appropriate and proper, set aside or modify the decision or order, or take other appropriate action. (*Id.*, § 770, subd.

(a)(2)(A)–(C).)

Water Code section 1122 directs the Board to act on a petition for reconsideration no later than 90 days from the date on which the Board adopted the decision or order. If the State Water Board fails to act within 90 days, a petitioner may seek judicial review,

but the Board is not divested of jurisdiction to act upon the petition simply because it failed to complete its review of the petition on time. (State Water Board Order WR 2009-0061 at p. 2, fn. 1; see *California Correctional Peace Officers Ass'n, v. State Personnel Bd.* (1995) 10 Cal.4th 1133, 1147-48, 1150-51; State Water Board Order WQ 98-05-UST at pp. 3-4.)

### **3.0 LEGAL AND FACTUAL BACKGROUND**

#### **3.1 The Cachuma Project**

The Cachuma Project is a water supply project located in Santa Barbara County. Bradbury Dam, formerly Cachuma Dam, impounds water on the Santa Ynez River, forming Cachuma Reservoir. The Santa Ynez River originates in the San Rafael and Santa Ynez Mountains and flows west approximately 90 miles to the Pacific Ocean near Lompoc, California. (Order WR 2019-0148, p. 4, appen. 1, Figure 1.) Bradbury Dam is located approximately 48.7 river miles upstream from the Pacific Ocean. Water from the project is delivered through the Tecolote Tunnel to the south coast region of Santa Barbara County for irrigation, municipal, industrial, and domestic purposes. (United States Department of the Interior (DOI)-1, p. 6.)<sup>1</sup> Reclamation owns all Cachuma Project facilities and operates Bradbury Dam, leaving operation of other project facilities to a joint powers agency formed by the City of Santa Barbara, Goleta Water District, Carpinteria Valley Water District, and the Santa Ynez River Water Conservation District. Reclamation completed construction of the dam in 1953 and the State Water Board's predecessor, the State Water Rights Board, issued water rights permits to Reclamation in 1958.

On August 8, 1983, Reclamation filed a petition for change in place of use and purpose of use to expand the area served with water from the project and add uses under each permit. (DOI-2b.) Reclamation amended the petition in 1995 and 1996. After issuing

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<sup>1</sup> Citations to exhibits submitted by parties to the evidentiary hearings are indicated by the name or abbreviation for the party that submitted the exhibit, followed by the exhibit number and the page number or other location of the cited information in the exhibit, if necessary. For example, here United States Department of the Interior Exhibit 1, page 6 is cited as "(United States Department of the Interior (DOI)-1, p. 6.)"



notice of the amended petition, the State Water Board received six protests in response to the notice. In addition, the California Sportfishing Protection Alliance filed a water right complaint in 1987, which alleged that Reclamation's construction and operation of the Cachuma Project constituted a misuse of water in violation of article X, section 2 of the California Constitution because of the impacts of the project on steelhead trout. Between November 6, 2000, and March 30, 2012, the Board held evidentiary hearings to determine whether to approve Reclamation's change petitions and whether modifications in permit terms and conditions were necessary to protect public trust resources, including steelhead, and water right holders on the Santa Ynez River. The Board adopted its final order on September 17, 2019, conditionally approving Reclamation's change petitions and amending the terms and conditions attached to Reclamation's permits for the Cachuma Project.

### **3.2 Cachuma Project Impacts on Steelhead**

The Southern California steelhead is a distinct population segment of anadromous trout designated as endangered in 1997 under the federal Endangered Species Act (ESA). (16 U.S.C. §§1531-1544; 62 Fed. Reg. 43937 (Aug. 18, 1997).) Historically, the Santa Ynez River probably supported the largest steelhead run in Southern California, with steelhead evolving to spawn and rear in the upper portions of the river above where Bradbury Dam was later built. (National Oceanic and Atmospheric Administration (NOAA)-13, p.6; R.T., Oct. 23, 2003, pp. 583:19-584:10.)<sup>2</sup>

The construction, operation, and maintenance of Bradbury Dam has been and continues to be a leading factor in the degraded condition of steelhead and their habitat in the Santa Ynez River. (Final Environmental Impact Report (FEIR), Vol. III, appen. D, p. 29.)<sup>3</sup> From 1945 to 1991, the Santa Ynez River steelhead run was reduced from an

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<sup>2</sup> Citations to the Reporter's Transcripts are indicated by "R.T.", followed by the date of the transcript, then the beginning page and line number and the ending page and line number. A colon separates page and line numbers. For example, here testimony from the October 23, 2003 hearing beginning on line 19 of page 583 and ending at line 10 of page 584 is cited as "(R.T. Oct 23, 2003, pp. 583:19-584:10.)"

<sup>3</sup> Citations to the 2011 Final Environmental Impact Report include the volume and page number, and may also include additional location information if necessary. For example, here information from page 29 of Appendix D to Volume III is cited as "(Final Environmental Impact Report (FEIR), Vol. III, appen. D, p. 29.)"

estimated population between 13,000 and 25,000 adult fish to a population of only 100 adult fish. (NOAA-12, p. 6.) While construction, operation, and maintenance of Bradbury Dam have all contributed to the decline of the fishery, one of the most significant factors is that the dam itself impedes access to a major portion of the steelhead's historic spawning and rearing habitat upstream of the dam. (NOAA-4, p. 3; FEIR, Vol. III, appen. D, p. 29; California Department of Fish and Game-2, p. 17; Member Units<sup>4</sup>-226, p. 32.)

The mainstem Santa Ynez River and its tributaries upstream of Bradbury Dam provide significantly more potential spawning and rearing habitat for steelhead than is available downstream. During the 2003-2004 Phase 2 evidentiary hearing, NMFS presented evidence that 71 percent of the potential steelhead spawning and rearing habitat is upstream of Bradbury Dam and only 29 percent is available downstream. (NOAA-7A, NOAA-7B, NOAA-7C.) As demonstrated by exhibits submitted by NMFS, there are 43 miles of mainstem steelhead habitat upstream of Bradbury Dam and another 205 miles of habitat on tributaries to the Santa Ynez River located upstream of Bradbury Dam. (NOAA-7A, NOAA-7B, NOAA-7C.) Water temperature and oxygen levels in upper portions of Santa Ynez River watershed are consistently more favorable for steelhead spawning and rearing, while the lower areas of river were historically primarily only used for migration to reach these higher, more suitable portions of the watershed. (FEIR, Vol. II, p. 4.7-22; R.T., Oct. 23, 2003, p. 584:8-584:10.)

Since construction of Bradbury Dam, steelhead spawning and rearing has been limited to areas below the dam where conditions are less suitable. (R.T., October 23, 2003, p. 549:4-549:6.) Without access to the upstream areas for spawning and rearing, the steelhead population in the Santa Ynez River is considered to be extremely vulnerable to extinction because of drought or other climatic phenomena. (*Id.* at p. 584:16-584:21.) One of the critical recovery actions NMFS lists in its Draft Steelhead Recovery Plan is unimpeded volitional migration of steelhead to upstream spawning and rearing habitats. (FEIR, Vol. II, p. 2.0-43.) NMFS emphasized that restoring access to the upper reaches

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<sup>4</sup> The Cachuma Project provides water to the Member Units for irrigation, domestic, municipal, and industrial uses. The Member Units consist of the City of Santa Barbara; Goleta Water District; Montecito Water District; Carpinteria Valley Water District; and the Santa Ynez River Water Conservation District, Improvement District No. 1.

of the Santa Ynez River and tributaries upstream of Bradbury Dam is critical to preserve important life history traits that promote steelhead survival and recovery, such as the capacity to migrate long distances. (*Id.* at p. 2.0-42-44.)

In 2000, the Santa Ynez River Technical Advisory Committee (SYRTAC)<sup>5</sup> prepared initial recommendations related to steelhead passage around Bradbury Dam. (DOI-1f, Vol. II, appen. E, p. E-4-1.) This initial study considered construction of a fish ladder at either Bradbury Dam or Hilton Creek, a bio-engineered fish passage channel, or implementation of trap-and-truck operations to move returning adult steelhead from below the dam into the upper basin and outmigrating smolts from the upper basin to below Bradbury Dam. (*Id.* at pp. E-4-1, E-4-5.) Ultimately, the work group recommended against consideration of a ladder or fish channel, citing cost, technical feasibility, and continuous flow concerns. (*Id.* at pp. E-4-1-E-4-4.) The preliminary study found trap-and-truck operations to be the most feasible method to provide passage for both adults migrating upstream and smolts moving downstream. (*Id.* at pp. E-4-4-E-4-5.) However, the workgroup still anticipated technical and institutional challenges to trap-and-truck operations, including problems with road access to suitable release sites and potential mixing of an endangered species into established recreational fishing areas. (*Id.* at pp. E-4-5-E-4-6.)

The initial study, conducted as an introductory examination rather than a comprehensive and conclusive study, called for continued investigation of opportunities to provide passage for steelhead. (DOI-1f, Vol. II, appen. E, p. E-4-7; see R.T., Oct. 23, 2003, p. 521:8-521:16.) In each of their Phase 2 closing briefs, NMFS and the California Department of Fish and Wildlife (CDFW) also highlighted the need for further study of options for steelhead passage around Bradbury Dam. (CDFW Closing Brief, p. 22; NMFS Closing Brief, pp. 12-13.) Given the importance of fish passage around

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<sup>5</sup> SYRTAC was composed of representatives from California Department of Fish and Wildlife; NMFS; Reclamation; U.S. Forest Service; Natural Resource Conservation Service; CalTrout; Santa Barbara Urban Creeks Council; Central Coast Regional Water Quality Control Board; Central Coast Water Authority; Santa Barbara County Fish and Game Commission; California Coastal Commission; U.S. Fish and Wildlife Service; Cachuma Conservation Release Board; Santa Ynez River Water Conservation District; Santa Ynez River Water Conservation District Improvement District No. 1; Santa Barbara County Water Agency; and the City of Lompoc. (FEIR, Vol. II, pp. 2.0-16-2.0-17.)

Bradbury Dam for the continued survival of the Southern California steelhead, the preliminary nature of previous analysis of the issue, and technological advances made since the 2000 study, the State Water Board's 2019 Order amending Reclamation's permits included a term directing Reclamation to further investigate options for providing passage. (Order WR 2019-0148, pp. 61-62.)

### **3.3 Permit Term 24(a)**

To counteract degradation of the Southern California steelhead population and its habitat, the amended Permits contain a term that requires the study and evaluation of options for steelhead passage around Bradbury Dam. (Order WR 2019-0148, p. 141.)

The State Water Board has broad authority to take measures needed for the protection of fisheries under the public trust doctrine. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419, 426; Cal. Const., art. X, § 2; Wat. Code, §§ 100 & 275.) As discussed in the Order, the Board is obligated to protect public trust resources to the extent feasible and consistent with the public interest. (*National Audubon Society v. Superior Court, supra*, at p. 426.) The public trust doctrine also imposes upon the State Water Board a duty of continuing supervision over the appropriation and use of water even after initial approval of an appropriation. (*Id.* at pp. 446-447.) Thus, in addition to considering the public trust when acting on initial water right applications, the Board has the authority to reconsider the impacts of long-standing diversions on public trust uses when faced with new information or changing needs. (*Ibid.*)

Similarly, the State Water Board has a duty to prevent the wasteful or unreasonable diversion or use of water. A particular use, method of use, or method of diversion may be unreasonable based on its impact on fish, wildlife, or other instream beneficial uses, and what was once found reasonable may become unreasonable as circumstances change. (See *Environmental Defense Fund, Inc. v. East Bay Municipal Utility District* (1980) 26 Cal.3d 183, 194, 200; *Joslin v. Marin Municipal Water Dist.* (1967) 67 Cal.2d 132, 139-140; *Tulare Irr. Dist. v. Lindsay-Strathmore Irr. Dist.* (1935) 3 Cal.2d 489, 567.)

As explained in Order WR 2019-0148, Fish and Game Code section 5937 is a legislative expression of the public trust and reasonable use doctrines. That section requires dam owners to allow sufficient water to pass through a fishway, or in the absence of a fishway to pass over, around, or through a dam, to keep fish below the dam in good condition. (Order WR 2019-0148, p. 23.) In the exercise of its authorities, the Board is also directed to consider legislative policy with respect to prioritizing the protection of threatened or endangered species, particularly anadromous fisheries. (Fish & G. Code, §§ 6901-6902; Fish & G. Code, §§ 2050-2068.)

In furtherance of its duties under California law, the State Water Board may impose fish passage and related requirements as conditions of permits or licenses issued by the Board. In this instance, the Board found that steelhead below Bradbury Dam were not in good condition, due in large part to the limited quantity and quality of habitat below the dam. Accordingly, the Board directed Reclamation to increase releases from the dam to provide additional steelhead rearing and spawning habitat. The Board also required Reclamation to study and evaluate additional measures that may be necessary to restore steelhead to good condition, including options for providing steelhead passage around Bradbury Dam. (Order WR 2019-0148, pp. 54-58, 126-128.) The relevant portion of Term 24(a), as amended by Order WR 2019-0148, provides as follows:

Right holder shall, at a minimum, conduct the following studies to evaluate measures that may be necessary to keep the steelhead fishery in the Santa Ynez River below Bradbury Dam in good condition at the individual, population, and community level and shall be informed by current scientific information on Southern California steelhead recovery, including NMFS' 2012 Final Southern California Steelhead Recovery Plan:

- a. Study and evaluate options for providing steelhead passage of adults and smolts around Bradbury Dam including: fish ladders, locks, elevators, and trap-and-truck operations, including associated collection facilities. The study shall also include, but shall not be limited to, an evaluation of reservoir outlet works, collectors, transport methods, and upstream and downstream release sites. Unless the Deputy Director provides for a variation, the study shall conform to the Santa Ynez River Fish Passage Feasibility Analysis submitted by NMFS (on February 16, 2004) and CDFW (on February 17, 2004) during this proceeding. Right holder shall complete and submit a report on the results of the study to the Deputy Director, CDFW, and NMFS within 24 months from the date of this Order.

(Order WR 2019-0148, p. 141.)

Reclamation has yet to begin work on this passage study.

### **3.4 2016 Draft Biological Opinion**

As stated above, before adopting Order WR 2019-0148, the Board held an evidentiary hearing on several contested issues, including whether to amend Reclamation's Permits to protect public trust resources. The hearing was conducted in accordance with chapter 4.5 of the Administrative Procedure Act (APA) (Gov. Code, §§ 11400-11475.70). After completing the hearing in 2012, the hearing officer closed the evidentiary portion of the record. In 2016 and again in 2019, the Board released draft orders for public review and comment. In comment letters on the draft orders, NMFS advised the Board of developments in the ongoing consultation process between NMFS and Reclamation under section 7 of the ESA (16 U.S.C. § 1536) concerning the impacts of the Cachuma Project on listed species, including steelhead. Specifically, NMFS advised the Board that Reclamation had prepared a revised Biological Assessment in 2013 (2013 BA), and subsequently NMFS had issued the 2016 Draft BO. In Order WR 2019-0148, the Board summarized the comments submitted by NMFS. (Order WR 2019-0148, pp. 35-36.) In addition, although the Board acknowledged that the 2013 BA and 2016 Draft BO were not part of the evidentiary record, the Board identified both documents as sources of current scientific information concerning steelhead recovery, and directed Reclamation to consider them when conducting the studies and preparing the reports required by the order. (*Id.* at pp. 36, 95.)

### **4.0 DISCUSSION**

On October 16, 2019, Reclamation submitted a petition for reconsideration of Order WR 2019-0148. Reclamation asserts that the State Water Board has made two errors in law. First, Reclamation maintains that Term 24(a) is improper because Reclamation does not have authority to conduct the required fish passage study. Second, Petitioner claims that the Board improperly referenced and relied on the 2016 Draft BO because it was not part of the administrative record. Petitioner requests the Board revise Term 24(a) "to be consistent with federal law" and either strike any mention of the 2016 Draft

BO from the final order or hold an evidentiary hearing to consider whether to include the document in the administrative record. (2019-10-16 Reclamation Petition for Reconsideration, p. 4.)

We examine the merits of these contentions below and conclude that the petition for reconsideration should be denied. To the extent that any issue raised in the petition is not addressed in this order, we conclude that the issue is not a substantial issue that merits review. (Cal. Code Regs., tit. 23, § 770, subd. (a)(1).)

#### **4.1 Term 24(a) is a Lawful Exercise of the Board's Regulatory Powers and Does Not Require Reclamation To Act Outside Its Authority**

First, Reclamation contends that it lacks the authority to study and evaluate fish passage above Bradbury Dam absent specific authorization from Congress and, therefore, that Term 24(a) of the amended Permits is contrary to federal law.

Reclamation asserts that Congress was fully aware that Bradbury Dam would block fish passage and that its decision to nevertheless authorize construction without including "any fish and wildlife purpose or features" means that Reclamation lacks the discretion to conduct a passage study. (2019-10-16 Reclamation Petition for Reconsideration, p. 4.) We disagree. Term 24(a) is a lawful exercise of this Board's continuing authority to condition the diversion and use of water of the state and is well within the bounds of the system of cooperative federalism envisioned in the Reclamation Act of 1902.

Reclamation has both the authority and duty to operate Bradbury Dam in a manner consistent with Reclamation laws, California law, and the ESA, and, in this case, Term 24(a) is consistent with all three sources of legal authority.

Section 8 of the Reclamation Act of 1902, codified at 43 U.S.C. section 383, requires that all Reclamation projects be operated in compliance with state laws "relating to the control, appropriation, use, or distribution of water used in irrigation." The United States Supreme Court has confirmed that states may impose conditions on permits issued to the United States for irrigation projects authorized by the Reclamation Act of 1902, going so far as to note that the Act's legislative history "makes it abundantly clear that Congress intended to defer to the substance, as well as the form, of state water law."

(*California v. United States* (1978) 438 U.S. 645, 674-75.) As discussed above, the steelhead passage study required by Term 24(a) is authorized by California's public trust and reasonable use doctrines, as well as the legislative prioritization of protections for anadromous fish and their habitat. (See *National Audubon Society v. Superior Court*, *supra*, 33 Cal.3d at p. 426; Cal. Const., art. X, § 2; Fish & G. Code, §§ 6901-6902; Fish & G. Code, §§ 2050-2068.) Requiring Reclamation to evaluate steelhead passage options was a valid exercise of the Board's continuing supervisory control over state waters under state law.

Application of state water law to a project authorized under the Reclamation Act is valid so long as it is not directly inconsistent with a clear congressional directive. An exercise of historic police powers of the state is assumed not to have been superseded by a federal act "unless that was the clear and manifest purpose of Congress." (*United States v. State Water Resources Control Board* (9th Cir. 1982) 694 F.2d 1171, 1176 [quoting *Ray v. Atlantic Richfield Co.* (1978) 435 U.S. 151, 157].) Further, a state-imposed condition on "the federal management or control of a federally financed water project is valid unless it clashes with express or clearly implied congressional intent or works at cross-purposes with an important federal interest served by the congressional scheme." (*Id.* at p. 1177.) There is no such clash here. Reclamation characterizes the situation as one where it is unable to conduct a passage study unless expressly authorized by Congress to do so. This is not the case. Instead, Reclamation must operate Bradbury Dam in compliance with state law, including abiding by a lawful permit term requiring a fish passage study, unless Congress has expressly prohibited it from doing so.

Likewise, there is no clear and manifest congressional intent to prohibit Reclamation from operating Bradbury Dam in compliance with the ESA. Reclamation maintains that Congress did not authorize construction of Bradbury Dam to include "any fish and wildlife purpose or features." (2019-10-16 Reclamation Petition for Reconsideration, p. 2.) However, the issue is not whether pre-ESA legislation expressly authorized protection of threatened and endangered species, but whether that legislation contains an express requirement that necessarily forecloses Reclamation's compliance with the



ESA. Principles of statutory construction require the authorization of the project to be reconciled with subsequent federal statutes, including the ESA, even if that requires changes to the project to adjust for changes in physical or legal conditions, such as the listing of steelhead as endangered. (See *San Luis Obispo Coastkeeper v. Santa Maria Valley Water Conservation District* (9th Cir. 2022) 49 F.4th 1242, 1247-1249 [holding that there was no irreconcilable conflict between federal legislation authorizing Twitchell Dam and operation of the dam in compliance with the ESA].) Congress's intent in passing the ESA was "to halt and reverse the trend toward species extinction, whatever the cost." (*Tennessee Valley Auth. v. Hill* (1978) 437 U.S. 153, 184.) The ESA serves to "provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, [and] to provide a program for [their] conservation." (16 U.S.C. § 1531(b).) The ESA further defines "conservation" broadly as "the use of all methods and procedures" necessary to allow a species to recover to the point where it is no longer considered endangered. (16 U.S.C. § 1532(3); see *Gifford Pinchot Task Force v. U.S. Fish & Wildlife Serv.* (9th Cir. 2004) 378 F.3d 1059, 1070.) Here, one such procedure especially important to steelhead recovery is the evaluation of potential methods for providing passage around Bradbury Dam. This conclusion was supported by substantial evidence provided by NMFS and CDFW at the hearing. (See Order WR 2019-0184, p. 96.)

Reclamation suggests that Congress preempted the state's requirement that Reclamation investigate fish passage around Bradbury Dam by authorizing the project to be constructed without a fish ladder or other passage facility. This preemption argument fails, as there is no direct conflict between the congressionally authorized purpose of the project to provide relief for the critical water shortages in Santa Barbara County and the investigation of options for fish passage around the dam. The legislative records submitted by Reclamation evince an understanding that the construction of Bradbury Dam as the project was defined and approved would cut off a significant portion of the spawning grounds available on the Santa Ynez River system. (DOI-1b, p. 44.) No evidence suggests, however, that a fundamental purpose of the project was to prevent the passage of fish to the upper portion of the watershed and, as a result, effectively extirpate the native steelhead population. Instead, the understanding that the

dam would block fish passage was based on uncertainty concerning the feasibility of constructing a “functional fishway” over the dam due to its height. (*Id.* at p. 41.) The purpose of the study required by Term 24(a) is to examine and evaluate options for providing steelhead passage around Bradbury Dam. Further, these legislative records, dated November 1947, were written both before the ESA was enacted and before Southern California steelhead were classified as endangered in 1997. (*Id.* at p. 30; 62 Fed. Reg. 43937 (Aug. 18, 1997).) Thus, neither Congress nor the agencies involved in preparing the report submitted to Congress considered the potential need for changes in dam operations to protect steelhead from extinction, let alone concluded that those changes should not even be considered. (See *San Luis Obispo Coastkeeper v. Santa Maria Valley Water*, *supra*, 49 F.4th at p. 1248 [noting that report that evaluated the need for water releases from Twitchell Dam to maintain steelhead did not consider survival of the species, which was listed as endangered decades after dam construction].)

We do not agree with Reclamation that there is an inherent conflict between the operation of Bradbury Dam for purposes of water supply and the investigation of options for fish passage around the dam. A fish passage study would help inform how best to harmonize the water supply benefits of the project with enhancement of habitat for endangered fish species. Such studies are crucial tools that help the Board ensure that California’s waters are administered pursuant to the public trust and reasonable use doctrines. Federal permits and licenses account for approximately 22 percent of surface water rights in California. (*California Farm Bureau Federation v. State Water Resources Control Board* (2011) 51 Cal.4th 421, 429.) Concluding that Reclamation has no authority to conduct studies to inform operation of projects and that it thus cannot be bound by State Water Board permit terms requiring such studies would severely impact California’s ability to protect its fish, wildlife, and water resources. Constraining the authority of Reclamation and the State Water Board in that way would undermine both the Reclamation Act of 1902’s requirement that projects be operated in a manner consistent with state law and Reclamation’s duties under the ESA.

For these reasons, we conclude Term 24(a) is a valid exercise of the State Water Board's permitting authority and does not require Reclamation to act in a manner inconsistent with federal law.

#### **4.2 Term 24(a) Does Not Require Reclamation to Conduct a "Feasibility Report Under Reclamation Law"**

As part of its argument that Term 24(a) is contrary to federal law, Petitioner also asserts that it cannot study or evaluate options for providing steelhead passage of adults and smolts around Bradbury Dam because of explicit language found in Section 8 of the Federal Water Project Recreation Act, codified as 16 U.S.C. § 460I-19. Section 460I-19 of title 16, United States Code directs, in pertinent part, that:

Effective on and after July 1, 1966, neither the Secretary of the Interior nor any bureau nor any person acting under his authority shall engage in the preparation of any feasibility report under reclamation law with respect to any water resource project unless the preparation of such feasibility report has been specifically authorized by law, any other provision of law to the contrary notwithstanding.

The relevant code defines the term "feasibility report" to mean "any report of the scope required by the Congress when formally considering authorization of the project of which the report treats." (16 U.S.C. § 460I-21(d).) Prior to approval of a new project or a supplement to a project, the Reclamation Act requires the Secretary of the Interior to submit a report to the President and to Congress that includes specific findings on the engineering feasibility of the construction, its estimated cost, and how the cost might be recouped. (43 U.S.C. § 485h(a).) Production of this feasibility report is a significant step towards final approval of any project. If the feasibility report includes findings by the Secretary that the proposed project meets certain conditions, the project is deemed authorized and may be undertaken by the Secretary without further review or authorization by Congress. (*Ibid.*) Congress retains control over spending under the federal Reclamation laws by requiring advance approval of feasibility studies to inform final feasibility reports. In some instances, authorization of the preparation of a feasibility report is the last opportunity for Congress to control the funding of a project.

The report to be produced pursuant to Term 24(a) of the Permits does not constitute a “feasibility report under reclamation law.” The report is not required to include the elements, nor would it carry the legal weight, of a “feasibility report” as defined by the Federal Water Project Recreation Act. Reclamation may be required to eventually produce a feasibility report pursuant to section 460I-19 prior to the expenditure of any funds for the construction of a project identified through the fish passage study required by Term 24(a). (But see 16 U.S.C. § 460I-18 [authorizing the Secretary of Interior to investigate, construct, operate, and maintain fish and wildlife enhancement facilities]; 16 U.S.C. § 662(c) [authorizing Federal agencies that construct or operate water-control projects to modify or add to the structures and operations of such projects for conservation of wildlife resources].) Term 24(a) does not itself require the production of any such detailed report, however. The passage study required by Term 24(a) is intended to develop possible options and assess the relative costs and benefits as a precursor to a more detailed and focused investigation of a specific project alternative proposed for final approval. This does not amount to a feasibility report.

Thus, the steelhead passage study does not require Reclamation to violate section 460I-19 by preparing a feasibility report without prior Congressional authorization. Moreover, Term 24(a) is consistent with other provisions of the Federal Water Project Recreation Act. In particular, section 460I-18 of title 16 of the United States Code authorizes the Secretary of the Interior, in conjunction with reservoirs constructed pursuant to federal reclamation laws, “to investigate, plan, construct, operate and maintain, or otherwise provide for public outdoor recreation and fish and wildlife enhancement facilities . . . in a manner coordinated with other project purposes.” Further, the study required by Term 24(a) will help inform how best to operate Bradbury Dam pursuant to section 460I-12, which requires, in pertinent part, that full consideration be given to opportunities “for fish and wildlife enhancement and that, wherever any such project can reasonably serve either or both of these purposes consistently with the provisions of this part, it shall be constructed, operated, and maintained accordingly.” Therefore, not only does Term 24(a) not violate federal law, but it also helps Reclamation meet Congressional goals for ensuring water reclamation projects are operated with proper consideration for fish enhancement opportunities.

For the reasons discussed above, Term 24(a) is a proper exercise of the Board's permitting authority and is not outside the limits of Reclamation's authority.

#### **4.3 The Board Referenced the 2016 Draft Biological Order as an Example of Current Science, Not as a Basis for Findings of Fact**

Reclamation's second contention is that the State Water Board committed an error in law by referring to the existence of the 2016 Draft BO and including quotes from one of the comment letters submitted by NMFS. Reclamation also objects to language in the Order that states the 2013 BA and the 2016 Draft BO prepared by NMFS "could be used as sources of information to inform submittals required by this order" and a requirement that it conduct a flow study, "taking into consideration the 2013 Biological Assessment with any amendments and the 2016 Draft Biological Opinion so comparable data will be available to evaluate the changes resulting from the flow regime." (Order WR 2019-0148, pp. 36, 95.) Petitioner also protests the inclusion of a NMFS employee's statement that the 2016 Draft BO relies on the "best scientific and commercial data available." (Order WR 2019-0148, p. 92 n. 61.)

Reclamation asserts that these references violate Government Code section 11425.50, subdivision (c), which requires that final orders issued by the Board be based "exclusively on the evidence of record in the proceeding and on matters officially noticed in the proceeding." Reclamation also cites Government Code section 11425.10, subdivision (a)(1), which provides for the opportunity to present and rebut evidence in an evidentiary hearing, in support of the argument that the Board must hold a hearing to allow participants to present evidence on whether the 2016 Draft BO should be admitted into evidence or, alternatively, that any references to the 2016 Draft BO must be stricken from the Order and the document should not be considered part of the record.

Petitioner's arguments lack merit because the Board did not rely on the 2013 BA or the 2016 Draft BO to support any findings concerning contested issues of fact. The purpose of an evidentiary hearing under chapter 4.5 of the APA is to determine disputed factual issues material to an agency's decision. (See Gov. Code, § 11410.10; see also *Connecticut Dept. of Public Safety v. Doe* (2003) 538 U.S. 1, 7 [due process does not

require a hearing where no material issues of fact exist].) In an adjudicative proceeding required to be conducted pursuant to the APA, the evidentiary record developed through the hearing process is the exclusive basis for any factual determinations that support the agency's decision. In its entirety, the first sentence of subdivision (c) of Government Code section 11425.50 sets forth that "[t]he statement of the *factual basis* for the decision shall be based exclusively on the evidence of record in the proceeding and on matters officially noticed in the proceeding." (Italics added.) Consistent with this limitation, an agency may consider information outside the evidentiary record, provided that the agency does not consider the information as evidence that has a bearing on any of the disputed factual issues material to the agency's decision. (*Mathew Zaheri Corp. v. New Motor Vehicle Bd.* (1997) 55 Cal.App.4th 1305, 1313-1314, 1319-1320; *Guilbert v. Regents of University of California* (1979) 93 Cal.App.3d 233, 242-243.)

Here, the Board did not rely on the 2013 BA or the 2016 Draft BO to support any findings of fact concerning any of the contested key hearing issues that were the basis for the Board's Order. Rather, the Order mentioned the 2013 BA and the 2016 Draft BO, which was prepared by an agency with undisputed scientific expertise in evaluating the condition of fish species, as examples of the type of "current scientific information on Southern California steelhead" that Reclamation should consider when evaluating measures to keep the steelhead fishery in good condition. (Order WR 2019-0148, p. 95.) For this limited purpose, there was no need to hold a hearing to determine whether the 2016 Draft BO should be admitted into evidence as an exhibit.

It is important to note that comment letters from hearing participants are part of the larger administrative record, even though they do not constitute evidence and are not part of the evidentiary portion of the administrative record. Accordingly, the Board is free to describe parties' statements contained in comment letters. Regarding Petitioner's objection to the reference to the 2016 Draft BO contained in note 61 on page 92 of the Order in particular, that reference clearly indicates that NMFS, not the Board, has stated that "the analyses and conclusions of the most recent 2016 draft biological opinion rely on the best scientific and commercial data available." (Order WR 2019-0148, p. 92, n. 61 [referring to NMFS May 28, 2019 Revised Draft Order comment letter].) This is not

a finding concerning the value of the 2016 Draft BO as evidence, or an improper reference drawing from outside the administrative record, and need not be stricken from the Order.

In sum, the Board did not rely on the 2016 Draft BO to support any findings on contested factual issues, and did not make an error in law by referring to the 2016 Draft BO. The Board therefore concludes it is not necessary to remove these references from the Order.

## **5.0 CONCLUSION**

In its petition for reconsideration, Reclamation claims that Order WR 2019-0148 must be revised to correct two errors in law made by the Board. As discussed above, this is not the case. First, Term 24(a) is a lawful permit term and Reclamation possesses the authority to conduct the required passage study. The passage study is not a "feasibility report under reclamation law" requiring prior congressional approval. Second, the Board did not rely upon the 2016 Draft BO to support any findings on a contested issue of fact, and thus was not required to hold a hearing to consider whether to add the 2016 draft BO to the evidentiary portion of the administrative record. The Board merely referenced the NMFS document as an example of the type of current scientific information that Reclamation should consider when conducting required studies. The Board therefore finds that the challenged portions of Order WR 2019-0148 are appropriate and proper. Accordingly, Reclamation's petition for reconsideration is denied.

## **ORDER**

**IT IS HEREBY ORDERED** that:

Order WR 2019-0148 is affirmed and the U.S. Bureau of Reclamation's (Reclamation) petition for reconsideration is denied. Reclamation is ordered to comply with Term 24(a) and to complete and submit the required fish passage study report to the Deputy Director of the State Water Resources Control Board's Division of Water Rights, the California Department of Fish and Wildlife (CDFW), and National Marine Fisheries Service (NMFS) no later than twenty-four months after the date this reconsideration

order is adopted.<sup>6</sup> Within three months of adoption of this reconsideration order, Reclamation is further ordered to submit as an addendum to its Term 20 report a study plan for conducting the Term 24(a) fish passage study. Finally, beginning October 15, 2024, until it has completed and submitted the required fish passage study report, Reclamation is ordered to provide quarterly updates to the Deputy Director detailing its progress towards compliance with Term 24(a).

### CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on June 18, 2024.

AYE: Chair E. Joaquin Esquivel  
Vice Chair Dorene D'Adamo  
Board Member Sean Maguire  
Board Member Laurel Firestone  
Board Member Nichole Morgan

NAY: None

ABSENT: None

ABSTAIN: None

  
Courtney Tyler  
Clerk to the Board

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<sup>6</sup> Though the Board did not elect to pursue enforcement action against Reclamation, the Board notes that Reclamation has been out of compliance with Term 24(a) since September 17, 2021, as Reclamation failed to submit the required fish passage study report within the twenty-four-month submission deadline established in the 2019 Order. The requirements and deadlines set forth in the 2019 Order were not stayed when Reclamation filed its petition for reconsideration on October 16, 2019.



# **Drought orders lifted for most Californians**

Newsom ends emergency  
declaration in 19 of 58  
counties

Sep 4, 2024

# Governor Newsom adapts state's drought response to changing conditions, continues action to support recovery and build resilience

**What you need to know:** The Governor today ended the drought state of emergency in 19 counties where conditions have improved significantly, maintaining it in the remaining 39 counties to address continued impacts to local water supplies and facilitate ongoing recovery. Additional action today rolls back certain provisions of prior drought- and flood-related executive orders that are no longer necessary under current conditions.

SACRAMENTO – With California’s water year drawing to a close later this month, Governor Gavin Newsom today took action to adapt the state’s response to the historic drought and flooding that Californians have experienced in recent years.

In response to improved water conditions following two wet winters, the Governor ended the drought state of emergency in 19 counties while maintaining it in the remaining 39 counties where it continues to support long-term recovery from the three driest years on record.

This action builds on the rollback of some drought emergency provisions in March *last year* and is in keeping with how the state entered the drought state of emergency in phases by region.

The Governor also rescinded certain provisions of prior executive orders related both to the drought and to flooding caused by 2023’s late winter storms which are no longer necessary under current conditions. As California grapples with more extreme cycles of wet and dry, the state remains ready to respond to changing water conditions.

**“As this week’s weather makes clear, California and the West experience extreme weather swings that exacerbate our water challenges and make it more important than ever that we build a climate-resilient water system. This targeted action is responsive to current conditions while continuing the tools and support for work underway to help future-proof water supplies in the most impacted communities.”**

Governor Gavin Newsom

The Governor has terminated the drought state of emergency in 19 coastal and desert counties that are collectively home to 70% of the state’s population: Imperial, Inyo, Los Angeles, Marin, Mendocino, Mono,

Monterey, Orange, Riverside, San Bernardino, San Diego, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Sonoma, and Ventura counties. A copy of the proclamation terminating the drought state of emergency in these counties can be found [here](#).

The state of emergency remains in effect in California's remaining 39 counties, where significant impacts from the multi-year drought – including depleted groundwater supplies, domestic well failures and harm to native fish – persist in the Sacramento and San Joaquin River basins, the Tulare Lake basin, the Scott, Shasta and Klamath River watersheds, and the Clear Lake watershed.

The executive order rolling back several provisions of prior drought- and flood-related executive orders further narrows the drought state of emergency in the 39 counties where it remains in effect, while also rescinding orders related to flooding following the 2023 winter storms in 53 counties. The executive order rescinds provisions that are no longer necessary to respond to those emergencies without disrupting state agencies' legal authority and funding to continue expedited work to improve access to clean drinking water and ongoing drought resilience planning work. A copy of the executive order can be found [here](#).

As California approaches the beginning of a new water year, the state remains ready to respond to changing water conditions, including the potential return of dry conditions. With estimates that **hotter, drier conditions could reduce California's water supply by up to 10% by the year 2040**, the state is implementing an all-of-the-above approach to safeguard and boost water supplies as outlined in the [California Water Plan, Water Supply Strategy and Water Resilience Portfolio](#). Leveraging historic state and federal funding, California is:

- **Advancing clear, ambitious targets** to build drought and flood resilience, including increasing annual groundwater recharge capacity by 500,000 acre-feet
- **Fast-tracking groundwater recharge** efforts by streamlining permits
- **Maximizing stormwater capture** through new projects
- **Supporting reservoir repair and expansion** to boost water storage above and below ground
- **Modernizing water conveyance infrastructure** across the state, including the Delta Conveyance Project

# Monthly Briefing

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

## The High Price of Food is now an Election Issue

A survey conducted in July 2024 found that the most important issue for 25 percent of Americans in this election year was inflation and prices. Food prices have increased more than 20 percent over the last four years, making the issue a key political talking point in the presidential matchup that will be decided in November, according to POLITICO and other D.C. media outlets.

Democratic nominee Kamala Harris catalyzed those concerns in a pitch she made to crackdown on "price gouging" in the days leading up to the Democratic National Convention held in Chicago last month.

"My plan will include new penalties for opportunistic companies that exploit crises and break the rules, and we will support smaller food businesses that are trying to play by the rules and get ahead," she said.

Republican presidential Candidate Donald Trump immediately hammered the proposal and claimed that the high food prices were a result of the policies of the Biden-Harris Administration.

"She says she's going to lower the cost of food and housing starting on Day One," he said at a campaign rally in



**Democratic nominee Kamala Harris :** *"My plan will include new penalties for opportunistic companies that exploit crises and break the rules, and we will support smaller food businesses that are trying to play by the rules and get ahead."*

Pennsylvania. "But Day One for Kamala was three-and-a-half years ago...this announcement is an admission that her economic policies have totally failed."

### Is "Price Gouging" Really a Thing?

Food industry leaders expressed outrage over the proposal and questioned whether "price gouging" is even happening. Outside of extreme examples—such as the pharmaceutical industry raising the price of a decades-old drug used to treat AIDS patients by an order of magnitude in 2015—identifying price gouging, and crafting policies against it, can be difficult (*Wall Street Journal*).

Industry leaders argue that the rise in prices has to do with supply chain impacts triggered by the pandemic, the extraordinary amount of government money dumped into the economy during the pandemic, and increased demand.

"The proposal calling for a ban on grocery price gouging is a solution in search of a problem," said Greg Ferrara, president and CEO of the National Grocers Association, in a

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## “Price Gouging” Becomes an Election Issue (Cont’d from Page 1)

statement. “Our independent grocers, already operating on extremely thin margins, are hurting from the same inflationary pressure points as their customers.”

The *Wall Street Journal* recently reported that surveys conducted by Harvard University economist Stefanie Stantcheva show that many people—Democrats in particular—believe that corporate greed is to blame for inflation. Kamala Harris’ proposal matches the intent of a bill from Democratic Sens. Elizabeth Warren (D-Mass.), Bob Casey (D-Pa.) and Tammy Baldwin (D-Wis.). Senator Warren went after food corporations at an oversight hearing conducted last May.

“In too many places, grocery prices continue to strain family budgets,” Senator Warren, who chairs the Senate Banking Subcommittee on Economic Policy said in her opening statement at the hearing.

“So what’s going on?” she asked at the hearing. “Why did grocery prices go up so much, and why have they stayed high? The answer is pretty obvious when you dig in on the numbers: Grocery prices are up because of good old-fashioned corporate price gouging.”

On August 5, Senators Warren and Casey penned a letter to the CEO of Kroger which provides another example of how the notion of “price gouging” on food is being leveraged. This time, Kroger’s adoption and use of Electronic Shelving Labels was questioned by the Senators as a means for Kroger and other grocery chains to transition to “dynamic pricing,” allowing stores to calibrate price increases to “extract maximum profits”.

“[E]veryday Americans still struggle to put food on the table because giant corporations, facing little competition, can force customers to pay too much for essential grocery items while they further increase their profits,” the senators wrote.

The letter was then distributed widely on sites like Reddit, which likely helped to prime the pump on this issue a week before candidate Kamela Harris publicly teed it up.

### Alliance Efforts to Raise Awareness on the Issue

The prolonged Western drought that ended in many parts of the West last year coincided with Americans facing rising food costs and world leaders increasingly voicing their fears of looming global famine. Meanwhile, the federal government’s policies were withholding water from food and fiber producers in places like the Central Valley, Central Oregon and the Klamath Basin.

Family Farm Alliance leaders in their February 2022 internal meetings at their annual conference in Reno traded stories about how arguments in support of Western irrigated agriculture have in recent years been drowned in a flood of commentary from faraway critics who downplay and even criticize the importance of using water to produce affordable and safe food and fiber.

Driven by concerns with rising food prices and the Russian invasion of Ukraine, the Alliance Board directed contractors to work with others in an effort to improve commu-

nications on what rising inflation and the Ukraine crisis means to American consumers.

“For the past two years, we have worked to educate the public, the media and policymakers on linkage between the war in Ukraine, severe drought conditions in the Western U.S., significantly inflated food costs, global supply chain challenges, and a looming global famine,” said Alliance Executive Director Dan Keppen.

Last month, Mr. Keppen and Mike Wade (California Farm Water Coalition Executive Director) presented a tag-team, “TedTalks” style program to over 400 attendees at the summer meeting of the Colorado Water Congress in Colorado Springs.

Mr. Wade explained that in 2005, Americans paid about 6.2% of their disposable income on food and non-alcoholic beverages. Globally, people paid roughly 10.2% on the same products.

The U.S. average is now 11.2%, up 10.3% from last year. “Less domestic food production means more global competition and higher prices for American consumers,” he said.

Mr. Wade and Mr. Keppen explained that, for the past three years, Americans have witnessed the highest grocery store food boosts since 1980. In Mr. Keppen’s view, the higher prices are driven by three general factors.

First, Putin’s invasion of Ukraine in 2022 decreased and destabilized worldwide agricultural commodity production and availability. This contributed to more scarce and higher priced food already impacted by the energy and supply chain crises caused by the pandemic.

Mr. Keppen detailed how higher input costs for farmers are translating into higher prices on the grocery shelves. Four years after the COVID-19 pandemic began, supply chain disruptions and labor shortages continue to drive up costs for farmers. According to the United States Department of Agriculture, input costs, including fertilizer, fuel, land, machinery, and labor, have increased by 28% since 2020, totaling more than \$100 billion.

Costs are predicted to decrease in 2024, but minimally. This year is expected to have the third-highest input costs in history, behind only 2022 and 2023.

“The rising cost of inputs puts smaller farmers at risk of not being able to afford critical supplies or make a profit for the year,” said Mr. Keppen. “Rising costs also restrict American farmers’ ability to compete against global competition, threatening our food security and bringing higher costs to consumers.”

Mr. Wade and Mr. Keppen both underscored the importance of protecting the food production capacity provided by Western irrigated agriculture.

“Western agriculture cannot simply be moved elsewhere,” Mr. Wade told the audience in Colorado Springs. “Vanishing farms harm families, habitat, local jobs, community security and the food production Americans depend on.”

“There has never been a more important time than now to have Western farms producing at capacity,” Mr. Keppen concluded.

## Alliance Welcomes USDA's New Water Savings Commodity Program

The Family Farm Alliance last month welcomed the U.S. Department of Agriculture's (USDA's) announcement of \$400 million to address drought through investments at the irrigation district scale in 12 states across the American West.

The new "Water Savings Commodities" program will invest up to \$400 million from the Commodity Credit Corporation (CCC) in an effort that will help farmers produce commodities during drought through increased water efficiency. This critical funding adds to recent and ongoing drought funding announcements from the Bureau of Reclamation and other agencies that together will create more drought resilient farms and ranches in the West.

"We welcome USDA's announcement, which will benefit many of our members who need this funding," said Alliance Executive Director Dan Keppen (OREGON). "Our long-held philosophy is that the best solutions to local water resources challenges come from the locals themselves. Irrigation districts are governed by the farmers and ranchers they serve. Putting those districts in the driver's seat to work with USDA will in turn allow the districts to work with their producers to determine the best specific strategies for water conservation."

USDA is targeting a reduction of up to 50,000 acre-feet of water across more than 250,000 acres of Western irrigated land in production. USDA has selected 18 irrigation districts in 12 Western states based on several commodity production and water management related criteria (working with the Bureau of Reclamation) in order to maximize the ability to achieve program objectives.

A list of the districts selected by USDA to participate in the program is shown in the inset box on this page.

"Congratulations to all of those districts who have been selected to participate in this exciting program," said Alliance President Paul Orme (ARIZONA). "I'm hopeful that the locally driven solutions that come out of this process can be leveraged to demonstrate the need to prioritize additional, related work in the future."

Over half of the irrigation districts selected to participate belong to the Family Farm Alliance, including Glenn-Colusa Irrigation District (GCID), which serves water to farmers in California's Sacramento Valley.

"GCID is extremely excited about the opportunity to partner with USDA to pursue the timely and important water conservation efforts and investments supported by the USDA Water-Saving Commodities Program," said GCID general manager Jeff Sutton. "This Program is consistent with the goals of the District, and will serve to greatly improve water use efficiency, while sustaining our regional agricultural economy, an increasingly important focus in light of the recent droughts experienced throughout the West."

The Alliance was also grateful to the Members of Congress representing Western states who urged the Biden administration in a letter last April to make further investments to address long-term drought in the American West.

"Family farmers, water users, and communities across the American West are facing the effects of a 1200-year drought and a changing climate. This is a five-alarm fire, and Washington ought to treat it that way," said Senator Michael Bennet (D-COLORADO).

"With this investment, the Biden administration answered our call to bring resources to bear that will help producers innovate and become more resilient to drought. I'm grateful for Secretary Vilsack's leadership in delivering this relief for Colorado and the West."

### Water Savings Commodity Program Participants

USDA has selected 18 irrigation districts in 12 Western states based on several commodity production and water management related criteria (working with Reclamation) in order to maximize the ability to achieve program objectives.

Here's the list of the districts selected by USDA to participate:

- Black Canyon Irrigation District (ID)
- Brooklyn Canal Company (UT)
- Central Oregon Irrigation District
- Central Arizona Irrigation and Drainage District
- Corcoran Irrigation District (CA)
- East Columbia Irrigation District (WA)
- Elephant Butte Irrigation District (NM)
- Glenn – Colusa Irrigation District (CA)
- Greybull Valley Irrigation District (WY)
- Hidalgo & Cameron Counties Irrigation District 9 (TX)
- Huntley Project Irrigation District (MT)
- Imperial Irrigation District (CA)
- Maricopa–Stanfield Irrigation and Drainage District (AZ)
- Palisade Irrigation District (CO)
- Quincy Columbia Basin Irrigation District (WA)
- Solano Irrigation District (CA)
- Sutter Mutual Water Company (CA)
- Truckee-Carson Irrigation District (NV)

\$40 million (from within the \$400 million pot) will be set aside for tribal communities and acequias. USDA will coordinate with the Bureau of Indian Affairs on the use of those dollars.

## WRDA Bill Heads to Conference after Senate Vote

Just before the August recess, the Senate passed the Thomas R. Carper Water Resources Development Act (WRDA), S. 4367, by unanimous consent, authorizing Army Corps of Engineers (Corps) water resources policies, studies and projects nationwide.

This biennial legislation enjoys bipartisan support. The House had previously passed its version (H.R. 8812) in late July. Both chambers will now enter a conference committee to reconcile their versions.

“Congressional leaders aim to finalize the bill by October,” said Mark Limbaugh, with The Ferguson Group, the Family Farm Alliance’s voice in Washington, D.C.

The Senate’s bill, named after retiring Senator Tom Carper (D-DE), mandates the Corps to initiate 13 construction projects to mitigate storm damage and enhance navigation, alongside 83 feasibility studies addressing diverse water challenges.

Notable projects include flood risk reduction in the Washington metro area, flood resilience on Staten Island, and wetland restoration in Arizona.

Key policy provisions, among others, include improving the Corps’ project evaluation and communication processes,

managing dam operations for drought response, and developing climate-related models. Additionally, the bill addresses invasive species control and aims to expedite the completion of delayed projects.

Section 121 of the House version is based on legislation sponsored by Congresswoman Grace Napolitano (D-CALIFORNIA) that would establish water supply as one of the core missions of the Corps Civil Works Program.

“The bill for the first time makes water supply a primary mission of the Corps,” Rep. Napolitano said on the floor of the House in July. “I want to thank Representative LaMalfa for joining me in authoring this important provision, as we have seen the need for the Corps to play a bigger role in water supply with local communities, especially in drought prone regions such as the West.”

Section 121 would enhance work already underway to provide water supply and help prepare states, communities, and regions for future water supply challenges brought on by growing populations and climate variability. It specifically stipulates that it will not affect state water allocation or management, Corps authority under section 6 of the Flood Control Act of 1944, or section 301 of the Water Supply Act of 1958.

## Reclamation to Host B2E Webinar on September 6

The Department of the Interior in July announced funding for ecosystem and habitat restoration projects in the Upper Colorado River Basin that address impacts caused by drought.

These funds will help increase community and landscape resiliency while restoring habitats and assisting in species recovery.

They are made available through the Bureau of Reclamation (Reclamation) from the Inflation Reduction Act (IRA) for use in the Upper Basin.

“This phase of funding will deliver crucial environmental benefits, driving long-term conservation efforts and mitigating drought severity in each Upper Basin State,” said Reclamation Commissioner Camille Calimlim Touton.

“Reclamation will continue to work collaboratively with stakeholders to leverage this once-in-a-generation investment from the Biden-Harris administration to benefit ecosystem health and water resources.”

As phase one of the Upper Colorado River Basin System Conservation and Efficiency Program closes its current opportunities for funding under the System Conservation Pilot Program, phase two is taking shape.

The second phase is known as “Bucket 2” and will utilize the remaining \$450 million of IRA funding dedicated to address water issues in the Upper Colorado River Basin.

The Bucket 2 program is organized into two components.

The “Bucket 2 Environmental Drought Mitigation” or “B2E” component of phase two provides funding to public

entities and tribes for projects that provide general environmental benefits or ecosystem/habitat restoration benefits that address issues directly caused by drought.

The Request for Applications under the title, “Upper Basin Environmental Drought Mitigation (B2E)” opened July 22 and will remain open until October 14.

The other component of phase two, known “Bucket 2 Water Conservation” or “B2W,” will aim to identify and fund projects that achieve verifiable, multi-year reductions in use of or demand for water supplies.

The B2W component is still in development and a funding opportunity is expected to be announced later this year.

Reclamation will host an information webinar for B2E funding opportunities on Friday, September 6 from 1:00 to 2:00 p.m. (Mountain time).

During the webinar you will hear from Reclamation leaders and program administrators who will describe the program and host a question and answer period for attendees.

For information and a direct link to the webinar, go to [www.usbr.gov/uc/progact/SystemConservation/index.html](http://www.usbr.gov/uc/progact/SystemConservation/index.html).

More detailed information for applicants, including eligibility and evaluation criteria and how to apply can be found at the Upper Colorado River Basin System Conservation and Efficiency Program website.

Applications for projects will be accepted through October 14, 2024.



## Roll out the Barrels...of Federal Cash

The months leading up to election day are typically seen by whoever is occupying the White House as an opportunity to showcase the accomplishments of the administration over the previous three years.

This summer, dozens of events have been staged by leaders in the Biden-Harris Administration, who have distributed hundreds of millions of dollars of funding provided by massive spending bills passed by Congress in 2021 and 2022 (*see related story – “Biden Administration Spreads Funds Across the West” – in the June 2024 edition of the “Monthly Briefing”*).

A good portion of those dollars will benefit purveyors of water to Western irrigated agriculture communities.

President Biden signed the Infrastructure Investment and Jobs Act (IIJA) into law in 2021, which provides a total of \$8.3 billion to the Bureau of Reclamation (Reclamation) over five years for water infrastructure projects, including rural water, water storage, conservation and conveyance, nature-based solutions, dam safety, water purification and reuse, and desalination.

Since the IIJA was signed in November 2021, Reclamation has announced more than \$4.1 billion for more than 537 projects.

Less than one year after the IIJA was signed into law, President Biden on August 16, 2022 signed the \$459 billion Inflation Reduction Act (IRA) – a massive health care, climate and tax bill – into law.

Senator Kyrsten Sinema (D-ARIZONA) was the key vote on the IRA in the Senate, where she helped secure \$4 billion of funding for Reclamation, intended to address the Western drought crisis. Among other provisions, the legislation provided \$20 billion to the U.S. Department of Agriculture (USDA) to provide farmers and ranchers climate-smart agriculture tools they need to address the climate crisis.

The Family Farm Alliance was part of a five-organization steering committee that led over 220 water and agriculture organizations who played a critical role in securing the IIJA and IRA funding for Western water infrastructure and drought mitigation efforts.

“Both the IIJA and IRA laws collectively provided a once in a generation level of federal funding to support water infrastructure and drought needs in the West,” said Alliance Executive Director Dan Keppen.

August was marked by several IIJA and IRA funding announcements by Reclamation and IRA investments by USDA. Other important IIJA and IRA funding investments are being made in the Colorado River Basin (*see related stories on Pages 4 and 8*).

### USDA Marks Two-Year Anniversary of IRA

Last month marked the two-year anniversary of the IRA being signed into law, and USDA used the occasion to highlight how that funding has increased access to lower-cost clean energy, and climate-smart agriculture and conservation while creating good paying jobs.

“Through the Inflation Reduction Act, the Biden-Harris Administration ushered in a new era of innovation, prosperity for rural communities, and climate preparedness,” said Agriculture Secretary Tom Vilsack.

The IRA provided unprecedented funding available for USDA conservation, forestry and climate-smart agriculture programs.

For Fiscal Year 2023, USDA’s Natural Resources Conservation Service (NRCS) released data showing an investment of over \$2.8 billion in financial assistance for conservation and supported more than 45,000 contracts. The agency released state-by-state data showing where investments went in FY23 for Farm Bill and IRA funding.

For Fiscal Year 2024, which began October 1, 2023, the IRA provided \$1.65 billion for the Environmental Quality Incentives Program, \$754 million for the Regional Conservation Partnership Program, and \$472 million for the Conservation Stewardship Program.

NRCS also announced \$90 million for 53 Conservation Innovation Grant projects to support the development and adoption of new tools, practices and technologies to further natural resource conservation and improve agricultural operations on private lands, including targeted projects to address enteric methane. The agency also invested \$138 million for new climate-smart conservation easements that farmers and ranchers use to conserve wetlands, grasslands and prime farmlands through the Agricultural Conservation Easement Program.

The IRA included \$300 million to improve measurement, monitoring, reporting and verification of greenhouse gas emissions and carbon sequestration in climate-smart agriculture and forestry.

Building on the investments made in the IIJA, the IRA also made \$4.9 billion in additional funding available to the Forest Service to protect communities from wildfire and invest in climate smart forestry. For example, the IRA provided \$1.2 billion to reduce hazardous fuels and wildfire risk to communities, critical infrastructure, and natural resources across the country. Another \$170 million is provided to help conserve private forest lands.

“The historic resources it provided have helped USDA meaningfully improve the lives of every American by lowering energy costs, reducing wildfire risk, and bringing more farmers into our high-demand conservation programs, and more,” said Secretary Vilsack.

### USDA Seeks to Create an “Equitable Agricultural Future”

The Biden-Harris Administration on July 31 announced it had issued payments to eligible applicants under the IRA’s Discrimination Financial Assistance Program (DFAP). USDA provided \$2.4 billion to over 43,800 distressed direct and guaranteed Farm Service Agency (FSA) loan borrowers, helping them reach long-term stability and operate successful, thriving agricultural businesses.

*Continued on Page 6*

## USDA Marks 2-Year Anniversary of IRA (Cont'd from Pg 5)

USDA also announced it would provide \$2 billion to 43,000 farmers, ranchers, and forest landowners who “experienced discrimination” in USDA farm lending programs prior to January 2021.

“I am pleased that today the USDA announced that this financial assistance has been disbursed to Black farmers and other farmers who were victims of USDA discrimination,” said Senator Cory Booker (D-NJ). “This money will be a lifeline to farmers and ranchers across the country who in the past have been unfairly denied access to USDA lending and safety net programs.”

### Reclamation IRA Funding for Drought Resilience

Reclamation last month announced the availability of over \$55 million in funding to help make water supplies in Western communities more resilient to the impacts of drought and climate change. The funding comes from the IRA and annual appropriations.

“During these hot summer months, we see the impacts of drought intensify through much of the West emphasizing the importance of implementing drought resiliency projects,” said Reclamation Commissioner Camille Calimlim Touton.

This drought resilience funding will support a variety of projects designed to bolster water management flexibility and reliability. Projects include developing new infrastructure, upgrading existing infrastructure, recharging aquifers, advancing water recycling and treatment, strengthening innovative technologies to address water scarcity challenges for water users, and constructing domestic water supply projects that benefit Tribes and disadvantaged communities.

This opportunity builds on the Department’s May announcement of \$147 million to help communities prepare and respond to water reliability challenges due to drought and other water scarcity concerns.

Learn more about this opportunity, which will be open until October 7, at Reclamation’s WaterSMART Drought Response Program page.

### Reclamation IJA Funding Announcements

Reclamation last month announced an \$8.9 million investment from the IJA to protect watershed health and build

more resilient water supplies across the West. Funding will support 6 new cooperative projects and 12 existing cooperative projects in 12 states, bringing together diverse stakeholders to develop solutions that meet local water management needs.

“Protection of our watersheds is critical as we work to safeguard local water supplies, restore ecosystems and build climate resilience in the West,” Reclamation Commissioner Touton said.

Through the WaterSMART Cooperative Watershed Management Program, Reclamation encourages diverse stakeholders to cooperate to develop sustainable local solutions to address ecosystem and water management needs.

Reclamation defines a watershed group as a grassroots non-regulatory entity that addresses water availability and quality issues within the relevant watershed. They must be capable of promoting the sustainable use of water resources in the watershed and make decisions on a consensus basis.

One of the projects selected through the announcement was the Blackfoot Challenge (MONTANA), which will receive \$300,000 to update their existing watershed-wide restoration plan and complete design work on several high priority restoration projects to improve habitat for culturally important, imperiled native fish while increasing sustainability of agricultural economies. The watershed group represents ranchers, conservation groups, state and federal natural resource agencies, community leaders, tribal representatives and recreation interests.

Reclamation last month also announced a nearly \$105 million investment for 67 water conserva-

tion and efficiency projects that will enhance drought resilience across the nation. The investment comes from the IJA and annual appropriations.

“As we work to counter the impacts of drought and climate change, we must embrace opportunities to increase water and energy efficiency wherever possible,” said Reclamation Commissioner Touton.

Reclamation anticipates that the projects, located in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, Texas, Utah and Wyoming, will save more than 111,000 acre-feet of water annually. That’s enough water to supply approximately 447,000 people for a year. This builds upon \$140 million announced for water and energy efficiency projects last year.

You can view a full list of funded projects on the [Bureau of Reclamation’s Website](#).

### Reclamation Quarterly Tribal & Stakeholder IJA and IRA Updates

The Bureau of Reclamation on September 12, 2024 will conduct its quarterly update on implementation of the IJA and IRA.

**Tribal Quarterly Update**  
September 12, 2024, at 11 am EDT/9 am MDT

[Join the meeting](#) or dial in by phone, +1 202-640-1187, passcode 611959629#

**Stakeholder Quarterly Update**  
September 12, 2024, at 2 pm EDT/12 pm MDT

[Join the meeting](#) or dial in by phone, +1 202-640-1187, passcode 514942261#

# ESA Fish Listing Decisions....Good and Bad News

The U.S. Fish and Wildlife Service (USFWS) in recent months has made a series of determinations regarding new fish species being considered to list for protection under the federal Endangered Species Act (ESA).

In recent decades, increasing numbers of Western irrigators in places like California’s Central Valley and the Klamath River Basin have seen such listings lead to a focus by federal fishery agencies on one narrow stressor to fish: irrigation diversions.

“The Western producers we represent have seen firsthand the economic impacts that can accompany ESA single species management,” said Family Farm Alliance Executive Director Dan Keppen. “Litigation that often surrounds ESA listings and federal agency management decisions adds a whole new level of costs and uncertainty for farmers and ranchers who rely on federal water projects located in areas where ESA-protected fish and wildlife live.”

## Rio Grande Species do not Warrant Listing

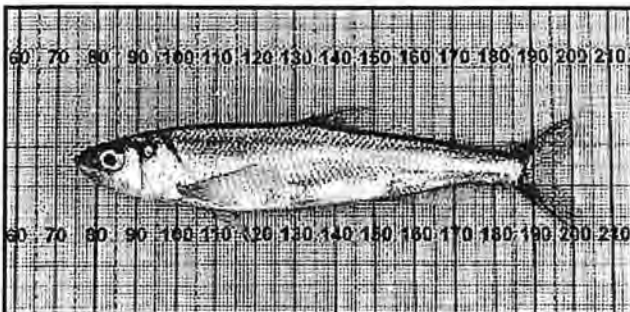
The good news for New Mexico water users is that USFWS in June determined that the Rio Grande chub and the Rio Grande sucker do not warrant listing under the ESA.

The litigious environmentalist group WildEarth Guardians petitioned USFWS to list the Rio Grande chub and Rio Grande sucker in 2013 and 2014, respectively. In 2016 USFWS determined that the fish may warrant listing, beginning an ESA decision deadline of one year. USFWS missed the deadline and WildEarth Guardians sued.

A 2021 D.C. District Court decision agreed to give USFWS until June 2024 to issue a determination.

## Another Smelt Listed in California

California Central Valley water users received some bad news from USFWS on July 29 when the agency announced it was listing the San Francisco Bay-Delta distinct population segment of longfin smelt as endangered under the ESA.



*The longfin smelt.*  
Photo courtesy of U.S. Fish and Wildlife Service.

The longfin smelt was previously listed as threatened under California’s Endangered Species Act. The federal rule listing the longfin smelt as endangered will go into effect on August 29.

The nearly-extinct Delta smelt in California’s Bay-Delta is already listed as endangered under the ESA. Adding another smelt species to the ESA will likely ensure that the flow-centric approach USFWS has employed in the past to avoid jeopardizing Delta smelt will continue.

“Farmers and ranchers from California’s San Joaquin Valley are seriously worried about their future,” said Mr. Keppen. “The current implementation of the ESA has redirected once-reliable water supplies to the apparent needs of fish protected by the ESA. The loss of that water and resulting loss of productive farmland has already scarred rural communities on the west side of the Valley.”

## Speckled Dace Proposed for Listing in SoCal

USFWS on August 13 posted a proposed rule that would list the Santa Ana Speckled Dace as endangered under the Federal ESA. Comments on the proposed listing are due by October 15, 2024.

USFWS is proposing to list the species as threatened due to



*The Santa Ana Speckled Dace.*  
Photo courtesy of U.S. Fish and Wildlife Service.

loss, degradation and fragmentation of its habitat from development, agriculture, recreational activities, mining, and hydrological modifications and diversions, and impacts of high-severity wildfire, climate change, nonnative species, and small populations.

“The Santa Ana speckled dace is one of the few remaining native freshwater fish inhabiting Southern California, and we will continue working with our partners to identify strategies and actions that will aid conservation of the species,” said Scott Sobiech, USFWS Carlsbad office field supervisor.

## EPA Solicits Nominations for Ag Federal Advisory Committee *Alliance Supports Nomination of New Mexico Attorney*

The U.S. Environmental Protection Agency (EPA) last month announced a solicitation for nominations to serve on its Farm, Ranch, and Rural Communities Federal Advisory Committee (FRRCC).

"This is a great opportunity for agricultural producers, allied industries, and/or rural community leaders located in their state to share their knowledge and expertise with EPA on issues and topics that impact them," said Family Farm Alliance Executive Director Dan Keppen. "In the past, the Alliance has formally endorsed candidates interested in similar types of appointments. We're pleased now to support the nomination of Samantha Barncastle Salopek on this committee."

Ms. Barncastle Salopek is actively engaged in her family's farming operation but also is a prominent water and environmental attorney and the long time General Counsel of the Elephant Butte Irrigation District in New Mexico.

"It is in this role that she has been actively engaged on the Alliance's Advisory Committee for the many years that I have witnessed her significant capabilities both as a lawyer and as a persuasive advocate for agricultural production in general," said Alliance President Paul Orme. "The Alliance enthusiastically supports Samantha for inclusion in the 2024 FRRCC Membership."

The deadline for EPA to receive nominations is September 5. For more information, please refer to the *Federal Register* notice posted by EPA on July 22, 2024.

In a related matter, EPA's senior adviser for agriculture has left the agency. Rod Snyder, a key liaison for farmers and ranchers at EPA, helped set up the agency's agricultural affairs office. At the agency, he led outreach to the farming community and tackled tough issues such as the renewable fuels standard and pesticide regulations.

His last day at EPA was August 14.

## ENR Clears Manchin-Barrasso Permitting Reform Legislation, DOI Nomination

The Senate Energy and Natural Resources (ENR) Committee last month marked up the Energy Permitting Reform Act of 2024, S. 4753, proposed by Chairman Joe Manchin (I-WV) and Ranking Member John Barrasso (R-WYOMING). The legislation received strong bipartisan support, passing with a 15-4 vote.

Chairman Manchin stressed the importance of stakeholder input, compromise and bipartisan cooperation in achieving effective and lasting permitting policy reforms, noting broad support from various organizations.

He praised the committee's commitment to sensible policy amid a divided political climate, asserting that the bipartisan vote reflects the necessity of reliable, affordable, and clean energy.

"After over a year of holding hearings in the Senate Energy and Natural Resources Committee, thoughtfully considering input from our colleagues on both sides of the aisle, and engaging in good faith negotiations, Ranking Member Barrasso and I have put together a commonsense, bipartisan piece of legislation that will speed up permitting and provide more certainty for all types of energy and mineral projects without bypassing important protections for our environment and impacted communities," said Chairman Manchin.

Additionally, the ENR Committee considered President Biden's nomination of Hon. Shannon A. Estenoz for Deputy Secretary of the Interior, which was favorably reported by a 16-3 vote and will now proceed to the Senate floor for full consideration.

## IID Acts to Protect Colorado River, Salton Sea with New Conservation Agreement

California's Imperial Irrigation District (IID) Board of Directors last month approved a landmark conservation agreement with the federal government to leave up to 700,000 acre-feet of water in Lake Mead through 2026.

"The decisive action taken by our Board today demonstrates how the District and our water users work together to make meaningful contributions to the Colorado River and the Salton Sea," said Gina Dockstader, IID Director and Salton Sea Authority President. "We value the collaborative relationship with the Bureau of Reclamation that has allowed us to craft an agreement we can all support and make a difference."

Director Dockstader also serves on the Family Farm Alliance Advisory Committee.

The Board's approval of the System Conservation Implementation Agreement (SCIA) with Reclamation will provide

funding for the implementation of conservation programs from 2024 through 2026 to conserve up to 300,000 acre-feet a year of water that will remain in Lake Mead to aid the drought-stricken Colorado River.

The conservation programs authorized under the SCIA include expanding IID's existing On-Farm Efficiency Conservation Program (OFECP) and a new Deficit Irrigation Program (DIP). The OFECP incentivizes agricultural water users to implement field-level conservation measures while the DIP would fund short-term idling of established Alfalfa, Bermuda grass, and Klein grass crops.

These water conservation measures will unlock the balance of nearly \$250 million in federal funding for Salton Sea restoration efforts, authorized in a 2022 historic agreement to accelerate the construction of thousands of acres of dust suppression and aquatic habitat projects.

**A Big Thank You to Our New and Supporting Members!**

**JULY—AUGUST 2024**

**CHAMPION (\$10,000 and Above)**

**Westlands Water District (CALIFORNIA)  
Washington State Potato Commission**

**ADVOCATE (\$5,000 - \$9,999)**

**San Luis Canal Company (CA)  
South Columbia Basin Irrigation District (WA)  
Tulelake Irrigation District (CA)  
Wellton-Mohawk Irrigation District (AZ)**

**DEFENDER (\$1000-\$4999)**

**AgriBusiness & Water Council of Arizona Bair Farms, LLC (OR)  
Bowles Farming Co, Inc (CA) Buckeye Water Conservation and Drainage District (AZ)  
Central Arizona Irrigation & Drainage District Firebaugh Canal Water District (CA)  
Loren Booth (CA) Madera Irrigation District (CA) McCilli Farms (NM)  
Palo Verde Irrigation District (CA) Paloma Irrigation & Drainage District (AZ)  
Patterson Irrigation District (CA) West Extension Irrigation District (OR)**

**PARTNER (\$500-\$999)**

**A Tumbling T Ranches (AZ) Clerf Farms (WA) County of Siskiyou (CA)  
Don Schwindt (CO) Fresno Equipment (CA) Glide Water District (CA)  
Heart Mountain Irrigation District (WY) Kanawha Water District (CA) Nelson Irrigation Corp. (CA)  
North Unit Irrigation District (OR) Ochocho Irrigation District (OR) O'Neill Ag (CA)  
Oregon Potato Commission Pine River Irrigation District (CO) Shafter-Wasco Irrigation District (CA)  
Somach, Simmons & Dunn (CA)**

**SUPPORTER (\$250—\$499)**

**Brian Werner (CO) Campbell Brothers Farms (CA) Carnevale Environmental Consulting LLC (CO)  
Cassy England (AZ) Kansas-Bostwick Irrigation District (KS) Karen Henderson (ID) Leslie James (AZ)  
Mark Hansen (WA) Midland Tractor (CA) Milk Producers Council (CA) Montpelier Farming Corp. (CA)  
Tempe Farming (AZ) Three Rivers Ag Investments (AZ) Trinchera Water Conservancy District (CO)  
University of Arizona/Dr. Jeffrey Silvertooth**

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**Make your tax-deductible gift to the Alliance today! Grassroots membership is vital to our organization. Thank you in advance for your loyal support.**

**If you have questions, please call our fundraising coordinator, Jane Townsend, at (916)206-7186 OR EMAIL [jane@familyfarmalliance.org](mailto:jane@familyfarmalliance.org)**



***Protecting Water for Western Irrigated Agriculture***

**Contributions can also be mailed directly to:  
Family Farm Alliance  
P.O. Box 1705  
Clearlake Oaks, CA 95423**

**CORRESPONDENCE LIST**  
**SEPTEMBER 2024**

1. August 16, 2024 – Water Service Requirements Letter sent for APN 137-030-010
2. August 16, 2024 – Existing Water Service/ Can and Will Serve Letter sent for APN 137-610-008
3. August 16, 2024 – Notice and Agenda received from the Santa Ynez Community Services District for the Regular Board Meeting on August 21, 2024
4. August 15, 2024 – Letter sent from District to Santa Barbara County Local Agency Formation Commission (LAFCO) regarding Notice of Creation of the Santa Ynez River Valley Groundwater Basin Eastern Management Area Groundwater Sustainability Agency
5. August 19, 2024 – Letter from District sent to twelve customers regarding backflow testing requirement
6. August 21, 2024 – Letter from District sent to seven customers regarding past due water service accounts
7. August 22, 2024 – Notice and Agenda received from Cachuma Operations & Maintenance Board for the Regular Board Meeting on August 26, 2024
8. August 22, 2024 – Letter from District sent to one customer regarding backflow testing requirement
9. August 23, 2024 – Notice and Agenda received from the Santa Ynez Community Services District for the Wastewater Committee meeting on August 29, 2024
10. August 27, 2024 – Notice of Meeting Cancellation received from the Santa Ynez Community Services District for the Wastewater Committee meeting on August 29, 2024
11. August 27, 2024 – Notice and Agenda received from the Santa Ynez Community Services District for the rescheduled Wastewater Committee meeting on September 5, 2024
12. September 1, 2024 – Notice and Agenda received from the Los Olivos Community Services District for the Project Management Subcommittee Meeting on September 4, 2024
13. September 4, 2024 – Can and Will Serve Letter sent for APN 137-030-010
14. September 4, 2024 – Letter sent to State Water Resources Control Board, Drinking Water Operator Certification Program, regarding D3 Certification for R. Camacho
15. September 7, 2024 – Notice and Agenda received from the Los Olivos Community Services District for the Regular Meeting on September 11, 2024
16. September 9, 2024 – Letter from District sent to six customers regarding past due water service accounts
17. September 12, 2024 – Notice and Agenda received from Central Coast Water Authority for the Special Board Meeting on September 13, 2024