

**MINUTES OF A REGULAR MEETING
of the
CACHUMA OPERATION & MAINTENANCE BOARD**

held at
3301 Laurel Canyon Road, Santa Barbara, CA
Monday, September 28, 2015

1. Call to Order, Roll Call

The meeting was called to order at 2:04 p.m. by President Doug Morgan who chaired the meeting. Those in attendance were:

Directors present:

Doug Morgan	Montecito Water District
Harwood "Bendy" White	City of Santa Barbara
Kevin Walsh	SYR Water Conservation District, ID No. 1
Polly Holcombe	Carpinteria Valley Water District
Lauren Hanson	Goleta Water District

Others present:

Janet Gingras	Kelley Dyer
Adelle Capponi	Phil Walker
Amy Smith	Alex Keuper
Tim Robinson	Chris Dahlstrom
Dave Stewart	Tom Fayram
Jane Usher	John McInnes
William Carter	Ryan Drake
Bruce Wales	Tom Evans
Matt Naftaly	Larry Farwell

2. Public Comment

Phil Walker spoke to climate patterns, global warming, and the continued monitoring of the probability of an El Niño year.

Larry Farwell posed several questions regarding operational policies of Lake Cachuma. He went on to extend his personal approach to the types of circumstances that the lake and the Cachuma Project member units have been facing in recent years.

3. Consent Agenda

a. Minutes

August 24, 2015 Regular Board Meeting

b. Investment Funds

Financial Reports
Investment Reports

c. Review of Paid Claims

d. Review of Pending Claims for Payment

Director Walsh requested that the COMB Administrative Committee take up ID No. 1's request not to participate in any assessment of legal costs for COMB's intervention in current litigation.

Director Hanson moved to approve the Consent Agenda; Director Holcombe seconded the motion. However, President Morgan requested to pull two legal invoices from Item #3d Pending Claims for Payment for further review prior to issuance of payment. Director Hanson amended her original motion, and moved to approve Item #3a, b, c; and, Item d, excluding the two legal invoices in question. Director Hanson then stated that she would abstain from the vote as she did not understand why the invoices were being subject to further review. Seconded by Director Holcombe, the motion carried 5/0/2 as follows:

Ayes: White, Walsh, Holcombe, Morgan

Nays: None

Absent/Abstain: Hanson

4. Update from U.S. Bureau of Reclamation

President Morgan introduced Mr. Michael Jackson, Area Manager for the South-Central California, Mid-Pacific Region Office of the U.S. Bureau of Reclamation. Mr. Jackson expressed gratitude to the Board for welcoming him and stated he hoped his visit would spark an open dialogue between the Board and himself, stressing transparency and a willingness to work together. Mr. Jackson outlined in detail the water related issues resulting from the drought that the Bureau has faced across the state within the last year and then graciously fielded questions from the Board and members of the Public.

5. Verbal Reports from Board Committees

- *Operations Committee Meeting – September 18, 2015:* Director Walsh explained that extensive effort was put forth at the Committee meeting to weigh-in and think collaboratively about forecasting lake elevation and storage. South Coast Member Agency's estimated demand for the new water year, anticipated new State Water Project (SWP) entitlements, and the potential transfer of supplemental water to Lake Cachuma, were considered at length. Director Walsh also stated that member agency General Managers will continue to focus on these projections in order to assist COMB and help make informed decisions. The Committee agreed to delay moving the barge as long as reasonably possible while closely monitoring rain predictions.
- *Fisheries Committee Meeting – September 22, 2015:* Director Holcombe highlighted the items on the agenda, providing a brief summary of the Committee's considerations for each. As the committee chair, Director Holcombe expressed that she is looking in earnest at the 2001 Fisheries Memorandum of Understanding (MOU) in an attempt to close any gaps and wipe out misunderstandings surrounding the document. Director Holcombe also referenced the Committee's recommendation for the Board to approve transmittal of a "Nexus" letter requested by NMFS. The Board will examine this under Item #7 of today's agenda. Director Holcombe reported on the Special Fisheries Committee meeting held on Friday, September 25, 2015. The sole item of discussion was the review of a temporary indemnification letter intended to be sent by COMB to the County of Santa Barbara in the absence of one signed flood area certificate for the Fish Passage Improvement Project at Quiota Creek, Crossing 3. Director Holcombe

noted this will be considered under Item #10 of today's agenda, with the recommendation to approve transmittal.

6. Cushman Contracting Outstanding Claim Summary

Ms. Janet Gingras, Interim General Manager, summarized COMB's three outstanding claims with Cushman Contracting Corporation. She explained that the claims were being submitted to the Board through the Operations Committee with the recommendation to approve payment. Director Walsh moved to approve payment as recommended. Seconded by Director Holcombe, the motion passed by unanimous roll call vote:

Ayes: White, Walsh, Holcombe, Hanson, Morgan

Nays: None

Absent/Abstain: None

7. Transmittal of Letter Requested by National Marine Fisheries Service (NMFS)

Ms. Gingras explained the background and nature of NMFS' request that COMB send them a letter describing the Fisheries Program's approach to fish passage improvement project implementation. Director Hanson moved to approve sending the letter, seconded by Director Holcombe. Following several comments and suggestions regarding the letter's content, COMB General Counsel, Mr. Bill Carter, offered to review the letter once more from a more well-rounded perspective and redraft it accordingly. President Morgan restated his request to have all inquiries of COMB - like this one from NMFS - in writing. Director Hanson modified her original motion and moved to approve sending the letter, as amended by counsel, and subsequently reviewed by President Morgan and the Chair of the Fisheries Committee, Director Holcombe. Seconded by Director Holcombe, the motion carried 6/1/0 as follows:

Ayes: White, Holcombe, Hanson, Morgan

Nays: Walsh

Absent/Abstain: None

8. Interim General Manager's Report

- *Board Administration*
- *Personnel*
- *Financial*
- *Operations Division*
- *Fisheries Division*

Ms. Gingras highlighted topics within her report as incorporated in the board packet and offered to field any questions from the Board. Director Hanson expressed gratitude and appreciation for COMB staff's cooperation with Goleta Water District staff during a recent system shutdown.

9. Operations Division Report

- *Lake Cachuma Operations*
- *Operation and Maintenance Activities*

Operations Division Manager, Mr. Dave Stewart, referred to his report, as included in the board packet, and offered to field questions from the Board.

10. Update on Fish Passage Improvement Project – Quiota Creek Crossing 3

Tim Robinson, Fisheries Division Manager, gave a brief status report on the project. He informed the Board that just before the project was scheduled to commence, the County of Santa Barbara issued a new variance for this type of project, requiring both upstream and downstream landowners to sign flood area certificates. Mr. Robinson had not yet acquired the signature from the landowner upstream of the project and, in the absence of a signed certificate, proffered sending the County a temporary indemnification letter to be effective until the certificate is signed. Director Hanson moved to approve sending the letter. Seconded by Director Holcombe, the motion carried 6/1/0 as follows:

Ayes: White, Holcombe, Hanson, Morgan

Nays: Walsh

Absent/Abstain: None

11. Fisheries Division Report

- *LSYR Steelhead Monitoring Elements*
- *Tributary Project Updates*
- *Surcharge Water Accounting*
- *Reporting/Outreach/Training*

Tim Robinson noted some highlights as presented in his report in the board packet. In regards to a recent request made by Reclamation for COMB to conduct fish migrant trapping, President Morgan reiterated his statement that Mr. Robinson have the request put into writing, retroactively. If he is unable to acquire said request in writing, President Morgan directed that he (and all COMB staff) secure any and all requests of that nature in writing, moving forward.

12. Progress Report on Lake Cachuma Oak Tree Program

- *Maintenance and Monitoring*

Tim Robinson noted that the Oak Tree program is progressing as planned and that an Oak Tree Committee Meeting is currently in the process of being scheduled.

13. Monthly Cachuma Water Reports

The reports were included in the board packet for information. There were no questions from the Board.

14. Directors' Requests for Agenda Items for Future Meeting

- Director Walsh requested that the Fisheries Committee examine Dr. Carlos Garza's work with COMB and its benefit to the Fisheries Program.

- President Morgan clarified his request and stated it once more: acquire in writing all requests of COMB and COMB staff, moving forward. If at all possible, he would also like staff to acquire previously made requests in writing, regardless of whether or not they have already been fulfilled; most notably, Reclamation's request to COMB to perform fish migrant trapping during the recent 89-18 Water Rights releases.
- Director Holcombe requested that the Fisheries Committee examine a return-flow pump system at Hilton Creek.

15. [Closed Session]: Conference with Legal Counsel: Existing and Potential Litigation; and, Public Employment/Public Employee Appointment

The Board went into closed session at 5:01 p.m.

- a. [Government Code Section 54956.9(d)(4)]
Name of case: California Trout, Inc. v. United States Bureau of Reclamation et al.,
United States District Court, CDCA, Case No. 2:14-CV-7744

16. Reconvene Into Open Session

[Government Code Section 54957.7]

Disclosure of actions taken in closed session, as applicable

[Government Code Section 54957.1]

The Board came out of closed session at 5:36 p.m.

- a. California Trout, Inc. v. United States Bureau of Reclamation et al
There was no reportable action.

17. Meeting Schedule

- The next regular Board meeting will be held October 19, 2015 at 2:00 p.m.
- The Agendas and Board Packets are available on the COMB website at www.cachuma-board.org

18. COMB Adjournment

There being no further business, the meeting was adjourned at 5:37 p.m.

Respectfully submitted,



Janet Gingras, Secretary of the Board

APPROVED:



Doug Morgan, President of the Board