

REGULAR MEETING  
OF  
CACHUMA OPERATION AND MAINTENANCE BOARD  
AND  
CACHUMA CONSERVATION RELEASE BOARD  
at Cachuma Operation and Maintenance Board Office  
3301 Laurel Canyon Road  
Santa Barbara, CA 93105

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CACHUMA OPERATION AND MAINTENANCE BOARD

MONDAY, June 26, 2006

Approximate Start Time

**\*3:00 P.M.\***

AGENDA

1. COMB CALL TO ORDER, ROLL CALL. (COMB Board of Directors.) *(1 minute)*.
2. [CLOSED SESSION] CONFERENCE WITH LEGAL COUNSEL TO DISCUSS PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (a) One Case: Crawford-Hall v. COMB, Superior Court of California. County of Santa Barbara, Case No. 1171135. *(10 minutes)*
3. PUBLIC COMMENT. (Public may address the Board on any subject matter not on the agenda and within the Board's jurisdiction. See "Notice to the Public" below.) *(5 minutes)*
4. CONSENT AGENDA. (For Board Action by Vote on One Motion Unless Member Requests Separate Consideration.) *(2 minutes)*
  - a. Minutes
    - May 22, 2006 Regular Board Meeting,
  - b. Investment of Funds
    - Financial Reports
    - Investment Reports
  - c. Payment of Claims
5. REPORTS FROM THE MANAGER. (For information.) *(3 minutes)*
  - Water Storage
  - Water Production & Use, SWP Accounting
  - Operations Report
  - **Verbal Report** - Cachuma Reservoir Current Conditions
6. ACKNOWLEDGEMENT OF RENEWAL OF AGREEMENT BETWEEN CCRB AND THE SANTA YNEZ RIVER WATER CONSERVATION DISTRICT, I.D. NO. 1 FOR COORDINATION IN STATE WATER RESOURCES CONTROL BOARD HEARING MATTERS. (For Board action.) *(1 minute)*

7. STATUS OF LAURO DAM SEISMIC SAFETY MODIFICATIONS PROJECT.  
(For information.) (5 minutes)
8. INTEGRATED REGIONAL WATER MANAGEMENT PLAN  
DEVELOPMENT – See CCRB Item # 11. ( For information) (1 minutes)
9. RECLAMATION’S CACHUMA OPERATIONAL GUIDLINES MEETING,  
MAY 23, 2006. (For Information.) (7 minutes)
10. LONG-TERM COST COMPARISON OF CACHUMA MELDED WATER  
RATES FOR ORDERS vs. DELIVERIES. (For information.) (10 minutes).
11. ENVIRONMENTAL CONSULTANT SELECTION PROCESS FOR PIPELINE  
PROJECT ON SOUTH COAST CONDUIT. (For information.) (5 minutes)
12. PROPOSED FISCAL YEAR 2006-2007 COMB BUDGET (For approval.) (20  
minutes)
13. RESCHEDULE JULY 6, 2006 JOINT SPECIAL COMB/CCRB MEETING – See  
CCRB Item #12 (For Board action.) (1 minutes)
14. MEETING SCHEDULE.
  - June 29, 2006 Staff Appreciation Lunch at 11:30 A.M., Cold Springs Tavern,  
2:00 PM Lake Cachuma Boat Tour (**Please note change of lunch location**)
  - July 24, 2006 Regular Board Meeting following CCRB at 2:00 P.M., COMB  
Office
15. COMB ADJOURNMENT.

#### NOTICE TO PUBLIC

**Public Comment:** Any member of the public may address the Board on any subject within the jurisdiction of the Board that is not scheduled for a public hearing before the Board.

The total time for this item will be limited by the President of the Board. If you wish to address the Board under this item, please complete and deliver to the Secretary of the Board before the meeting is convened, a “Request to Speak” forms including a description of the subject you wish to address.

**Americans with Disabilities Act:** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Cachuma Operation and Maintenance Board office at (805) 687-4011 at least 48 hours prior to the meeting to enable the Board to make reasonable arrangements.

[This Agenda was Posted at 3301 Laurel Canyon Road, Santa Barbara, CA  
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54954.1 and .2 of the Government Code.]

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12

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
14 COUNTY OF SANTA BARBARA  
15

16 NANCY CRAWFORD-HALL, an individual, and  
17 SAN LUCAS RANCH, INC., a California  
corporation,

18 Petitioners,

19 v.

20 CACHUMA OPERATION AND MAINTENANCE  
21 BOARD, and DOES 1-20,

22 Respondents.

23 CACHUMA CONSERVATION RELEASE  
24 BOARD, and DOES 21-50,

25 Real Parties in Interest.  
26  
27  
28

Case No. 1171135

**OPENING BRIEF OF PETITIONERS  
NANCY CRAWFORD-HALL AND  
SAN LUCAS RANCH, INC.**

(CCP §§ 1085, 1094.5; PRC §§ 21168,  
21168.5)

Date: October 25, 2006  
Time: 9:30  
Dept.: SM4

The Honorable Diana R. Hall

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1 I. INTRODUCTION

2 Petitioners Nancy Crawford-Hall and San Lucas Ranch, Inc. bring this action under the  
3 California Environmental Quality Act ("CEQA") to challenge Respondent Cachuma Operation and  
4 Maintenance Board's ("COMB") violation of CEQA in its preparation and certification of the  
5 Environmental Impact Report/Environmental Impact Statement for the Fish Management Plan for the  
6 Lower Santa Ynez River ("FMP EIR"). COMB previously attempted to carry out the Fish  
7 Management Plan ("FMP")—a variety of water release measures for Bradbury Dam and construction  
8 activities on the tributaries of the Lower Santa Ynez River, ostensibly aimed at improving habitat  
9 conditions for the Southern California steelhead—without environmental review. But this Court  
10 ordered COMB to comply with CEQA by preparing an Environmental Impact Report ("EIR").  
11 COMB's EIR, however, violates several of CEQA's mandatory provisions and must be set aside.

12 First, COMB violated CEQA by improperly acting as the "lead agency" for environmental  
13 review of the proposed water release activities. CEQA mandates that there be only one lead agency  
14 to conduct environmental review of a project, and that this should be the agency with primary  
15 responsibility for carrying out a project. The State Water Resources Control Board ("State Water  
16 Board"), not COMB, is primarily responsible for the water releases that COMB proposes in the FMP.  
17 Thus, the State Water Board, not COMB, should have acted as the lead agency. The State Water  
18 Board, in fact, has prepared its own draft EIR analyzing many of the same activities that COMB  
19 analyzes in the FMP EIR, but reaching different conclusions than COMB concerning the activities'  
20 environmental effects. COMB's attempt to usurp the lead agency role has caused confusion among  
21 the public and the expert agencies. This is precisely what CEQA seeks to avoid.

22 Moreover, COMB's improper arrogation of itself as lead agency has compromised the entire  
23 environmental analysis. COMB even resorted to discarding uncontroverted expert testimony  
24 showing that one set of proposed FMP activities would amount to "trout murder." This is telling of  
25 COMB's true purpose in preparing the FMP EIR. Far from seeking to protect steelhead, COMB's  
26 primary goal seems to be to ensure its water deliveries at the lowest costs. Indeed, it was not until the  
27 California Sportfishing Protection Alliance filed a complaint with the State Water Board in 1987  
28 alleging that operation of the Bradbury Dam was harming steelhead that COMB was forced to take

1 an interest in the fish. Fearing that the State Water Board might respond to the complaint by  
2 curtailing water deliveries from Bradbury Dam, or mandating expensive mitigation measures, COMB  
3 has attempted to be the first to define the proper measures for protecting steelhead in hopes that the  
4 State Water Board will acquiesce to its proposals. But CEQA does not permit an interested agency to  
5 commandeer the lead agency role from the proper agency. Here, COMB's failure to allow State  
6 Water Board to act as lead agency violated CEQA.

7 Second, the FMP EIR's environmental setting, project description, and cumulative impacts  
8 analysis were prepared in violation of CEQA because they omit meaningful discussions of the on-  
9 going proceedings before the State Water Board concerning the status of Reclamation's permits for  
10 water releases from the Bradbury Dam as well as the State Water Board's attendant environmental  
11 review, and of how the proceedings could impact the activities considered in the FMP EIR. The State  
12 Water Board, not COMB, has exclusive jurisdiction over permitting water releases from Bradbury  
13 Dam and is actively considering a different water release plan than COMB has approved. Indeed, the  
14 State Water Board's draft EIR designates an environmentally superior alternative that would not  
15 allow for the water releases COMB proposes in the FMP EIR. Should the State Water Board decide  
16 not to approve permits tailored to COMB's preferences, the new water release permits will essentially  
17 nullify the analysis in the FMP EIR. Rather than address these issues squarely in the FMP EIR,  
18 COMB attempted to hide the ball, downplaying the potential ramifications of the State Water Board's  
19 proceedings and declaring that no analysis is necessary because the State Water Board's review is  
20 "distinctly different" and too "speculative." But CEQA requires public disclosure, not concealment.  
21 The FMP EIR's failure to address the potential consequences of the State Water Board's on-going  
22 proceedings violates CEQA.

23 Third, the FMP EIR violates CEQA because it relies on conclusions not supported by  
24 substantial evidence. Specifically, the FMP EIR concluded that upper Hilton Creek, a tributary that  
25 feeds into the Lower Santa Ynez River, has suitable habitat for steelhead. However, the FMP EIR  
26 ignores unrebutted expert evidence submitted by Petitioner that upper Hilton Creek has only sporadic  
27 water flows during the rainy season, runs completely dry during the summer months when steelhead  
28 need water for rearing, and contains unsuitable substrate for steelhead spawning. The FMP EIR cites

1 no reliable data or other scientific evidence or reports to support its conclusion that upper Hilton  
2 Creek has adequate steelhead habitat, nor does it provide reasoned analysis supported by evidence to  
3 explain why it ignored the significant environmental issues raised by Petitioner's expert.

4 Finally, COMB violated CEQA by finding that it could mitigate to a level of less than  
5 significance the dramatic impacts of surcharging Cachuma Reservoir (which COMB proposes to do  
6 in order to guarantee its water deliveries from Bradbury Dam). Among other things, surcharging  
7 Cachuma Reservoir will flood 90 acres of land and several critical public facilities, including a water  
8 treatment plant. COMB found that this flooding impact was less than significant because the water  
9 treatment plant would be moved prior to the surcharging. In fact, the record shows that there is *no*  
10 obligation to move the water treatment plant prior to surcharging, and that surcharging can occur  
11 even if the water treatment plant is not moved. Contrary to CEQA's requirements, COMB cannot  
12 support its finding that the impacts from surcharging have been, or will be, mitigated to a level of less  
13 than significance.

14 COMB's failure to comply with CEQA's requirements, and its failure to provide substantial  
15 evidence to support the FMP EIR's conclusions and its own findings are error. This Court should  
16 issue a writ of mandate setting aside COMB's certification of the FMP EIR.

## 17 II. FACTUAL BACKGROUND

### 18 A. The Bradbury Dam And Related Facilities Are Operated By Reclamation And 19 COMB Pursuant To Permits Issued By The State Water Board.

20 In 1953, the Bureau of Reclamation ("Reclamation") completed construction of the Bradbury  
21 Dam on the Santa Ynez River, creating Lake Cachuma. (39 AR 371:17395.)<sup>1</sup> Though Reclamation  
22 continues to own and operate the Bradbury Dam, in 1956, the federal government transferred  
23 operation and maintenance of dam-related facilities to several local water agencies pursuant to a joint  
24 powers agreement. The local water agencies operate under the name of COMB (*see also* 47 AR  
25 445:21323), and its members are sometimes collectively referred to as the Cachuma Project Member  
26 Units ("Cachuma Member Units.") (39 AR 371:17395.)

27 <sup>1</sup> Citations to the Administrative Record ("AR") are in the following format: "[Volume Number] AR  
28 [Tab Number]:[Bates Page Number]."

1 The California State Water Resources Control Board ("State Water Board") has exclusive  
2 jurisdiction to determine the timing and amount of water released from Bradbury Dam and controls  
3 dam operations in California through a permit process. In 1958, the State Water Board's predecessor  
4 issued Permits 11308 and 11310 to Reclamation, which allowed Reclamation to divert and store  
5 water from the Santa Ynez River using Cachuma Project facilities. (47 AR 445:21323.) The State  
6 Water Board has continued its jurisdiction through a series of subsequent water rights permits, Order  
7 WR 73-37 in 1973 and Order WR 89-18 in 1989, and has retained jurisdiction over the amount and  
8 timing of release of water from Bradbury Dam. (*Id.* at 21323-324.)

9 **B. The State Water Board Is Currently Conducting Proceedings And Completing**  
10 **An EIR Concerning Cachuma Project Water Rights And Public Trust Resources**  
**Such As Steelhead.**

11 The Bradbury Dam was constructed at a time when its impacts on the Southern California  
12 steelhead trout were not considered or evaluated. Steelhead are born in freshwater, migrate to the  
13 ocean, and then return to freshwater to spawn. (29 AR 176:13479.) The upper reaches of the Santa  
14 Ynez River provided important spawning habitat for steelhead, and the majority of steelhead in the  
15 Santa Ynez River spawned and reared above the current site of the Bradbury Dam. (*Id.* at 13481.)  
16 Construction of the Bradbury Dam completely blocked upstream passage of steelhead, and eliminated  
17 the Santa Ynez River's upper watershed as habitat for spawning steelhead. (*Id.* at 13464.) This  
18 decimated the steelhead population on the Santa Ynez River. (*Id.* at 13480.) While it is believed that  
19 the Santa Ynez River system once supported one of the largest runs of steelhead in southern  
20 California (an estimated 20,000 adult fish per year), the current run of adult steelhead in the Santa  
21 Ynez River system is believed to be less than 100 adult fish per year. (*Id.*)

22 In 1987, the California Sportfishing Protection Alliance ("CSPA") filed a complaint with the  
23 State Water Board alleging that Cachuma Project operations had impacted steelhead trout in violation  
24 of the constitutional prohibition against the misuse of water. (47 AR 445:21324.) In 1990, the State  
25 Water Board held a consolidated hearing on outstanding issues in the Santa Ynez River watershed,  
26 including Reclamation's permits and the CSPA's complaint. (*Id.*) Among other things, the State  
27 Water Board recognized that it needed to evaluate "potential mitigation measures for the remnant  
28 steelhead fishery." (7 AR 35:2663.) Accordingly, in December 1994, the State Water Board issued

1 Order WR 94-5, setting a December 2000 deadline to commence hearings on whether Reclamation's  
2 permits should be modified to protect public trust values (such as steelhead) and downstream water  
3 rights on the Santa Ynez. (*Id.*)

4 On May 19, 1999, the State Water Board issued a Notice of Preparation ("NOP") of an  
5 Environmental Impact Report ("EIR") analyzing the environmental impacts of various alternatives  
6 for operating Bradbury Dam, with each alternative designed to protect downstream water rights and  
7 public trust resources. (47 AR 445:12324-325.) Also, per Order WR 94-5, the State Water Board  
8 initiated hearings in November 2000 to determine if changes were needed to Reclamation's permits  
9 to protect public trust values and downstream water rights on the Santa Ynez River. (*Id.* at 21312.)  
10 Reclamation, the Cachuma Member Units, the California Department of Fish and Game ("Fish &  
11 Game"), the National Marine Fisheries Service and other interested parties are participating in the on-  
12 going hearings. (See 49 AR 447; 50 AR 450; 54 AR 452, 453, 454 and 457.)

13 On August 8, 2003, in connection with its permit hearing, the State Water Board released for  
14 public comment a draft EIR on modifications to Reclamation's permits ("State Water Board Draft  
15 EIR"). (47 AR 445:21292-542.) The State Water Board Draft EIR evaluates the impacts of various  
16 permitting alternatives, including: (1) revised water release requirements for fishery resources and  
17 downstream water rights protection in the Santa Ynez River;<sup>2</sup> (2) the proposed surcharge of Lake  
18 Cachuma; and (3) a reduction in the water supply of the Cachuma Member Units, which could occur  
19 if the State Water Board imposes revised release requirements on Reclamation. (*Id.*) The  
20 alternatives being analyzed in the State Water Board EIR include many, if not most, of the same  
21 activities that COMB has attempted to analyze in the FMP EIR. (*Id.* at 21350-57.) The State Water  
22 Board hearings on Reclamation's permits are on-going, and the State Water Board has not yet issued  
23 a Final EIR.

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26  
27 <sup>2</sup> The main purpose of the revised water releases is to improve summer rearing habitat conditions and  
28 to facilitate upstream migration for steelhead below Bradbury Dam. (See 47 AR 445:21339-41.)

1           **C.      COMB And Reclamation Developed The Fish Management Plan And Biological**  
2           **Opinion To Attempt To Protect Water Deliveries.**

3           In 1993, after the State Water Board's 1990 hearing that suggested that changes may be  
4 imposed on COMB as a result of the Cachuma Project's impact on steelhead, COMB and others  
5 became concerned about the potential impact steelhead would have on its water deliveries. To  
6 address this concern, COMB and others began a "voluntary" effort to investigate native fishery  
7 resources along the lower Santa Ynez River below Bradbury Dam. (39 AR 371:17396.) In June  
8 1994, various agencies, including some of the Cachuma Member Units, agreed to establish the Santa  
9 Ynez River Technical Advisory Committee ("SYRTAC"), which was to study and develop  
10 recommendations for long-term fishery management downstream of Bradbury Dam. (29 AR  
11 177:13574.) Ultimately, SYRTAC was tasked with preparing the Fish Management Plan for the  
12 Lower Santa Ynez River ("FMP"). (*Id.*)

13           Prior to development of the FMP, on August 18, 1997, the National Marine Fisheries Service  
14 ("NOAA Fisheries") listed the Southern California steelhead as an endangered species under the  
15 federal Endangered Species Act ("ESA"). (39 AR 371:17398.) This required Reclamation to consult  
16 with NOAA Fisheries pursuant to section 7 of the ESA regarding the effects of the Bradbury Dam  
17 and dam-related activities on the steelhead. (29 AR 176:13458.) Accordingly, on April 7, 1999,  
18 Reclamation initiated consultation with NOAA Fisheries. Thereafter, Reclamation submitted a  
19 Biological Assessment to NOAA Fisheries, which described downstream releases for steelhead and  
20 habitat conservation measures for tributaries and the main stem of the Santa Ynez River below the  
21 dam. (39 AR 371:17398.) The Biological Assessment plan was designed to minimize costs  
22 associated with implementing measures for mitigating incidental take of the steelhead, while  
23 preserving options for the maximum amount water delivery. (*Id.* at 17398.)

24           On September 11, 2000, in response to the Biological Assessment proposals, NOAA Fisheries  
25 issued a Biological Opinion ("BO"), examining whether or not the operation and maintenance of the  
26 Bradbury Dam and dam-related facilities, as proposed in the Biological Assessment, would  
27 jeopardize the continued existence of the steelhead. (*Id.* at 17399.) The BO concluded that the  
28 activities were not likely to jeopardize the continued existence of the steelhead, but were expected to

1 result in some incidental take of steelhead. (*Id.*) Accordingly, an incidental take statement was  
2 issued with the Biological Opinion including a number of “reasonable and prudent measures to  
3 minimize ‘take’ (*i.e.* harm or mortality) of the southern steelhead. (*Id.*) Many of the “reasonable and  
4 prudent measures” were suggested by COMB as low-cost ways to assuage NOAA Fisheries without  
5 threatening water deliveries. Under the BO, if the proposed surcharges, as well as other aspects of  
6 the BO, were not implemented by 2005, Reclamation would have to reinitiate formal consultation  
7 with NOAA Fisheries. (29 AR 176:13534.) Shortly after NOAA Fisheries issued the BO, COMB  
8 issued the final FMP, which included many of the same measures suggested in the BO. (39 AR  
9 371:17405.) Generally, the FMP and BO propose to (1) implement various programs for surcharging  
10 Bradbury Dam and releasing water from Bradbury Dam,<sup>3</sup> and (2) perform a variety of construction  
11 activities on tributaries that feed into the Lower Santa Ynez River with the hope that they can serve  
12 as habitat for steelhead. Reclamation’s plan also included a proposal to surcharge Lake Cachuma to  
13 provide additional water for fish releases. (*Id.* at 17398.)

14 **D. COMB Initially Tried To Implement the Fish Management Plan Without**  
15 **Environmental Review, But Was Ordered By The Court To Prepare An**  
16 **Environmental Impact Report.**

17 Several of the proposed activities in the FMP and BO involved modifications to the timing  
18 and amount of water released from Bradbury Dam, precisely the topics under review in the State  
19 Water Board’s Cachuma Project hearings. (*See* 39 AR 371:17419-24 (FMP EIR); *compare* 47 AR  
20 445:21350-57 (State Water Board EIR).) Other proposed activities in the FMP and the BO included  
21 “tributary enhancement measures,” allegedly designed to create new steelhead habitat, improve  
22 existing habitat, and create or improve access to new and existing habitat. (39 AR 371:17428-60.)  
23 Three of the tributary enhancement measures involved construction activities on Hilton Creek, a  
24 small intermittent stream that feeds into the Santa Ynez River just below Bradbury Dam. (*Id.* at  
25 17428.) The first 2,980 feet of Hilton Creek nearest the Santa Ynez River is on federal land. (*Id.*)

26 <sup>3</sup> “Surcharging” refers to raising the water level of Lake Cachuma, thereby flooding over 90 acres of  
27 land around the periphery of Lake Cachuma and necessitating the removal and relocation of several  
28 critical facilities for Lake Cachuma, including a water treatment plant. (*See* 39 AR 371:17585; 29  
AR 177:13654.) This includes approximately 24 acres of oak woodland habitat, which would result  
in the death of over 450 oak trees. (39 AR 371:17585-87.)

1 The remaining portion is located on private land owned and occupied by Petitioners. (*Id.*) The vast  
2 majority of Hilton Creek was not historically used by steelhead and is not suitable for steelhead, but  
3 the Hilton Creek measures sought to remove natural and manmade barriers to steelhead access and  
4 divert steelhead to upper Hilton Creek, on Petitioners' property. (*Id.* at 17428-37.) Sadly, any fish  
5 that is successfully diverted to upper Hilton Creek will not survive because there is no suitable habitat  
6 for spawning or summer rearing—upper Hilton Creek dries up shortly after rains. (*See* Section F1,  
7 *infra.*)

8 In December 2005, Reclamation completed the first Hilton Creek proposal, which involved  
9 altering naturally-existing cascade and chute located approximately 1,380 feet up Hilton Creek from  
10 the Santa Ynez River.<sup>4</sup> The remaining two Hilton Creek projects involve a channel extension on  
11 lower Hilton Creek, and a barrier removal project on upper Hilton Creek. (39 AR:371:17430.) The  
12 channel extension involves building a 1,500-foot channel at the base of Hilton Creek alongside the  
13 existing channel of the Santa Ynez River, which would essentially be another creek for steelhead  
14 trout and other fish. (*Id.* at 17436.) The Highway 154 barrier removal project involves alteration of a  
15 concrete culvert that, during rains, conveys water underneath Highway 154. (*Id.* at 17434-36.) The  
16 culvert exists approximately 4,200 feet up Hilton Creek from the Santa Ynez River, and presents  
17 another barrier to fish from going upstream. (*Id.* at 17434.)

18 COMB previously attempted to implement the chute removal and Highway 154 culvert  
19 projects without undertaking the proper environmental review. Without support, COMB concluded  
20 that the chute removal project would have no potentially significant impacts on, among other things,  
21 agricultural resources, mineral resources, and land use and planning and issued a mitigated negative  
22 declaration. (31 AR 193:14380-425.) Despite comments from Petitioners, COMB made no attempt  
23 to investigate the impacts of the chute removal project on San Lucas Ranch. (32 AR 197:14550-51.)

24 Petitioner Ms. Crawford-Hall challenged COMB's approved of a mitigated negative  
25 declaration for the cascade/chute project on CEQA grounds. (40 AR 372:18108-111.) On October 9,  
26 2001, the Santa Barbara County Superior Court found that COMB violated CEQA, and issued a writ

27 <sup>4</sup> This project, examined in the FMP EIR, was completed by the federal government and is not at  
28 issue in this action.



1 of mandate. (*Id.*) Among other things, the court found that COMB had violated CEQA by failing to  
2 investigate or properly evaluate potential impacts to agriculture, mineral resources, water supply, land  
3 uses, or the impact of the overall Hilton Creek construction activities on the steelhead. (*Id.*) The  
4 court ordered COMB to set aside its mitigated negative declaration and approval of the Hilton Creek  
5 cascade/chute project. (*Id.*)

6 **E. COMB And Reclamation Prepared A Joint EIR/EIS That Attempts To Analyze**  
7 **Many Of The Same Activities Being Analyzed In The State Water Board's EIR.**

8 On October 8, 2001, more than a year after the State Water Board issued its public notice that  
9 it was preparing an EIR to analyze alternatives for Bradbury Dam to protect downstream water rights  
10 and public trust resources, COMB issued its own public notice for the FMP EIR to analyze the  
11 actions described in the FMP and the BO, including the three Hilton Creek construction activities  
12 ("Project"). (32 AR 214:14735.) Several parties, including State Water Board, commented that  
13 COMB was not the proper lead agency as the State Water Board, not COMB, has primary  
14 responsibility for carrying out many of the proposed actions, particularly those involving changes to  
15 the timing and amount of water released from Bradbury Dam. (40 AR 372:17894-96.)

16 In June 2003, COMB issued a Draft Program and Project Specific EIR/EIS.<sup>5</sup> (36 AR  
17 312:15910.) COMB received comments from numerous parties, including Petitioners, expressing  
18 concern about the inadequacies of the Draft FMP EIR. (*See* 40 AR 372:17941-18009; 18042-166.)  
19 Petitioners' comments included a report and a narrated DVD prepared by a well-regarded fisheries  
20 biologist, Dr. Alice A. Rich, concluding that implementing the Highway 154 culvert project would  
21 amount to "trout murder." (*Id.* at 18115.) Dr. Rich's report, based on extensive studies of Hilton  
22 Creek, demonstrated that Hilton Creek was not suitable habitat for steelhead because it: (1) lacks  
23 sufficient water and, in fact, dries up shortly after rains, (2) lacks rearing habitat, (3) lacks spawning  
24 habitat, (4) does not have any remaining pools over the summer that have suitable water temperatures  
25 (and no remaining pools in upper Hilton Creek), and (5) has low dissolved oxygen in the few pools

26 <sup>5</sup> While the FMP EIR included an EIS component, as prepared by Reclamation, that aspect of the  
27 environmental document is not relevant to a CEQA challenge. Therefore, neither Reclamation nor its  
28 EIS are discussed in this brief except where required for context or clarity of background.

1 that last through June. (*Id.* at 18116; *see also* 18166A (DVD 5:30).) A hearing on the Draft FMP  
2 EIR was held on August 27, 2003, during which Petitioners, along with several other entities,  
3 provided additional oral comments. (*Id.* at 18196.)

4 COMB rejected the un rebutted evidence and expert opinion from Dr. Rich based on its  
5 speculation that the Hilton Creek would provide suitable habitat for steelhead. (*Id.* at 18298-304.)  
6 COMB issued the Final FMP EIR on February 24, 2004. (*Id.* at 17875.) On June 1, 2004, Petitioners  
7 submitted additional comments to COMB. (42 AR 391:19394-468.) On November 22, 2004,  
8 COMB held a hearing, at which Petitioners commented again on the Final FMP EIR. (45 AR  
9 425:20405-451.) On November 22, 2004, COMB passed Resolution No. 416, certifying the Final  
10 FMP EIR, adopting overriding considerations, a mitigation monitoring and reporting plan, and  
11 approving the Project, with one exception: COMB did not approve the Hilton Creek chute removal  
12 project (which was not complete at the time) or the Highway 154 culvert project. (44 AR 423:20292-  
13 332.) COMB provided no explanation for its removal of these actions. (*Id.*) Petitioners timely  
14 brought this action challenging COMB's certification of the FMP EIR and approval of the Project.

### 15 III. ARGUMENT

#### 16 A. Standard of Review

17 Where a proposed project may have significant environmental effects CEQA requires the  
18 preparation of an EIR. An EIR must describe the project being considered by the agency, disclose  
19 the potential significant environmental impacts of the project, present alternatives to the project, and  
20 discuss ways to mitigate or avoid the project's significant environmental impacts. CEQA Guidelines  
21 § 15210-15312. Moreover, an EIR "must include detail sufficient to enable those who did not  
22 participate in its preparation to understand and to consider meaningfully the issues raised by the  
23 proposed project." *Bakersfield Citizens for Local Control v. City of Bakersfield*, 124 Cal. App. 4th  
24 1184, 1198 (2004) (citation omitted). When reviewing an EIR for legal adequacy, courts apply an  
25 abuse of discretion standard. CEQA § 21668. Under this standard, an agency has abused its  
26 discretion, and the EIR must be set aside, if 1) it did not proceed as required by law or 2) its  
27 determinations on questions of fact are not supported by substantial evidence in light of the whole  
28

1 record. *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 47 Cal. 3d 376, 392-393  
2 (1988); CEQA § 21668.

3 **1. An Agency Abuses Its Discretion If It Fails To Proceed In The Manner**  
4 **Required By CEQA.**

5 "CEQA contains substantive provisions with which agencies must comply." *Sierra Club v.*  
6 *Gilroy City Council* 222 Cal. App. 3d 30, 41 (1990). Courts must "scrupulously enforce" CEQA by  
7 reviewing an EIR to determine if it is in compliance with the CEQA's requirements. *Citizens of*  
8 *Goleta Valley v. Bd. of Supervisors*, 52 Cal. 3d 553, 564 (1990).

9 An EIR may only be prepared by a public agency meeting the criteria set forth for a lead  
10 agency. See CEQA Guidelines §§ 15051-15053. Thus, an agency fails to proceed in the manner  
11 required by CEQA if it is not the proper public agency to act as lead agency for the purposes of  
12 preparing and certifying an EIR. *Planning and Conservation League v. Dep't Water Resources*, 83  
13 Cal. App. 4th 892 (2000) ("PCL"). The Court owes no deference to an agency's determination that it  
14 is the proper lead agency. The designation of lead agency is a question of law on which the Court  
15 exercises its independent judgment. *PCL*, 83 Cal. App. 4th at 906.

16 An agency fails to proceed as required by CEQA where an EIR's discussion and analysis of a  
17 mandatory EIR topic is so cursory that it does not comply with a requirement of CEQA. See *San*  
18 *Joaquin Raptor/Wildlife Rescue Ctr. v. County of Stanislaus*, 27 Cal. App. 4th 713 (1994) [holding  
19 that discussion of project description, environmental setting, alternatives and cumulative impacts  
20 were inadequate as a matter of law]. Similarly, an EIR must identify all significant environmental  
21 effects of a proposed project and indicate the manner in which significant effects may be mitigated or  
22 avoided. See, e.g., CEQA §§ 21002.1, 21061 and 21081.

23 An EIR must include a sufficient analysis of the Project's cumulative impacts and growth-  
24 inducing impacts. CEQA Guidelines § 15130. An agency fails to proceed as required by CEQA if its  
25 analysis is based on an erroneous interpretation of CEQA's requirements, such as too narrowly  
26 interpreting the CEQA Guidelines concerning what constitutes a reasonably foreseeable project  
27 during preparation of an EIR's cumulative impacts analysis. *San Franciscans For Reasonable*  
28 *Growth v. City and County of San Francisco*, 151 Cal. App. 3d 61,71 (1984).

1 As well, an agency fails to proceed as required by CEQA if it fails to provide reasoned  
2 responses, supported by evidence, to EIR comments by experts with specialized expertise who raise  
3 significant environmental issues. *Santa Clarita Org. for Planning the Env't v. County of Los*  
4 *Angeles*, 106 Cal. App. 4th 715 (2003). Where a credible expert opines that an EIR's assessment of a  
5 significant impact is lacking and further studies are essential to a reasonable analysis, and where the  
6 final EIR's response to the comments does not provide a reasonable explanation, supported by  
7 evidence, for not undertaking the suggested studies, a court may conclude that the EIR's analysis is  
8 fatally deficient. *Berkeley Keep Jets Over the Bay Comm'n v. Bd. of Port Comm'rs*, 91 Cal. App. 4th  
9 1344 (2001).

10 Finally, each public agency must "mitigate or avoid the significant effects on the environment  
11 of projects that it carries out or approves whenever it is feasible to do so." CEQA § 21002.1(b). If  
12 impacts remain significant even after mitigation measures, the lead agency may proceed with the  
13 project *only* if the agency finds that specific economic, legal, social, technological, or other benefits  
14 of a proposed project outweigh the unavoidable adverse environmental effects. CEQA § 21002;  
15 CEQA Guidelines § 15093(a), (b).

16 CEQA does not require a perfect EIR, but it does require "an EIR to reflect a good faith effort  
17 at full disclosure" and "failure to comply with the information disclosure requirements constitutes a  
18 prejudicial abuse of discretion when the omission . . . has precluded informed decisionmaking and  
19 informed public participation." *Bakersfield*, 124 Cal. App. 4th at 1197-98 (citations omitted).  
20 Where, as here, an EIR was not prepared and approved in compliance with CEQA's requirements, it  
21 constitutes a prejudicial abuse of discretion and requires the issuance of a writ of mandate setting  
22 aside the FMP EIR.

23 **2. An Agency Abuses Its Discretion If Its CEQA Determinations Are Not**  
24 **Supported By Substantial Evidence.**

25 An agency also abuses its discretion if its "determination or decision is not supported by  
26 substantial evidence." *Friends of the Eel River v. Sonoma County Water Agency*, 108 Cal. App. 4th  
27 859, 867 (2003). "Substantial evidence" is defined as "enough relevant information and reasonable  
28 inferences from this information that a fair argument can be made to support a conclusion, even

1 though other conclusions might also be reached.” *Bakersfield*, 124 Cal. App. 4th at 1198; CEQA  
2 Guidelines § 15384(a). Substantial evidence includes “facts, reasonable assumptions predicated upon  
3 facts, and expert opinion supported by facts,” but it does not include “[a]rgument, speculation,  
4 unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence  
5 of social or economic impacts which do not contribute to or are not caused by physical impacts on the  
6 environment. . . .” CEQA Guidelines § 15384(a), (b). Thus, an “EIR must contain facts and analysis,  
7 not just the bare conclusions of the agency.” *Bakersfield*, 124 Cal. App. 4th at 1198 (citation  
8 omitted).

9 Moreover, an EIR “must include detail sufficient to enable those who did not participate in its  
10 preparation to understand and to consider meaningfully the issues raised by the proposed project.”  
11 *Id.* (citation omitted). CEQA does not require a perfect EIR, but it does require “an EIR to reflect a  
12 good faith effort at full disclosure.” *Id.* at 1197-98 (citations omitted). “Failure to comply with the  
13 information disclosure requirements constitutes a prejudicial abuse of discretion when the  
14 omission . . . has precluded informed decisionmaking and informed public participation.” *Id.*

15 As explained in detail below, Respondents failed to proceed in the manner required by law  
16 and abused their discretion in certifying the FMP EIR and approving the Project, both because the  
17 FMP EIR does not satisfy the basic statutory criteria for an adequate EIR, and because Respondents’  
18 determinations and decisions are not supported by substantial evidence in the record.

19 **B. The FMP EIR Violates CEQA Because COMB Is Not The Proper Lead Agency**  
20

21 Respondents violated CEQA by acting as lead agency for environmental review of projects  
22 that, at the same time, were under environmental review by another agency, the State Water Board. It  
23 is undisputed that the State Water Board is the sole state agency with permitting authority to regulate  
24 the amount and timing of water releases from Bradbury Dam. As such, it has the principal  
25 responsibility for determining what measures are required to protect steelhead in the Santa Ynez  
26 River. CEQA thus requires that the State Water Board, not COMB, act as lead agency for projects  
27 involving potential changes to the timing and amount of water released from Bradbury Dam, such as  
28 those in the FMP EIR. COMB violated CEQA by acting as the lead agency for the FMP EIR.

1                   1.       Under CEQA A Lead Agency Must Have Principal Responsibility For  
2                   Carrying Out A Project.

3                   Only the “lead agency” may prepare the EIR. *PCL*, 83 Cal. App. 4th at 903-05; CEQA  
4 Guidelines § 15050(a). The lead agency plays a pivotal role in defining the scope of environmental  
5 review and it must “*independently* participate, review, analyze and discuss the alternatives in good  
6 faith.” *PCL*, 83 Cal. App. 4th at 904 (citing *Kings County Farm Bureau v. City of Hanford*, 221 Cal.  
7 App. 3d 692, 736 (1990)) (emphasis in original). It is critical that the correct agency act as the lead  
8 agency because, among other things, the lead agency “may determine an environmentally superior  
9 alternative is more desirable or mitigation measures must be adopted.” *Id.* (quoting *Kings County*  
10 *Farm Bureau*, 221 Cal. App. 3d at 737). The lead agency defines “the scope of environmental  
11 review,” and lends its expertise in areas within its particular domain” in arriving at its  
12 recommendation for the most environmentally sound alternative. *Id.* “So significant is the role of the  
13 lead agency that CEQA proscribes delegation.” *Id.* at 907 (citing *Kleist v. City of Glendale*, 56 Cal.  
14 App. 3d 770, 779 (1976)). Accordingly, an EIR prepared by an agency that is not the proper lead  
15 agency is error and requires preparation of a new EIR under the direction of the proper lead agency.  
16 *Id.* (ordering preparation of new EIR under direction of proper lead agency).

17                   CEQA and the CEQA Guidelines carefully delineate who should be lead agency. A “lead  
18 agency” is the public agency “which has the principal responsibility for carrying out or approving a  
19 project which may have a significant effect upon the environment.” CEQA § 21067; CEQA  
20 Guidelines, § 15367. Where, as here, a project will be carried out by more than one public agency,  
21 “the lead agency will normally be the agency with *general* governmental powers, such as a city or  
22 county, rather than an agency with a *single or limited purpose* such as an air pollution control district  
23 or a district which will provide a public service or public utility to the project.” CEQA Guidelines  
24 § 15051(b)(1) (emphasis added). If more than one public agency equally satisfies this criteria, then  
25 the lead agency will be the one “which will act first on the project in question.” CEQA Guidelines  
26 § 15051(c). The issue of who should be the proper lead agency is a question of law that this Court  
27 decides in the exercise of its own independent judgment. *PCL*, 83 Cal. App. 4th at 906.  
28

1                   2.     **The State Water Board Should Be The Lead Agency Because It Has  
2                   Principal Responsibility For Protecting Steelhead In The Santa Ynez  
3                   River And Its Governmental Authority Is Broader Than COMB's  
4                   Authority.**

5                   Here, the State Water Board, not COMB, should be the lead agency for the Project because it  
6 is the agency that has principal responsibility for determining what measures should be implemented  
7 to protect steelhead in the Santa Ynez River. CEQA § 21067; CEQA Guidelines § 15367. The State  
8 Water Board, not COMB, has exclusive jurisdiction to regulate the use of water in the Santa Ynez  
9 River and Lake Cachuma. *See, e.g.*, Cal. Const., Art. X, Sec. 5 (use of all water is "subject to the  
10 regulation and control of the State"); Cal. Water Code § 174, *et seq.* (State Water Board "shall  
11 exercise the adjudicatory and regulatory functions of the state in the field of water resources."); Cal.  
12 Water Code § 1375, *et seq.* (State Water Board permitting powers). In the course of this regulation,  
13 the State Water Board is expressly charged by statute with protecting public trust resources in the  
14 Santa Ynez River, including water and steelhead. *See, e.g.*, Cal. Water Code § 1243 (the State Water  
15 Board "shall take into account, whenever it is in the public interest, the amounts of water required  
16 for . . . the preservation and enhancement of fish and wildlife resources"). Even NOAA Fisheries  
17 agrees that the State Water Board, not COMB or any other agency, has the primary responsibility for  
18 ensuring the protection of the steelhead:

19                   It is the province of the [the State Water Board] alone to determine if  
20 the technical feasibility and related anticipated costs of any potential  
21 measures to protect public trust resources harmed by the permittee's  
22 facilities and operations outweigh the anticipated benefits. . . . Only the  
23 [the State Water Board], through its own authorities, can ensure that  
24 public trust values in the Santa Ynez watershed are protected and that  
25 the permittee implements appropriate measures in accordance with  
26 California law.

27 (42 AR 391:19411-13, 19418.<sup>6</sup>)

28 <sup>6</sup> In response to COMB's issuance of the NOP for the draft FMP EIR, the State Water Board asserted  
that it was "the appropriate lead agency under [CEQA] for purposes of considering whether the flow  
release requirements contained in [Reclamation's] water rights permits should be modified." (39 AR  
371:17857.) The State Water Board warned that conflicts could easily arise between the analysis and  
recommendations reached by the State Water Board and those reached by COMB. (*Id.*) In  
comments to the Draft DMP EIR/EIS, the State Water Board confirmed "that those potential conflicts  
have materialized." (40 AR 372:17887.) COMB was unable to resolve these conflicts. (*See Id.* at  
18358.)

1 In contrast, COMB does not, and cannot, claim that it has the any statutory charge specific to  
2 the protection of steelhead. COMB was formed for the limited purpose of carrying out the  
3 “responsibilities” for “[o]peration and maintenance of the Cachuma Project facilities, other than  
4 Bradbury Dam.” (39 AR 371:17396.) COMB’s primary objective is to operate the facilities in a  
5 manner that ensures sufficient water deliveries to its members’ customers at the lowest possible price.  
6 (See 47 AR 445:21327.) COMB has no statutory obligation to steelhead under its charge as a Joint  
7 Powers Authority, apart from its responsibility to comply with CEQA before approving and carrying  
8 out discretionary projects, such as the Highway 154 culvert activity. It is thus the State Water Board,  
9 not COMB, that is “principally responsible” for measures aimed at preserving steelhead, such as  
10 those evaluated in the FMP EIR.

11 That the State Water Board should be the lead agency is made obvious by the Project itself. A  
12 significant aspect of the Project is the proposed “Releases for Fish” activities. (39 AR 371:17408.)  
13 These involve surcharging Lake Cachuma, and releasing water from Lake Cachuma—activities  
14 within the exclusive jurisdiction of the State Water Board. For example, one of the activities  
15 analyzed in the FMP EIR is a permanent three-foot surcharge of Lake Cachuma (*Id.* at 17425-27),  
16 which, if implemented, will allow several other activities to proceed. (*Id.* at 17408, 17423-24 (noting  
17 that the “Fish Passage Account” and the “Adaptive Management Account” and associated releases  
18 “would only be implemented after the 3.0-foot surcharge project”).) But far from authorizing this  
19 3.0-foot surcharge, the State Water Board is currently evaluating several alternatives that exclude it  
20 (see 47 AR 445:21352), including the State Water Board’s “environmentally superior alternative,”  
21 which does not include a 3.0 foot surcharge. (*Id.* at 21316.) Many of COMB’s projects also involve  
22 changes to water releases (see, e.g., 39 AR 371:17419 (“ramping down” water rights releases)),  
23 which even COMB admits is within the State Water Board’s primary jurisdiction. (40 AR 372:18200  
24 (“[T]he State Water Board retains primary jurisdiction to determine water release  
25 requirements. . . .”); *Id.* at 18209 (“The proper amount of rearing flows is not within the jurisdiction  
26 of the lead agencies.”).) COMB simply has no discretion to approve or implement any of these  
27 activities, and, therefore, is not the proper lead agency to direct environmental review of them.  
28



1 The harm and confusion caused by COMB's improperly acting as the lead agency is palpable,  
2 particularly given that there are *two* EIRs for public consideration with conflicting conclusions. As  
3 just one example, COMB determined that the impacts to native vegetation and oak trees resulting  
4 from surcharging Cachuma Reservoir was "Significant and Mitigable" and that, after mitigation, the  
5 impact would be less than significant. (39 AR 371:17386-87.) In contrast, the State Water Board  
6 properly determined that the surcharging impact *could not* be mitigated to a level of less than  
7 significance. (47 AR 445:21317.) COMB dismissed this conflict (40 AR 372:18202), reasoning that  
8 the "lead agency has the discretion to formulate standards for significance" of the impacts. (*Id.* at  
9 18211 (citing CEQA Guidelines, § 15064(b)), *see also* 18202.) But it is precisely because the lead  
10 agency has this "discretion" that COMB's improper assertion that it is the proper lead agency  
11 amounts to reversible error. CEQA grants a lead agency this discretion so that it can exercise  
12 "expertise in areas within its particular domain" and recommend "the most environmentally sound  
13 alternative." *PCL*, 83 Cal. App. 4th at 904. Here, impacts caused by surcharging and water releases,  
14 and the resulting impacts on the public trust resources, such as steelhead, are unquestionably with the  
15 State Water Board's domain. CEQA does not permit COMB to commandeer the lead agency role  
16 and supplant its discretion for that of the State Water Board.<sup>7</sup>

17  
18  
19 <sup>7</sup> By denying the State Water Board's status as lead agency, COMB also prepared an EIR with a  
20 deficient alternatives analysis. The State Water Board proposed that if COMB "were to prepare an  
21 EIR/EIS that evaluates only non-flow related measures, the revised flow requirements contained in  
22 the Biological Opinion and to be considered by the [State Water Board] could be evaluated in the  
23 cumulative impacts section of the EIR/EIS." (40 AR 372:17891.) Further, the State Water Board  
24 again proposed that COMB revise its "project description to exclude any flow related measures." (*Id.*  
25 at 17888.) COMB's only response was to "respectfully decline to exclude flow related measures  
26 from [the FMP EIR's] analysis of environmental impacts. (*Id.* at 18203.) COMB's failure to  
27 consider this proposal as a project alternative is error. The alternative, which would have included  
28 most of the Project, would have satisfied the Biological Opinion, would have been as feasible, if not  
more so, than the proposed Project, and would have accomplished a majority of the Project's goals,  
as evidenced by COMB's statement that "many of the [FMP EIR] projects are completely  
independent of others, and do not rely upon the success of one project to ensure success of the  
others." (*Id.* at 18296.) Certainly the proposal would not have met *all* Project objectives, but CEQA  
does not require that an alternative fully accomplish every project objective. CEQA Guidelines §  
15126.6 (An EIR must "[d]escribe a range of reasonable alternatives to the project, or to the location  
of the project, which could feasibly attain the basic objectives of the project. . . .") A reasonable  
range of alternatives for the FMP EIR should have included a project excluding water releases.

1 The court's opinion in *PCL* is instructive and dictates that the State Water Board is the proper  
2 lead agency. There, the Department of Water Resources ("DWR") entered into a contract, the  
3 Monterey Agreement, with six local water contractors. The Monterey Agreement contemplated  
4 changes in the operation of certain State Water Project facilities. *Id.* at 897. Although DWR was the  
5 principal agency overseeing the State Water project, the parties agreed that one of the contractors,  
6 Central Coast Water Authority ("CCWA"), should act as the lead agency to prepare the EIR for the  
7 Monterey Agreement. *Id.* The court held that this violated CEQA:

8 Section 21067 plainly requires the public agency with principal  
9 responsibility to assume the role as lead agency. CCWA, a regional  
10 water contractor, does not have the principal responsibility for  
11 implementing the Monterey Agreement, although it may have a  
12 substantial stake in seeing it implemented. By contrast, DWR, the state  
13 agency charged with the statutory responsibility to build, manage, and  
14 operate the [State Water Project], clearly retains the principal  
15 responsibility to execute amended long-term contracts, to convey the  
16 kern Fan Element, and to facilitate the water transfers allowed under  
17 the Monterey Agreement.

18 *Id.* at 906; see also *Friends of Cuyamaca Valley v. Lake Cuyamaca Recreation and Park Dist.*, 28  
19 Cal. App. 4th 419, 427 (1994) (finding CDFG, not the recreation district, was the proper lead agency  
20 to conduct environmental review for approval of the duck hunting season because CDFG, not the  
21 district, had authority to approve the season). Like DWR, the State Water Board is the "state agency  
22 charged with the statutory responsibility" for determining what measures, if any, are needed for the  
23 steelhead as it concerns Lake Cachuma's impact on the steelhead. And here, like the local water  
24 agency in *PCL*, COMB, a local agency with a limited role in a much larger project, has improperly  
25 asserted itself as the lead agency for environmental review that must be led by the State Water Board.

26 Finally, as discussed above, the State Water Board issues the permits that govern operation of  
27 Lake Cachuma and its related facilities, including COMB's operations. (Section II(A), *supra.*)  
28 COMB's ability to undertake any action relating to Lake Cachuma, including the activities proposed  
in the FMP, depends in the first instance upon the authority flowing from the State Water Board's  
permits. As the agency with the broader governmental powers and principal authority for

1 implementing measures to protect steelhead on the Santa Ynez River, the State Water Board, not  
2 COMB, should be the lead agency. *See* CEQA Guidelines, § 15051(b)(1).<sup>8</sup>

3 **3. COMB Cannot Support Its Assertion That It Is The Appropriate Lead**  
4 **Agency.**

5 COMB justified its role as lead agency by relying on CEQA Guideline 15051(c), which  
6 provides that “where more than one public agency equally meet the criteria in subdivision (b), the  
7 agency which will act first on the project in question shall be lead agency.” COMB asserts that it was  
8 the proper lead agency because it was the “first state or local agency to take action to fund, design,  
9 and implement FMP/BO projects.” (39 AR 371:17400.) COMB’s argument fails for two reasons.

10 First, *before* an agency may apply the standards set forth in CEQA Guideline 15051(c) to  
11 declare itself lead agency it must first “equally meet the criteria in subdivision [15051](b).” CEQA  
12 Guidelines §15051(c). COMB incorrectly assumed that it satisfied the criteria in section 15051(b),  
13 but it does not. The relevant criteria in 15051(b)(1) states:

14 The Lead Agency will normally be the agency with general  
15 governmental powers, such as a city or county, rather than an agency  
16 with a single or limited purpose such as an air pollution control district  
or a district which will provide a public service or public utility to the  
project.

17 As discussed above, the State Water Board has the broader governmental powers, while COMB  
18 exists for the limited purpose of operating some of the Cachuma Project facilities. (Section B2,  
19 *supra*; 39 AR 371:17396.) It does not matter whether COMB “acted first” under 15051(c) because  
20 section 15051(c) does not apply here. *Friends of Cuyamaca Valley*, 28 Cal. App. 4th at 428  
21 (rejecting application of section 15051(c) where the facts dictated the proper lead agency).

22 <sup>8</sup> Even if COMB *could* claim jurisdiction over some of activities within the Project (and it cannot) it  
23 was at least obligated to name the State Water Board as a “responsible agency.” Under CEQA  
24 section 21069, a responsible agency is an agency “other than the lead agency which has responsibility  
25 for carrying out or approving a project.” It is beyond dispute that the State Water Board *alone*  
26 approves water releases from Lake Cachuma, a key component of the Project. Given that a  
27 responsible agency may require changes in a project to lessen or avoid environmental effects of the  
28 part of a project to be approved by the responsible agency, perhaps COMB was concerned that the  
State Water Board, whose Draft EIR for water releases from the Cachuma Project reaches different  
conclusions regarding significant impacts that the FMP EIR, would have exercised its obligations as a  
responsible agency to COMB’s disadvantage. CEQA Guidelines §§15041, 15096(g)(1); *see also*  
*Sierra Club v. Cal. Coastal Comm’n*, 35 Cal. 4th 839 (2005).

1 Even if section 15051(c) applied, the State Water Board, not COMB, was the first state agency to  
2 take action on measures to protect the steelhead. The State Water Board, in fact, took steps to  
3 evaluate what measures were necessary to protect steelhead as early as 1990. (*See, e.g.*,  
4 7 AR 35:2663 (WR 94-5, noting that in December 1990, State Water Board Chairman stated that  
5 before State Water Board could act on pending actions, it had to first evaluate “potential mitigation  
6 measures for the remnant steelhead fishery”).) Respondents, on the other hand, admit that their initial  
7 inquiry into the status of public trust resources, such as the steelhead, did not arise by virtue of  
8 statutory responsibility, but began in 1993 as a “*cooperative program* to investigate native fisheries  
9 along the lower Santa Ynez River below Bradbury Dam.” (39 AR 371:17396 (emphasis added); 40  
10 AR 372:18233.) Given this, the State Water Board, not COMB, was the first state agency to act and  
11 it would be the proper lead agency even if the Court applied CEQA Guidelines section 15051(c).

12 The FMP EIR’s failure to identify the proper lead agency renders it deficient under CEQA,  
13 and requires it to be set aside, with any further environmental review of the Project to be conducted  
14 by the appropriate lead agency.

15 **C. The FMP EIR’s Description Of The Environmental Setting Violates CEQA.**  
16

17 CEQA requires that an EIR contain an accurate description of the project’s “environmental  
18 setting,” which is a “description of the physical environmental conditions in the vicinity of the  
19 project. . . . from both a local and regional perspective.” CEQA Guidelines § 15125(a). The  
20 description must be sufficient to allow “an understanding of the significant effects of the proposed  
21 projects and its alternatives.” *Id.* The description “must permit the significant effects of the project  
22 to be considered in the full environmental context.” CEQA Guidelines § 15125(c). An accurate and  
23 complete description of the environmental setting is “critical to the assessment of environmental  
24 impacts,” and for that reason, failure to adequately describe the environmental setting is error. *Eel*  
25 *River*, 108 Cal. App. 4th at 874-75. Indeed, “the ultimate decision of whether to approve a project,  
26 be that decision right or wrong, is a nullity if based upon an EIR that does not provide the decision  
27 makers, and the public, with the information about the project that is required by CEQA.” *San*  
28 *Joaquin Raptor*, 27 Cal. App. 4th at 721-722 (quoting *Santiago County Water Dist. v. County of*

1 *Orange*, 118 Cal. App. 3d 818, 829 (1981)). Accordingly, an EIR's description of the environmental  
2 setting must be as accurate as possible. *Id.*

3 The FMP EIR's characterization of Reclamation's water rights permits for the Cachuma  
4 Project is inaccurate and misleading because it failed to provide sufficient information about the  
5 circumstances and potential ramifications to the Project resulting from the State Water Board's  
6 hearings to modify Reclamation's permits. More specifically, the FMP EIR states that  
7 "implementation of the FMP/BO projects will not require modification of Reclamation's current  
8 water rights permits from the State Water Board as the proposed flow-related projects (i.e., release  
9 ramping, and releases from Bradbury Dam for fish purposes) and reservoir surcharging are allowable  
10 under the current water rights permits." (36 AR 312:15945-46.) But the FMP EIR fails to provide  
11 sufficient information about the probable changes to the Project likely to occur due to the State Water  
12 Board's on-going proceedings to modify Reclamation's permits.

13 As discussed, the Project's seven "fish release" activities are matters which the State Water  
14 Board is currently reviewing in connection with its hearings on Reclamation's permits. (*See* Section  
15 D, *supra*; *see also* 47 AR 445:21350-57.) COMB admits that State Water Board's on-going hearings  
16 could result in modifications to the water releases proposed in the Project, i.e., the seven "Releases  
17 for Fish" activities. (40 AR 372:18203 ("The lead agencies agree that 'the . . . water rights  
18 hearings . . . may result in changes to the amount and timing of water releases.'").) And COMB  
19 further concedes that the timing and amount of any fish releases from Lake Cachuma are determined  
20 by the State Water Board, not COMB:

21 The lead agencies agree with the State Water Board that "the [State Water  
22 Board], not COMB is the sole agency with discretionary authority to modify  
23 the Reclamation's water rights to protect public trust resources and  
24 downstream water rights." Within that right is the State Water Board's right to  
25 set flow requirements. The State Water Board EIR will be the definitive  
26 document regarding the environmental impacts of modifying the release  
27 requirements contained in the Reclamation's permits.

28 (*Id.* at 18202.)

Moreover, COMB was well aware that the FMP EIR's environmental setting was inadequate.  
The State Water Board repeatedly objected to the FMP EIR's presumptions regarding the water rights  
for the Cachuma Project, first submitting a comment letter in November 2001, in response to the

1 NOP for the FMP EIR, cautioning that COMB's preparation of the FMP EIR was premature and  
2 "likely to be inadequate because it fails to adequately address the flow requirements that will  
3 apply. . . ." (39 AR 371:17857.) In April 2002, the State Water Board again cautioned COMB that a  
4 key hearing issue before the State Water Board was "what flow requirements or other measures  
5 should be incorporated into [Reclamation's] water right permits in order to protect public trust  
6 resources, including steelhead, in the Santa Ynez River below Bradbury Dam." (40 AR 372:17891.)  
7 And in September of 2003, for the third time, the State Water Board pointed out inaccuracies in the  
8 FMP EIR/EIR's discussion about the on-going State Water Board hearings:

9 [I]f the COMB EIR/EIS is finalized before completion of the SWRCB  
10 Phase II hearing, the EIR/EIS may not accurately reflect any changes to  
11 [Reclamation's] water rights permits as a result of the hearing. At this  
time, the Division cannot predict the final release requirements or other  
measures that will be included in [Reclamation's] permits.

12 (*Id.* at 17888.)

13 Despite these admonitions, the FMP EIR failed to disclose that the Project's very existence is  
14 threatened by the State Water Board's proceedings. Nowhere in the FMP EIR's project setting does  
15 it disclose that the Project may be radically revised based on the outcome of the State Water Board's  
16 on-going proceedings. (*See generally* 39 AR 371:17405-62.) Even when discussing activities within  
17 the exclusive province of the State Water Board, the FMP EIR fails to discuss probable changes due  
18 to the State Water Board's hearings. (*See Id.* at 17419-27.)

19 Rather than apprising the public of the potential changes, the FMP EIR misleads the public by  
20 mischaracterizing the State Water Board proceedings as insignificant. For example, the FMP EIR  
21 states that the State Water Board's Draft EIR addresses a "distinctly different" purpose and focus  
22 than the FMP EIR. (*See* 39 AR 371:17402; 40 AR 372:18200.) This is just wrong. Seven of the  
23 project's activities call for "releases for fish," *i.e.*, releases of water from the Bradbury dam. (*See* 39  
24 AR 371:17408.) That is precisely the activity under consideration in the State Water Board hearings.  
25 (47 AR 445:21350-57.) The FMP EIR also claims that the Project's proposed water releases are  
26 allowable under Reclamation's existing permits without explaining that the State Water Board is  
27 currently considering modifications to those very permits. (39 AR 371:17419 (stating that the "ramp-  
28 down schedule is consistent with, and allowable under, Reclamation's water rights permit".) And in

1 the limited places the FMP EIR mentions the State Water Board hearings, it fails to disclose in any  
2 meaningful detail the various alternatives being considered by the State Water Board, and how  
3 adoption of those alternatives could change the Project. (*Id.* at 17471-72.)

4 In its responses to comments, COMB summarily dismissed concerns about the potential  
5 changes resulting from the State Water Board proceedings as “speculative.” (40 AR 372:18202.)  
6 This is patently insufficient given the wealth of knowledge that COMB possessed concerning the  
7 alternatives proposed in the State Water Board hearings. Also, even COMB recognized that unless  
8 the State Water Board adopted the *same* proposals COMB approved in the Project, the FMP EIR’s  
9 analysis would be inadequate, and thus it urged the State Water Board to adopt a proposal in line with  
10 COMB’s Project. (*Id.* at 18203.)

11 Recent case law provides strong precedent for rejecting the FMP EIR’s flawed environmental  
12 setting description. In *Eel River*, the Court of Appeal considered an EIR prepared by the Sonoma  
13 County Water Agency for a project to increase water diversions from the Russian River to meet  
14 customer water demands. 108 Cal. App. 4th at 864. Petitioners challenged the EIR, asserting that it  
15 failed to adequately discuss and disclose that the Federal Energy Regulatory Commission (“FERC”)  
16 was considering proposals to substantially curtail the amount of water the Russian River could divert  
17 from Eel River due to the impacts of those diversions on salmonid species. *Id.* The Court of Appeal  
18 held that the EIR’s failure to sufficiently disclose that there were on-going hearings before FERC, in  
19 which the Agency was an active participant, rendered the environmental setting discussion  
20 inadequate. The environmental setting did not comply with CEQA because it “fail[ed] to alert the  
21 public and the decision makers to the real possibility that [water] diversions, on which the Agency[’s]  
22 [project] depends, will be curtailed.” *Id.* at 874. The Court held:

23 the EIR’s incomplete description of the Project’s environmental setting  
24 fails to set the stage for a discussion of the cumulative impact of the  
25 FERC proceeding and the Project. We conclude the EIR must disclose  
26 to the public and decision makers that, because of the harm caused by  
27 Eel River diversions to salmonid species in that river, proposals are  
28 pending before FERC to curtail these diversions, on which the Agency  
depends. Without this information, the EIR does not comply with  
Guidelines section 15125.

*Id.* at 874-875.

1 Here, as in *Eel River*, the FMP EIR's environmental setting discussion is inadequate because,  
2 though the FMP EIR mentioned the State Water Board's Draft EIR, it failed to alert the public and  
3 decision makers to the scope of the likely imminent changes in Reclamation's water rights permits, as  
4 already set forth in the State Water Board's EIR. Just as in *Eel River*, COMB was well aware that the  
5 State Water Board's on-going proceedings would directly impact the analysis in the FMP EIR.  
6 COMB, in fact, lobbied the State Water Board to prevent it from making any water rights permit  
7 alterations that would render the FMP EIR inaccurate and obsolete. (40 AR 372:18203.) But at the  
8 same time, COMB refused, even when requested by the State Water Board, to include a discussion of  
9 the potential changes in the FMP EIR. Further, by providing a description of the existing permitting  
10 status that presumed no change in Reclamation's water rights permits, just as in *Eel River*, COMB  
11 artificially truncated any meaningful discussion of the Project's impacts under the alternatives  
12 discussed in the State Water Board's Draft EIR. This is prejudicial error and on these grounds alone  
13 the FMP EIR must be set aside.

14 **D. The FMP EIR Violates CEQA Because It Uses An Inaccurate and Unstable**  
15 **Project Description**

16 CEQA requires an accurate, stable and finite project description that includes foreseeable  
17 modifications to the proposed project. *See, e.g., County of Inyo v. City of Los Angeles*, 71 Cal. App.  
18 3d 185, 193 (1977); CEQA Guidelines, § 15124. A "curtailed" project description—one that  
19 artificially narrows the description of the project—may "stultify the objectives of the reporting  
20 process" and "frustrate[] CEQA's public information aims." *County of Inyo*, 71 Cal. App. 3d at 192,  
21 200. "Only through an accurate view of the project may affected outsiders and public decision-  
22 makers balance the proposal's benefit against its environmental cost, consider mitigation measures,  
23 assess the advantage of terminating the proposal (i.e., the "no project" alternative) and weigh other  
24 alternatives in the balance." *Id.* at 192-93. The FMP EIR failed to set forth an accurate and stable  
25 project description, and thus fails to comply with CEQA.

26 First, for the reasons discussed above, the FMP EIR's project description is inadequate and  
27 violates CEQA because it fails to provide sufficient information about the probable changes to the  
28 project that could occur due to the State Water Board's on-going proceedings to consider



1 modifications to Reclamation's permits. (See Section C, *supra*.) The FMP EIR's curtailed project  
2 description omitting information about the State Water Board's proceedings deprived the public of  
3 important information about how the State Water Board's proceedings could change the Project, in  
4 violation of CEQA. See *Laurel Heights*, 47 Cal. 3d at 394-98 (EIR inadequate because it failed to  
5 discuss anticipated future uses of building, even when the precise future uses were unknown).

6 Second, the FMP EIR inconsistently describes the activities that the Project comprises, and  
7 the predicate conditions for implementing the Project. For example:

8 The FMP EIR is unclear and contradictory as to how, or whether, the 3-foot surcharge will be  
9 implemented. The FMP EIR initially states that surcharging would be accomplished in two phases: a  
10 1.8 foot surcharge and a 3.0 foot surcharge. (39 AR 371:17425.) The FMP EIR then states that  
11 COMB later "decided to pursue a 3.0-foot surcharge without an interim surcharging at 1.8 feet." (*Id.*)  
12 Then, just two pages later, the FMP EIR states that it would pursue an interim 1.8 foot surcharge  
13 pursuant to an MOU between CCRB and County of Santa Barbara. (*Id.* at 17426-27.) Even more  
14 confusing, the FMP EIR states that if Reclamation does not achieve the 3.0-foot surcharge by Spring  
15 2005, it would need to "reinitiate their endangered species consultation with NOAA Fisheries" (*Id.* at  
16 17426), which, of course, could lead to a different surcharge. (40 AR 372:18209.) At the same time,  
17 the FMP EIR appears to acknowledge that reconsultation is inevitable because the agreement with the  
18 County of Santa Barbara "effectively postpone[s] a potential 3-foot surcharge for up to five years"  
19 (2009), well after Reclamation's obligation to reinitiate consultation with NOAA Fisheries in 2005.  
20 (39 AR 371:17427.)

21 The FMP EIR contains contradictory descriptions of the role that the State Water Board plays  
22 with respect to COMB's proposed "fish releases" projects. In some places, the FMP EIR states that  
23 the Project's proposed water releases can be accomplished under Reclamation's existing permits with  
24 the State Water Board. (See, e.g., *Id.* at 17419 ("The ramp-down schedule is consistent with, and  
25 allowable under, Reclamation's water rights permit from the State Water Board."); 40 AR 372:18200  
26 ("The FMP/BO project does not include any modification of water rights permits or water release  
27 requirements."); 40 AR 372:18233 ("These projects and management actions are independent of the  
28 State Water Board's action, and are allowable under Reclamation's water rights permits.") Yet, in

1 other places, the FMP EIR claims that this Project involves “water release requirements higher than  
2 those under the State Water Board’s currently valid water rights orders” (40 AR 372: 18200) and  
3 concedes that the State Water Board hearings ““may result in changes to the amount and timing of  
4 water releases”” (*Id.* at 18203.) The FMP EIR is unclear and contradictory in its discussion of  
5 whether the proposed “fish release” projects will require modified permits from the State Water  
6 Board.

7 The FMP EIR is ambiguous as to whether the Project includes feasibility studies for fish  
8 passage over Bradbury Dam. In responses to comments, the FMP EIR states that the feasibility study  
9 of fish passage of the dam is “part of Project No. 28 in Table 2-1 of the Draft EIR/EIS.” (40 AR  
10 372:18205; *see also* 39 AR 371:17413 (noting generally that COMB will “conduct future feasibility  
11 studies on passage projects over Bradbury Dam”).) However, neither the draft EIR nor the final EIR  
12 include a description of fish passage feasibility studies as part of Project No. 28. (*See* 36 AR  
13 312:15956; 39 AR 371:17410, 17462.)

14 Given this, the FMP EIR’s unstable, confusing and contradictory description of the project, and  
15 failure to discuss probable changes arising from the State Water Board’s hearings, violates CEQA  
16 and requires that COMB’s certification of the FMP EIR be set aside. *County of Inyo*, 71 Cal. App. 3d  
17 at 199-200 (agency failed to proceed in a manner required by law and violated CEQA by describing a  
18 narrower project in EIR than the actual project); *Laurel Heights*, 47 Cal. 3d 376 at 394-98.

19 **E. The FMP EIR Violates CEQA By Failing To Analyze The Project’s Cumulative**  
20 **Impacts In Light of The State Water Board Draft EIR.**

21 The CEQA Guidelines require local agencies to consider “past, present, and probable future  
22 projects producing related or cumulative impacts. . . .” CEQA Guidelines § 15130(b)(1)(A). A local  
23 agency must interpret this requirement to “afford the fullest possible protection of the environment.”  
24 *Citizens Assn. for Sensible Dev. of Bishop Area v. County of Inyo*, 172 Cal. App. 3d 151, 168 (1985);  
25 *see also Friends of Mammoth v. Bd. of Supervisors*, 8 Cal. 3d 247, 259 (1972). In considering  
26 whether an EIR must include related projects, “[t]he primary determination is whether it was  
27 reasonable and practical to include the projects and whether, without their inclusion, the severity and  
28

1 significance of the cumulative impacts were reflected adequately.” *Kings County Farm Bureau*, 221  
2 Cal. App. 3d at 723.

3 As discussed in Section C above, in *Eel River*, the Court of Appeal considered a challenge to  
4 a Sonoma County Water Agency (“Agency”) EIR for a project to increase water diversions from the  
5 Russian River to meet customer water demands. Petitioners challenged the Agency’s EIR for its  
6 failure to adequately discuss and disclose that FERC was concurrently considering proposals to  
7 curtail the amount of water the Russian River could divert from Eel River. The Court of Appeal in  
8 *Eel River* identified six reasons the Agency’s failure to discuss and disclose FERC’s on-going  
9 proceedings was “prejudicial” and rendered the EIR’s cumulative impacts discussion “deficient”; the  
10 same six reasons apply in this case: (1) the EIR’s discussion of the FERC proceedings conflicted with  
11 evidence in the record; (2) the Agency was aware when it prepared its EIR that FERC was  
12 considering proposals that might limit the Agency’s ability to carry out its project; (3) at the time the  
13 EIR was prepared, the proposals before FERC had progressed to the point that an Environmental  
14 Impact Statement, the federal equivalent of an EIR, had been initiated; (4) the Agency was an active  
15 participant in the FERC proceedings; (5) the Agency’s failure to analyze the FERC proceedings  
16 denied decisionmakers and the public the information necessary to evaluate the project; and (6) if the  
17 Agency had taken the FERC proceedings into account in its EIR, it might have reached a different  
18 conclusion regarding its project. *Eel River*, 108 Cal. App. at 868-883. Here, the FMP EIR failed to  
19 take into account and adequately analyze the proposals pending before the State Water Board  
20 regarding modifications of Reclamation’s water rights permits, and the cumulative impacts that the  
21 State Water Board’s decision could have on the environment and on the Project approved by COMB.  
22 This failure violates CEQA, and requires that the FMP EIR be set aside.

23 Just as the Court of Appeal observed in *Eel River*, “the record tells a far different story from  
24 the one [COMB] relates in its EIR.” *See Id.* at 869. The FMP EIR’s Cumulative Impacts analysis  
25 concedes:

26 The State Water Board convened the WR 94-5 hearing on the Cachuma  
27 Project in late 2003 to determine if there is a need to modify  
28 Reclamation’s water rights permits to divert, store, and use water from  
the Santa Ynez River to protect downstream water rights and public  
trust resources. The outcome of the hearing cannot be predicted. The

1 State Water Board has the authority to modify the permits, including  
2 (1) changes in the allowable storage; (2) changes in the amount and  
3 timing of downstream water rights; (3) changes in the method to  
measure and account for downstream releases; and (4) new downstream  
releases to address new public trust resource issues.

4 (39 AR 371:17755-56.) However, the FMP EIR asserts that no cumulative impacts analysis of the  
5 pending State Water Board action is possible, because, "there is *no available information* on what  
6 type of action, if any, the State Water Board may take in the WR 94-5 hearings. . . ." (*Id.*) (emphasis  
7 added). In fact, the FMP EIR reveals that COMB *did* have information concerning the type of  
8 actions pending before the State Water Board. The FMP EIR states that "[i]n May 1999, the State  
9 Water Board issued a Notice of Preparation (NOP) for an EIR on the Cachuma Project water rights  
10 permits. A Draft EIR was issued in August 2003 by the State Board. The State Water Board will use  
11 their EIR in its determination as to whether any modification is required in Reclamation's permits."  
12 (*Id.* at 17402.) Thus, at the time COMB prepared the FMP EIR, COMB was aware that the State  
13 Water Board was considering proposals to modify Reclamation's water rights permits, and that a  
14 CEQA analysis of the State Water Board's proposals was publicly available.

15 The record also demonstrates that the State Water Board's proposed modifications to  
16 Reclamation's permits could directly impact COMB's ability to carry out the Project's flow-related  
17 activities. (*See Id.* at 17408.) The FMP EIR is prefaced on the assumption that the Project's flow-  
18 related activities can be carried out under Reclamation's current water rights permits. (*Id.* at 17399-  
19 400 ("implementation of the FMP/BO Projects will not require modification of Reclamation's current  
20 water rights permits from the State Water Board. . . .")) However, the State Water Board Draft EIR  
21 considers seven alternatives for modifying Reclamation's permits, including the alternative that the  
22 State Water Board selected as the environmentally superior alternative, Alternative 3A. (47 AR  
23 445:21314.)

24 Alternative 3A calls for implementation of the Biological Opinion, but would only allow for  
25 water releases for fish rearing and passage at the Bradbury Dam's "current 0.75-foot surcharge."  
26 (*Id.*) This is in stark contrast to the Project approved by COMB pursuant to the FMP EIR, which  
27 Project is prefaced on COMB's assumption that the State Water Board will permit water releases at  
28 the Bradbury Dam with a 3.0 foot surcharge. (44 AR 423:20332.) COMB certainly is aware of this

1 distinction, in fact, the FMP EIR states that “[t]he lead agencies have requested the State Water  
2 Board to select Alternative 3C” (the alternative that calls for the 3.0 foot surcharge). (40 AR 372:  
3 18202-203.) Also, the Cachuma Conservation Release Board (made up of many Cachuma member  
4 units) submitted a comment letter on the State Water Board Draft EIR objecting to the State Water  
5 Board’s selection of Alternative 3A as the environmentally superior alternative, and advocating for  
6 the State Water Board to designate Alternative 3C as environmentally superior. (38 AR 346:17016-  
7 17.)

8 As the Court in *Eel River* held, “CEQA requires more than this.” 108 Cal. App. 4th at 870.  
9 “[I]t was both reasonable and practical to include the [State Water Board] proposals pending before  
10 [State Water Board] in [COMB’s] cumulative impacts analysis.” *Id.* Based on the [State Water  
11 Board’s preparation of a Draft EIR] alone, [a court] can conclude the possible [modification of  
12 Reclamation’s water rights permits] was a reasonably foreseeable future project, which should have  
13 been included in the EIR’s discussion of cumulative impacts.” *Id.*, see also *San Franciscans for*  
14 *Reasonable Growth*, 151 Cal. App. 3d at 75 (projects that had progressed far enough to be under  
15 environmental review must be considered in a cumulative impacts analysis because “experience and  
16 common sense indicate that projects which are under review are ‘reasonabl[y] foreseeable probable  
17 future projects.’”).

18 Although COMB down-plays the relevance of the State Water Board’s EIR, arguing that “the  
19 purpose and focus” of the two documents “are distinctly different,” COMB admits that it is a  
20 participant in the State Water Board proceedings, noting that “at the WR 94-5 water rights hearing in  
21 November 2003, Reclamation and COMB requested that the State Water Board adopt the FMP/BO  
22 releases for the protection of public trust resources. . . .” (39 AR 371:17403.) In fact, the record  
23 demonstrates that the Cachuma Member Units were and are active participants in the State Water  
24 Board proceedings, who understood fully the nature and scope of the permit changes under  
25 consideration by the State Water Board and lobbied for the State Water Board to approve water rights  
26 permits that would correspond to water releases required to pursue the FMP EIR Project.

27 In its February 13, 2004 “Closing Brief” to the State Water Board (submitted 11 days before  
28 COMB issued its Final FMP EIR and 9 months before COMB certified the FMP EIR,) the Cachuma

1 Member Units appealed to the Board not to “modify Reclamation’s Cachuma Project permits,” and  
2 recommended that the Board “adopt [State Water Board Draft EIR] Alternative 3C as [the Board’s]  
3 preferred method of Cachuma Project operation.” (54 AR 452:25485.) Just as in *Eel River*, COMB  
4 is “participating actively in [the State Water Board] proceeding” and “was aware of the nature of the  
5 proposals pending before [the State Water Board] and the environmental consequences of those  
6 proposals. . . .” which is “evidence that environmental information omitted by [COMB] was, in fact,  
7 available for inclusion in the EIR” such that “the EIR could reasonably and practically have included  
8 such projects in its analysis.” *Eel River*, 108 Cal. App. 4th at 870-871.

9 Finally, COMB’s failure to consider the impact of the potential modification of Reclamation’s  
10 water rights permits resulted in an EIR that failed to alert decisionmakers and the public to the  
11 possibility that COMB will not be able to release water as called for in the Project. As in *Eel River*,  
12 had COMB taken into account the possible changes to the water rights permits, including the State  
13 Water Board’s selection of its environmentally superior alternative, which is in direct conflict with  
14 COMB’s Project, “it might well have reached a different conclusion” about the Project. *Id.* at 871-  
15 872. Such error is prejudicial as “the failure to include relevant information precludes informed  
16 decision making and informed public participation, thereby thwarting the statutory goals of the EIR  
17 process.” *Id.* (citing *San Joaquin Raptor*, 27 Cal. App. 4th at 721-722).

18 The FMP EIR argues that no cumulative impacts analysis of the pending State Water Board  
19 proceedings is necessary because “any prediction would be purely speculative.” (39 AR 371:17755-  
20 56.) Further, COMB received comments on the draft FMP EIR noting:

21 we find it incredulous [sic] that COMB and Reclamation would issue  
22 and fast track this EIR/EIS during same time frame as the State Water  
23 Board issued a Notice of Preparation for their own EIR on the  
24 Cachuma Project water rights permits when it recognizes the State  
Water Board’s jurisdiction on the question of minimum releases from  
the Cachuma Project

25 COMB’s only response was to assert that “the timing of a decision by the State Water Board and the  
26 issuance of a Final EIR are unknown . . . [h]ence there is no need to delay the implementation of the  
27 FMP/BO pending the State Water Board’s decision. . . .” (40 AR 372:18233, *see also* 17954.)

28 Again, as in *Eel River*, this Court must reject that argument. In *Eel River* the Court of Appeal

1 concluded, “[w]e do not agree that a lengthy review process means a project is speculative . . . the  
2 proposals pending before FERC to decrease Eel River diversions may not be considered speculative  
3 simply because the FERC process appears to be a lengthy one.” 108 Cal. App. 4th at 870.

4 **F. The FMP EIR Violates CEQA Because No Substantial Evidence Supports Its**  
5 **Conclusion That Upper Hilton Creek Is Suitable Habitat For Steelhead**

6 One of the Project’s proposed activities is removing an existing barrier for fish passage  
7 underneath the Highway 154 Culvert on Hilton Creek. (39 AR 371:17408, 17428-29.) The FMP  
8 EIR concluded that “excellent rearing” and “some spawning” habitat for steelhead exists on Hilton  
9 Creek above the Highway 154 culvert (*Id.* at 17627-28) and impacts to steelhead resulting from this  
10 project would be less than significant. (*Id.* at 17629.) Far from finding support for its conclusions,  
11 the unrebutted expert evidence in the record demonstrates that upper Hilton Creek does not have  
12 suitable habitat for steelhead, and that removing the existing Highway 154 culvert barrier to lure fish  
13 up Hilton Creek is tantamount to “trout murder.” (40 AR 372:18115.)

14 **1. No Substantial Evidence Supports The FMP EIR’s Conclusion That**  
15 **Hilton Creek Is Suitable Habitat for Steelhead**

16 The record is devoid of evidence supporting the FMP EIR’s conclusion that upper Hilton  
17 Creek contains habitat suitable for steelhead. (*See* 39 AR 371:17628-29.)<sup>9</sup> To the contrary, the  
18 unrebutted evidence in the record, including testimony by Petitioners’ expert, fish biologist Dr. Alice  
19 Rich, demonstrates that upper Hilton Creek *does not* have suitable habitat for steelhead.<sup>10</sup>

20 First, upper Hilton Creek lacks sufficient water be viable steelhead spawning or rearing  
21 habitat. Viable steelhead habitat requires, among other things: (1) flowing water containing an  
22 adequate amount of dissolved oxygen, (2) access to and from spawning habitat, and (3) access to and  
23 from rearing habitat. (40 AR 372:18166A (DVD 5:30).) Adequate stream flows are “absolutely

24 <sup>9</sup> The term “upper Hilton Creek” refers to that portion of Hilton Creek upstream of Reclamation  
25 property, which is the definition that Petitioners’ expert, Dr. Rich used in her analysis. (*See* 40 AR  
372:18115.)

26 <sup>10</sup> Dr. Rich is highly qualified to analyze the suitability of Hilton creek as habitat for steelhead. For  
27 the last twenty years, she has, among other things, studied the thermal impacts on salmonids,  
including steelhead and rainbow trout (40 AR 372:18121) and has published dozens of articles on,  
and conducted multiple studies of, fish and fish habitat in California. (*See Id.* at 18140-51.)  
28

1 critical" to the survival of steelhead. (*Id.* (DVD at 6:50); *see also* 39 AR 371:17543 (FMP EIR  
2 noting correlation between higher flows and the frequency and quality of rearing habitat).)

3 Dr. Rich conducted multiple surveys of upper Hilton Creek in 2002 and 2003 in multiple  
4 months during all seasons of the year to determine the suitability of Hilton Creek as habitat for  
5 steelhead. (*See generally*, 40 AR 372:18114-66; 18166A (DVD).) Dr. Rich concluded that upper  
6 Hilton Creek does not have suitable rearing or spawning habitat for steelhead because, among other  
7 things, it lacks sufficient water. (*Id.* at 18118; *see also* 18116, 18126.) In both 2002 and 2003, Dr.  
8 Rich observed that upper Hilton Creek went completely dry during the summer months, when  
9 steelhead need water for rearing. (*Id.* at 18125, 18166A (DVD at 7:45, 10:30), 18121, and 18166A  
10 (DVD at 11:30, 12:00).)<sup>11</sup> A creek that completely dries during the summer, of course, is insufficient  
11 to support steelhead. (*Id.* at 18166A (DVD at 10:30), 18117; *see also* 18166A (DVD at 2:45).)<sup>12</sup>  
12 Indeed, the FMP's technical appendices recognize that natural conditions in Hilton Creek preclude

13  
14 <sup>11</sup> Dr. Rich noted that 2002 was a dry year, but also confirmed that the lack of water in Hilton Creek  
15 is a natural phenomenon that has been documented for over 70 years. (40 AR 372:18166A (DVD at  
16 11:50).) COMB mischaracterizes 2003 as a "below normal water year" (*Id.* at 18299) even though its  
17 own biologist testified that 2003 was a normal year for water (46 AR 444:21117; *see also* 40 AR  
18 372:18373 (testimony of Ali Shahroody noting that 1998 resulted in largest amount of water spilling  
19 from Bradbury Dam for the decade between 1993 and 2002). COMB summarily discards Dr. Rich's  
20 surveys as mere "snapshot[s] in time of specific locations" and thus lacking the "necessary  
21 documentation to modify the conclusions drawn by Reclamation and COMB...." (40 AR  
22 472:18299.) In fact, Dr. Rich's surveys were conducted throughout 2002 and 2003 during multiple  
23 months (January, February, April, May, August, September, and December), to provide an accurate  
24 picture of year-round conditions on Hilton Creek and representative example of conditions on Hilton  
25 Creek upstream from Reclamation's property. (*See* 40 AR 372:18151; 42 AR 392:19474.) It is  
26 telling that COMB summarily dismissed Dr. Rich's comprehensive surveys as inadequate while  
27 basing its own conclusions regarding upper Hilton Creek on the observations of Mr. Engblom, who  
28 made only a single, four-hour visit to Hilton Creek and took no samples or surveys, and unspecified  
aerial photos, which tell you very little about the habitat and are not in the record. (39 AR  
371:17626; *see also* 42 AR 392:19472-73.)

<sup>12</sup> COMB dismissed Dr. Rich's conclusion that "Upper Hilton Creek does not provide enough water  
'long enough for steelhead to complete their journey,'" claiming that she "[did] not provide  
documentation" in support. (40 AR 372:18299.) COMB's own technical appendices to the FMP  
provide the documentation. (30 AR 178:13775.) The report of Stetson Engineers (COMB's expert)  
also supports Dr. Rich's conclusion. From the scant data that it had, Stetson Engineers attempted to  
simulate the flows in Hilton Creek. (40 AR 372:18331c-57.) Putting aside the problems with the  
report's unsupported assumptions and lack of supporting data, it *still* concludes that, even in a very  
wet year (1998), water flows in Hilton Creek cease during the several summer months when  
steelhead need water flows for rearing habitat. (*See, e.g.*, 40 AR 372:18335; 46 AR 444:21117.)  
Thus, COMB's own experts demonstrate that Hilton Creek lacks sufficient water flow to be  
successful rearing habitat for steelhead.



1 successful rearing of steelhead. (See 30 AR 178:13775; see also 30 AR 178:13775;  
2 39 AR 371:17527; 30 AR 178:13916.)

3 Based on her multiple surveys, Dr. Rich concluded that it was absurd to proceed with the  
4 Highway 154 culvert project. (40 AR 372:18129.) She concluded that if “any trout are able to  
5 immigrate under Route 154, they would be stranded in pools upstream early in the year and,  
6 ultimately, die of desiccation or predation by mammals and/or birds.” (*Id.*) “Enticing  
7 rainbow/steelhead to immigrate to an area of the creek, which does not have year-round flowing  
8 water and which dries up at the earliest by spring and latest by summer, will result in more dead  
9 rainbow/steelhead, not an increased steelhead population.” (*Id.* at 18131; see also 18166A (DVD at  
10 14:30) (“Encouraging adult fish to move upstream if water is temporarily available will certainly  
11 result in high fish mortality.”).)

12 Second, upper Hilton Creek does not contain steelhead spawning habitat. Dr. Rich and her  
13 associates took three dozen samples of the substrate material along various points along upper Hilton  
14 Creek—none contained suitable spawning habitat. (*Id.* at 18166A (DVD at 13:00).) The streambed  
15 of upper Hilton Creek either contains boulders too large for spawning, or has a high degree of fine silt  
16 that, even when water is flowing, smothers eggs. (*Id.* (DVD at 13:35).)

17 The “evidence” relied upon by COMB does not support the FMP EIR’s conclusion that Hilton  
18 Creek has suitable habitat for steelhead. COMB has no concrete data on conditions in Upper Hilton  
19 Creek, but instead relies solely on a “brief field visit . . . in January 2003” by Mr. Engblom, for which  
20 there is apparently no written report. (39 AR 371:17626.)<sup>13</sup> COMB has no data on the frequency and  
21 amount of flows in upper Hilton Creek, or of the number and persistence of any pools in upper Hilton  
22 Creek. Even COMB’s technical reports concede that no surveys were conducted upstream of  
23 Reclamation’s boundary line on Hilton Creek. (30 AR 178:13872.)<sup>14</sup> Mr. Engblom’s brief,

24 <sup>13</sup> COMB also claims that it relied on “aerial photographs,” but these alleged photographs are  
25 unidentified and do not appear in the record. (39 AR 371:17626.) In any event, aerial photographs  
26 would not reveal any useful information about the suitability of upper Hilton Creek for steelhead due  
to Upper Hilton Creek’s canopy, which would block the view from above. (40 AR 372:18125.)

27 <sup>14</sup> COMB’s submission of a report by Stetson Engineering does not support its claims because the  
28 report only addresses flows in *lower* Hilton Creek, and provides no data for conditions in upper  
Hilton Creek upstream from the Highway 154 culvert. (See 40 AR 372:18331c-18357) Moreover,  
(Footnote continues on next page.)

1 unwritten observations of a four-hour visit to upper Hilton Creek in winter 2003 do not amount to  
2 substantial evidence supporting the FMP EIR's conclusion that upper Hilton Creek has suitable  
3 habitat for steelhead. Mr. Engblom did not take any measurements, conduct any surveys, take any  
4 samples, or otherwise compile any data during his brief visit. (42 AR 293:19472.) The record does  
5 not contain data or any recording, written or otherwise, of Mr. Engblom's 2003 tour of Hilton Creek.  
6 Moreover, Mr. Engblom could not reasonably conclude that upper Hilton Creek has good rearing  
7 habitat, which by definition is habitat needed by steelhead during the summer months, based on a  
8 single, four-hour visit during to Hilton Creek in the winter. (See, e.g., 40 AR 372:18166A (DVD at  
9 14:10) (noting that steelhead rearing occurs for 1 to 2 years and thus fish would have to survive one  
10 to two summers on Hilton Creek). Thus, as an initial matter, Mr. Engblom's "opinion" about the  
11 suitability of upper Hilton Creek for steelhead habitat amounts to nothing more than an  
12 unsubstantiated narrative that has no objective factual support in the record. As such, it is not  
13 substantial evidence. CEQA Guidelines, § 15384(a); *Berkeley Keep Jets Over the Bay*, 91 Cal. App.  
14 4th at 1355 ("[T]he reviewing court is not to 'uncritically rely on every study or analysis presented by  
15 a project proponent. . . . A clearly inadequate or unsupported study is entitled to no judicial  
16 deference.'") (*Laurel Heights*, 47 Cal. 3d at 409, fn. 12).

17 In any event, Mr. Engblom's observations actually undermine the FMP EIR's conclusion that  
18 upper Hilton Creek has suitable habitat for steelhead. His observations were that: (1) the "creek was  
19 dry except for the reach immediately upstream of Highway 154 and at the second road crossing  
20 where flow was visible"; (2) the "creek was sporadically wetted with minimal flowing water (<2  
21 gallons per minute) followed by long sections of dry creek channel";<sup>15</sup> and (3) "[p]ool habitats were

22 (Footnote continued from previous page.)

23 the report confirms that "general flows in the Hilton Creek cease to exist during the summer months"  
24 and that the "dry period could extend into November." (40 AR 372:18332.) And the FMP EIR itself  
25 acknowledges that Hilton Creek flows are "very sporadic" and "highly dependent on seasonal  
26 rainfall." (39 AR 371:17534.) "Flows do not persist in the lower reach for more than a few days  
27 during average years." (*Id.*)

28 <sup>15</sup> Mr. Engblom also stated that in one section above the Highway 154 culvert, he observed water  
flowing at "an estimated rate of 5 gallons per minute." (39 AR 371:17627.) Even if true, this would  
only amounts to .01 cubic feet per second (cfs). This is patently insufficient flow for steelhead, and  
there is no evidence in the record demonstrating that .01 cfs can sustain steelhead or even allow  
steelhead to move up or downstream.

1 present but limited in number.” (39 AR 371:17627.) This is not evidence supporting the FMP EIR  
2 conclusion that “excellent rearing habitat was available and a limited amount of spawning locations  
3 was observed.” (*Id.* at 17628.)

4 Finally, the FMP EIR’s reliance on random sightings of fish in Hilton Creek, and particularly  
5 Dr. Rich’s observation of a three-inch fish, is insufficient. (40 AR 372:18299.) In the more than two  
6 years that Dr. Rich conducted surveys on Hilton Creek, she observed only one rainbow/steelhead on  
7 Hilton Creek and it was found in 2-foot wide pool that was only 2 inches deep. (*Id.* at 18125.)<sup>16</sup>  
8 There was no evidence as to how the fish came to be in the pool. (42 AR 392:19471.) It was  
9 “extremely emaciated” and it ultimately died after the pool in which it was observed dried up. (40  
10 AR 372:18126; 42 AR 392:19470-71, 19473.) This is what will occur to any steelhead lured  
11 upstream of Highway 154 during the sporadic winter flows, only to be stranded in isolated pools that  
12 eventually dry up.<sup>17</sup>

13 In short, uncontroverted evidence in the record shows that upper Hilton Creek is naturally dry,  
14 even just days after significant rain, and that fish that are lured to the upper reaches, beyond existing  
15 boundaries, will have no hope of surviving the summer months, or traveling downstream to more  
16 favorable conditions. There is no evidence in the record supporting the FMP EIR’s conclusion that  
17 upper Hilton Creek has rearing or spawning habitat.

18 **2. The FMP EIR Incorrectly and Inadequately Analyzes The Potential**  
19 **Impacts To Steelhead Resulting From The Highway 154 Chute Removal**  
20 **Project**

21 For the same reasons discussed above, substantial evidence does not support the FMP EIR’s  
22 conclusions that the impacts to steelhead from implementing the Highway 154 chute project will be  
23 insignificant, and even beneficial. (*See* 39 AR 371:17391, 17394, 17630.) To the contrary, the  
24 un rebutted evidence demonstrates that removing an existing barrier to passage upstream of the

25 <sup>16</sup> Moreover, the “SYRTAC project biologist has never observed steelhead in the reach upstream of  
26 the chute pool to the Reclamation property boundary although fish have been observed in the pool  
27 directly downstream from the Highway 154 Culvert.” (30 AR 178:13908.)

28 <sup>17</sup> In August 2000, Mr. Engblom allegedly observed a steelhead/rainbow immediately below the  
Highway 154 culvert. (31 AR 190:14367-68.) In January 2001, he also allegedly observed a  
steelhead/rainbow immediately above the bedrock chute impediment. (*Id.*) This is not evidence that  
steelhead have been observed, much less survived, above the Highway 154 culvert.

1 Highway 154 culvert and luring steelhead from arguably good habitat (*i.e.*, the Santa Ynez River,  
2 other tributaries and lower Hilton Creek below Reclamation's artificial watering system) into upper  
3 Hilton Creek's lethal habitat where they will become stranded and die is, at the very least, a  
4 potentially significant impact. (*See Id.* at 17478 (FMP EIR's thresholds of significance).)

5 The FMP EIR attempts to justify the increased likelihood of steelhead death that would result  
6 from the Highway 154 culvert project as significant by reasoning that steelhead death is a "natural  
7 event[]" and "part of the popular dynamics for steelhead throughout the lower Santa Ynez River."  
8 (*Id.* at 17630.) This completely misses the point. The significant impact is not that steelhead will  
9 continue to die due to the existing conditions of the Lower Santa Ynez river watershed, but that  
10 otherwise healthy steelhead will die as a result of the Project due to the removal of an existing barrier  
11 that currently prevents steelhead from migrating to upper Hilton Creek's lethal conditions. The fact  
12 that steelhead die under existing conditions is not substantial evidence that sending steelhead from an  
13 arguably healthy to an unhealthy habitat, and eventually to their death, is insignificant. (*See Id.* at  
14 17478 (noting that threshold for a significant impact is an impact having a "substantial adverse  
15 effect . . . on any species" that is protected).)

16 The FMP EIR further hypothesizes that new streambed territory in upper Hilton Creek, even  
17 if unfavorable, will not result in significant adverse impacts to steelhead because they will "seek out  
18 and occupy more favorable locations (e.g., lower Hilton Creek and Salsipuedes Creek)." (*Id.* at  
19 17630.) There is no evidence supporting this assumption. First, if it is true that steelhead will  
20 inevitably seek out the more "favorable locations" of lower Hilton Creek, why remove the Highway  
21 154 culvert barrier and give steelhead the option of getting stranded to die in upper Hilton Creek in  
22 the first place? Second, there is no evidence supporting the assumption that conditions in upper  
23 Hilton Creek will allow steelhead get to the more "favorable locations," *i.e.*, get downstream before  
24 getting stranded. The record demonstrates that even in wet years Hilton Creek's flows are  
25 intermittent and that it dries up quickly—within days—after rainfall. (40 AR 372:18166A (DVD at  
26 7:45); 30 AR 178:13873 (FMP technical study noting that "Hilton Creek clears rapidly after storm  
27 events, usually within a few days after rains have ceased"); 30 AR 178:13774 (FMP technical study  
28 noting that "Hilton Creek clears quickly even after several days of rain.")) Indeed, fish stranding is

1 such a concern on even the lower portion of Hilton Creek (where there are artificial water flows) that  
2 the FMP requires a “ramping” schedule gradual reduction in “water flows to avoid stranding fish. (See  
3 30 AR 178:13900.)<sup>18</sup> Of course, COMB has no control of the intermittent flows of upper Hilton  
4 Creek, and thus cannot implement a ramping schedule to prevent steelhead stranding. And COMB  
5 did not consider any other potential measures because it failed to analyze the impact of stranding fish  
6 in upper Hilton Creek.<sup>19</sup>

7 Considering that the purpose of the Highway 154 culvert project is to “provide access to  
8 habitat upstream of the culvert,” (*Id.* at 13911), and that the undisputed evidence demonstrates that  
9 steelhead that become stranded above the culvert will die, the FMP EIR should have at least  
10 classified the impact of the Highway 154 culvert project as potentially significant and analyzed these  
11 impacts. The FMP EIR failed to do this and as a result, did not properly consider the impact to  
12 steelhead resulting from luring them from suitable habitat to unsuitable habitat on upper Hilton Creek  
13 where they will perish. The FMP EIR thus fails to comply with CEQA.<sup>20</sup>

14 <sup>18</sup> “Changes in water flow can result in fish stranding.” (29 AR 177:13698.) A ramping schedule  
15 “limits the amount of change in flow that can be made in a given time period.” (*Id.*) Ramping down  
16 flows pursuant to a schedule is intended to allow fish to move to deeper water and avoid being  
stranded. (39 AR 371:17419.) Of course, ramping is only possible where water flows can be  
controlled.

17 <sup>19</sup> The FMP EIR is inconsistent and confusing in its statements about how frequently it anticipates  
18 steelhead will migrate to upper Hilton Creek. In some places it states that the Project will result in  
the “periodic occurrence of steelhead on upper Hilton Creek.” (39 AR 371:17630.) Elsewhere it  
19 asserts that “more frequent” and “more abundant” steelhead will migrate to upper Hilton Creek. (*Id.*  
at 17829.) And still elsewhere it concedes that it “cannot predict the spawning and rearing success  
20 rate in such years without more information about the hydrologic and habitat conditions along the  
upper creek, which is not available due to landowner prohibition on access.” (*Id.* at 17629.)  
21 Regardless of this confusion, the FMP EIR violated CEQA by failing to analyze the adverse impacts  
on any steelhead migrating above the Highway 154 culvert on Hilton Creek.

22 <sup>20</sup> For the same reasons, the FMP EIR’s rejection of the alternative that eliminated the Highway 154  
23 culvert project is not supported by substantial evidence. The FMP EIR concluded, and COMB found,  
that eliminating the Highway 154 culvert project would not lessen the Project’s impacts. (39 AR  
24 371:17735; 44 AR 423:20325.) As discussed, the only substantial evidence of record demonstrates  
that eliminating the Highway 154 culvert project would eliminate a substantial impact of the  
25 Project—unnecessary steelhead death. Moreover, the FMP EIR also concluded, and COMB found,  
that eliminating the Highway 154 culvert project would be “not be consistent with the FMP/BO.” (39  
26 AR 371:17735; 44 AR 423:20326.) However, when COMB adopted the Project, it excluded the  
Highway 154 culvert project in direct conflict with its finding that such exclusion is inconsistent with  
27 the Project. (44 AR 423:20292.) While Petitioners agree that permanent elimination of the Highway  
154 project is the only determination supported by substantial evidence, COMB still abused its  
28 discretion in making findings contradicted by its own project approval.

1           **G.     The FMP EIR Violates CEQA Because No Substantial Evidence Supports Its**  
2           **Conclusion, and COMB's Finding, That The Impacts From Surcharging Will Be**  
3           **Reduced To Less Than Significant**

4           One of the fundamental objectives of CEQA is "identification of . . . 'feasible mitigation  
5 measures which will avoid or substantially lessen' significant environmental effects." *Rio Vista*  
6 *Farm Bureau Ctr. v. County of Solano*, 5 Cal. App. 4th 351, 376 (1992) (citing CEQA § 21002;  
7 *Citizens of Goleta Valley v. Bd. of Supervisors.*, 197 Cal. App. 3d 1167, 1182 (1988)). CEQA  
8 requires a public agency to "mitigate or avoid the significant effects on the environment of projects  
9 that it carries out or approves whenever it is feasible to do so." CEQA § 21002.1(b). CEQA also  
10 requires that mitigation measures be "fully enforceable through permit conditions, agreements, or  
11 other legally-binding instruments" (CEQA Guidelines § 15126.4(a)(1)(D)(2)) and a public agency  
12 must find that mitigation measures are fully enforceable (CEQA § 21081.6(b)). This requirement  
13 ensures that "feasible mitigation measures will actually be implemented as a condition of  
14 development, and not merely adopted and then neglected or disregarded." *Fed'n of Hillside and*  
15 *Canyon Ass'n. v. City of Los Angeles*, 83 Cal. App. 4th 1252, 1261 (2000).

16           Here, the FMP EIR determined that the 3.0-foot surcharge of Lake Cachuma would result in  
17 significant adverse impacts, including the flooding of a critical drinking water treatment plant and  
18 intake and numerous other facilities located on Lake Cachuma. (39 AR 371:17389, 17603-17606.)  
19 The FMP EIR concluded that these impacts would be mitigated to a less-than-significant level  
20 because the facilities "will eventually be relocated" by Santa Barbara County. (*Id.* at 17608; *see also*  
21 17386.) Likewise, COMB found that the impacts would be mitigated to a less-than-significant level  
22 because Santa Barbara County would relocate the facilities prior to surcharging:

23           Santa Barbara County Parks will relocate the facilities before surcharge. (*Ibid.*)  
24           Because critical recreational facilities and the main boat launch will be  
25           relocated before the initiation of a 3 foot surcharge, those facilities will not  
26           become flooded as a result of surcharge and this impact will be mitigated to a  
27           less than significant level. (*Ibid.*) In addition, the MOU would effectively  
28           postpone the option to surcharge the lake by 3 feet for up to five years.  
              (EIR/EIS, p. 2-12) Accordingly, this potentially significant impact will be  
              mitigated to a level of less than significant level [sic]. (*Ibid.*)

(44 AR 423:20306.)

1 The FMP EIR's conclusion, and COMB's finding, that the impacts from surcharging will be  
2 reduced to less than significant are not supported by substantial evidence in the record because there  
3 is no enforceable mitigation measure to relocate Lake Cachuma facilities. Contrary to COMB's  
4 finding, Santa Barbara County has not committed to relocating the water treatment facilities. COMB  
5 claims that a memorandum of understanding between Santa Barbara County and Reclamation  
6 "provides additional assurances" that the significant impacts will be avoided. (See 39 AR 371:17609;  
7 44 AR 423:20306.) This is hardly the case. Notably, the memorandum of understanding, at best,  
8 commits Santa Barbara County to "expeditiously and in good faith" complete "engineering design"  
9 for a new water treatment plant, and to "pursue and obtain all necessary permits and approvals and  
10 funding" for a new water treatment plant. (40 AR 372:18319.) But, as the County reemphasized in  
11 the hearing on the Project, it does not commit Santa Barbara County to actually construct the new  
12 water treatment plant. (See 45 AR 425:20430-31.)

13 Moreover, there is no evidence that adequate funding for the \$12 million relocation of the  
14 facilities exists, or will exist prior to surcharging. The FMP EIR admits as much:

15 Reclamation and COMB recognize that relocation of the affected facilities will  
16 represent a significant financial commitment for the County. Relocation may  
17 require several years to fund, design, and implement. For example, the County  
18 Parks Department does not currently have the financial resources to complete  
19 the relocation of all facilities listed in Table 6-15. . . . The use of state grant  
20 funds for the relocation of the water treatment plant is still uncertain at this  
21 time. At this time, the source of funding for relocation of other facilities listed  
22 in Table 6-15 has not been identified.

23 (39 AR 371:17607.) The FMP EIR concedes that even if surcharging were delayed, "there would  
24 still be insufficient time to secure funding, complete design and permitting, and complete  
25 construction of all affected facilities." (*Id.* at 17608.) And the County reiterated in the public hearing  
26 that it currently did not have any funds to accomplish the relocation. (45 AR 425:20431.) Further,  
27 the memorandum of understanding allows Reclamation to surcharge Lake Cachuma in 2009  
28 *regardless* of whether Santa Barbara County has relocated the facilities. (40 AR 372:18318.) This  
directly contradicts COMB's findings that "Santa Barbara County Parks will relocate the facilities  
before surcharge." (44 AR 423:20306.) Because there is no enforceable or funded mitigation  
measure to relocate the water treatment facilities prior to surcharging, substantial evidence does not

1 support the FMP EIR's conclusion, and COMB's finding, that the impacts of surcharging will be  
2 reduced to less than significant.

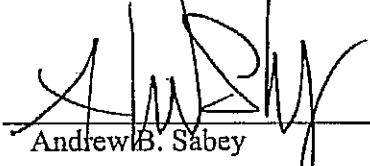
3 Further, while CEQA does not require COMB to implement mitigation measures that are  
4 within the jurisdiction of another agency, it does require that COMB make findings of significance  
5 for those significant impacts whose mitigation it cannot ensure, and requires that COMB make  
6 findings of overriding consideration concerning such significant and unavoidable impacts. *Fairview*  
7 *Neighbors v. County of Ventura*, 70 Cal. App. 4th 238 (1999). COMB made no such findings  
8 regarding the unavoidable significant impacts to the water treatment facility from the surcharging of  
9 Lake Cachuma. This is also error.

10 **IV. CONCLUSION**

11 For the foregoing reasons, this Court should issue a writ of mandate ordering COMB to set  
12 aside the FMP EIR.

13 Dated: June 2, 2006

MORRISON & FOERSTER LLP

14  
15 By:  \_\_\_\_\_  
Andrew B. Sabey

16 Attorneys for Petitioners  
17 NANCY CRAWFORD-HALL and  
18 SAN LUCAS RANCH, INC.



1 **PROOF OF SERVICE BY OVERNIGHT DELIVERY**  
2 (CCP 1013(c), 2015.5)

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19 *Counsel for Respondent Cachuma Operation and Maintenance Board and*  
20 *Real Parties in Interest Cachuma Conservation Release Board*

21  
22 Michelle Ouellette, Esq.  
23 Best Best & Krieger LLP  
24 3750 University Avenue, Suite 400  
25 Mission Square Building  
26 Riverside, CA 92501

27 I declare under penalty of perjury under the laws of the State of California that the above is  
28 true and correct.

Executed at Walnut Creek, California, on June 2, 2006.

29 \_\_\_\_\_  
30 Margaret D. Rogers  
31 (typed)

\_\_\_\_\_ (signature)

32 \_\_\_\_\_  
33 PROOF OF SERVICE

34 wc-107439

35 ITEM # 2  
36 PAGE 47

**MINUTES OF A REGULAR MEETING**  
**of the**  
**CACHUMA OPERATION & MAINTENANCE BOARD**  
**held at the**  
Cachuma Operation & Maintenance Board Office  
3301 Laurel Canyon Road, Santa Barbara, CA  
**Monday, May 22, 2006**

---

**1. Call to Order, Roll Call**

The meeting was called to order at 2:57 p.m. by President Matt Loudon, who chaired the meeting. Those in attendance were:

**Directors present:**

Matt Loudon	SYR Water Conservation Dist., ID#1
Chuck Evans	Goleta Water District
Jan Abel	Montecito Water District
Robert Lieberknecht	Carpinteria Valley Water District
Das Williams	City of Santa Barbara

**Others present:**

Kate Rees	Brett Gray
William Hair	Steve Mack
Bob Roebuck	Gary Kvistad
John Jostes	

**2. Public Comment**

There were no comments from the public.

**3. Consent Agenda**

- a. Minutes  
April 24, 2006 Regular Board Meeting  
April 27, 2006 Joint Special Board Meeting.
- b. Investment of Funds  
Financial Report  
Investment Report
- c. Payment of Claims

Director Williams requested an addition to the minutes of the April 24, 2006 meeting regarding his request to do a several year comparison of the melded Cachuma water

ITEM # 4a

PAGE 1

rates charged to the Member Units for the quantity of water ordered versus the quantity of water delivered, in order to determine if there was any significant financial impact to the City of Santa Barbara.

Director Abel had previously reviewed the minutes of the April 27, 2006 Joint Special COMB/CCRB Board meeting with John Jostes and requested that several clarifications be made. Mr. Jostes distributed revised meeting notes to the Board and explained each of the changes that were made.

Director Evans moved to approve the Consent Agenda with revisions to the minutes of April 24<sup>th</sup> and the April 27<sup>th</sup> meetings, seconded by Director Williams. Motion carried, 7/0/0.

#### 4. Cachuma Reservoir Current Conditions

Reservoir Current Conditions:

Date 05/22/2006

Lake elevation	753.15 feet
Storage	197,775 acre feet
Rain (for the month to date)	1.56 inches
Rain YTD (for the season to date)	24.52 inches
Fish Release-Hilton Creek	20.5 acre feet per day
Month to Date Fish Release	448.2 acre feet
Month to Date Spill	4,325 acre feet

#### 5. Change in Appointment to the Finance Committee

At the April 24, 2006 Board meeting, President Loudon made assignments to fill vacated committee positions. One of the assignments was for Director Abel to serve on the Finance Committee. However, due to other commitments, Director Abel was unable to fill that position. Therefore, President Loudon will remain on the Finance Committee.

Included in the Board packet was a list of all Committee positions for FY 2005-2006.

#### 6. Status of Lauro Dam Seismic Safety Modifications Project

Ms Rees updated the Board on the progress of the project. Excavation down to the core material of Lauro Dam has been completed and placement of the new gravel and sand layers has begun. The contractor thinks they will be able to make up the lost time due to rain and suggestions from the Consultant Review Board have been incorporated into the project. A letter has been sent to the neighbors informing them of the amount of truck hauling to expect. The amount spent on the project in April was \$62,587 and the total spent to date was \$2,277,411. A construction progress report prepared by Reclamation was included in the Board packet.

**7. Status of Miller/Gies Project at 1560 San Roque Road**

Brett Gray reported on the progress of the Miller/Gies project. He said that the project was going forward, so the focus would be on monitoring the conditions that the property owner will be required to meet addressing water quality issues. The access road, across federal property, will be improved to keep run-off water out of Lauro Reservoir. Mr. Gray noted that the owners and their agents have done everything we have requested so far, and that he will continue to monitor the project. Director Loudon suggested that Mr. Gray request a copy of the grading permit to make sure it is in compliance with COMB's conditions on the property.

**8. Scope of Work and Cost for continued Meeting Facilitation Services for COMB/CCRB Reorganization**

Director Abel requested that the memo from Ms Rees handed out before the Board meeting, "John Jostes Scope of Work and Member Units Cost Share for COMB/CCRB Reorganization", be changed. She stated that the reorganization is Board directed and should not reflect staff involvement; therefore, the memo should be from the Coordinating Committee for Reorganization rather than Ms Rees.

Director Evans reviewed the Proposal for Continued Meeting Facilitation Services submitted by John Jostes, Interactive Planning and Management, LLC. Mr. Jostes outlined the expected tasks to move the reorganization toward resolution plus the steps and tasks associated with this effort. The cost estimate and scheduling consisted of 154 hours at a total cost of \$25,410. The memo included in the Board packet showed the Member Units' share of the cost.

Director Evans moved to approve, with the change in the memo, the scope of work and Member Units' cost share for continued meeting facilitation services for John Jostes, seconded by Director Lieberknecht, passed 7/0/0.

**9. Consideration of Environmental Consultant for Pipeline Project on South Coast Conduit**

Ms Rees proposed that the Board consider an alternate recommendation for an environmental consultant for the Pipeline Project on the South Coast Conduit and presented several potential candidates. The Directors asked that they be evaluated during the Manager/Attorney meeting on June 7, 2006, and then brought back to the Board for consideration at the June 26, 2006 regular meeting. Brett Gray suggested that proposals from several potential consultants be considered by the Board in June, and the Board agreed that this was acceptable.

**10. COMB Goals and Objectives for Fiscal Year 2006-2007**

Ms Rees and Mr. Gray reviewed the COMB goals and objectives for the FY 2006-2007 included in the Board packet.

### 11. Proposed Fiscal Year 2006-2007 COMB Budget

Ms Rees presented the proposed FY 2006-07 Preliminary Budget for review only. The final budget will be considered for approval at the next board meeting on June 26, 2006. The Finance Committee met with staff and reviewed the preliminary budget. Director Evans reported on the committees suggested changes, which have been incorporated into the proposed budget. Ms Rees and Mr. Gray summarized the activities planned for next fiscal year and answered questions from the Board.

One major project that was not approved by the Finance Committee is the Lauro Debris Basin project. Ms Rees noted that the project cost was estimated to about \$1.1 million, but that it will be carried out over two fiscal years to lessen the cost impact per year to the south coast Member Units. Director Evans indicated that Goleta Water District would like for the Board to consider a different formula for cost allocation than the normal Cachuma entitlement split. He was of the opinion that this was a water quality project and that the other south coast Member Units would, therefore, realize a greater benefit than would Goleta. Ms Rees explained that the primary purpose of the project was to keep Lauro Reservoir in service by reducing sedimentation, which is a benefit to all, and recommended that the cost be allocated using the standard entitlement percentages. The Board asked that the Managers discuss this at the June 7<sup>th</sup> Manager/Attorney meeting, and that the Finance Committee consider it again before the next Board meeting.

### 12. Staff Appreciation Lunch June 29, 2006 at Lake Cachuma Park

Ms Rees announced that the staff appreciation lunch has been scheduled for June 29<sup>th</sup> and invited the Board of Directors to join the staff at Lake Cachuma Park, at noon. A boat tour of the lake has also been scheduled with a Park Naturalist.

### 13. Meeting Schedule

May 24, 2006 COMB SCC Facilities Tour at 8:00 a.m., COMB Office  
May 30, 2006 Joint Special COMB/CCRB Meeting at 3:00 p.m., COMB Office  
June 26, 2006 Regular Board Meeting following CCRB at 2:00 p.m., COMB Office  
June 29, 2006 Staff Appreciation Lunch, at noon, Lake Cachuma Park  
July 6, 2006 Joint Special COMB/CCRB Meeting at 2:00 p.m., COMB Office

### 14. COMB Adjournment

There being no further business, the meeting was adjourned at 4:13 p.m.

Respectfully submitted,

\_\_\_\_\_  
Secretary of the Board

**APPROVED:**

\_\_\_\_\_  
Chair

sec.comb/boardminutes/05.22.06COMB Minutes.doc

Approved \_\_\_\_\_

Unapproved \_\_\_\_\_ ✓

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PAGE 4

comb2  
**Balance Sheet**  
 As of May 31, 2006

	May 31, 06
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
1050 · GENERAL FUND	152,371.73
1100 · REVOLVING FUND	8,623.65
TRUST FUNDS	
1220 · RENEWAL FUND	5,039.93
1210 · WARREN ACT TRUST FUND	33,266.11
Total TRUST FUNDS	38,306.04
Total Checking/Savings	199,301.42
Other Current Assets	
1010 · PETTY CASH	400.00
1200 · LAIF	892,854.06
1300 · DUE FROM CCRB	47,802.13
1302 · ASSESSMENTS RECEIVABLE-CARP	127,925.90
1303 · SOD Act Assessments Receivable	47,141.25
1400 · PREPAID INSURANCE	9,108.00
Total Other Current Assets	1,125,231.34
Total Current Assets	1,324,532.76
Fixed Assets	
1500 · VEHICLES	231,647.84
1505 · OFFICE FURN & EQUIPMENT	113,041.13
1510 · TRAILERS	97,803.34
1515 · FIELD EQUIPMENT	284,119.52
1525 · PAVING	22,350.00
1550 · ACCUMULATED DEPRECIATION	-469,875.93
Total Fixed Assets	279,085.90
Other Assets	
1910 · LT SOD Act Assess Receivable	5,447,243.07
Total Other Assets	5,447,243.07
<b>TOTAL ASSETS</b>	<b>7,050,861.73</b>
<b>LIABILITIES &amp; EQUITY</b>	
Liabilities	
Current Liabilities	
Accounts Payable	
2200 · ACCOUNTS PAYABLE	75,196.20
Total Accounts Payable	75,196.20
Other Current Liabilities	
2505 · ACCRUED WAGES	27,650.33
2550 · VACATION/SICK	36,412.07
2561 · BRADBURY DAM SOD ACT	47,141.25
2590 · DEFERRED REVENUE	38,306.04
Payroll-DepPrm Ops	4.62
Total Other Current Liabilities	149,514.31
Total Current Liabilities	224,710.51
Long Term Liabilities	
2600 · Lease Obligation Payable	43,846.38
2601 · Note Payable SBB&T	127,925.90
2602 · SOD Act Liability-Long Term	5,447,243.07
Total Long Term Liabilities	5,619,015.35
Total Liabilities	5,843,725.86
Equity	
3000 · Opening Bal Equity	0.95
3901 · Retained Earnings	462,226.45

comb2  
**Balance Sheet**  
As of May 31, 2006

	<u>May 31, 06</u>
Net Income	744,908.47
Total Equity	<u>1,207,135.87</u>
TOTAL LIABILITIES & EQUITY	<u><u>7,050,861.73</u></u>



comb2  
**Profit & Loss Budget vs. Actual**  
 July 2005 through May 2006

2:59 PM  
 06/19/06  
 Accrual Basis

	Jul '05 - May 06	Budget	\$ Over Budget	% of Budget
<b>TOTAL</b>				
Income				
3000 REVENUE				
3001 - O&M Budget	2,886,670.04			
3003 - Assessment Revenue-Carp	4,237.98			
3005 - Assessments Returned to Member	-112,719.00			
3010 - Interest Income	14,143.40			
3020 - Misc Income	11,418.92			
3070 - OES 2005 Storm 1577 Reimb	131,997.53			
Total 3000 REVENUE	2,935,748.87			
Total Income	2,935,748.87			
Gross Profit	2,935,748.87			
Expense void	0.00			
3100 LABOR				
3150 - Health & Workers Comp	128,356.32	150,000.00	-21,643.68	85.6%
3155 - PERS	59,735.46	66,986.00	-7,220.54	89.2%
3160 - Payroll Comp FICA Ops	26,089.01	29,415.00	-3,325.99	88.7%
3165 - Payroll Comp MCARE Ops	6,101.37	6,881.00	-779.63	88.7%
3100 LABOR - Other	0.00	424,667.00	-424,667.00	0.0%
Total 3100 LABOR	601,595.01	677,919.00	-76,323.99	88.7%

**comb2**  
**Profit & Loss Budget vs. Actual**  
July 2005 through May 2006

	Jul '05 - May 06	Budget	\$ Over Budget	% of Budget
<b>TOTAL</b>				
3200 VEH & EQUIPMENT				
3201 · Vehicle/Equip Mtce	24,245.93	22,000.00	2,245.93	110.2%
3202 · Fixed Capital	42,409.73	46,000.00	-3,590.27	92.2%
3203 · Equipment Rental	15,347.70	22,000.00	-6,652.30	69.8%
3204 · Miscellaneous	9,170.60	10,000.00	-829.40	91.7%
<b>Total 3200 VEH &amp; EQUIPMENT</b>	<b>91,173.96</b>	<b>100,000.00</b>	<b>-8,826.04</b>	<b>91.2%</b>
3300 · CONTRACT LABOR				
3301 · Conduit, Meter, Valve & Misc	7,382.69	7,000.00	382.69	105.5%
3302 · Buildings & Roads	9,754.39	11,500.00	-1,745.61	84.8%
3303 · Reservoirs	21,729.02	50,000.00	-28,270.98	43.5%
3304 · Engineering, Misc Services	13,056.55	20,000.00	-6,943.45	65.3%
<b>Total 3300 · CONTRACT LABOR</b>	<b>51,922.65</b>	<b>88,500.00</b>	<b>-36,577.35</b>	<b>58.7%</b>
3400 · MATERIALS & SUPPLIES				
3401 · Conduit, Meter, Valve & Misc	9,930.93	10,000.00	-69.07	99.3%
3402 · Buildings & Roads	18,498.66	17,000.00	1,498.66	108.8%
3403 · Reservoirs	3,389.51	7,000.00	-3,610.49	48.4%
3404 · Tecolote Tunnel	1,521.00	0.00	1,521.00	100.0%
<b>Total 3400 · MATERIALS &amp; SUPPLIES</b>	<b>33,340.10</b>	<b>34,000.00</b>	<b>-659.90</b>	<b>98.1%</b>
3500 · OTHER EXPENSES				
3501 · Utilities	3,511.59	6,300.00	-2,788.41	55.7%
3502 · Uniforms	5,632.47	5,500.00	132.47	102.4%
3503 · Communications	11,224.87	17,300.00	-6,075.13	64.9%
3504 · USA & Other Services	2,041.08	3,700.00	-1,658.92	55.2%
3505 · Miscellaneous	4,217.01	6,000.00	-1,782.99	70.3%
3506 · Training	7,078.56	4,500.00	2,578.56	157.3%
<b>Total 3500 · OTHER EXPENSES</b>	<b>33,705.58</b>	<b>43,300.00</b>	<b>-9,594.42</b>	<b>77.8%</b>
4999 · GENERAL & ADMINISTRATIVE				
5320 · Admin Facilitator Consultant	4,950.00	0.00	4,950.00	100.0%
5000 · Director Fees	940.39	779.00	161.39	120.7%
5001 · Director Mileage	10,880.00	9,984.00	896.00	109.0%
5000 · Director Fees - Other				
<b>Total 5000 · Director Fees</b>	<b>11,820.39</b>	<b>10,763.00</b>	<b>1,057.39</b>	<b>109.8%</b>
5100 · Legal	44,087.42	70,000.00	-25,912.58	63.0%
5101-1 · Audit	10,975.00	22,000.00	-11,025.00	49.9%
5150 · Unemployment Tax	0.00	6,371.00	-6,371.00	0.0%
5200 · Liability Insurance	37,635.00	36,000.00	1,635.00	104.5%
5201 · Health & Workers Comp	46,324.42	44,686.00	1,488.42	103.3%
5250 · PERS	30,881.11	39,921.00	-9,039.89	77.4%
5260 · Comp FICA Admin	14,344.86	15,876.00	-1,531.14	90.4%
5265 · Comp MCARE Admin	3,587.69	3,713.00	-125.31	96.6%
5300 · Manager Salary	80,769.24	105,103.00	-24,333.76	76.8%

comb2  
Profit & Loss Budget vs. Actual  
July 2005 through May 2006

	Jul '05 - May 06	Budget	\$ Over Budget	% of Budget
<b>TOTAL</b>				
5301 · Administrative Manager	61,051.36	63,097.00	-22,045.64	73.5%
5306 · Administrative Assistant	45,581.32	49,421.00	-3,839.68	92.2%
5310 · Postage/Office Exp	8,292.86	8,000.00	292.86	103.7%
5311 · Office Equip/Leases	3,980.42	5,640.00	-1,659.58	70.6%
5312 · Misc Admin Expenses	7,608.19	6,000.00	1,608.19	126.8%
5313 · Communications	2,840.28	5,000.00	-2,159.72	56.8%
5314 · Utilities	4,697.41	4,500.00	197.41	104.4%
5315 · Membership Dues	4,653.65	5,445.00	-791.35	85.5%
5316 · Admin Fixed Assets	0.00	6,000.00	-6,000.00	0.0%
5325 · Emp Training/Subscriptions	2,135.25	4,100.00	-1,964.75	52.1%
5330 · Admin Travel/Conferences	3,586.22	5,000.00	-1,413.78	71.7%
5331 · Public Information	117.03	2,000.00	-1,882.97	5.9%
5332 · Transportation	1,056.11	1,150.00	-93.89	91.8%
<b>Total 4999 · GENERAL &amp; ADMINISTRATIVE</b>	<b>430,975.23</b>	<b>539,936.00</b>	<b>-108,960.77</b>	<b>79.8%</b>
<b>6000 · SPECIAL PROJECTS</b>				
6050 · Bradbury Dam Radial Gates	2,966.20	0.00	2,966.20	100.0%
6062 · SCADA	15,286.84	60,000.00	-44,713.16	25.5%
6080 · Seismic Consultant	600.00	0.00	600.00	100.0%
6090-1 · COMB Bldg/Grounds Repair	3,531.39	50,000.00	-46,468.61	7.1%
6092 · SCC Improv Plan & Design	65,178.00	95,000.00	-29,822.00	68.6%
6093 · SCC Life Expectancy Study	75,400.51	95,000.00	-19,599.49	79.4%
6095 · SCC Valve & Cntrl Sta Rehab	452,875.01	600,000.00	-147,124.99	75.5%
6095-1 · Lauro Debris Basin Rehab	13,828.98	50,000.00	-36,171.02	27.7%
6096 · SCC Structure Rehabilitation	147,958.32	305,000.00	-157,041.68	48.5%
6097 · GIS and Mapping	7,609.98	75,000.00	-67,390.02	10.1%
<b>Total 6000 · SPECIAL PROJECTS</b>	<b>785,235.23</b>	<b>1,330,000.00</b>	<b>-544,764.77</b>	<b>59.0%</b>
<b>6400 · STORM DAMAGE</b>				
6401 · Storm Damage 2005	109,749.40	200,000.00	-90,250.60	54.9%
<b>Total 6400 · STORM DAMAGE</b>	<b>109,749.40</b>	<b>200,000.00</b>	<b>-90,250.60</b>	<b>54.9%</b>
<b>7000 · LEGAL &amp; LITIGATION</b>				
7002 · Spec Counsel-FMP-BO EIS/R	48,904.99	100,000.00	-51,095.01	48.9%
<b>Total 7000 · LEGAL &amp; LITIGATION</b>	<b>48,904.99</b>	<b>100,000.00</b>	<b>-51,095.01</b>	<b>48.9%</b>
<b>7006 · INTEREST EXPENSE</b>				
PAYROLL	4,237.98	100,000.00	-95,762.02	4.2%
Gross	0.18			
Gross-CCRB	0.09			
<b>Total PAYROLL</b>	<b>0.27</b>			
<b>Total Expense</b>	<b>2,190,840.40</b>	<b>3,113,655.00</b>	<b>-922,814.60</b>	<b>70.4%</b>
<b>Net Income</b>	<b>744,908.47</b>	<b>-3,113,655.00</b>	<b>3,858,563.47</b>	<b>-23.9%</b>

**OFFICE OF THE TREASURER**  
 SACRAMENTO

 Local Agency Investment Fund  
 PO Box 942809  
 Sacramento, CA 94209-0001  
 (916) 653-3001

**RECEIVED**

JUN 15 2006

**CACHUMA O&M BOARD**

May, 2006 Statement

CACHUMA OPERATION AND MAINTENANCE BOARD

Attn: GENERAL MANAGER

3301 LAUREL CANYON ROAD

SANTA BARBARA CA 93105-2017

Account Number : 70-42-001

Transactions

Effective Date	Transaction Date	Tran Type	Confirm Number	Authorized Caller	Amount
05-02-2006	05-01-2006	RW	1073550	KATHLEEN REES	- 28,000.00
05-08-2006	05-05-2006	RW	1074126	KATHLEEN REES	- 25,000.00
05-16-2006	05-16-2006	RW	1075079	KATHLEEN REES	- 30,000.00
05-26-2006	05-25-2006	RD	1076156	KATHLEEN REES	347,000.00

Account Summary

Total Deposit :	347,000.00	Beginning Balance :	628,854.06
Total Withdrawal :	- 83,000.00	Ending Balance :	892,854.06

**MEMO TO:** Board of Directors  
 Cachuma Operation & Maintenance Board

**FROM:** Kathleen Rees, Secretary

**SUBJECT:** COMB INVESTMENT POLICY

The above statement of investment activity for the month of MAY, 2006, complies with legal requirements for investment policy of government agencies, AB 1073. I hereby certify that it constitutes a complete and accurate summary of all LAIF investments of this agency for the period indicated.

Kathleen A. Rees  
 Secretary

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P.O. BOX 1098  
NORTHRIDGE, CA 91328-1098

**This Statement Covers**

From: 05/01/06  
Through: 05/31/06

**Need assistance?**

To reach us anytime,  
call 1-800-788-7000  
or visit us at [wamu.com](http://wamu.com)

CACHUMA OPERATION AND MAINTENANCE BOARD  
3301 LAUREL CANYON RD  
SANTA BARBARA CA 93105-2017



Reduce your stress when the unexpected happens. First Protector pays your monthly mortgage payment when a disaster occurs, such as a flood, fire, tornado, or hurricane. For information about how to protect your home call (800) 349-9756.  
OFFER #DDA275056

**Your Account at a Glance**

<b>Beginning Balance</b>	<i>KR</i> <i>6/6/06</i>	<b>\$5,037.15</b>	Interest Earned	\$2.78
Checks Paid		\$0.00	Annual Percentage Yield Earned	0.65%
Other Withdrawals		\$0.00	YTD Interest Paid	\$13.53
Deposits		+\$2.78	YTD Interest Withheld	\$0.00
<b>Ending Balance</b>		<b>\$5,039.93</b>		

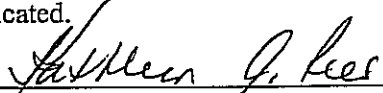
Date	Description	Withdrawals (-)	Deposits (+)
05/31	Interest Payment		\$2.78

**MEMO TO:** Board of Directors  
Cachuma Operation & Maintenance Board

**FROM:** Kathleen Rees, Secretary

**SUBJECT:** COMB INVESTMENT POLICY

The above statement of investment activity for the month of MAY, 2006, complies with legal requirements for investment policy of government agencies, AB 1073. I hereby certify that it constitutes a complete and accurate summary of all Washington Mutual Bank investments of this agency for the period indicated.

  
Secretary

ITEM # 46  
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P.O. BOX 1098  
NORTHRIDGE, CA 91328-1098

**This Statement Covers**

From: 05/01/06  
Through: 05/31/06

**Need assistance?**

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CACHUMA OPERATION AND MAINTENANCE BOARD  
TRUST FUND  
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SANTA BARBARA CA 93105-2017



Reduce your stress when the unexpected happens. First Protector pays your monthly mortgage payment when a disaster occurs, such as a flood, fire, tornado, or hurricane. For information about how to protect your home call (800) 349-9756.  
OFFER #DDA275056

**Your Account at a Glance**

<b>Beginning Balance</b>	<i>KR</i> <i>6/6/06</i>	<b>\$33,217.02</b>	Interest Earned	\$49.09
Checks Paid		\$0.00	Annual Percentage Yield Earned	1.75%
Other Withdrawals		\$0.00	YTD Interest Paid	\$194.29
Deposits		+\$49.09	YTD Interest Withheld	\$0.00
<b>Ending Balance</b>		<b>\$33,266.11</b>		

Date	Description	Withdrawals (-)	Deposits (+)
05/31	Interest Payment		\$49.09

**MEMO TO:** Board of Directors  
Cachuma Operation & Maintenance Board

**FROM:** Kathleen Rees, Secretary

**SUBJECT:** COMB INVESTMENT POLICY

The above statement of investment activity for the month of MAY, 2006, complies with legal requirements for investment policy of government agencies, AB 1073. I hereby certify that it constitutes a complete and accurate summary of all Washington Mutual Bank investments of this agency for the period indicated

*Kathleen A. Rees*  
Secretary

ITEM # 46  
PAGE 8

Payment of Claims

As of May 31, 2006

Date	Num	Name	Memo	Split	Amount
<b>1050 - GENERAL FUND</b>					
5/3/2006	15021	COMB - Revolving Fund	May 5 & 19, 2006 payrolls/taxes	2200 · ACCO...	-98,905.73
5/8/2006	15022	Acorn Landscape Managem...	Monthly mtce	2200 · ACCO...	-236.70
5/8/2006	15023	ACWA Services Corporation...	May EAP	2200 · ACCO...	-47.46
5/8/2006	15024	AT&T	Apr 27, 2006 statement	2200 · ACCO...	-223.07
5/8/2006	15025	Big Brand Tire Company	New tire-CCRB Colorada	2200 · ACCO...	-119.52
5/8/2006	15026	C&H Distributors, LLC		2200 · ACCO...	-5,385.35
5/8/2006	15027	Cedant Web Hosting	Web host and Parked doman Reg#2...	2200 · ACCO...	-19.94
5/8/2006	15028	CIO Solutions, Inc.	Netgear Rangemax	2200 · ACCO...	-252.14
5/8/2006	15029	ECHO Communications	Answering service-May	2200 · ACCO...	-57.35
5/8/2006	15030	Employment Development D...	Unemployment-1st qtr 2006 M.Mason	2200 · ACCO...	-1,833.00
5/8/2006	15031	Federal Express	Mailing	2200 · ACCO...	-13.22
5/8/2006	15032	Flowers & Associates, Inc.		2200 · ACCO...	-558.25
5/8/2006	15033	GE Capital	Mita copier lease Bill ID#901336031...	2200 · ACCO...	-427.77
5/8/2006	15034	J&C Services	4/7,21 office cleaning	2200 · ACCO...	-250.00
5/8/2006	15035	MarBorg Industries		2200 · ACCO...	-163.04
5/8/2006	15036	McMaster-Carr Supply Co.		2200 · ACCO...	-2,559.80
5/8/2006	15037	MGB Industrial Supply	Couplers/plugs/adapters	2200 · ACCO...	-61.16
5/8/2006	15038	Milpas Rental	Jack rental	2200 · ACCO...	-107.68
5/8/2006	15039	Nextel Communications	Cellular 3/19-4/18/06	2200 · ACCO...	-336.68
5/8/2006	15040	PAPA		2200 · ACCO...	-130.00
5/8/2006	15041	Paychex, Inc.	4/7,21/06 payrolls/taxes	2200 · ACCO...	-213.38
5/8/2006	15042	Permacolor, Inc.	Man hole covers	2200 · ACCO...	-795.00
5/8/2006	15043	PG&E		2200 · ACCO...	-191.25
5/8/2006	15044	Praxair Distribution	Cylinder rental	2200 · ACCO...	-44.15
5/8/2006	15045	Republic Elevator	Scheduled mtce	2200 · ACCO...	-208.33
5/8/2006	15046	Safety-Kleen Systems, Inc.	Regular service	2200 · ACCO...	-119.80
5/8/2006	15047	Santa Barbara Sand & Top ...	Fill dirt	2200 · ACCO...	-667.17
5/8/2006	15048	Smarden-Hatcher Co.	Brass tees/nipples/bushings/ball val...	2200 · ACCO...	-125.74
5/8/2006	15049	Sound Billing LLC	Oil change/service CCRB '06 Colora...	2200 · ACCO...	-39.46
5/8/2006	15051	State Compensation Insuran...	Payroll report-Apr 2006	2200 · ACCO...	-5,286.29
5/8/2006	15052	Stewart Enterprises TKO, Inc.	Plumbing repair-raise man hole	2200 · ACCO...	-1,000.00
5/8/2006	15053	The Wharf	Steel toe boots-DA	2200 · ACCO...	-127.63
5/8/2006	15054	UPS	Shipping minutes to be bound-PO#8...	2200 · ACCO...	-14.64
5/8/2006	15055	Verizon Wireless	Cellular	2200 · ACCO...	-176.37
5/8/2006	15056	Bedrock Building Supplies		2200 · ACCO...	-398.74
5/8/2006	15057	Orchard Supply Hardware	Nails/plywood/chalk/level set	2200 · ACCO...	-322.54
5/8/2006	15058	Quinn Company		2200 · ACCO...	-1,373.50
5/8/2006	15059	Southern California Edison	Main ofc/outlying stations	2200 · ACCO...	-901.97
5/8/2006	15060	Underground Service Alert	63 new tickets	2200 · ACCO...	-100.80
5/8/2006	15061	Western Farm Service, Inc.	Roundup/rake	2200 · ACCO...	-1,446.17
5/10/2006	15062	Angelus Block Co., Inc.	Block-Lauro yard	2200 · ACCO...	-1,610.62
5/16/2006	15063	A-OK Mower Shops, Inc.	Polycut heads-weed wacker	2200 · ACCO...	-106.51
5/16/2006	15064	ACWA Services Corp. (ASC)	Cov period 6/1-7/1/06	2200 · ACCO...	-8,853.24
5/16/2006	15065	BEC Electric Contractors		2200 · ACCO...	-2,694.53
5/16/2006	15066	Ben Meadows Company	Microscope slides PO#5008	2200 · ACCO...	-131.00
5/16/2006	15067	Best, Best & Krieger, LLP	Crawford-Hall CEQA Mar 2006	2200 · ACCO...	-19,293.25
5/16/2006	15068	Boyle Engineering Corp.		2200 · ACCO...	-16,276.48
5/16/2006	15069	Buena Tool Co.	Thread cutting oil/bolt-nut hex/washer	2200 · ACCO...	-26.08
5/16/2006	15070	C. Charles Evans	4/24/06 Reg mtg-4/27/06 Spec mtg	2200 · ACCO...	-264.90
5/16/2006	15071	Caterpillar Financial Service...	Backhoe lease Contract #001-02586...	2200 · ACCO...	-1,294.06
5/16/2006	15072	CIO Solutions, Inc.	Setup/configure 2 laptops	2200 · ACCO...	-435.00
5/16/2006	15073	CitiBusiness Card	ACWA Conference fee-KR/CCRB-L...	2200 · ACCO...	-512.26
5/16/2006	15074	City of SB-Refuse	Refuse acct 3/31-4/30/06	2200 · ACCO...	-143.69
5/16/2006	15075	COMB-Petty Cash	Replenish petty cash	2200 · ACCO...	-139.23
5/16/2006	15076	Culligan Water	RO system May	2200 · ACCO...	-20.95
5/16/2006	15077	Cushman Contracting Corp.	CDMWTP Turnout structure PO#05-...	2200 · ACCO...	-13,114.63
5/16/2006	15078	Das Williams	4/24/06 Reg mtg-4/27/06 Spec mtg	2200 · ACCO...	-263.38
5/16/2006	15079	Fleet Fueling	Fuel/fuel cards	2200 · ACCO...	-2,364.14
5/16/2006	15080	Home Depot Credit Services		2200 · ACCO...	-1,370.62
5/16/2006	15081	HSBC Business Solutions	50' air hose w/reel & air inflator w/ga...	2200 · ACCO...	-128.74
5/16/2006	15082	Interactive Planning and Ma...	Facilitator services 3/31-5/10/06	2200 · ACCO...	-4,950.00

### Payment of Claims

As of May 31, 2006

Date	Num	Name	Memo	Split	Amount
5/16/2006	15083	Jan Abel	4/24/06 Reg mtg-4/27/06 Spec mtg	2200 · ACCO...	-273.80
5/16/2006	15084	Laser Cartridge Co.	Recharge printer cartridge	2200 · ACCO...	-62.48
5/16/2006	15085	Matt Loudon	4/24/06 Reg mtg-4/27/06 Spec mtg	2200 · ACCO...	-306.47
5/16/2006	15086	McMaster-Carr Supply Co.		2200 · ACCO...	-332.58
5/16/2006	15087	Prudential Overall Supply		2200 · ACCO...	-284.64
5/16/2006	15088	Robert Lieberknecht	4/24/06 Reg mtg-4/27/06 Spec mtg	2200 · ACCO...	-281.18
5/16/2006	15089	SB Home Improvement Cen...	Concrete mix	2200 · ACCO...	-16.74
5/16/2006	15090	Sound Billing LLC	Oil change/service CCRB Silverado	2200 · ACCO...	-41.64
5/16/2006	15091	Southern California Edison	Glen Anne gate	2200 · ACCO...	-14.14
5/16/2006	15092	SPH Associates	Bud Girard services Jul-Dec 2005	2200 · ACCO...	-600.00
5/16/2006	15093	Staples Credit Plan	Ofc supplies	2200 · ACCO...	-1,666.81
5/16/2006	15094	Titan Industrial & Safety Sup...	Gas monitor repair	2200 · ACCO...	-475.99
5/16/2006	15095	Verizon California		2200 · ACCO...	-997.86
5/16/2006	15096	Western Farm Service, Inc.	Parts for sprayer/roundup	2200 · ACCO...	-402.33
5/16/2006	15097	Whetstone's Bookbindery	Bound COMB minutes books PO#86...	2200 · ACCO...	-526.38
5/17/2006	15098	UC Regents	Guide to OSHA Industrial Hygiene-BG	2200 · ACCO...	-625.00
5/23/2006	15099	Halsell Builders, Inc.	Contract deposit Proposal #6042 P...	2200 · ACCO...	-1,000.00
5/25/2006	15100	Challenge Asphalt		2200 · ACCO...	-52,750.00
5/25/2006	15101	Coastal Copy	Monthly mtce KM5035 3/3-4/3/06	2200 · ACCO...	-57.78
5/30/2006	15102	UPS	Lending library returns	2200 · ACCO...	-16.76
Total 1050 · GENERAL FUND					-259,966.68
<b>TOTAL</b>					<b>-259,966.68</b>



05-06 ENTITLEMENT

CACHUMA OPERATION AND MAINTENANCE BOARD  
 WATER PRODUCTION AND WATER USE REPORT  
 FOR THE MONTH OF MAY 2006 AND THE WATER YEAR TO DATE

(All in rounded Acre Feet)

			MONTH TOTAL			YTD TOTAL
<b>WATER PRODUCTION:</b>						
Cachuma Lake (Tec. Diversion)			1,560			13,000
Tecolote Tunnel Infiltration			201			1,466
Glen Anne Reservoir			0			0
Cachuma Lake (County Park)			4			39
State Water Diversion Credit			0			572
Gibraltar Diversion Credit			0			0
Bishop Ranch Diversion			0			0
Meter Reads			1,611			13,399
So. Coast Storage gain/(loss)			(1)			(46)
Total Production			1,765			14,505
Total Deliveries			1,611			13,925
Unaccounted-for			154			580
% Unaccounted-for			8.75%			4.00%
<b>WATER USE:</b>						
	GWD	SB CITY	MWD	CVWD	SYRWCD I.D. #1	TOTAL
M&I	645	364	204	59	4	1,277
Agricultural	285	0	14	36	0	335
<b>TOTAL FOR MONTH</b>	<b>930</b>	<b>364</b>	<b>218</b>	<b>95</b>	<b>4</b>	<b>1,611</b>
Same Mo/prev. yr	1,342	1,058	317	389	7	3,113
M&I Yr to date	4,597	3,563	1,311	718	40	10,230
Ag. Yr to date	2,031	0	383	644	0	3,058
<b>TOTAL YTD</b>	<b>6,628</b>	<b>3,563</b>	<b>1,694</b>	<b>1,362</b>	<b>40</b>	<b>13,287</b>
USAGE % YTD	42.1%	30.7%	42.8%	32.3%	2.3%	35.3%
Previous Year/YTD	6,259	5,689	981	1,695	27	14,651
Evaporation	0	0	0	0	0	0
Evaporation, YTD	60	115	8	21	7	211
Entitlement	9,322	8,277	2,651	2,813	2,651	25,714
Carryover	4,832	5,800	874	1,469	296	13,271
Carryover Balances Spilled YTD	0	(2,886)	0	(264)	(253)	(3,403)
Surplus^^	1,519	675	306	159	6	2,665
State Water Exchange^	226	148	148	101	(623)	0
Transfers*/Adjustment***	0	0	0	0	0	0
Passthrough H2O**	0	(36)	0	0	0	(36)
<b>TOTAL AVAILABLE</b>	<b>15,898</b>	<b>11,978</b>	<b>3,979</b>	<b>4,278</b>	<b>2,077</b>	<b>38,210</b>
<b>REMAINING BALANCE</b>	<b>9,210</b>	<b>8,300</b>	<b>2,277</b>	<b>2,895</b>	<b>2,030</b>	<b>24,712</b>

\*\* City relinquished 0 AF per "Passthrough" agrmt for May 2006 (No Passthrough during spill conditions).

State Water Deliveries for May to Lake Cachuma were MWD 0 AF; CVWD 0 AF

GWD 0 AF (Morehart 0 AF); City of S.B. 0 AF; and LaCumbre 0 AF; (Ratheon 0 AF).

^ Per SWP Exchange Agrmt GWD received 37 AF; MWD received 24;

City of SB received 24 AF; and CVWD received 16 AF from ID#1 in May 2006.

PERCENT OF WATER YEAR ELAPSED:

58.3%

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# CACHUMA OPERATION AND MAINTENANCE BOARD WATER STORAGE REPORT

MONTH: **May 2006**

**GLEN ANNIE RESERVOIR**

Capacity at 385' elevation:	518 Acre Feet
Capacity at sill of intake at 334' elevation:	21 Acre Feet
Stage of Reservoir Elevation	342.00 Feet
Water in Storage	58.08 Acre Feet

**LAURO RESERVOIR**

Capacity at 549' elevation:	600 Acre Feet
Capacity at sill of intake at 512' elevation:	84.39 Acre Feet
Stage of Reservoir Elevation	542.70 Feet
Water in Storage	477.20 Acre Feet

**ORTEGA RESERVOIR**

Capacity at 460' elevation:	65 Acre Feet
Capacity at outlet at elevation 440':	0 Acre Feet
Stage of Reservoir Elevation	OUT OF SERVICE 0.00 Feet
Water in Storage	0.00 Acre Feet

**CARPINTERIA RESERVOIR**

Capacity at 384' elevation:	45 Acre Feet
Capacity at outlet elevation 362':	0 Acre Feet
Stage of Reservoir Elevation	378.40 Feet
Water in Storage	31.21 Acre Feet

**TOTAL STORAGE IN RESERVOIRS**

Change in Storage	508.41 Acre Feet
	-0.85 Acre Feet

**CACHUMA RESERVOIR**

Capacity at 750' elevation:	188,030 Acre Feet
Capacity at sill of tunnel 660' elevation:	26,109 Acre Feet

Stage of Reservoir Elevation	753.03 Feet
Water in Storage	197,397 AF
Area	3,138
Evaporation	1,380.0 AF
Inflow	8,867.7 AF
Downstream Release WR8918	0 AF
Fish Release	632.4 AF
<b>Spill/Seismic Release</b>	5,484 AF
State Project Water	0 AF
Change in Storage	220 AF
Tecolote Diversion	1,559.9 AF

**Rainfall: Month: 1.56 Season: 24.52 Percent of Normal: 118%**

COMB STATE WATER PROJECT ACCOUNTING - SOUTH COAST ONLY (Does not include SYRWCD, ID#1 or exchange water)

MONTH	DELVRD TO LAKE	CVWD		MWD		S.B.		GWD		LCMWC		RSYS		MLC	
		Delvd to Lake	Delvd to SC	Delvd to Lake	Delvd to SC	Delvd to Lake	Delvd to SC	Delvd to Lake	Delvd to SC	Delvd to Lake	Delvd to SC	Delvd to Lake	Delvd to SC	Delvd to Lake	Delvd to SC
2005															
Bal. Frwd		0	0	0	0	0	0	0	0	0	0	0	0	0	0
January	45	0	12	0	12	0	12	18	-32	3	-76	0	0	0	0
February	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
March	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
April	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
May	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
June	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
July	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
August	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
September	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
October	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
November	185	0	0	0	0	0	0	0	0	131	95	0	0	0	34
December	276	0	0	0	0	0	0	0	0	196	0	0	0	0	50
Total	506	0	12	0	12	0	12	18	0	330	95	-59	252	50	84

COMB STATE WATER PROJECT ACCOUNTING - SOUTH COAST ONLY (Does not include SYRWCD, ID#1 or exchange water)

MONTH	DELVRD TO LAKE	CVWD		MWD		S.B.		GWD		LCMWC		RSYS		MLC	
		Delvd to Lake	Delvd to SC	Delvd to Lake	Delvd to SC	Delvd to Lake	Delvd to SC	Delvd to Lake	Delvd to SC	Delvd to Lake	Delvd to SC	Delvd to Lake	Delvd to SC	Delvd to Lake	Delvd to SC
2006															
Bal. Frwd		0	0	0	0	0	0	0	0	0	95	0	0	0	0
January	0	0	0	0	0	0	0	0	0	0	-95	0	0	0	0
February	111	0	0	0	0	0	0	0	0	111	0	0	0	0	0
March	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
April	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
May	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
June	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
July	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
August	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
September	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
October	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
November	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
December	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	111	0	0	0	0	0	0	0	0	111	0	0	206	0	0

## Operations Report – May 2006

Cachuma Project water usage for the month of May 2006 was 1,611 acre-feet, compared with 3,113 acre-feet for the same period in 2005. Cachuma Project water use for the 12 months ending 31 May 2006 was 25,009 acre-feet, compared with 22,650 acre-feet for the 12 months ending 31 May 20056

The average flow from Lake Cachuma into the Tecolote Tunnel was 50 acre-feet per day. Lake elevation was 752.96 feet at the beginning of the month and 753.03 feet at the end. Recorded rainfall at Bradbury Dam was 1.56 inches for the month and 24.52 inches for the rainfall season, which commenced on July 1, 2005. Rainfall for the season is 118% of normal.

Santa Barbara wheeled 569 acre-feet of Gibraltar water through Lauro Reservoir during the month. 0 acre-feet of State Water Project water was wheeled through Cachuma Project facilities and delivered to South Coast Member Units during the month.

Annual weed abatement occurred this month. CDF crews cleared along Glen Anne Road and the Ortega Dam Face. Staff mowed and sprayed weeds at Lauro, Carpinteria, North Portal, Glen Anne, and Ortega sites. All sites will be revisited in June due to rain in May.

Rehabilitation of the Corona Del Mar Turnout Vault continued this month. The installation of the intermediate level was completed and work continued on the electrical portion of the project. This project is scheduled for completion on July.

Cleanup on our main equipment and storage yard continued this month. A new gravity retaining wall and paving were installed. Drain replacement, water line relocation, and communication conduit installation was conducted for the remodeling occurring on the operations shop. Paving repairs will be made in July.

Planning and initial work was completed for the Ortega Reservoir cleaning to be conducted in June before it is returned to service. The in-reservoir construction for the Montecito Cover Project was completed in May. The cleaning of the reservoir will include rinsing all concrete areas of the reservoir to remove all dust and debris. The construction crews on the site did a good job of cleaning but for a drinking water reservoir additional cleaning was required. The rinse water is then filtered to remove any contaminants before it is discharged from the site. Once the reservoir is cleaned it is filled and disinfected. The disinfection is controlled by Montecito Water District staff. The cleaning, filtering of the water, filling, and disinfection of the reservoir will occur in June.

Miscellaneous work completed this month includes respirator fit test and training, Intake Tower hoist annual certification, demonstration of geographic positioning system, tour of COMB facilities for Board Members, and GIS training.

Routine operation and maintenance activities attended to during the month also included:

- Sample water at North Portal Intake Tower
- Complete Maintenance Management Program work orders

- Read anode rectifiers and monitor cathodic protection systems
- Monitor conduit right-of-way and respond to Dig Alert reports
- Read piezometers and underdrains at Glen Anne, Lauro and Ortega Dams
- Read meters, conduct monthly dam inspections, and flush venture meters



Brett Gray  
Operations Supervisor

**CACHUMA OPERATION AND MAINTENANCE BOARD  
MEMORANDUM**

**DATE:** June 26, 2006

**TO:** Members of the Board of Directors

**FROM:** Kate Rees, Interim General Manager *KR*

**RE:** Acknowledgement of Renewal of Agreement for Coordination in SWRCB Hearing Matters by CCRB and Santa Ynez ID#1

**RECOMMENDATION:**

It is recommended that the Board of Directors formally acknowledge that the subject Agreement between CCRB and Santa Ynez RWCD, ID#1 has been renewed for another one-year term ending June 30, 2007.

**DISCUSSION:**

In July 1999, CCRB and ID#1 entered into the Agreement for Coordination in Hearing Matters before the State Water Resources Control Board (SWRCB). The Agreement provides that CCRB and ID#1 will work together on the SWRCB Hearings, while maintaining their respective legal rights. The Agreement was entered into for the initial period of July 1999 to June 30, 2001, and provided that it could be renewed for one year terms thereafter. The parties made a joint presentation at the SWRCB Phase 2 Hearings in October and November 2003 and are waiting for the SWRCB to complete its Final EIR and issue a Decision on changes to Cachuma Project operations. The parties have mutually agreed that the Agreement should be renewed for another one year term ending June 30, 2007.

The renewal of the Agreement was approved by the ID#1 Board of Directors and the CCRB Board of Directors at their regular June 2006 board meetings.

The COMB Board of Directors formally acknowledged the original Agreement and the previous renewals. It is recommended that the Board also acknowledge this renewal.

KR.COMB\Board memos\062606\_Agrmt. for Coord. SWRCB.mmo

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DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION  
MP CONSTRUCTION OFFICE



BI-WEEKLY CONSTRUCTION UPDATE

(May 8<sup>th</sup> to May 19<sup>th</sup> 2006)



Lauro Dam Construction Project  
Photo by: L. Campbell

Contractor A.J. Diani  
Date: 5-8-06

View looking southeast, as the Contractor uses a CAT CS-563E single smooth drum, vibratory roller to roll the foundation surface smooth prior to installing geotextile. Note: Foundation footprint shown is at elevation 482.

LAURO DAM CONSTRUCTION PROJECT  
CACHUMA PROJECT  
SPECIFICATION NO. 20-C0634  
CONTRACT NO. 05SP203045



Lauro Dam Construction Project  
Photo by: L. Campbell

Contractor A.J. Diani  
Date: 5-19-06

View looking southwest at Lauro Dam's 12-foot wide chimney sections of Zone 4 (left) and Zone 5 (middle) and the downstream portion of Miscellaneous fill, Zone 3 (12-inch minus). Note: Fill is shown at approximately elevation 493.

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**2-WEEKLY CONSTRUCTION UPDATE  
FOR THE LAURO DAM CONSTRUCTION PROJECT**

Work for the period covering:  
May 8, 2006 to May 19, 2006

Construction Manager: Reynaldo E. Garcia  
Construction Representative: Louis Campbell

Contractor: A.J. Diani Construction Co.

Subcontractors: Granite Construction Co.  
Penfield & Smith Surveying  
Speeds Oil (Trucking)  
Union Asphalt Inc. (Trucking)

Number of contractor employees on site this period: (13)

**Weather:** During this two week period the weather has been slightly overcast and foggy in the morning hours then predominately clear and sunny in the afternoon hours. The high temperatures have ranged between 63° and 67° F, while the lows have ranged between 48° and 57°F.

**Safety:** For the period the Contractor adhered to all RSHS regulations and held daily "Take 5" tool box safety meetings with the onsite crews. The Contractors Safety Professional visited the site on a regular weekly basis and performed safety walkthrough inspections with BOR field personnel. This period the Contractor performed satisfactory safety checks and brake tests on the following equipment; CAT CS-563E single smooth drum, vibratory roller, John Deere 450J-LGP dozer, CAT 815 sheepsfoot compactor and a Kawasaki "Mule" 4x4 compact utility vehicle. The Contractor installed proper sized fire extinguishers (2-A-40:B-C) on all four (4) pieces of equipment as per RSHS.

**Work Performed;**

**Activity #C430 Grizzly Separation of Zone 3 Material (12-inch plus):**

From May 8<sup>th</sup> to May 12<sup>th</sup> the Contractor continued processing 12-inch plus sized rocks and boulders from the excavated zone 3 materials to be used for future slope protection. The Contractor used the CAT 330B L excavator to feed and process materials through the 12-inch Grizzly. The processed 12-inch minus material is being spread and stockpiled in the southwest end of the stockpile area; while the screened 12-inch plus materials which will later be used for slope protection is being stockpiled on the north side of the site access road. The Read RD-90A 3-inch vibrating grizzly was idle for this entire 2-week period as no additional zone 3 (3-inch minus) material was produced.

**Activity #C440 Instrument Monitoring:**

The Contractor's operator foreman, assisted by one (1) operator apprentice continued using a total station to survey and monitor the five (5) measurement points along dam centerline and

observation well no 4. The crew is also continued taking daily water level readings of PTP-201A, PTP-201B and observation well no. 4 (OW-4). During this 2-week period there have been no appreciable changes in measurements.

**Activity #C380 Aggregate Hauling & Stockpiling Onsite:**

On March 8<sup>th</sup> subcontractor Speeds Oil (Trucking) began hauling zone 4 (sand filter) materials from Granite Construction's Gardner Aggregate Plant located in Buelton CA. Subcontractor Speeds is hauling materials using transfer trucks, each carrying between 23 & 25 tons per load. Stockpiling excess materials onsite is not possible since the area in the stockpile area is very limited. The Contractor is dispatching the haul trucks to haul only the amount of material that they will be using daily and stockpiling only a small amount of excess materials onsite.

<b>Zone 4 (Sand Filter)</b>			
Hauled from Granite, Buelton, CA. by Speeds Trucking			
Date	Loads	Tons	Total Tons to Date
5/8/2006	22	554.31	554.31
5/9/2006	39	937.67	1491.98
5/10/2006	38	920.27	2412.25
5/11/2006	29	705.89	3118.14
5/12/2006			
5/15/2006			
5/16/2006			
5/17/2006	25	598.87	3717.01
5/18/2006	17	409.37	4126.38
5/19/2006	16	383.29	4509.67



Lauro Dam Construction Project  
Photo by: R. Garcia

Contractor A.J.Diani  
Date: 5-10-06

View looking towards the stockpile area as subcontractor Speeds Oil (Trucking) is shown (blue semi-end dump) dumping transported zone 4 materials in the Contractors onsite stockpile.



On March 12<sup>th</sup> subcontractor Union Asphalt Inc. began hauling zone 5 (gravel drain) materials from Union Asphalt's Garey Rock & Asphalt plant just outside of Santa Maria CA. Subcontractor Union Asphalt is hauling materials using transfer trucks, each carrying between 24 & 26 tons per load. Similar to the zone 4 (sand filter) materials the Contractor is only hauling and stockpiling onsite the amount of zone 5 materials that they will be using daily and stockpiling only a small amount of excess materials.

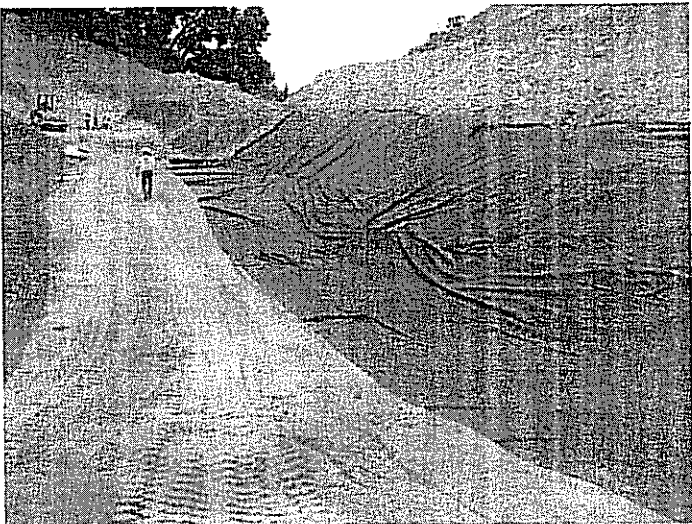
<b>Zone 5 (Gravel Drain)</b>			
Hauled from Union Asphalt, Santa Maria, CA. by Union Asphalt			
Date	Loads	Tons	Total Tons to Date
5/12/2006	32	814.78	814.78
5/15/2006	31	785.56	1600.34
5/16/2006	16	406.11	2006.45
5/17/2006	16	404.58	2411.03
5/18/2006			
5/19/2006	16	396.61	2807.64

**Activity #H010 Traffic Control:**

During the past two week period the Contractor has had two (2) laborers positioned on San Roque Rd. as flagmen during hauling hours. In addition to traffic signs placed on the west and east ends of San Roque Rd. each flagman is equipped with a "Slow/Stop" signs and two-way radios. One (1) flagman is positioned at the entrance to the transfer truck turnaround, which is located approximately 600-feet southwest of the jobsite entrance and the second flagman is located just east of the jobsite entrance haul road. All hauling is taking place between 0800 and 1600 hrs.

**Activity #C160 Install Geotextile Fabric:**

On May 8<sup>th</sup> the Contractor began installation of the Geotextile fabric. Prior to laying down any Geotextile the Contractor used the John Deere 450H dozer to smooth the downstream 1.5:1 slope, by removing all large protruding rocks which could damage the geotextile. The Contractor also used the CAT 966F loader to spread processed zone 3 (3-inch minus) material along the slope filling in voids. Two (2) laborers used hand shovels and rakes to smooth out the surface. The foundation was also rolled smooth using the CAT CS-563E single smooth drum vibratory roller. Geotextile was placed as per direction of MPCO field staff, assuring that all geotextile was overlapping the Zone 1/Zone 3 contact as required in the specifications. Geotextile was also placed on the downstream 1.5:1 slope to the required 3-foot distance above the zone 5 (gravel drain). Prior to covering the exposed toe drain openings which were encountered in the invert of the excavation the Contractor prepared the toe drain openings with 2-layers of galvanized chain link fencing, then a layer of geotextile to prevent any material from entering the pipe. Geotextile was then placed as per the specifications between dam stations 3+90 and 6+70. Installation of the Geotextile fabric was completed on May 10<sup>th</sup>, as there was a total of 1,045 square yards of Geotextile fabric installed.



*Lauro Dam Construction Project* Contractor A.J.Diani  
*Photo by: R. Garcia* Date: 5-9-06

*View looking at the partially installed Geotextile on the downstream 1.5:1 slope and foundation.*

**Activity #C170A Place Zone 4, elevation 482-493:**

On May 9<sup>th</sup> the Contractor began placement of zone 4 (sand filter) materials on top of the in place zone 1 and geotextile, between dam stations 4+00 and 6+70, elevation 482. The Contractor is using both the CAT 966F and CAT 950E loaders to transport zone 4 materials from the onsite stockpile to the placement. The Contractor is then using a John Deere 450J (LGP) Low Ground Pressure dozer to spread the zone 4 materials to approximately a 15-inch lift.



*Lauro Dam Construction Project* Contractor A.J.Diani  
*Photo by: R. Garcia* Date: 5-9-06

*View of the Contractor using a John Deere 450J-LGP dozer spreading zone 4 (sand filter) over the top of installed geotextile, while the Contractors laborer moistens the in place zone 1 along with zone 4 material as it is being spread.*

Once the Contractor completes spreading one full lift he then uses the CAT CS 563E single smooth drum, vibratory roller to compact the zone 4 to a 1-foot lift using three (3) full passes. The Contractor has a laborer using a 2-inch fire hose to moisten the in place zone 1 prior to spreading zone 4 materials over or against the excavated 1.5:1 upstream slope, along with thoroughly wetting the zone 4 during spreading and prior to compaction. On May 11<sup>th</sup> the Contractor completed placing three (3) 1-foot lifts of the required 3-foot thick layer of zone 4 materials (elev. 485) over the top of the existing zone 1 and previously installed geotextile. On May 12<sup>th</sup> the Contractor began placing the first 12-foot wide chimney section of zone 4 materials to elevation 486. By May 19<sup>th</sup>, the last day of this 2-week reporting period the Contractor completed placing eight (8) 1-foot lifts of zone 4 materials for the 12-foot wide chimney section between dam stations 3+90 and 6+70, ending at elevation 493. An estimated 1,763 cubic yards of zone 4 was placed this period, which includes 190 cubic yards placed under modification no. 006.

**Activity #C180A Place Zone 5, elevation 485-496:**

On May 12<sup>th</sup> the Contractor began placement of zone 5 (gravel drain) materials on top of the previously placed zone 4 (sand filter), elevation 485. The Contractor is using both the CAT 966F and CAT 950E loaders to transport zone 5 materials from the onsite stockpile down to the placement. The Contractor is then using a John Deere 450J (LGP) Low Ground Pressure dozer to spread the zone 5 materials to approximately a 13-inch lift. Once the Contractor completes spreading one full lift he then uses the CAT CS 563E single smooth drum, vibratory roller to compact the zone 5 placed to a 1-foot lift using two (2) full passes. The Contractor has a laborer using a 2-inch fire hose to moisten the zone 5 during spreading and prior to compaction. On May 15<sup>th</sup> the Contractor completed placing three (3) 1-foot lifts of the required 3-foot thick layer of zone 5 materials to elevation 488. On May 16<sup>th</sup> the Contractor placed zone 5 materials over the 18-inch HDPE, perforated fault drain pipe between stations 6+00 and 4+50. All zone 5 materials placed around and over the pipe, were placed in 1-foot lifts and compacted using two (2) walk behind vibra-plate compactors taking special care to not damage the polyester knitted sock. On May 17<sup>th</sup> the Contractor placed the first 12-foot wide chimney section of the zone 5 materials to elevation 489. By May 19<sup>th</sup> the last day of this 2-week reporting period the Contractor completed placing five (5) 1-foot lifts of zone 5 materials for the 12-foot wide chimney section between dam station 3+90 and 6+70, ending at elevation 493. An estimated 1,991 cubic yards of zone 5 was placed this period.

**Activity #C200 Install Fault Drain Pipe Sta. 0+00-2+25:**

On May 15<sup>th</sup> the Contractor resumed installation of the fault drain pipe, beginning where he had previously left off at fault drain station 1+55. By the end of shift on May 16<sup>th</sup> the Contractor completed installation of the fault drain pipe from fault drain station 1+55 to station 0+00. At station 1+45 the

non-perforated pipe changes to perforated. The 18-inch HDPE perforated pipe is wrapped in a polyester knitted sock, which was installed by the manufacturer prior to being delivered to the site. The transition to the tangent length of pipe that is parallel to the dam axis was made between stations 1+35 and 1+24.4 by the Contractor using an 11-degree factory bend and a 22.5 degree factory bend with a 7-foot long perforated pipe section between the two pipes. On May 19<sup>th</sup> the Contractor began installation of the terminal cleanout by installing a 22.5 degree vertical factory bend, followed by a 10-foot straight section of non-perforated pipe then a second 22.5 degree vertical factory bend. The Contractor still needs to complete final installation of both the lateral and terminal cleanouts.

**Modification No. 006 Additional Zone 4 over Horizontal Zone 5 layer:**

On May 17<sup>th</sup> the Contractor performed all work as directed by modification no. 006. The Contractor installed an additional 1-foot layer of zone 4 (sand filter) materials over the horizontal layer of zone 5 (gravel drain). This additional foot of zone 4 extends from the downstream toe of the 12-foot wide zone 5 chimney section to the downstream 1.5:1 excavation slope, between dam stations 4+40 and 6+10. An estimated 190-cubic yards of zone 4 was placed under modification no. 006.



*Lauro Dam Construction Project Contractor A.J.Diani  
Photo by: R. Garcia Date: 5-17-06*

*View of the Contractor spreading zone 5 (gravel drain) materials at dam station 5+50, elevation 490.*

**Activity #C190A Place Zone 3, elevation 488-500:**

On May 18<sup>th</sup> the Contractor began placement of zone 3 (12-inch minus) materials over the top of the previously placed zone 5 and the 1-foot of zone 4 blanket layer placed per modification no. 006. The Contractor is using both the CAT 966F and CAT 950E loaders to transport zone 4 materials from the onsite stockpile down to the placement. The Contractor is then using a CAT 815 sheepsfoot compactor to

spread and compact the materials to a finished 1-foot lift, with a minimum of three full passes with the sheepfoot compactor. The zone 3 (12-inch minus) materials placed extend from the downstream toe of the 12-foot wide zone 5 chimney section, to the excavated downstream 1.5:1 slope. By May 19<sup>th</sup>, the last day of this 2-week reporting period the Contractor completed placing four (4) 1-foot lifts of zone 3 (12-inch minus) materials between dam station 3+90 and 6+70, ending at elevation 493. An estimated 1,022 cubic yards of zone 3 (12-inch minus) was placed this period.

**MPCO Materials Lab Testing:**

MPCO materials lab is currently working out of the old Bradbury Dam lab trailer at Bradbury dam, providing lab support. Percent Compaction along with material gradations are being performed by the MPCO materials lab. Testing and sampling of the zone 4 and zone 5 materials began on May 10<sup>th</sup>. Sand cone densities and gradations of the materials placed are being performed on a daily basis, averaging two (2) tests in each material placed per shift. To date we have had only minor issues with gradations and percent compaction, which has been resolved and corrected by the Contractor as per the specifications.

**Miscellaneous:**

- During every shift the Contractor had one (1) operator apprentice checking the fill grade using a laser level.
- One (1) laborer using a 2-inch fire hose performed satisfactory dust abatement throughout the site.
- Daily the Contractor had one (1) mechanic onsite as needed to perform repairs, service lube and fuel equipment.
- The Contractor continued Storm Water Pollution Prevention (SWPP) activities throughout the period; maintaining rice-straw wattles, sand bag drainage dike checks and silt fencing throughout the jobsite.
- Prior to covering the exposed toe drains the Contractor flushed water through both downstream portions of the exposed toe drains to verify the functionality of both toe drains. Both appear to be functional as water was flushed thru for a minimum 1/2-hour and were observed to be flowing at the inspection man hole down in the COMB maintenance yard.



*Lauro Dam Construction Project Contractor A.J.Diani  
Photo by: L. Campbell Date: 5-19-06*

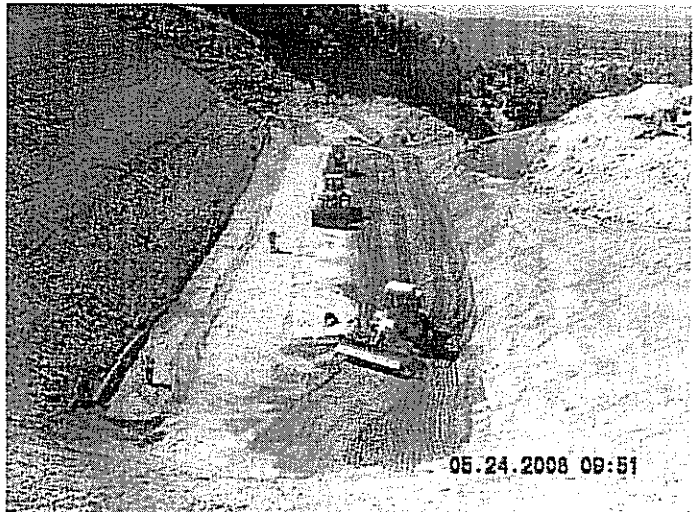
*View looking northwest as MPCO materials lab technician Todd Dooley performs a sand cone density test on the compacted zone 3 (12-inch minus) lift, shown at elevation 492.*

DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION  
MP CONSTRUCTION OFFICE



BI-WEEKLY CONSTRUCTION UPDATE

(May 22<sup>nd</sup> to June 2<sup>nd</sup> 2006)

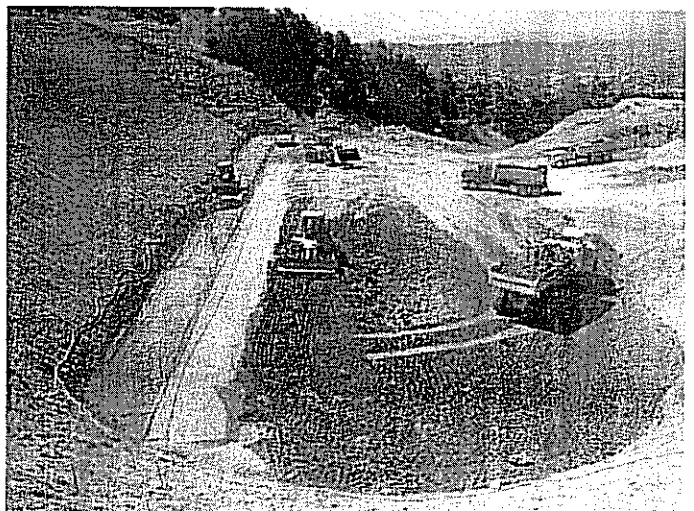


Lauro Dam Construction Project  
Photo by: L. Campbell

Contractor A.J. Diani  
Date: 5-24-06

View looking southeast, at the Contractor's filter/gravel chimney embankment construction work. Note: Fill elevation 493.

LAURO DAM CONSTRUCTION PROJECT  
CACHUMA PROJECT  
SPECIFICATION NO. 20-C0634  
CONTRACT NO. 05SP203045



Lauro Dam Construction Project  
Photo by: R. Garcia

Contractor A.J. Diani  
Date: 6-2-06

View looking southeast, at the Contractor's filter/gravel chimney embankment construction work. Note: Fill elevation 507.

Work for the period covering:  
May 22, 2006 to June 2, 2006

Construction Manager: Reynaldo E. Garcia  
Construction Representative: Louis Campbell

Contractor: A.J. Diani Construction Co.

Subcontractors: Granite Construction Co.  
Penfield & Smith Surveying  
Speeds Oil (Trucking)  
Union Asphalt Inc. (Trucking)

Number of contractor employees on site this period: (13)

**Weather:** The Contractor's onsite activities ceased for two consecutive days Monday and Tuesday, May 22<sup>nd</sup> and 23<sup>rd</sup> due to rain showers on Sunday, May 21<sup>st</sup> (total rainfall 1 1/2-inches). The site was very muddy and the Contractor elected not to work and let the site dry out. Onsite work activities resumed on Wednesday May 24<sup>th</sup>. On Wednesday May 24<sup>th</sup> a record high of 92° F. was reached. For the remainder of the two-week period the weather resumed to foggy/overcast mornings, with clear skies and sunshine in the afternoon. High temperatures ranged from 69°F to 80°F and low temperatures ranged from 47°F to 57°F.

**Safety:** For the period the Contractor adhered to all RSHS regulations and held daily "Take 5" tool box safety meetings with the onsite crews. The Contractor's Safety Professional visited the site on a regular weekly basis and performed safety walkthrough inspections with BOR field personnel. MPCO Safety Manager, Curtis Gonter was onsite on Thursday May 25<sup>th</sup> for a Joint Policy Safety Meeting between the Contractor and MPCO staff.

The Contractor did not work on Monday May 29<sup>th</sup>, 2006, due to the Memorial Day Holiday.

**Work Performed;**

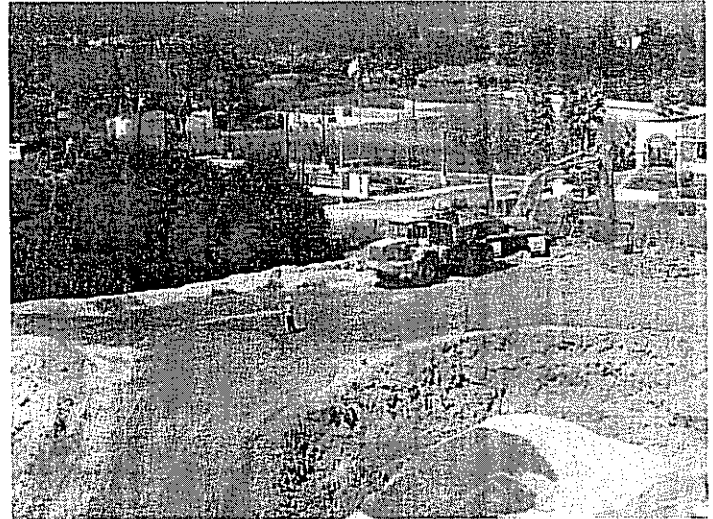
**Activity #C430 Grizzly Separation of Zone 3 Material (12-inch plus):**

From May 24<sup>th</sup> to June 2<sup>nd</sup> the Contractor continued processing 12-inch plus sized rocks and boulders from the excavated zone 3 materials to be used for future slope protection. The Contractor used the CAT 330B L excavator to sort thru the stockpiled materials while loading the articulated end dump trucks with the processed 12-inch minus materials which is being dumped, spread and compacted in the dam embankment as miscellaneous Zone-3. The Contractor <sup>used</sup> a CAT 950E front end loader to assist the excavator with sorting by loading and hauling the 12-inch plus materials (future slope-protection) to their designated stockpile on the north end of the stockpile area. The loader is also processing materials thru the non-mechanical 12-inch Grizzly which is located at the far west end

of the stockpile area. The Read RD-90A 3-inch vibrating grizzly was idle the entire 2-week period as no additional zone 3 (3-inch minus) material was produced.

**Activity #C440 Instrument Monitoring:**

The Contractor's operator foreman, assisted by one (1) operator apprentice continued using a total station to survey and monitor the five (5) measurement points along dam centerline and observation well no 4. The crew is also continued taking daily water level readings of PTP-201A, PTP-201B and observation well no. 4 (OW-4). During this 2-week period there have been no appreciable changes in measurements.



Lauro Dam Construction Project  
Photo by: R. Garcia

Contractor A.J. Diani  
Date: 6-2-06

*View looking west as the Contractor is using the CAT 330B L excavator to load the Volvo A35C articulated end dump truck with processed miscellaneous Zone-3 (12-inch minus) materials.*

**Activity #C380 Aggregate Hauling & Stockpiling Onsite:**

From March 25<sup>th</sup> to June 2<sup>nd</sup> subcontractor Speeds Oil (Trucking) continued hauling Zone-4 (sand filter) materials from Granite Construction's Gardner Aggregate Plant located in Buelton CA (One-way haul distance is approx. 55-miles). Full roundtrips which include loading at the plant, delivering to the Lauro Dam stockpile then back to the plant are averaging approx. 2-hours and 30-minutes. Subcontractor Speeds is hauling materials using transfer trucks, each carrying between 23 & 25 tons per load. Stockpiling excess materials onsite is not possible since the area in the stockpile area is very limited. The Contractor is dispatching the haul trucks to haul only the amount of material that they will be using daily and stockpiling only a small amount of excess materials onsite.



**Zone 4 (Sand Filter)**

Hauled from Granite, Buelton, CA. by Speeds Trucking

Date	Loads	Tons	Total Tons to Date
5/25/06	16	376.19	4885.86
5/26/06	16	384.22	5270.08
5/27/06			
5/28/06			
5/29/06			
5/30/06	16	382.15	5652.23
5/31/06	16	383.68	6035.91
6/1/06	16	358.58	6394.49
6/2/06	16	386.74	6780.23

From March 25<sup>th</sup> to June 2<sup>nd</sup> subcontractor Union Asphalt Inc. continued hauling **Zone-5** (gravel drain) materials from Union Asphalt's Garey Rock & Asphalt plant, located 7-miles west of Santa Maria CA (One-way haul distance is approx. 95-miles). Full roundtrips which include loading at the plant, delivering to the Lauro Dam stockpile then back to the plant are averaging approx. 3-hours and 35-minutes. Subcontractor Union Asphalt is hauling materials using transfer trucks, each carrying between 24 & 26 tons per load. Similar to the Zone-4 (sand filter) materials the Contractor is only hauling and stockpiling onsite the amount of zone 5 materials that they will be using daily and stockpiling only a small amount of excess materials.

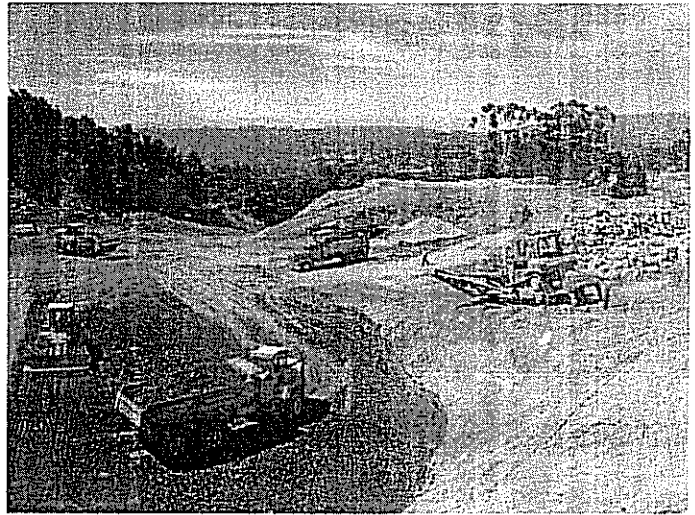
**Zone 5 (Gravel Drain)**

Hauled from Union Asphalt, Santa Maria, CA. by Union Asphalt

Date	Loads	Tons	Total Tons to Date
5/25/06	16	405.22	3209.86
5/26/06	18	458.32	3668.18
5/27/06			
5/28/06			
5/29/06			
5/30/06	18	454.84	4132.02
5/31/06	18	461.72	4584.74
6/1/06	17	434.17	5018.91
6/2/06	18	458.20	5477.11

**Activity #H010 Traffic Control:**

During the past 2-week period the Contractor has continued to have two (2) laborers positioned on San Roque Rd. as flagmen during hauling hours. In addition to traffic signs placed on the west and east ends of San Roque Rd. each flagman is equipped with a "Slow/Stop" signs and two-way radios. One (1) flagman is positioned at the entrance to the transfer truck turnaround, which is located approximately 600-feet southwest of the jobsite entrance and the second flagman is located just east of the jobsite entrance haul road. All hauling is taking place between 0800 and 1600 hrs.



Lauro Dam Construction Project  
Photo by: R. Garcia

Contractor A.J.Diani  
Date: 6-2-06

View looking south at the Contractors embankment fill and stockpile areas. Note: The semi transfer trucks are dumping materials in the Zone 4 and Zone 5 onsite stockpiles.

**Activity #C170-Place Zone 4, elevation 493-508:**

On May 24<sup>th</sup> the Contractor removed a full, 1-foot thick lift of the 12-foot wide chimney section of **Zone-4** material (126-cy) as it had been contaminated with silt runoff from the existing Zone-1 slope due to the rainstorms on Sunday May 21<sup>st</sup>. The Contractor used front end loaders and laborers with hand shovels to remove the complete lift from elevation 492 to 493. MPCO lab gradation tests and densities performed verified that the contaminated layer was fully removed. The Contractor used the wasted materials as road base for the onsite haul roads. The Contractor then re-placed the entire **Zone-4** lift, elevation 493.

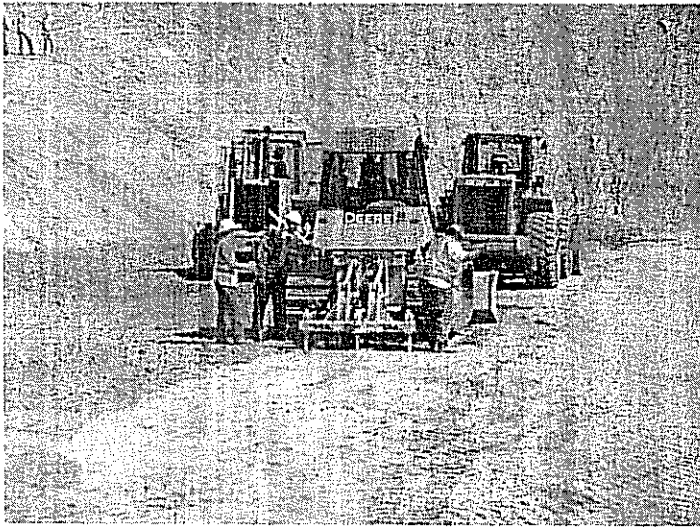


Lauro Dam Construction Project  
Photo by: R. Garcia

Contractor A.J.Diani  
Date: 5-24-06

View of the Contractor using the CAT 966F loader to remove the 1-foot thick contaminated lift of Zone-4 materials.

May 24<sup>th</sup> thru June 2<sup>nd</sup> the Contractor continued placement of **Zone-4** (sand filter) materials for the 12-foot wide chimney section, beginning at elevation 493. The Contractor is using both the CAT 966F and CAT 950E loaders to transport **Zone-4** materials from the onsite stockpile to the placement. The Contractor is then using a John Deere 450J (LGP) Low Ground Pressure dozer to spread the **Zone-4** materials to approximately a 15-inch lift.



Lauro Dam Construction Project  
Photo by: R. Garcia

Contractor A.J. Diani  
Date: 5-24-06

*View of the Contractors crew using hand shovels and picks to clean off the tracks of the John Deere 450 LGP dozer prior to moving it onto the Zone-5 lift to resume placement.*

Once the Contractor completes spreading one full lift he then uses the CAT CS 563E single smooth drum, vibratory roller to compact the **Zone-4** to a finished 1-foot lift using three (3) full passes with the vibratory roller. The Contractor has one (1) laborer using a 2-inch fire hose to moisten the in place **Zone-1** prior to spreading **Zone-4** materials over or against the excavated 1.5:1 upstream slope, along with thoroughly wetting the **Zone-4** during spreading and prior to compaction.

By June 2<sup>nd</sup>, the last day of this 2-week reporting period the Contractor completed placing a total of fifteen (15) 1-foot lifts of **Zone-4** materials for the 12-foot wide chimney sand filter section between dam stations 3+88 and 6+82, ending at elevation 508. An estimated 1,890 cubic yards of **Zone-4** material was placed this period.

**Activity #C180 -Place Zone 5, elevation 494-508:**

On May 24<sup>th</sup> the Contractor removed contaminated **Zone-5** materials from the lift at elevation 493. The Contractor used front end loaders and laborers with hand shovels to remove the contaminated localized areas on the north and south ends of the lift. MPCO lab gradation tests and densities performed verified that the contaminated layer was fully removed. The Contractor used the wasted materials as road base for the onsite haul roads.

The Contractor re-placed **Zone-5** materials in the areas where contaminated materials were removed. Compaction was achieved using both vibrating tampers and the vibratory roller.

May 24<sup>th</sup> thru June 2<sup>nd</sup> the Contractor continued placement of **Zone-5** (gravel drain) materials for the 12-foot wide chimney section, beginning at elevation 493. The Contractor is using both the CAT 966F and CAT 950E loaders to transport **Zone-5** materials from the onsite stockpile down to the placement. The Contractor is then using a John Deere 450J (LGP) Low Ground Pressure dozer to spread the **Zone-5** materials to approximately a 13-inch lift. Once the Contractor completes spreading one full lift he then uses the CAT CS 563E single smooth drum, vibratory roller to compact the **Zone-5** placed to a 1-foot lift using two (2) full passes. The Contractor has a laborer using a 2-inch fire hose to moisten the zone 5 during spreading and prior to compaction.

By June 2<sup>nd</sup>, the last day of this 2-week reporting period the Contractor completed placing a total of fifteen (15) 1-foot lifts of **Zone-5** materials for the 12-foot wide chimney gravel drain section between dam stations 3+76 and 6+94, ending at elevation 508. An estimated 2,040 cubic yards of **Zone-5** material was placed this period.



Lauro Dam Construction Project  
Photo by: L. Campbell

Contractor A.J. Diani  
Date: 5-30-06

*View as the Contractor uses a CAT CS 563E, to compact the 1-foot thick lift of Zone-5 material. Note: Elevation 500.*

**Activity #C190A Place Zone 3, elevation 494-507:**

From May 24<sup>th</sup> to June 2<sup>nd</sup> the Contractor continued placement of miscellaneous **Zone-3** (12-inch minus) materials downstream of the 24-foot wide filter/drain chimney filter. The Contractor is using a CAT 330B L excavator to load the two (2) articulated end dump trucks with 12-inch minus materials being processed in the stockpile area. As the excavator is loading haul trucks, the operator is also sorting out 12-inch plus sized rocks for the CAT 950E loader to pick

up and haul to the slope protection stockpile. The two (2) articulated end dump trucks are hauling and dumping the miscellaneous Zone-3 (12-inch minus) materials to the fill downstream of the filter/drain chimney. The Contractor is then using a CAT 815 sheepsfoot compactor to spread and compact the materials to a finished 1-foot lift, with a minimum of three full passes with the sheepsfoot compactor. The Zone-3 (12-inch minus) materials placed extend from the downstream toe of the 12-foot wide Zone-5 chimney section, to the excavated downstream 1.5:1 slope up to elevation 500. Above elevation 500 the Zone-3 begins to shorten in downstream distance as it begins to follow the designed 2.5:1 slope.



Lauro Dam Construction Project  
Photo by: L. Campbell

Contractor A.J.Diani  
Date: 5-31-06

View looking southeast as the Contractor uses a CAT 815 sheepsfoot roller for spreading and compaction of the miscellaneous Zone-3 lift, which is shown at elevation 500.

By June 2<sup>nd</sup>, the last day of this 2-week reporting period the Contractor completed placing fourteen (14) 1-foot lifts of Zone-3 (12-inch minus) materials between dam station 3+77 and 6+94, ending at elevation 507. An estimated 9,096 cubic yards of Zone-3 (12-inch minus) was placed this period.

**MPCO Materials Lab Testing:**

MPCO materials lab is currently working out of the old Bradbury Dam lab trailer at Bradbury dam, providing lab support to the Lauro Dam construction project. Percent Compaction along with material gradations are being performed by the MPCO materials technicians. Testing and sampling of the Zone-4, Zone-5 and Zone-3 materials continued throughout the period. Sand cone densities and gradations of the materials placed are being performed on a daily basis, averaging one (1) test in each material placed per shift. Testing frequency was lowered from the previous period as the gradations and densities have shown to be consistently within the specification limits. To date we have had only minor issues with gradations and percent compaction, which has been resolved and corrected by the Contractor as per the

specifications. This period MPCO materials lab also obtained 3-samples and performed density tests in the existing Zone-1 between elevations 502 and 503. The average density in existing Zone-1 is approximately 100.5% relative compaction. Further gradations and atterberg limits will also be determined for the in-place samples.

**Miscellaneous:**

- During every shift the Contractor had one (1) operator apprentice checking the fill grade using a laser level.
- One (1) laborer using a 2-inch fire hose performed satisfactory dust abatement throughout the site.
- Daily the Contractor had one (1) mechanic onsite as needed to perform repairs, service lube and fuel equipment.
- The Contractor continued Storm Water Pollution Prevention (SWPP) activities throughout the period; maintaining rice-straw wattles, sand bag drainage dike checks and silt fencing throughout the jobsite.
- On May 30<sup>th</sup> the Contractor covered both upstream broken ends of the right and left toe drains using 2-layers of galvanized chain link fencing and 1-layer of geotextile. The left toe drain at elevation 500.28 was then covered with Zone-4, while the right toe drain at elevation 502.72 was covered with an additional 3-yards of Zone-5 material tying it back to the 12-wide gravel chimney zone.
- On June 1<sup>st</sup>, subcontractor Penfield and Smith Surveyors were onsite to set backfill control stakes for the 2.5:1, miscellaneous Zone-3 slope.



US Department of the Interior  
Bureau of Reclamation  
Mid-Pacific Region  
South-Central California Area Office  
**CACHUMA PROJECT, CALIFORNIA**

***Sixth Annual  
Operations Coordination Meeting***

**Tuesday • May 23, 2006 • 10:00 AM**

**A G E N D A**

1. Welcome and Introductions
2. USBR Operations Outlook & Activities
3. COMB Operations Outlook & Activities
4. Fishery Activities
5. CCWA Operations Outlook & Activities
6. Water Rights Release Outlook
7. Cachuma Project - Guidelines for Operation

Meeting Location: Cachuma Operation & Maintenance Board (COMB)  
3301 Laurel Canyon Road  
Santa Barbara, CA 93105  
(805) 687-4011

**CACHUMA OPERATION AND MAINTENANCE BOARD  
MEMORANDUM**

DATE: June 26, 2006

TO: Board of Directors

FROM: Kate Rees, Interim General Manager *KR*  
Janet Gingras, Administrative Manager

RE: **Member Unit Melded Water Rate Calculation for  
Orders vs. Deliveries / Water Years 2001 – 2005**

**RECOMMENDATION:**

It is recommended that, in future, water orders be reconciled with actual deliveries at the end of the water year and reported to the Bureau of Reclamation. Staff seeks direction regarding reconciliation of past Cachuma water accounting.

**DISCUSSION:**

During the April 24, 2006 COMB Board meeting, Director Williams requested an analysis of the Cachuma melded rate payment calculations over time for Irrigation and M&I water for each Member Unit comparing the payment for water ordered to what would have been charged for actual irrigation and M&I water delivered. Attached is the summary of that analysis.

To accomplish the internal adjustment needed to make the Bureau of Reclamation's Cachuma Project water rates equitable to both Irrigation and M&I users, and to minimize interest charges for the Member Units, "melded rates" are calculated whereby the historic interest free use of the Project by irrigation users is continued and the remainder of the required annual payment is covered by M&I water charges. Historically, the melded rates have been calculated based on each Member Unit's irrigation water order for the water year. The attached analysis provides information comparing payments calculated for irrigation water ordered versus what payments would have been if they were recalculated using actual irrigation water sales. M&I calculations are also included. Underpayments and overpayments are shown for each Member Unit during the course of a five-year period from 2001-2005.

In future, per Reclamation's request, staff recommends that the Board approve reconciliation of the amount of irrigation water ordered vs. the amount of irrigation water delivered, and make adjustments for overpayments and underpayments at the end of the

water year accordingly. However, staff seeks direction regarding carrying out past water accounting adjustments.

This discussion focuses on whether or not the Board wants to reconcile these internal calculations. Options include the following: 1) Do no reconciliation for past water years; 2) reconcile the amount of water ordered vs actual deliveries for the past five years and apply a credit or debit for adjustments to future water payments; or 3) reconcile the amount of water ordered vs actual deliveries back to 1995 – year of the Cachuma Master Contract Renewal - and apply a credit or debit for adjustments to future water payments.

**COMB Member Unit Merged Water Rate Calculation**

**Orders vs. Actual Sales**

**Water Years 2001 - 2005**

2001	Paid Based on Water Orders	If Paid Based on Actual AG Sales	Overpaid / (Underpaid)
Goleta	566,373.69	568,884.62	(2,510.93)
SB City	516,730.40	515,230.53	1,499.87
Montecito	161,893.34	163,208.86	(1,315.52)
Carpinteria	168,278.81	165,650.01	2,628.80
ID#1	52,741.64	53,043.86	(302.22)
Total	1,466,017.88	1,466,017.88	0.00

**2002**

Goleta	567,088.39	568,494.77	(1,406.38)
SB City	516,165.58	516,836.62	(671.05)
Montecito	162,026.26	163,296.66	(1,270.40)
Carpinteria	168,804.27	165,379.46	3,424.81
ID#1	53,022.81	53,099.79	(76.98)
Total	1,467,107.31	1,467,107.31	0.00

**2003**

Goleta	564,675.10	566,783.38	(2,108.28)
SB City	512,872.84	512,413.69	459.15
Montecito	161,272.45	162,115.11	(842.65)
Carpinteria	168,289.55	165,860.92	2,428.63
ID#1	53,448.25	53,385.10	63.15
Total	1,460,558.19	1,460,558.19	0.00

**2004**

Goleta	567,190.94	568,050.16	(859.23)
SB City	513,967.06	516,301.65	(2,334.59)
Montecito	161,921.14	162,933.07	(1,011.93)
Carpinteria	169,260.57	165,814.16	3,446.41
ID#1	53,513.77	52,754.43	759.34
Total	1,465,853.46	1,465,853.46	0.00

**2005**

Goleta	502,205.00	503,608.87	(1,403.86)
SB City	452,649.35	452,026.47	622.88
Montecito	143,226.49	143,829.98	(603.49)
Carpinteria	150,276.76	148,962.85	1,313.91
ID#1	44,755.65	44,685.08	70.57
Total	1,293,113.24	1,293,113.24	0.00

**Totals**

Goleta	(8,288.69)
SB City	(423.74)
Montecito	(5,044.00)
Carpinteria	13,242.57
ID#1	513.85
Total	0.00

Cachuma Project Melded Rates for Water Year 2001

2001 Order vs. Sales

		Orders			Payments		
		Total	Irrigation	M&I	Irrigation	M&I	Total
Goleta	36.25%	9,321	2858	6,463	\$ 162,887	\$ 403,487	\$ 566,374
SB City	32.19%	8,277	0	8,277	\$ -	\$ 516,730	\$ 516,730
Montecito	10.31%	2,651	664	1,987	\$ 37,844	\$ 124,050	\$ 161,893
Carpinteria	10.94%	2,813	1350	1,463	\$ 76,941	\$ 91,338	\$ 168,279
ID#1	10.31%	2,651	2069	582	\$ 40,293	\$ 12,449	\$ 52,742
<b>Total</b>		<b>25,714</b>	<b>6,941</b>	<b>18,773</b>	<b>317,964</b>	<b>1,148,054</b>	<b>1,466,018</b>

Storage % 27% 73%  
 Conveyance % 21% 79%

Actual AG Water Sales

								Difference
Goleta	36.25%	9,321	2157	7,164	\$ 122,935	\$ 445,950	\$ 568,885	\$ (2,511)
SB City	32.19%	8,277	0	8,277	\$ -	\$ 515,231	\$ 515,231	\$ 500
Montecito	10.31%	2,651	345	2,306	\$ 19,663	\$ 143,546	\$ 163,209	\$ (316)
Carpinteria	10.94%	2,813	1800	1,013	\$ 102,588	\$ 63,062	\$ 165,650	\$ 2,629
ID#1	10.31%	2,651	1881	770	\$ 36,631	\$ 16,412	\$ 53,044	\$ (302)
<b>Total</b>		<b>25,714</b>	<b>6,183</b>	<b>19,531</b>	<b>281,817</b>	<b>1,184,201</b>	<b>1,466,018</b>	

Storage % 24% 76%  
 Conveyance % 19% 81%

	A	B	C	D	C	E
1 Total Yield (storage in AF)		25,714				
2 South Coast Yield (conveyance in AF)		23,063				
Storage Irrigation%		27%				
Storage M&I%		73%				
3 Convnc Irrigation %		21%				
4 Conveyance M&I%		79%				

	Irrigation	M&I	Total
6 Amount to be repaid	\$ 11,527,728	\$ 8,963,155	\$20,490,883
7 Storage	\$ 4,225,800	\$ 3,285,687	\$ 7,511,487
8 Conveyance	\$ 7,301,928	\$ 5,677,468	\$12,979,396

M&I W/3.0%  
 \$ 4,128,461  
 \$ 7,133,731  
 \$ 11,262,192

Reclamation Rates	
Repayment	15 years @ 3%
12 Annual Payment Amounts	

	Storage	Conveyance	Total	Internal Rates
13 Storage	\$ 281,720	\$ 275,231	\$ 556,951	275,230.73
14 Conveyance	\$ 486,795	\$ 475,582	\$ 962,377	475,582.07
15 Total	\$ 768,515	\$ 750,813	\$ 1,519,328	

Phase I  
 Surcharge \$\$

\$ 53,310

Melded Water Rates		
	Irrigation	M&I
16 Water Rates		
17 Storage	40.59	14.66
18 Conveyance	99.92	26.14
19 Total	140.50	40.80

Based on Orders

Total Payments		
Storage	\$ 135,172	\$ 401,477
Conveyance	\$ 182,792	\$ 746,577
Total	\$ 317,964	\$1,148,054

Melded Water Rates		
	Irrigation	M&I
	\$ 19.47	\$ 21.31
	\$ 37.52	\$ 40.93
	\$ 56.99	\$ 62.25

Based on Actual Ag Sales

Cachuma Project Melded Rates for Water Year 2002

2002 Order vs. Sales

		Orders			Payments		
		Total	Irrigation	M&I	Irrigation	M&I	Total
Goleta	36.25%	9,321	2858	6,463	\$ 164,043	\$ 403,046	\$ 567,088
SB City	32.19%	8,277	0	8,277	\$ -	\$ 516,166	\$ 516,166
Montecito	10.31%	2,651	664	1,987	\$ 38,112	\$ 123,914	\$ 162,026
Carpinteria	10.94%	2,813	1334	1,479	\$ 76,569	\$ 92,236	\$ 168,804
ID#1	10.31%	2,651	2061	590	\$ 40,422	\$ 12,601	\$ 53,023
<b>Total</b>		<b>25,714</b>	<b>6,917</b>	<b>18,797</b>	<b>319,145</b>	<b>1,147,963</b>	<b>1,467,107</b>

Storage % 27% 73%  
 Conveyance % 21% 79%

Actual AG Water Sales

								Difference
Goleta	36.25%	9,321	2683	6,638	\$ 153,998	\$ 414,497	\$ 568,495	\$ (1,406)
SB City	32.19%	8,277	0	8,277	\$ -	\$ 516,837	\$ 516,837	\$ (671)
Montecito	10.31%	2,651	444	2,207	\$ 25,485	\$ 137,812	\$ 163,297	\$ (1,270)
Carpinteria	10.94%	2,813	2037	776	\$ 116,919	\$ 48,460	\$ 165,379	\$ 3,425
ID#1	10.31%	2,651	2026	625	\$ 39,735	\$ 13,365	\$ 53,100	\$ (77)
<b>Total</b>		<b>25,714</b>	<b>7,190</b>	<b>18,524</b>	<b>336,137</b>	<b>1,130,971</b>	<b>1,467,107</b>	

Storage % 28% 72%  
 Conveyance % 22% 78%

	A	B	C	D	C	E
1 Total Yield (storage in AF)		25,714				
2 South Coast Yield (conveyance in AF)		23,063				
Storage Irrigation%		27%				
Storage M&I%		73%				
3 Convnc Irrigation %		21%				
4 Conveyance M&I%		79%				

	Irrigation	M&I	Total
6 Amount to be repaid	\$ 10,799,420	\$8,461,101	\$ 19,260,521
7 Storage	\$ 3,958,819	\$3,101,646	\$ 7,060,465
8 Conveyance	\$ 6,840,601	\$5,359,455	\$ 12,200,056

M&I W/3.0%  
 \$ 3,844,083  
 \$ 6,842,341  
 \$ 10,486,424

Reclamation Rates			
Repayment 14 years @ 3%			
Annual Payment Amounts			
13 Storage	\$ 282,773	\$ 274,577	\$ 557,350
14 Conveyance	\$ 488,614	\$ 474,453	\$ 963,067
15 Total	\$ 771,387	\$ 749,030	\$ 1,520,417
Melded Water Rates			
Water Rates			
17 Storage	40.88	14.61	
18 Conveyance	100.62	26.06	
19 Total	141.50	40.67	

Internal Rates 274,577.36  
 474,452.93  
 Phase I Surcharge \$\$ \$ 53,310

Total Payments			
Storage	\$ 135,660	\$ 401,388	\$ 537,049
Conveyance	\$ 183,484	\$ 746,574	\$ 930,058
Total	\$ 319,145	\$ 1,147,963	\$ 1,467,107

Melded Water Rates	
Irrigation	M&I
\$ 19.61	\$ 21.38
\$ 37.79	\$ 41.06
\$ 57.40	\$ 62.44

Based on Actual Ag Sales

**Cachuma Project Melded Rates for Water Year 2003**

**2003 Order vs. Sales**

		Orders			Payments		
		Total	Irrigation	M&I	Irrigation	M&I	Total
Goleta	36.25%	9,321	2858	6,463	\$ 164,200	\$ 400,475	\$ 564,675
SB City	32.19%	8,277	0	8,277	\$ -	\$ 512,873	\$ 512,873
Montecito	10.31%	2,651	664	1,987	\$ 38,149	\$ 123,124	\$ 161,272
Carpinteria	10.94%	2,813	1334	1,479	\$ 76,642	\$ 91,647	\$ 168,290
ID#1	10.31%	2,651	1753	898	\$ 34,414	\$ 19,034	\$ 53,448
<b>Total</b>		<b>25,714</b>	<b>6,609</b>	<b>19,105</b>	<b>313,405</b>	<b>1,147,153</b>	<b>1,460,558</b>

Storage % 26% 74%  
 Conveyance % 21% 79%

**Actual AG Water Sales**

								Difference
Goleta	36.25%	9,321	2304	7,017	\$ 132,371	\$ 434,412	\$ 566,783	\$ (2,108)
SB City	32.19%	8,277	0	8,277	\$ -	\$ 512,414	\$ 512,414	\$ 459
Montecito	10.31%	2,651	450	2,201	\$ 25,854	\$ 136,261	\$ 162,115	\$ (843)
Carpinteria	10.94%	2,813	1861	952	\$ 106,920	\$ 58,941	\$ 165,861	\$ 2,429
ID#1	10.31%	2,651	1784	867	\$ 35,023	\$ 18,363	\$ 53,385	\$ 63
<b>Total</b>		<b>25,714</b>	<b>6,399</b>	<b>19,315</b>	<b>300,168</b>	<b>1,160,390</b>	<b>1,460,558</b>	

Storage % 25% 75%  
 Conveyance % 20% 80%

	A	B	C	D	C	E
1 Total Yield (storage in AF)		25,714				
2 South Coast Yield (conveyance in AF)		23,063				
Storage Irrigation%		26%				
Storage M&I%		74%				
3 Convnc Irrigation %		21%				
4 Conveyance M&I%		79%				

	Irrigation	M&I	Total
6 Amount to be repaid	\$ 9,905,404	\$ 7,996,573	\$17,901,977
7 Storage	\$ 3,631,093	\$ 2,931,360	\$ 6,562,453
8 Conveyance	\$ 6,274,311	\$ 5,065,213	\$11,339,524

M&I W/3.0%  
 \$ 3,583,248  
 \$ 6,191,636  
 \$ 9,774,884

Reclamation Rates	
11	Repayment 13 years @ 3%

Annual Payment Amounts			Internal Rates
Storage	Conveyance	Total	
13 \$ 279,315	\$ 275,634	\$ 554,949	275,634.46 476,279.69
14 \$ 482,639	\$ 476,280	\$ 958,919	
15 \$ 761,954	\$ 751,914	\$ 1,513,868	

Phase I  
 Surcharge \$\$

\$ 53,310

Melded Water Rates			
	Irrigation	M&I	
17 Storage	42.26	14.43	\$ 19.63 \$ 21.19
18 Conveyance	99.39	26.16	\$ 37.82 \$ 40.77
19 Total	141.65	40.59	\$ 57.45 \$ 61.96

Based on Orders

Total Payments			
Storage	\$ 129,745	\$ 404,904	\$ 534,648
Conveyance	\$ 183,661	\$ 742,249	\$ 925,910
Total	\$ 313,405	\$1,147,153	\$1,460,558

Melded Water Rates	
Irrigation	M&I
\$ 19.63	\$ 21.18
\$ 37.82	\$ 40.73
\$ 57.45	\$ 61.91

Based on Actual Ag Sales

**Cachuma Project Melded Rates for Water Year 2004**

**2004 Order vs. Sales**

		Orders			Payments		
		Total	Irrigation	M&I	Irrigation	M&I	Total
Goleta	36.25%	9,321	2858	6,463	\$ 165,862	\$ 401,329	\$ 567,191
SB City	32.19%	8,277	0	8,277	\$ -	\$ 513,967	\$ 513,967
Montecito	10.31%	2,651	664	1,987	\$ 38,535	\$ 123,386	\$ 161,921
Carpinteria	10.94%	2,813	1334	1,479	\$ 77,418	\$ 91,843	\$ 169,261
ID#1	10.31%	2,651	1827	824	\$ 36,086	\$ 17,428	\$ 53,514
<b>Total</b>		<b>25,714</b>	<b>6,683</b>	<b>19,031</b>	<b>317,900</b>	<b>1,147,954</b>	<b>1,465,853</b>

Storage % 26% 74%  
 Conveyance % 21% 79%

**Actual AG Water Sales**

								Difference
Goleta	36.25%	9,321	3080	6,241	\$ 178,745	\$ 389,305	\$ 568,050	\$ (859)
SB City	32.19%	8,277	0	8,277	\$ -	\$ 516,302	\$ 516,302	\$ (2385)
Montecito	10.31%	2,651	560	2,091	\$ 32,499	\$ 130,434	\$ 162,933	\$ (1012)
Carpinteria	10.94%	2,813	2224	589	\$ 129,068	\$ 36,746	\$ 165,814	\$ (3446)
ID#1	10.31%	2,651	2394	257	\$ 47,285	\$ 5,470	\$ 52,754	\$ (759)
<b>Total</b>		<b>25,714</b>	<b>8,258</b>	<b>17,456</b>	<b>387,597</b>	<b>1,078,256</b>	<b>1,465,853</b>	

Storage % 32% 68%  
 Conveyance % 25% 75%

	A	B	C	D	C	E
1 Total Yield (storage in AF)		25,714				
2 South Coast Yield (conveyance in AF)		23,063				
Storage Irrigation%		26%				
Storage M&I%		74%				
3 Convnc Irrigation %		21%				
4 Conveyance M&I%		79%				

	Irrigation	M&I	Total
6 Amount to be repaid	\$ 9,195,548	\$ 7,494,050	\$16,689,598
7 Storage	\$ 3,357,987	\$ 2,736,641	\$ 6,094,628
8 Conveyance	\$ 5,837,561	\$ 4,757,409	\$10,594,970

M&I W/3.0%  
 \$ 3,299,144  
 \$ 5,735,271  
 \$ 9,034,415

Reclamation Rates	
11 Repayment	12 years @ 3%

12 Annual Payment Amounts	Internal Rates
13 Storage	\$ 279,832 \$ 274,929 \$ 554,761
14 Conveyance	\$ 486,463 \$ 477,939 \$ 964,403
15 Total	\$ 766,296 \$ 752,868 \$ 1,519,164

274,928.67  
 477,939.25

Phase I  
 Surcharge \$\$

Melded Water Rates	
16 Water Rates	Irrigation M&I
17 Storage	\$ 41.87 14.45 \$ 19.75 \$ 21.15
18 Conveyance	\$ 100.18 26.25 \$ 38.28 \$ 40.95
19 Total	\$ 142.05 40.70 \$ 58.03 \$ 62.09

Based on Orders

\$ 53,310

Total Payments		
Storage	\$ 131,998	\$ 402,462 \$ 534,460
Conveyance	\$ 185,902	\$ 745,492 \$ 931,394
Total	\$ 317,900	\$1,147,954 \$1,465,853

Melded Water Rates	
Irrigation	M&I
\$ 19.75	\$ 21.27
\$ 38.28	\$ 41.10
\$ 58.03	\$ 62.38

Based on Actual Ag Sales



Cachuma Project Melded Rates for Water Year 2005

2005 Order vs. Sales

		Orders			Payments		
		Total	Irrigation	M&I	Irrigation	M&I	Total
Goleta	36.25%	9,321	2858	6,463	\$ 148,756	\$ 353,449	\$ 502,205
SB City	32.19%	8,277	0	8,277	\$ -	\$ 452,649	\$ 452,649
Montecito	10.31%	2,651	664	1,987	\$ 34,560	\$ 108,666	\$ 143,226
Carpinteria	10.94%	2,813	1350	1,463	\$ 70,266	\$ 80,011	\$ 150,277
ID#1	10.31%	2,651	1657	994	\$ 27,498	\$ 17,258	\$ 44,756
<b>Total</b>		<b>25,714</b>	<b>6,529</b>	<b>19,185</b>	<b>281,079</b>	<b>1,012,034</b>	<b>1,293,113</b>

Storage % 25% 75%  
 Conveyance % 21% 79%

Actual AG Water Sales

								Difference
Goleta	36.25%	9,321	2120	7,201	\$ 110,344	\$ 393,265	\$ 503,609	\$ (404)
SB City	32.19%	8,277	0	8,277	\$ -	\$ 452,026	\$ 452,026	\$ 623
Montecito	10.31%	2,651	370	2,281	\$ 19,258	\$ 124,572	\$ 143,830	\$ (603)
Carpinteria	10.94%	2,813	1820	993	\$ 94,729	\$ 54,234	\$ 148,963	\$ 1314
ID#1	10.31%	2,651	1726	925	\$ 28,643	\$ 16,043	\$ 44,685	\$ 71
<b>Total</b>		<b>25,714</b>	<b>6,036</b>	<b>19,678</b>	<b>252,973</b>	<b>1,040,140</b>	<b>1,293,113</b>	

Storage % 23% 77%  
 Conveyance % 19% 81%

	A	B	C	D	C	E
1 Total Yield (storage in AF)		25,714				
South Coast Yield						
2 (conveyance in AF)		23,063				
Storage Irrigation%		25%				
Storage M&I%		75%				
3 Convnc Irrigation %		21%				
4 Conveyance M&I%		79%				

	Irrigation	M&I	Total
6 Amount to be repaid	\$ 7,745,256	\$ 5,943,046	\$13,688,302
7 Storage	\$ 2,655,948	\$ 2,037,948	\$ 4,693,896
8 Conveyance	\$ 5,089,308	\$ 3,905,098	\$ 8,994,406

M&I W/3.0%  
 \$ 2,422,818  
 \$ 4,642,583  
 \$ 7,065,401

Reclamation Rates			
Repayment	11 years @	3%	
12 Annual Payment Amounts			

13 Storage	\$ 241,450	\$ 220,256	\$ 461,706
14 Conveyance	\$ 462,664	\$ 422,053	\$ 884,717
15 Total	\$ 704,114	\$ 642,309	\$ 1,346,423

Internal Rates

220,256.18  
 422,053.00

Phase I  
 Surcharge \$\$

Melded Water Rates

	Irrigation	M&I
17 Storage	36.98	11.48
18 Conveyance	94.96	23.20
19 Total	131.95	34.68

Based on Orders

\$ 53,310

Total Payments		
Storage	\$ 108,347	\$ 333,058
Conveyance	\$ 172,732	\$ 678,976
Total	\$ 281,079	\$1,012,034

Melded Water Rates	
Irrigation	M&I
\$ 16.59	\$ 17.34
\$ 35.45	\$ 37.27
\$ 52.05	\$ 54.61

Based on Actual Ag Sales

**CACHUMA OPERATION AND MAINTENANCE BOARD**

**MEMORANDUM**

DATE: June 26, 2006  
TO: Board of Directors  
FROM: Brett Gray, Operations Supervisor  
RE: **Update on SCC 2<sup>nd</sup> Pipeline Environmental Consultant**

**RECOMMENDATION:**

None requested.

**DISCUSSION:**

Through recent discussions with the COMB Member Unit managers, staff is in the process of requesting proposals from four environmental companies to perform the environmental work on the 2<sup>nd</sup> Pipeline Project of the South Coast Conduit. The four companies selected consist of CH2M HILL, Padre Associates, SAIC, and URS. Padre and URS have submitted proposals previously. However, Padre's proposal was included in the scope of work for Boyle Engineering, and John Gray prepared the proposal from URS. To evaluate all proposals equitably, they have been asked to resubmit new proposals for this project.

The deadline for submission of proposals is mid-July 2006. Once the proposals are received, they will be reviewed by a committee of Member Unit managers or their designated engineering staff, and the recommended proposal will be brought to the COMB Board of Directors for review and approval.

ITEM # 11  
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CACHUMA OPERATION AND MAINTENANCE BOARD

MEMORANDUM

DATE: June 26, 2006  
TO: Board of Directors  
FROM: Kate Rees, Interim General Manager *KR*  
RE: Proposed COMB Budget for Fiscal Year 2006-2007

RECOMMENDATION:

It is recommended by staff that the Board approve the proposed COMB budget for Fiscal Year 2006-2007 in the amount of \$3,777,642.

DISCUSSION:

The proposed COMB budget for Fiscal Year 2006-2007 in the amount of \$3,777,642 was reviewed by the Finance Committee (Directors Loudon and Evans) on May 8, 2006 and presented in draft form to the Board for preliminary review on May 22, 2006 with changes from the Finance Committee incorporated. There is one outstanding proposed project in the budget that has not been resolved. The FY 2006-2007 budget includes a Special Projects line item for Lauro Reservoir Debris Basin rehabilitation at a cost of \$550,000 (half of the estimated total project cost). However, Director Evans was of the opinion that the normal cost allocation formula for this project should be calculated differently because it was a water quality project and Goleta Water District would realize less of a benefit from it than the other Member Units. Therefore, the Finance Committee did not approve recommending that it be included in the FY 2006-2007 budget. The Board requested that staff discuss the cost allocation question with the Cachuma Managers, and that the Finance Committee meet again with staff and come up with a recommendation regarding this Special Projects line item.

The Managers and Attorneys met on June 7, 2006 and the Lauro Reservoir Debris Basin rehabilitation project was discussed. After a thorough evaluation of the comparative benefits of the project, and of the long-standing agreement to fund COMB projects using standard entitlement percentages, the consensus was that construction of this project should go forward, and that the cost should be distributed using Cachuma entitlement percentages for the four south coast Member Units. However, several days later, Kevin Walsh reconsidered his recommendation because he believed that the Lauro debris basin was not a Reclamation facility. I have done some research, and although I could not locate actual construction drawings, I did find various references to the main debris basin in memos, letters, and a newspaper article from 1964. Consequently, I am fairly certain that the debris basin was built by Reclamation at the end of the construction of Lauro Dam, and is therefore, a Reclamation facility. Considerable

discussion has ensued among the Managers, however at the present time, no consensus has been reached regarding a recommendation on distribution of the cost for this project.

Director Evans, a member of the Finance Committee, was not available to further discuss this issue, but is still of the opinion that an alternate cost allocation should be adopted. For input from the COMB Finance Committee, I have spoken with President Loudon (Finance Committee member) and Director Lieberknecht (alternate Finance Committee member). They recommend that the cost should be distributed using Cachuma entitlement percentages because the south coast Member Units have always paid for maintenance of the Lauro Debris Basin in this manner as part of the overall costs associated with Lauro Reservoir.

I am also of the opinion that the Lauro Debris Basin rehabilitation project should be paid using standard Cachuma entitlement shares because even though it is a water quality protection project, it is also a water supply protection project. The facility is an integral part of Lauro Reservoir – a balancing reservoir that provides a benefit to all of the south coast member units. Preventing Lauro Reservoir from going out of service is essential to operations along the entire South Coast Conduit. The debris basin is a Reclamation facility that needs to be maintained, and regular clean out of the debris basin, as well as all other activities associated with the Lauro Debris Basin have always been paid by COMB and charged to the Member Units using the Cachuma entitlement formula.

If GWD decides not to participate in the funding, the project cannot go forward because the total cost is more than \$1 million, and therefore, requires unanimous approval. This may result in Lauro Reservoir being taken out of service during winter months if extreme storm and runoff conditions occur in the watershed, which has happened several times since its construction. In that situation both the Corona Del Mar and Cater Water Treatment Plants will have to peak off the South Coast Conduit, which may impact the ability to deliver sufficient water down pipeline.

Attached for your consideration are a number of spreadsheets. This information is identical to the information contained in the board packet for the May 22<sup>nd</sup> meeting. The attachments include:

- Proposed COMB FY 2006-2007 Budget Spreadsheets and Budget Summary
- Comparison of Wage Adjustments of Local Agencies and Change in CPI
- COMB Budget Comparisons (FY 2000-01 to FY 2006-07)
- Budget Cost Projections

The budget cost projections spreadsheet shows the cost allocation of the proposed FY 2006-2007 budget among the Member Units, based on Cachuma entitlement percentages. There is also a split between costs paid by all Member Units and costs paid only by the South Coast Member Units for certain categories.

# Cachuma Operation & Maintenance Board

## Final Budget

Fiscal Year 2006 / 07

Account Number	Account Name	FY 2005 / 06 Approved Budget	Estimated Actuals Thru 6/30/06	FY 2006 / 07 Final Budget	Change	Percentage Change
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**OPERATION & MAINTENANCE EXPENSES**

<b>LABOR</b>						
3100	LABOR OPS	677,920	667,181	705,332	27,412	
	<b>TOTAL</b>	<b>677,920</b>	<b>667,181</b>	<b>705,332</b>	<b>27,412</b>	4.04%
<b>VEHICLES &amp; EQUIPMENT</b>						
3201	VEHICLE/EQUIP MTCE	22,000	24,046	30,000	8,000	
3202	FIXED CAPITAL	46,000	46,000	50,000	4,000	
3203	EQUIPMENT RENTAL	22,000	18,272	23,000	1,000	
3204	MISC	10,000	10,319	15,000	5,000	
	<b>TOTAL</b>	<b>100,000</b>	<b>98,637</b>	<b>118,000</b>	<b>18,000</b>	18.00%
<b>CONTRACT LABOR</b>						
3301	CONDUIT, METER, VALVE	7,000	6,899	10,000	3,000	
3302	BUILDINGS & ROADS	11,500	10,023	15,000	3,500	
3303	RESERVOIRS	50,000	46,425	50,000	0	
3304	ENGINEERING, MISC SERVICES	20,000	19,191	20,000	0	
	<b>TOTAL</b>	<b>88,500</b>	<b>82,538</b>	<b>95,000</b>	<b>6,500</b>	7.34%
<b>MATERIALS &amp; SUPPLIES</b>						
3401	CONDUIT, METER, VALVE & MISC	10,000	9,696	20,000	10,000	
3402	BUILDINGS & ROADS	17,000	9,957	20,000	3,000	
3403	RESERVOIRS	7,000	1,728	10,000	3,000	
	<b>TOTAL</b>	<b>34,000</b>	<b>21,381</b>	<b>50,000</b>	<b>16,000</b>	47.06%
<b>OTHER EXPENSES</b>						
3501	UTILITIES	6,300	3,887	6,300	0	
3502	UNIFORMS	5,500	5,690	6,500	1,000	
3503	COMMUNICATIONS	17,300	12,235	18,190	890	
3504	USA & OTHER SERVICES	3,700	2,216	4,000	300	
3505	MISC	6,000	4,655	6,000	0	
3506	TRAINING	4,500	8,683	7,000	2,500	
	<b>TOTAL</b>	<b>43,300</b>	<b>37,366</b>	<b>47,990</b>	<b>4,690</b>	10.83%
	<b>TOTAL O &amp; M EXPENSE</b>	<b>943,720</b>	<b>907,104</b>	<b>1,016,322</b>	<b>72,602</b>	7.69%

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**Cachuma Operation & Maintenance Board  
Final Budget**

*Fiscal Year 2006 / 07*

<i>Account Number</i>	<i>Account Name</i>	<i>FY 2005 / 06 Approved Budget</i>	<i>Estimated Actuals Thru 6/30/06</i>	<i>FY 2006 / 07 Final Budget</i>	<i>Change</i>	<i>Percentage Change</i>
<b><u>GENERAL AND ADMINSTRATIVE EXPENSES</u></b>						
5000	DIRECTORS FEES	10,763	10,760	10,840	77	
5100	LEGAL & AUDIT	92,000	88,500	92,000	0	
5150	UNEMP TAX	6,371	0	6,500	129	
5200	LIABILITY & PROPERTY INSURANCE	36,000	37,635	38,000	2,000	
5201	HEALTH & WORKERS COMP.	44,836	50,669	47,399	2,563	
5250	PERS	39,921	34,567	28,632	(11,289)	
5339	FICA/MEDICARE	19,589	20,231	14,999	(4,590)	
5300,1,6	ADMIN. SALARIES	237,621	209,777	172,050	(65,571)	
5310	POSTAGE / OFFICE SUPPLIES	8,000	8,240	9,000	1,000	
5311	OFFICE EQUIPMENT / LEASES	5,640	4,970	5,750	110	
5312	MISC. ADMIN. EXP.	6,000	6,994	10,000	4,000	
5313	COMMUNICATIONS	5,000	3,324	5,000	0	
5314	UTILITIES	4,500	5,777	5,300	800	
5315	MEMBERSHIP DUES	5,445	4,654	6,150	705	
5316	ADMIN. FIXED ASSETS	6,000	6,800	7,000	1,000	
5325	EMPLOYEE EDUCATION/SUBSCRIPTIC	4,100	3,500	4,500	400	
5330	ADMIN TRAV & CONFERENCES	5,000	4,750	5,000	0	
5331	PUBLIC INFO	2,000	350	2,000	0	
5332	TRANSPORTATION	1,150	1,050	1,200	50	
<b>TOTAL GENERAL &amp; ADMINISTRATIVE</b>		<b>539,936</b>	<b>502,548</b>	<b>471,320</b>	<b>(68,616)</b>	<b>-12.71%</b>
<b><u>SPECIAL G &amp; A EXPENSES</u></b>						
5500	ADMINISTRATIVE CONSULTANT	0	0	20,000	20,000	
5510	INTEGRATED REGNL WATER MGMT P	0	0	10,000	10,000	
<b>TOTAL SPECIAL G &amp; A</b>		<b>0</b>	<b>0</b>	<b>30,000</b>	<b>30,000</b>	
<b>TOTAL O &amp; M and G &amp; A</b>		<b>1,483,656</b>	<b>1,409,651</b>	<b>1,517,642</b>	<b>33,986</b>	<b>2.29%</b>

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**Cachuma Operation & Maintenance Board  
Final Budget**

*Fiscal Year 2006 / 07*

<i>Account Number</i>	<i>Account Name</i>	<i>FY 2005 / 06 Approved Budget</i>	<i>Estimated Actuals Thru 6/30/06</i>	<i>FY 2006 / 07 Final Budget</i>	<i>Change</i>	<i>Percentage Change</i>
<b><i>SPECIAL PROJECTS</i></b>						
6062	SCADA & Flow Meter/Valve Repairs	60,000	30,000	60,000	0	
6090-1	COMB Bldg/Grounds Repair	50,000	54,200	50,000	0	
6092	SCC Improv Plan & Design	95,000	89,786	300,000	205,000	
6093	SCC Life Expectancy Study	95,000	90,848	0	(95,000)	
6095	SCC Valve & Control Sta. Rehabilitation	600,000	598,854	600,000	0	
6095-1	Lauro Debris Basin Rehabilitation	50,000	47,348	550,000	500,000	
6096	SCC Structure Rehabilitation	305,000	299,221	400,000	95,000	
6097	GIS and Mapping	75,000	22,839	100,000	25,000	
6401	2005 Storm Damage	200,000	113,950	100,000	(100,000)	
<b><i>O &amp; M SPECIAL PROJECTS</i></b>		<b>1,530,000</b>	<b>1,347,045</b>	<b>2,160,000</b>	<b>630,000</b>	<b>41.18%</b>
7000	Legal/Litigation					
7002	Spec Counsel Costs /FMP-BO EIS/R	100,000	25,000	100,000	0	
<b><i>TOTAL LEGAL/LITIGATION</i></b>		<b>100,000</b>	<b>25,000</b>	<b>100,000</b>	<b>0</b>	<b>0.00%</b>
<b><i>TOTAL COMB BUDGET</i></b>		<b>3,113,656</b>	<b>2,781,697</b>	<b>3,777,642</b>	<b>663,986</b>	<b>21.32%</b>

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Acct. No. COMB SPECIAL PROJECTS 05-06 06-07

6062	SCADA & Flow Meter/Valve Repairs	60,000	60,000	60,000	The COMB SCADA system was completed and fully in service in '02-03. This line item is for an update of the existing system. The update will include the addition of signals from new equipment and update the distribution of SCC SCADA signals. The added signals from new equipment include automated valves, flow meters and generators. This update was planned for last year but was not completed.
6090-1	COMB Bldg/Grounds Repair	50,000	50,000	50,000	This account will provide funds for existing mobile unit repair requirements, as well as maintaining and upgrading existing grounds and facilities.
6092	SCC Improv Plan & Design	95,000	300,000	300,000	The SCC Improvement Plan and Design consists of collecting existing data on the SCC life expectancy study, as-builts, original engineering data, and evaluate this information to determine improvements and their urgency. For the 2006/2007 fiscal year the first phase of the 2nd Pipeline Project design and environmental process will be completed. Work may begin on the 2nd phase of the work if funding and time allows.
6093	SCC Life Expectancy Study	95,000	0	0	
6095	SCC Valve & Control Sta. Rehabilitation	600,000	600,000	600,000	This program of work includes the rehabilitation of COMB's five control stations and valve pits. The rehab work will include replacement of valves, repair of roofs, electrical, fencing, and roads, repainting of building and valve pits, and correcting other deficiencies that exist at these facilities and the installation of 10 new line valves. In the Fiscal Year 2006 / 2007 work to be completed includes the installation of one line valve, the planning for two more line valves and the design of rehabilitation of four vent structures on the Carpinteria reach of the SCC.
6095-1	Lauro Debris Basin Rehabilitation	50,000	550,000	550,000	This is to fund Phase 2 of the project to desilt, enlarge and modify the Lauro Basin in order to accommodate excess runoff from the San Roque watershed, divert runoff away from Lauro Reservoir allow enough area for silt to dry before removal. Doing this project will avoid contaminants from the runoff area from flowing over into Lauro Reservoir resulting in the reservoir having to be taken out of service for weeks or months. Phase 1 of the project was undertaken in FY 04-05 and included surveying and engineering design. Phase 2 will include preparation of CEQA doc and permitting. Construction expected to commence in FY 06-07.
6096	SCC Structure Rehabilitation	305,000	400,000	400,000	This line item includes funding for the rehabilitation of COMB's approx. 200 air vent, blow-off and lateral structures. In the Fiscal Year 2006 / 2007 work to be completed includes rehabilitation of 10 additional structures, completion of the rehabilitation of Corona Del Mar Turnout Structure, removal of Lateral 13 Golela reach and design the removal of Lateral 3A Golela reach.
6097	GIS and Mapping	75,000	100,000	100,000	Currently all COMB's maps, easements and information systems for the SCC date back to the 1950's. Very few changes to these maps, easements and the information system have been made since then, but many changes have occurred to the SCC. The existing organization of the data is difficult and cumbersome to navigate. A Geographic Information System (GIS) would reorganize, update in computerized format, allow better access to the information and the information would be more easily updated. Last fiscal year we started with reorganizing all drawings and having them scanned to digital format. This line item for the 2006 / 2007 fiscal year will continue to fund the planning and initial work on maps and GIS.
6401	2005 Storm Damage	200,000	100,000	100,000	2005 Storm Damage. This project includes funding for the repair of facilities damaged during the 2005 winter storms. The work includes items such as replacement of culverts, repair of access roads and security fencing, protection of conduit at creek crossings, and removal and disposal of sediment from debris basins and catchments. The costs for many of these work items will be reimbursed by FEMA/OES. Reimbursements will be returned to the MUs based on their pro rata share of the assessments required to initially fund the repairs. Expected reimb. Approx. 75%
<b>TOTAL SPECIAL PROJECTS</b>		<b>1,530,000</b>	<b>2,160,000</b>	<b>2,160,000</b>	
7000	LEGAL-LITIGATION				
7002	Spec Counsel Costs /FMP-50 EIS/R	100,000	100,000	100,000	Funding for BB&K to provide special counsel services related to Crawford-Hall and potential issues, research and opinions regarding FMP/BO EIS/R and related projects being done in the name of COMB. Due to the uncertainty of litigation costs add. Funds may be assessed as needed.
<b>TOTAL LEGAL/LITIGATION</b>		<b>100,000</b>	<b>100,000</b>	<b>100,000</b>	



# CACHUMA OPERATION & MAINTENANCE BOARD

## 2006-07 FISCAL YEAR BUDGET ASSESSMENT

6/26/06

### COMB G & A, CERTAIN SPECIAL PROJECTS ASSESSMENT

MEMBER UNIT	Cachuma Entitlement %	PERCENT %	DOLLARS \$
Goleta Water District	36.25%	0.3625	\$199,853.50
City of Santa Barbara	32.19%	0.3219	177,469.91
Carpinteria Valley Water District	10.94%	0.1094	60,314.41
Montecito Water District	10.31%	0.1031	56,841.09
Santa Ynez River Wtr Conserv Dist, ID#1	10.31%	0.1031	56,841.09
	100%	1.0000	\$551,320.00

G & A 501,320 + COMB Grounds Repair 50,000 = \$551,320.

### COMB O & M, and CERTAIN SPECIAL PROJECTS ASSESSMENT

MEMBER UNIT	So Co Percent %	DOLLARS \$
Goleta Water District	36.25%	\$1,263,565.31
City of Santa Barbara	32.19%	1,122,045.99
Carpinteria Valley Water District	10.94%	381,335.30
Montecito Water District	10.31%	359,375.40
	89.69%	\$3,126,322.00

O&M 1,016,322 + SC studies/design 300,000 + SCC Rehab 600,000 + Lauro Debris Basin 550,000 + SCADA 60,000 + SCC Structure Rehab 400,000  
GIS 100,000+ Storm Damage 100,000 = \$3,126,322

### SPECIAL COUNSEL - LITIGATION - FMP/BO EIS/EIR ASSESSMENT

MEMBER UNIT	PERCENT %	DOLLARS \$
Goleta Water District	36.25%	\$36,250.00
City of Santa Barbara	32.19%	32,190.00
Carpinteria Valley Water District	10.94%	10,940.00
Montecito Water District	10.31%	10,310.00
Santa Ynez River Wtr ConservDist,ID#1	10.31%	10,310.00
	100%	\$100,000.00

Spcl Counsel FMP BO EIS/R 100000: Total = \$100,000 to pay incidentals - if litigation occurs a Special Assessment will be done.

MEMBER UNIT TOTALS (Fiscal Year 2006-07)	Actual % Budget	DOLLARS \$
Goleta Water District	39.70%	\$1,499,668.81
City of Santa Barbara	35.25%	1,331,705.90
Carpinteria Valley Water District	11.98%	452,589.70
Montecito Water District	11.29%	426,526.49
Santa Ynez River Wtr Conserv Dist, ID#1	1.78%	67,151.09
<b>TOTAL</b>	<b>100.00%</b>	<b>\$3,777,642.00</b>

### QUARTERLY PAYMENT

MEMBER UNIT TOTALS	DOLLARS \$	Quarterly
Goleta Water District	\$1,499,668.81	\$374,917.20
City of Santa Barbara	1,331,705.90	332,926.48
Carpinteria Valley Water District	452,589.70	113,147.43
Montecito Water District	426,526.49	106,631.62
Santa Ynez River Wtr Conserv Dist, ID#1	67,151.09	16,787.77
<b>TOTAL</b>	<b>\$3,777,642.00</b>	<b>\$944,410.50</b>

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**COMPARISON OF WAGE ADJUSTMENTS OF LOCAL AGENCIES**

5/8/2006

District	CVWD	GWD	MWD	SB CITY WTR OPS	SY RIVER WCDID#1	CCWA	COMB
DATE	7/06	Jul-06	7/06	4/06 & 4/07**	7/06	7/06	7/06
ANNUAL %	In Negotiations 3.00%	1.95%*	4.1%	5.5% & 5.0%	4.5%	4.46%	4.1%
	Net Proposed	Avg 4% per year	Proposed	Proposed	Proposed		Proposed

\* COLA and CPI biannual increase.

\*\* Per City MOU employees to receive 3.5% in 4/06 and 3.0% in 4/07 - Also water related positions will receive an added 2% on 4/06 and 2% on 4/07.

**COMB**  
**CONSUMER PRICE INDEX ANALYSIS**  
**L.A. AVERAGES - ALL ITEMS**  
**2005-2006 BUDGET**

MONTH	U.S. (1967=100)		L.A. (1982-84=100)	
	latest	prior	latest	prior
May	189.10	183.50	193.30	186.40
June	189.70	183.70	193.70	186.30
July	189.40	183.90	193.40	186.30
August	189.50	184.60	193.10	186.90
September	189.90	185.20	194.50	188.20
October	190.90	185.00	196.30	187.80
November	191.00	184.50	196.90	187.10
December 04	190.30	184.30	195.20	187.00
January 05	190.70	185.20	195.40	188.50
February	191.80	186.20	197.40	190.10
March	193.30	187.40	199.20	191.50
April	194.60	188.00	201.10	191.90
May	194.40	189.10	201.50	193.30
June	194.50	189.70	200.70	193.70
July	195.40	189.40	201.40	193.40
August	196.40	189.50	203.10	193.10
September	198.80	189.90	205.80	194.50
October	199.20	190.90	206.90	196.30
November	197.60	191.00	205.60	196.90
December-05	196.80	190.30	203.90	195.20
January-06	198.30	190.70	206.00	195.40
February	198.70	191.80	207.50	197.40
March	199.80	193.30	208.50	199.20
April	201.50	194.60	210.50	201.10
May	202.50	194.40	212.40	201.50
June				
July				
August				
September				
October				
November				
December				
January-07				
February				
March				
April				
May				
June				

March-06

L.A.
203.94 05-06 Index March
194.75 04-05 Index March
9.18 Pts Increase
Percentage Increase Year over Year
Los Angeles 4.7%
U.S.
196.75 05-06 Index March
190.08 04-05 Index March
6.68 Pts Increase
Percentage Increase Year over Year
U.S. 3.5%
Avg Increase 4.1%

April-06

L.A.
204.81 05-06 Index April
195.49 04-05 Index April
9.32 Pts Increase
Percentage Increase Year over Year
Los Angeles 4.8%
U.S.
197.38 05-06 Index April
190.63 04-05 Index April
6.75 Pts Increase
Percentage Increase Year over Year
U.S. 3.5%
Avg Increase 4.2%

May-06

L.A.
205.68 05-06 Index May
196.23 04-05 Index May
9.45 Pts Increase
Percentage Increase Year over Year
Los Angeles 4.8%
U.S.
197.99 05-06 Index May
191.12 04-05 Index May
6.87 Pts Increase
Percentage Increase Year over Year
U.S. 3.6%
Avg Increase 4.2%

CACHUMA OPERATION & MAINTENANCE BOARD BUDGET COMPARISON - 2000 TO 2007

5/15/06

	00-01 Adopted	01-02 Adopted	02-03 Adopted	03-04 Adopted	04-05 Adopted	05-06 Adopted	06-07 Proposed
<b>LABOR</b>	284,547	376,908	450,240	563,700	604,178	677,921	705,332
<b>OPS &amp; MAINTENANCE</b>	149,065	202,167	237,568	207,950	267,890	265,801	310,990
<b>TOTAL O&amp;M EXPENSE</b>	433,612	579,075	687,808	771,650	872,068	943,722	1,016,322
<b>GENERAL &amp; ADMINISTRATIVE</b>	486,360	443,980	478,290	511,006	510,439	539,581	501,320
<b>TOTAL OPS/MTCE &amp; G &amp; A</b>	919,972	1,023,055	1,166,098	1,282,656	1,382,507	1,483,303	1,517,642
<b>PERCENT OF CHANGE BY YEAR O&amp;M-G&amp;A</b>		11%	14%	10%	8%	7%	2%
<b>COMB SPECIAL PROJECTS</b>							
Seismic Consultant	15,000	5,000	5,000	5,000	5,000	-	-
COMB Ofc. Bldg.	660,000	660,000	110,000	50,000	-	-	-
COMB Bldg/Grounds Repair	-	-	114,000	50,000	50,000	50,000	50,000
Tecolote Tunnel Elevator Repair	25,000	85,000	-	-	-	-	-
SCC Hydrologic Capacity Sty	40,000	40,000	40,000	40,000	-	-	-
Flow Meter Upgrades & SCADA	100,000	100,000	600,000	216,248	50,000	60,000	60,000
1998 Storm Repairs	22,000	20,000	-	-	-	-	-
2001 Storm Repairs	-	80,000	52,000	-	-	-	-
Bradbury Dam Radial Gates	300,000	310,000	-	3,019,527	-	-	-
Lauro Debris Basin Rehabilitation	-	-	-	-	-	50,000	550,000
<b>COMB SPECIAL PROJECTS</b>	1,332,000	1,557,000	1,568,000	4,244,075	1,560,000	1,530,000	2,160,000
<b>Legal/Litigation</b>							
Spec Counsel Costs /FMP-BO EIS/R	-	45,000	-	55,000	155,614	100,000	100,000
<b>TOTAL LEGAL/LITIGATION</b>	-	45,000	-	55,000	155,614	100,000	100,000
<b>TOTAL COMB BUDGET</b>	2,251,972	2,625,055	2,734,098	5,581,731	3,098,121	3,113,303	3,777,642
<b>PERCENT OF CHANGE BY YEAR FOR TOTAL BUDGET</b>		17%	4%	104%	-44%	0.49%	21%