

**REGULAR MEETING
OF
CACHUMA OPERATION AND MAINTENANCE BOARD**

**3301 Laurel Canyon Road
Santa Barbara, CA 93105**

Monday, January 28, 2008

Approximate Start Time
3:30 p.m.

AGENDA

1. **COMB CALL TO ORDER, ROLL CALL** (COMB Board of Directors.) *(1 minute)*.
2. **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)*
3. **[CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL TO DISCUSS PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (a). ONE CASE: CRAWFORD-HALL VS. COMB, SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA BARBARA, CASE NO. 1171135.]** *(10 minutes)*
4. **CONSENT AGENDA** (For Board action by vote on one motion unless member requests separate consideration.) *(2 minutes)*
 - a. Minutes
 - November 19, 2007 Regular Board Meeting
 - b. Investment of Funds (November and December)
 - Financial Reports
 - Investment Reports
 - c. Payment of Claims (November and December)
5. **REPORTS FROM THE MANAGER.** *(5 minutes)*
 - a. Water Storage, Water Production & Use, SWP Accounting
 - b. Operations Report
 - c. Lauro Dam SOD Project Update
 - d. 2006 Surcharge Accounting
 - e. **Verbal Report - Cachuma Reservoir Current Conditions**

6. **POST-ZACA FIRE REPORT** *(5 minutes)*
7. **PREVENTION OF QUAGGA MUSSELS AT LAKE CACHUMA** *(2 minutes)*
 - a. Letters to County Board of Supervisors, Reclamation, and ACWA
8. **VERBAL REPORT - APPLICATION FOR EXTENSION OF GLEN ANNIE CREEK DIVERSION PERMIT** *(5 minutes)*
9. **PROPOSED DRAFT LICENSE FOR OCEAN VIEW HOMEOWNERS' ASSOCIATION AT ORTEGA RESERVOIR TO USE U.S. BUREAU OF RECLAMATION RIGHT-OF-WAY** *(10 minutes)*
10. **SANTA BARBARA COUNTY'S INTEGRATED REGIONAL WATER MANAGEMENT PLAN** *(5 minutes)*
 - a. Final Funding Distribution for Grant Application
 - b. Prop 50 Round 2 Step 2 Grant Application
11. **CONFERENCE REPORTS** *(5 minutes)*
 - a. Reclamation's Mid-Pacific Region Water Users Conference, Reno, January 23-25, 2008
12. **DIRECTORS' REQUEST FOR AGENDA ITEMS FOR NEXT MEETING** *(5 minutes)*
13. **MEETING SCHEDULE**
 - February 25, 2008 Regular Board Meeting
 - Availability of Board Packages on CCRB-COMB Website
www.ccrb-comb.org
14. **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
at Santa Barbara City Hall, Santa Barbara, CA and at Member District Offices and Noticed and Delivered in Accordance with
Section 54954.1 and .2 of the Government Code.]



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December 12, 2007

VIA TELEFACSIMILE

The Honorable Timothy J. Staffel
Superior Court of the State of California
County of Santa Barbara
312-C East Cook Street
P.O. Box 5369
Santa Maria, CA 93456-5369

Re: *Crawford-Hall v. Cachuma Operation and Maintenance Board*, Case No. 1171135

Ruling on Petition for Writ of Mandate

Dear Judge Staffel:

We recently received the transcript for the November 16, 2007 hearing in the above matter. At that hearing, the Court indicated that the EIR was not "adequate to assess the impacts of the chute and/or the culvert work," but that it would not issue the petition for writ of mandate on grounds that the challenged project—the Highway 154 culvert project—had not been approved by COMB. After reviewing the transcript, and in light of the unusual procedural posture of this case where an agency has certified environmental review of a project that it has not fully approved, we wanted to bring to the Court's attention the relevant CEQA provisions governing remedies and writs of mandate. We apologize for the timing of this submission, but upon reviewing the transcript, which we only received Monday, we felt it was important, in advance of the scheduled date for issuance of a formal ruling, to alert the Court to the relevant law governing remedies in CEQA actions.

Public Resources Code section 21168.9 states, in relevant part:

(a) If a court finds, as a result of a trial, hearing, or remand from an appellate court, that any determination, finding, or decision of a public agency has been made without compliance with this division, the court shall enter an order that includes one or more of the following:

(1) A mandate that the determination, finding, or decision be voided by the public agency, in whole or in part.

Cal Pub. Res. Code § 21168.9(a) (emphasis added); see also *Sierra Club v. Contra Costa County*, 10 Cal. App. 4th 1212 (1992) ("[W]e find that once the trial court concluded there were defects in the

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EIR's range of alternatives it erred by not issuing the writ of mandate and remanded the EIR to the Board.") Thus, the express terms of section 21168.9(a)(1) requires a writ of mandate to issue where a court determines that a decision by a public agency did not comply with CEQA.

Notably, CEQA allows a court to narrowly tailor a writ so that it is "limited to that portion of a determination, finding, or decision or the specific project activity or activities found to be in noncompliance" with CEQA and affects only those "specific project activities" that do not comply with CEQA. Cal. Pub. Res. Code § 21168.9(b). Thus, a writ need not compel an agency to set aside an entire EIR where the majority of it complies with CEQA. Rather, a court can require partial decertification of only those portions of an EIR that are inadequate. CEQA expressly allows a court to do this where: "(1) the portion or specific project activity or activities are severable, (2) severance will not prejudice complete and full compliance with this division, and (3) the court has not found the remainder of the project to be in noncompliance with this division." *Id.*

Here, the Court indicated at the November 16, 2007, hearing that the EIR was not adequate to the extent it purported to analyze the impacts of the Highway 154 culvert project. The Court nevertheless intended to deny the petition for writ of mandate because COMB never approved the Highway 154 culvert project:

So the Court's conclusion is as follows: that the writ of mandate should be denied on the basis of the objections to the cascade chute and the culvert portions of the project that have modified the project description to eliminate impacts on the upper Hilton Creek. So while the E.I.R. is adequate for the aspects of the project of the fisheries management plan, the [FMP], that was actually approved, it's not adequate to assess the impacts of the cascade chute and/or the culvert work, as it fails to consider land use impact, if the program is successful in bringing steelhead to the upper Hilton Creek.

And the last adequate information on the effects of the steelhead, as all the proper evidence in the administrative record reports that the upper creek is dry in the summer months, and at least largely dry through much of the year. Any approval of these components of the project which have now been deleted would require a supplemental consideration of these issues which should consider any new information on the steelhead status as endangered or on upstream alternatives.

(Exhibit A, hereto (Transcript, 10:4-24).)

Based on the Court's statement at the November 16, 2007, hearing, and on Public Resources Code section 21168.9, Petitioners believe that CEQA requires the issuance of a writ, albeit a very narrow one. Specifically, COMB's certification of the EIR must be set aside to the extent it analyzes the Highway 154 culvert project because that aspect of the EIR is inadequate and failed to comply with CEQA. Based on the Court's discussion, however, the remainder of the EIR is valid and should not be decertified.

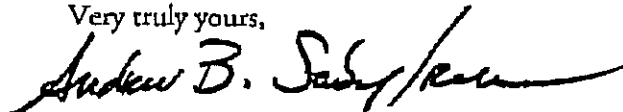
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As this Court noted, this case is unique in that COMB certified the entire EIR, but did not approve a discrete project that is analyzed in the EIR. Under these particular circumstances, the criteria in section 21168.9(b) for severing the non-compliant portion of the EIR and issuing a limited writ are easily met. The EIR's analysis of the discrete Highway 154 culvert project is clearly severable from its analysis of the remaining projects in the FMP. Moreover, isolating and setting aside the EIR's analysis of the Highway 154 culvert project will not preclude full compliance with CEQA, but rather will ensure that CEQA compliance is actually obtained if the Highway 154 culvert project were ever approved. Finally, the Court has implicitly concluded that the remaining aspects of the EIR did not run afoul of CEQA. Thus, all the factors of section 21168.9(b) governing narrowly tailored writs are satisfied and weigh in favor of the Court issuing a limited writ of mandate requiring COMB to set aside a limited part of the EIR.

Finally, as a practical matter, a narrowly tailored writ directed only at the Highway 154 culvert project will not impede COMB's ability to carry out any part of the FMP it approved. At the same time, a writ requiring COMB to set aside the limited portion of the EIR analyzing the Highway 154 culvert project will comply with CEQA's requirements to void any "determination, finding, or decision" that did not comply with CEQA. Cal. Pub. Res. Code § 21168.9(a)(1). It will also eliminate potential confusion about the status of the environmental review of the Highway 154 culvert project, and will assist the public and public agencies in ascertaining what aspects of the EIR can be relied upon for purposes of future actions.

Based on the foregoing, Petitioners' believe that CEQA requires a very limited writ of mandate to issue in this case requiring COMB to set aside that part of the EIR that analyzes the Highway 154 culvert project.

Very truly yours,



Andrew B. Sabey

cc: (via telefacsimile & U.S. Mail)
Michelle Oulette, Esq.
Counsel for Respondents

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 2 FOR THE COUNTY OF SANTA BARBARA
 3 COOK DIVISION
 4
 5 NANCY CRAWFORD-HALL, ET. AL,)
 6 PETITIONERS,)
 7 VS.)
 8 CACHUMA OPERATION AND) NO. 1171135
 9 MAINTENANCE BOARD, ET. AL.,)
 10 RESPONDENTS.)

COPY

11
 12
 13 REPORTER'S TRANSCRIPT
 14 HONORABLE TIMOTHY J. STAFFEL, JUDGE
 15 DEPARTMENT 1
 16 FRIDAY, NOVEMBER 16, 2007

18 APPEARANCES:

19 FOR THE PETITIONER: ANDREW B. SABEY
 20 ATTORNEY AT LAW
 21 555 CALIFORNIA STREET
 22 10TH FLOOR
 SAN FRANCISCO, CA 94104-1513

23 FOR THE RESPONDENT: MICHELLE OUELLETTE
 24 ATTORNEY AT LAW
 3750 UNIVERSITY AVENUE
 RIVERSIDE, CA 92502

25 FOR THE RESPONDENT: CHARITY SCHILLER
 26 ATTORNEY AT LAW
 3750 UNIVERSITY AVENUE
 27 RIVERSIDE, VS 92502

28 REPORTED BY: GEORGENE LITTLEFAIR, C.S.R. 12065
 OFFICIAL COURT REPORTER

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SANTA MARIA, CALIFORNIA

NOVEMBER 16, 2007

9:30 A.M.

THE COURT: GOOD MORNING. WE'RE HERE ON NANCY CRAWFORD-HALL VERSUS CACHUMA OPERATION, CASE NUMBER 1171135.

COUNSEL, YOUR APPEARANCES, PLEASE.

MR. SABEY: GOOD MORNING, YOUR HONOR, ANDREW SABEY ON BEHALF OF THE PLAINTIFF AND PETITIONERS NANCY CRAWFORD-HALL AND SAN LUCAS RANCH.

MS. OUELLETTE: GOOD MORNING, YOUR HONOR, MICHELLE OUELLETTE AND CHARITY SCHILLER BY PHONE ON BEHALF OF RESPONDENT AND REAL PROPERTY IN INTEREST.

THE COURT: THAT'S THE COURT CALL MICROPHONE ON THAT STAND THERE SO WHEN YOU SPEAK IT'S SO THAT ANYONE WHO'S ON THE PHONE CAN HEAR US.

WE'RE HERE TODAY FOR THE WRIT OF MANDATE DECISION. I HAD ANTICIPATED THAT I WOULD BE GIVING A TENTATIVE DECISION AND ALLOWING COUNSEL A VERY BRIEF COMMENT ON IT. YOU'VE DONE EXTENSIVE BRIEFING. I'VE READ THE BRIEFING. WE'VE BEEN FAIRLY BUSY WITH THE CALENDAR, SO I WAS HOPING TO GET A TENTATIVE POSTED, BUT WE'VE JUST BEEN GOING NONSTOP HERE, SO I'M GOING TO DO THIS, WITH RESPECT TO READING THE TENTATIVE DECISION, AND IF YOU NEED LIMITED CLARIFICATION, I WILL GIVE THAT TO YOU.

MS. OUELLETTE: WOULD IT BE ALL RIGHT, YOUR HONOR,

1 IF WE ~~SAT~~ ~~DOWN?~~

2 THE COURT: SURE. WE ALWAYS PREFER PEOPLE TO BE
3 COMFORTABLE.

4 THIS AGAIN IS NANCY CRAWFORD-HALL, SAN LUCAS RANCH
5 VERSUS CACHUMA OPERATION MAINTENANCE BOARD, ALSO KNOWN AS
6 C.O.M.B., CASE NUMBER 1171135. THIS IS THE DECISION ON THE
7 PETITION WRIT OF MANDATE.

8 AND COUNSEL ARE HERE FOR THE FAMILY LAW TRIAL.
9 THIS IS GOING TO BE ABOUT 30 MINUTES OR SO, JUST SO I GIVE
10 YOU A TIME FRAME.

11 THIS IS A PETITION FOR WRIT OF MANDATE BY THE
12 PETITIONERS NANCY CRAWFORD-HALL, SAN LUCAS RANCH. THE
13 PETITIONER RAISES A NUMBER OF ISSUES, AND, AS I INDICATED
14 PREVIOUSLY IN THE HEARINGS BEFORE THIS COURT, THE COURT IS
15 FOCUSING AND HAS FOCUSED ON THE CHALLENGE TO THE E.I.R.
16 BASED ON THE E.I.R.'S CONCLUSION THAT IT WOULD BE
17 ULTIMATELY BENEFICIAL TO PROVIDE THE ADDITIONAL HABITAT TO
18 THE STEELHEAD ON UPPER HILTON CREEK. AND THE COURT HAS
19 FOCUSED ON THAT ISSUE, AND THAT'S BEEN THE COURT'S FOCUS
20 BEFORE YOU IN THE ADMINISTRATIVE RECORD.

21 THE PROJECT HAS EVOLVED, AS I UNDERSTAND IT, FROM
22 THE INITIAL STAGES TO THE CURRENT POINT, WHERE THE PROJECT
23 DESCRIBED DOES NOT INCLUDE EITHER THE MODIFICATION OF THE
24 CULVERT AND THE HIGHWAY 154, WHICH IS A PART OF A SECOND
25 PROJECT BY THE CALIFORNIA DEPARTMENT OF TRANSPORTATION,
26 CALTRANS, OR THE CASCADE CHUTE ASPECT OF THE PROJECT THAT
27 WOULD HAVE PERMITTED STEELHEAD ACCESS TO THE UPPER CREEK.
28 AND WHEN YOU READ THE ADMINISTRATIVE RECORD THE CITE FOR

1 THAT IS 20221544 TAB 422.

2 THE EFFECT OF THESE MODIFICATIONS IN THE SPECIFIC
3 MATTER BEFORE THE COURT TODAY WOULD APPEAR TO MOOT THE
4 OBJECTIONS BEING MADE BY THE PETITIONERS CRAWFORD, SAN
5 LUCAS RANCH TO THE EFFECTS ON THE STEELHEAD AND THE SAN
6 LUCAS RANCH OF THE ADDITION OF STEELHEAD TO THE UPPER
7 HILTON CREEK.

8 FROM THE ADMINISTRATIVE RECORDS MATERIAL REVIEWED
9 BY THE COURT, IT WOULD APPEAR THAT WITHOUT THE CULVERT AND
10 THE CASCADE CHUTE ELEMENTS OF THE ORIGINAL PROJECT THERE
11 THAT THERE WAS NO NEW IMPACT ON THE UPPER HILTON CREEK
12 OTHER THAN A POTENTIAL FOR AN INCREASE IN THE STEELHEAD
13 POPULATION IN THE LOWER CREEK AS A RESULT OF SUPPLEMENTAL
14 WATERING AND INCREASE OF THE LENGTH OF THE ADJOINING
15 CHANNEL.

16 STEELHEAD THAT COULD MAKE IT UP THE CREEK THROUGH
17 THE CURRENT CULVERT, IF ANY, CAN CONTINUE TO DO SO. NOW,
18 THAT BEING SAID, FROM READING THE APPLICABLE PORTIONS OF
19 THE ADMINISTRATIVE RECORD, WHICH COUNSEL HERE KNOWS IS
20 QUITE EXTENSIVE, IT IS CLEAR TO THIS COURT, AND AS THE
21 PETITIONERS POINT OUT IN THEIR BRIEFING, AND I WANT TO
22 COMMEND BOTH SIDES FOR THEIR SUPPLEMENTAL BRIEFING. I
23 FOUND THAT VERY HELPFUL TO THE COURT. I ASKED FOR A
24 BRIEFING ON SPECIFIC POINTS, AND YOU PROVIDED THAT IN A
25 BRIEF CONCISE FORM, SO I WANT TO THANK YOU FOR THAT.

26 THAT THE E.I.R. CONTAINS -- THAT THE PETITIONERS
27 HAVE POINTED OUT IN THEIR BRIEFING AND THE RECORDS
28 CONTAINED THAT THE E.I.R. INDICATES THAT THERE IS VERY

1 LIMITED INFORMATION ON THE ISSUE OF THE IMPACT OF THE
2 PROJECT AS ORIGINALLY DESCRIBED ON UPPER HILTON CREEK, AND
3 FROM THIS SUMMARIZING SOME OF THE FINDINGS OF SOME OF THE
4 OBSERVATIONS IS THAT A SINGLE LARGE TROUT WAS OBSERVED IN
5 THE SHALLOW POOL AT THE LOWER WATER RELEASE POINTS JUST
6 ABOVE THE CASCADE CHUTE ON JANUARY 31, 2001.

7 THIS SINGLE OBSERVATION FOLLOWED A LARGE STORM,
8 BUT EVEN THEN WATER FLOW CONDITIONS, AND THIS IS QUOTING
9 FROM THE DOCUMENT, "WATER FLOW CONDITIONS WERE NOT
10 CONDUCIVE TO ALLOW THE FISH TO MIGRATE FURTHER UPSTREAM AT
11 THAT TIME AND SUBSEQUENT BANK OPERATIONS HAVE NOT RESULTED
12 IN FISH BEING OBSERVED SINCE." THAT'S IN THE
13 ADMINISTRATIVE RECORD THAT'S CONTAINED AT 14368. THIS IS
14 THE MARCH 1, 2001 REPORT OF SCOTT ENGBLOM, E-N-G-B-L-O-M,
15 AND HIS OBSERVATION OF THE CONDITIONS ON JANUARY 27TH,
16 2003.

17 AT THAT TIME FROM THE ADMINISTRATIVE RECORD
18 MR. ENGBLOM OBSERVED THE UPPER CREEK AREAS. HE WAS
19 ACCOMPANIED WITH DR. ALICE RICH AT TWO ROAD CROSSINGS AND
20 ALSO BELOW THE CULVERT ON THE SAN LUCAS RANCH PROPERTY.

21 NOW, JUST FOR THE RECORD, SO EVERYONE WILL
22 UNDERSTAND, DR. ALICE RICH IS ALSO THE EXPERT RELIED UPON
23 IN THE RESPONDENT'S EXPERT, AND THERE OUGHT TO BE A
24 DISTINCTION FOR THE RECORD BETWEEN THE OBSERVATIONS SHE
25 MADE ON THAT DATE WITH SCOTT ENGBLOM. SHE'S THE
26 PETITIONER'S EXPERT -- EXCUSE ME. BUT SHE, ON JANUARY
27 27TH, 2003, OBSERVED CONDITIONS WITH SCOTT ENGBLOM, SO I
28 THINK THERE NEEDS TO BE A DISTINCTION BETWEEN HER

1 OBSERVATIONS, WITH RESPECT TO RESPONDENT'S STAFF BIOLOGIST,
2 AS OPPOSED TO THE SEPARATE FINDINGS OR THE SEPARATE
3 MATERIAL THAT THE PETITIONER'S EXPERT HAS SUPPLIED IN
4 RESPONSE TO THE -- AND TO SUPPORT THEIR PETITION WRIT OF
5 MANDATE.

6 I THINK I'VE GOT THAT RIGHT. I JUST WANT TO MAKE
7 SURE THE RECORD IS CORRECT, BUT I'LL GET LATER TO THE
8 POINT, BUT THE COURT HAS RELIED SOLELY ON THE RECORD, WITH
9 RESPECT TO THE RESPONDENT'S PURPORTED EVIDENCE, WITH
10 RESPECT TO MAKING A DETERMINATION ON SUBSTANTIAL EVIDENCE,
11 HAS NOT RELIED UPON THE PETITIONER'S EXPERT. I JUST WANT
12 TO MAKE THAT DISTINCTION, BECAUSE THERE COULD BE SOME
13 CONFUSION, AND THE WAY I JUST DESCRIBED IT THERE COULD BE
14 SOME CONFUSION, BUT I MADE THAT DISTINCTION WHEN I WAS
15 GOING THROUGH THE ADMINISTRATIVE RECORD.

16 AND SO WE'RE FOCUSED HERE ON THE OBSERVATIONS OF
17 SCOTT ENGBLOM ON HIS OBSERVATION OF THE PROPERTY. HE MADE
18 A VISIT TO THE PROPERTY. HE'S A STAFF BIOLOGIST.

19 NOW, IN THE SUPPLEMENTAL BRIEFING THAT WAS FILED
20 ON 8/22/07 AT PAGES 5 AND 6, THE RESPONDENT CITES A NUMBER
21 OF PASSAGES FROM THE E.I.R. AND FROM THE ADMINISTRATIVE
22 RECORD THAT SUPPORT THE VIEW THAT THERE'S A SUITABLE
23 HABITAT IN THE UPPER CREEK AREA.

24 IN REVIEWING THOSE PASSAGES IN THE ADMINISTRATIVE
25 RECORD, MANY OF THESE REFER TO THE LOWER CREEK AREA, AND
26 THERE'S A LETTER FROM THE ENVIRONMENTAL DEFENSE CENTER,
27 E.D.C., CLAIMING TWO MILES OF HIGH QUALITY SOUTHERN
28 STEELHEAD HABITAT ACCESSIBLE IF THE CULVERT WERE TO BE

1 OPENED UP, BUT NO EVIDENCE THAT THIS HABITAT REMAINS
2 SUITABLE IN THE SUMMER MONTHS AS PROVIDED ANYWHERE IN THE
3 ADMINISTRATIVE RECORD.

4 AND, AGAIN, MUCH OF THIS IS CONTAINED IN SCOTT
5 ENGBLOM'S REPORT OF MARCH 1, 2003, AND IN REVIEWING MY
6 NOTES THERE MIGHT JUST BE A TYPO. THERE WAS A REPORT,
7 MARCH 1, 2001. THE OBSERVATION WAS THAT IN 2001 THAT HE
8 WAS ON THE PROPERTY?

9 MR. SABEY: '03.

10 MS. OUELLETTE: JANUARY 27TH, 2003.

11 THE COURT: 2003. SO THE REPORT THAT HE CONTAINED
12 IS IN MARCH OF 2003. I HAVE A TYPO HERE SOMEWHERE, AND I'M
13 TRYING TO FIGURE IT OUT.

14 MR. SABEY: I THINK HIS REPORT COMES OUT IN MARCH
15 OF '03.

16 THE COURT: THANK YOU. I TYPE MY OWN NOTES, AND
17 SOMETIMES I MAKE THE TYPE, SO WHEN I REFERRED TO SCOTT
18 ENGBLOM'S REPORT IN MARCH 1 OF 2001, THAT SHOULD BE 2003.

19 MS. OUELLETTE: THERE'S ALSO A REPORT FROM HIM IN
20 2001, SO PERHAPS YOU WERE REFERRING TO THAT.

21 THE COURT: IT MIGHT BE AN INITIAL REPORT, BUT
22 THEN HE MADE A SUPPLEMENTAL; IS THAT WHAT HAPPENED?

23 MS. OUELLETTE: IT WAS A REPORT TO A COMMITTEE
24 BECAUSE HE HAD SPENT SO MUCH TIME IN THE AREA AND WAS SO
25 FAMILIAR HE WOULD MAKE CONSTANT REPORTS, SO PERHAPS YOU'RE
26 THINKING OF THE 2001, AND, I'M SORRY; I DON'T KNOW WHERE
27 THAT RECORD CITE IS.

28 THE COURT: THANK YOU. WELL, ONE RECORD CITE IS

1 14368, AND I'M JUST TRYING TO MAKE A DISTINCTION THAT THERE
2 MIGHT HAVE BEEN AN INITIAL REPORT. I KNOW THERE WAS A
3 FOLLOW-UP REPORT, WITH RESPECT TO HIS JANUARY 27TH, 2003
4 VISIT TO THE SITE, AND I'M JUST TRYING TO -- SO, MAYBE
5 THAT'S NOT A TYPO I HAVE. I'M JUST TRYING TO MAKE THE
6 RECORD CLEAR. THERE'S A LOT OF MATERIAL, ABOUT 11 BOXES IN
7 THIS CASE, AND SOMETIMES IT GETS A LITTLE LOST.

8 THE POINT IS, HE MADE A VISIT TO THE SITE,
9 MR. SCOTT ENGBLOM, WITH DR. ALICE RICH, AND THAT WAS ON
10 JANUARY 27TH, 2003. AND THERE WAS A PRE-REPORT TO THAT
11 SITE VISIT, AND THEN THERE WAS SOME SORT OF DOCUMENTATION
12 AFTER THAT SITE VISIT.

13 NOW, THE MATERIAL CITED BY THE RESPONDENT IN THE
14 E.I.R. ADMINISTRATIVE RECORD I WAS INDICATING REFERRED TO
15 THE LOWER CREEK AREA, AND THEY HAVE NO DIRECT CREDIBLE
16 CORRELATION OF CONDITIONS IN THE SUMMER MONTH'S, ESPECIALLY
17 IN THE AREAS OF THE UPPER CREEK AREA THAT APPARENTLY WERE
18 NOT OBSERVED AT ALL.

19 AND, IN REVIEW OF THE ADMINISTRATIVE RECORD, IT
20 COULD BE ASCERTAINED BY THIS COURT THAT NO C.O.M.B. EXPERT
21 PROVIDED OBSERVATION OF THE STATUS OF THE CREEK OR CREEKS
22 IN AND SPECIFICALLY THE UPPER HILTON CREEK AREA DURING THE
23 DRY SUMMER MONTHS. ABSENT OBSERVATIONS FROM DIFFERENT
24 TIMES OF THE YEAR AND FROM YEARS WITH DIFFERENT WINTER
25 RUN-OFF CONDITIONS, "IT WAS NOT POSSIBLE TO CHARACTERIZE
26 THE FULL RANGE OF HABITAT CONDITIONS AND THE FREQUENCY WHEN
27 SUITABLE CONDITIONS ARE PRESENT." THAT'S CONTAINED IN THE
28 ADMINISTRATIVE REPORT, 17628 E.I.R., 7-8.

1 TAKING ALL THIS INTO CONSIDERATION, WE'LL GO
2 QUICKLY THROUGH THE BENCHMARK E.I.R. DECISION OF LAW, WITH
3 RESPECT TO BROWNING-FERRIS INDUSTRIES VERSUS CITY COUNCIL,
4 181 CAL. 3RD, 852. THE COURT IS NOT REQUIRED TO CONSIDER
5 THE OPINIONS OF THE PETITIONER'S EXPERT ON POINTS AND
6 DISPUTE. THAT'S WHY I WANTED TO MAKE THE DISTINCTION, WITH
7 RESPECT TO DR. ALICE RICH, AND THAT SHE ACCOMPANIED THE
8 RESPONDENT'S BIOLOGIST TO THE SITE AS WELL AS HAD OTHER
9 DECLARATIONS AND INFORMATION SUPPORTING THE PETITIONER'S
10 POSITION. I THINK THERE NEEDS TO BE A DISTINCTION BETWEEN
11 THAT, AND I'VE DONE THAT.

12 A SINGLE EXPERT OPINION WOULD BE SUFFICIENT TO
13 SUPPORT THE RESPONDENT'S POSITION, EVEN IF IT'S NOT BEEN
14 DEVELOPED USING STANDARD PROTOCOLS. THAT'S THE ISSUE I
15 ASKED YOU ALL TO BRIEF. THE CASE THAT WAS HELPFUL TO THE
16 COURT WAS ASSOCIATED IRRITATED RESIDENTS OF COUNTY OF
17 MADERA, (2003) 107, CAL. APP. 4TH, 1383, WHICH I FOUND TO
18 BE AN INTERESTING CASE.

19 THE BECK DEVELOPMENT COMPANY VERSUS SOUTHERN
20 PACIFIC TRANSPORTATION COMPANY, (1996) 44 CAL. APP. 4TH,
21 1160 AT 1203 AND 1204 PROVIDES SUBSTANTIAL EVIDENCE RELIED
22 UPON AS THE REASONABLE VALUE. IT MUST BE SUBSTANTIAL PROOF
23 OF THE ESSENTIALS WITH WHICH THE LAW REQUIRES ON A
24 PARTICULAR CASE.

25 BASED UPON ALL THIS, BASED UPON THE REVIEW OF THE
26 RECORD, IT'S VERY DIFFICULT FOR THIS COURT TO COME TO THE
27 CONCLUSION CONTAINED IN THE E.I.R. THAT SUITABLE STEELHEAD
28 HABITATS MAY EXIST ON THE UPPER HILTON CREEK WHEN THE ONLY

1 EVIDENCE FROM ANYONE WHO HAS OBSERVED THE CREEK IN THE
2 SUMMER MONTHS IS THAT UPPER HILTON CREEK IS DRY AT THAT
3 TIME.

4 SO THE COURT'S CONCLUSION IS AS FOLLOWS: THAT THE
5 WRIT OF MANDATE SHOULD BE DENIED ON THE BASIS OF THE
6 OBJECTIONS TO THE CASCADE CHUTE AND THE CULVERT PORTIONS OF
7 THE PROJECT THAT HAVE MODIFIED THE PROJECT DESCRIPTION TO
8 ELIMINATE IMPACTS ON THE UPPER HILTON CREEK. SO WHILE THE
9 E.I.R. IS ADEQUATE FOR THE ASPECTS OF THE PROJECT OF THE
10 FISHERIES MANAGEMENT PLAN, THE F.M.T., THAT WAS ACTUALLY
11 APPROVED, IT'S NOT ADEQUATE TO ASSESS THE IMPACTS OF THE
12 CASCADE CHUTE AND/OR THE CULVERT WORK, AS IT FAILS TO
13 CONSIDER LAND USE IMPACT, IF THE PROGRAM IS SUCCESSFUL IN
14 BRINGING STEELHEAD TO THE UPPER HILTON CREEK.

15 AND THE LAST ADEQUATE INFORMATION ON THE EFFECTS
16 OF THE STEELHEAD, AS ALL THE PROPER EVIDENCE IN THE
17 ADMINISTRATIVE RECORD REPORTS THAT THE UPPER CREEK IS DRY
18 IN THE SUMMER MONTHS, AND AT LEAST LARGELY DRY THROUGH MUCH
19 OF THE YEAR.

20 ANY APPROVAL OF THESE COMPONENTS OF THE PROJECT
21 WHICH HAVE NOW BEEN DELETED WOULD REQUIRE A SUPPLEMENTAL
22 CONSIDERATION OF THESE ISSUES WHICH SHOULD CONSIDER ANY NEW
23 INFORMATION ON THE STEELHEAD STATUS AS ENDANGERED OR ON
24 UPSTREAM ALTERNATIVES.

25 IN ADDITION AND AS A SIDE NOTE AND SOMETHING THE
26 COURT DID NOT FOCUS ON BUT WAS IN THE PETITION, WE
27 DISCUSSED IT PREVIOUSLY. THE PETITIONER'S CHALLENGE TO
28 LEAD C.O.M.B. ON THE PROJECT, AND THE COURT REVIEWED THAT

1 PREVIOUSLY, AND FROM THIS COURT'S REVIEW THAT CHALLENGE
2 WOULD BE DENIED ON THE BASIS THAT THE ADMINISTRATIVE RECORD
3 CONTAINED SUFFICIENT DOCUMENTATION AND MULTI-AGENCY
4 CONSULTATION ON THAT ISSUE.

5 I CAN'T RECALL IT NOW, BUT I REMEMBER LOOKING AT
6 SPECIFIC CORRESPONDENCE BETWEEN THE AGENCIES ON THAT ISSUE
7 AND FELT THAT THE CHALLENGE ON THAT BASIS, THE WRIT OF
8 MANDATE CHALLENGE ON THAT BASIS, SHOULD BE DENIED.

9 COMMENTS FROM COUNSEL?

10 MR. SABEY: YOUR HONOR, MAYBE I SHOULD BE
11 GETTING --

12 THE COURT: QUICKLY.

13 MR. SABEY: SURE. THE QUESTION IN MY MIND, AND I
14 APPRECIATE ALL OF YOUR COMMENTS, AND I'M TRYING TO PROCESS
15 THEM AS QUICKLY AS I CAN.

16 THE COURT IS DENYING THE WRIT OF MANDATE BECAUSE
17 C.O.M.B. DIDN'T ACTUALLY ATTEMPT TO IMPLEMENT THE CASCADE
18 CHUTE OR THE CULVERT, BUT IT'S ALSO FINDING THAT THE E.I.R.
19 IS NOT ADEQUATE TO SUPPORT ANOTHER AGENCY USING THE E.I.R.
20 FOR THOSE PROJECTS. IF THOSE PROJECTS ARE TO GO FORWARD,
21 ANOTHER AGENCY MUST CONDUCT INDEPENDENT ENVIRONMENTAL
22 REVIEW BECAUSE C.O.M.B.'S E.I.R. IS NOT ADEQUATE FOR THOSE
23 PROJECTS. IS THAT A FAIR SUMMARY OF WHAT YOU'RE STATING?

24 THE COURT: I THINK THAT'S A FAIR INTERPRETATION.
25 IT'S NOT EXACTLY WHAT THE COURT RULED, BUT IT'S A FAIR
26 INTERPRETATION, IN LIGHT OF THE UNIQUE PROCEDURAL ASPECTS
27 OF THIS CASE, WHERE, ACTUALLY, PART OF THE PROJECT, AND I
28 KNOW THIS BECAUSE THAT OTHER PART OF THE PROJECT IS A

1 RELATED CASE BEFORE THIS COURT, SO I'M SOMEWHAT FAMILIAR
2 WITH THE OTHER ASPECT OF THE CULVERT PROJECT.

3 AND SO THERE IS A RELATED COMPONENT, WITH RESPECT
4 TO WHAT YOU SAY, MR. SABEY. AND THAT MIGHT BE THE ACTUAL
5 IMPORT OR THE RESULT OF THE COURT'S DECISION. I HAVE NOT
6 MADE THAT SPECIFIC RULING.

7 MR. SABEY: BECAUSE, LET ME ASK THIS A DIFFERENT
8 WAY AND SEE IF THIS HELPS CLARIFY IT. IF C.O.M.B. HAD, IN
9 FACT, INCLUDED WITHIN ITS PROJECT, HAD NOT AT THE LAST
10 MINUTE DELETED THE CULVERT PROJECT FROM THE SCOPE OF ITS
11 PROJECT, AS THE COURT NOTED AT THE OUTSET, C.O.M.B. DELETED
12 AND SAID, "WE'RE NOT GOING TO DO THAT. SOMEONE ELSE IS
13 GOING TO DO THAT," HAD C.O.M.B. APPROVED THAT PROJECT AS
14 ITS ADOPTION OF THE PROJECT, IS THE COURT SAYING THAT IT
15 WOULD HAVE FOUND THE PROJECT E.I.R. INADEQUATE FOR
16 C.O.M.B.'S APPROVAL OF THE CULVERT REPLACEMENT, BUT SINCE
17 C.O.M.B. DIDN'T, IT'S NOT REACHING THAT ISSUE BECAUSE IT
18 CONSIDERED THAT ISSUE MOOT?

19 THE COURT: THAT'S A FAIR CHARACTERIZATION.

20 MR. SABEY: I APPRECIATE THAT.

21 THE COURT: I'M RELUCTANT TO STEP BEYOND THIS CASE
22 INTO A DIFFERENT SITUATION, BUT THE CHARACTERIZATION THAT
23 YOU GIVE, I THINK, IS A FAIR CHARACTERIZATION, WITH RESPECT
24 TO THIS COURT'S THOUGHTS, ON WHAT WOULD HAPPEN IF ANOTHER
25 AGENCY RELIED UPON THIS E.I.R., ON THOSE ISSUES, ON THE
26 UPPER CREEK.

27 MR. SABEY: THANK YOU, YOUR HONOR.

28 MS. OUELLETTE: YOUR HONOR, WITH REGARD TO WHETHER

1 OR NOT UPPER HILTON CREEK IS DRY IN THE SUMMER, IT WAS AN
2 ISSUE THAT THEY REALLY BRIEFED FOR THE FIRST TIME IN THEIR
3 SUPPLEMENTAL BRIEFING, BUT IT REALLY DOESN'T GO TO THIS
4 ISSUE BECAUSE STEELHEAD DO PERSIST THROUGH MAJOR DRAUGHTS,
5 THROUGH SEASONAL VARIATIONS.

6 VIRTUALLY EVERY RIVER THAT THEY'RE IN, INCLUDING
7 THE SANTA YNEZ RIVER, GOES DRY. SO WHETHER THERE'S WATER
8 IN THE RIVER IN THE SUMMER DOESN'T MAKE A DIFFERENCE ON
9 WHETHER THEY POTENTIALLY CAN USE THAT HABITAT. NOW THEY
10 CAN'T BECAUSE OF THE CULVERT. THE CULVERT IS REMOVED; THEY
11 HAVE THE ABILITY TO USE IT.

12 THE COURT: IF THEY STUDIED THAT PHENOMENON ON THE
13 UPPER HILTON CREEK WITH DIRECT OBSERVATIONS, IT WOULD BE
14 HELPFUL IN ANY ANALYSIS OF THE PROJECT.

15 MS. OUELLETTE: WELL, IT'S DIFFICULT WHEN THE
16 PROPERTY OWNER WON'T ALLOW US TO GO ON THE PROPERTY WHICH
17 IS A PROBLEM.

18 THE COURT: NOW, THAT'S AN INTERESTING ISSUE.
19 THAT'S AN INTERESTING ISSUE, AND NOT DIRECTLY ON POINT,
20 WITH RESPECT TO THIS CASE, BUT I HAVE ACTUALLY WRESTLED
21 WITH THAT IN THE CONTEXT OF THIS CASE, AND THERE ARE
22 PROCESSES WHEREBY AGENCIES CAN OBTAIN APPROVAL AND OBTAIN
23 PERMISSION TO GET ON THE PROPERTY. AND, IF AGENCIES WISH
24 TO DO THAT, THEY SHOULD HAVE TO GO THROUGH THAT PROCESS TO
25 CONDUCT THOSE STUDIES.

26 MS. OUELLETTE: I THINK THAT C.O.M.B.'S APPROACH
27 IS NOT TO BE ADVERSARIAL BUT, IN FACT, TO WORK WITH THE
28 PROPERTY OWNER.

1 THE COURT: IF THAT'S C.O.M.B.'S DECISION, THEN
2 THEY WILL HAVE TO PROCEED TO REVIEW -- TO DO THE
3 ENVIRONMENTAL REVIEW IN THAT FASHION, BUT THAT WASN'T
4 DIRECTLY BEFORE THE COURT, BUT I DID THINK ABOUT THAT. AND
5 THAT WAS THE COURT'S THOUGHT, THAT IF ACCESS WERE TO BE
6 OBTAINED, THERE ARE LAWFUL WAYS TO OBTAIN ACCESS IN A WAY
7 THAT COULD ACCOMMODATE A FULL AND COMPLETE STUDY, AND IT
8 WASN'T DONE HERE.

9 YES?

10 MR. SABEY: I DON'T KNOW THAT I HAVE A DIRECT
11 RESPONSE, OTHER THAN TO SAY THAT I THINK THE COURT HAS BEEN
12 PRESENTED WITH THE EVIDENCE ABOUT OVERSUMMER HABITATING,
13 AND IN THE COURT'S CONCLUSIONS REGARDING ABOUT WHY IT'S
14 IMPORTANT ARE WELL ARTICULATED HERE.

15 I GUESS IT WILL FALL TO THE PARTIES NOW. DO YOU
16 HAVE A WRITTEN STATEMENT OF DECISION THAT WE'RE GOING TO BE
17 PROVIDED WITH, OR SHOULD WE PRESENT A WRIT OR C.O.M.B.
18 SHOULD PRESENT US WITH A WRIT THAT WE SHOULD PRESENT TO THE
19 COURT, BECAUSE I THINK THE IMPORTANT THING FOR PETITIONERS
20 IS TO PRESERVE, IF THE ULTIMATE CONCLUSION IS TO DENY THE
21 WRIT --

22 THE COURT: I INTEND TO WRITE A WRITTEN STATEMENT
23 OF DECISION. WE HAD 35 FAMILY LAW CASES ON YESTERDAY, AND
24 WE'VE BEEN IN TRIAL, AND I JUST APOLOGIZE. I WANTED TO GET
25 THAT OUT, AND PART OF THE DELAY THIS MORNING WAS SO THAT I
26 COULD FORMULATE THE DRAFT OF MY WRITTEN DECISION THIS
27 MORNING, AND, SO --

28 MR. SABEY: AND I DON'T MEAN -- I JUST WANTED TO

1 UNDERSTAND THE PROCESS. WE'RE OBVIOUSLY NOT ASKING FOR IT
2 TODAY, AS MUCH AS I JUST WANT TO UNDERSTAND WHETHER WE
3 SHOULD BE PRESENTING YOU WITH SOMETHING. BUT WE'LL WAIT
4 FOR THAT, AND A JUDGMENT, RATHER, NOT A WRIT, NEEDS TO BE
5 ENTERED, AND WE'LL TAKE IT FROM THERE. SO I THINK THAT'S
6 FINE, YOUR HONOR.

7 THE OTHER CASE HAS SOME SORT OF LIFE SPAN ALREADY
8 SO THAT WE CAN WORK WITH IT.

9 THE COURT: I'M GOING TO SET A DATE OF DECEMBER
10 14TH, AND THAT IS NOT A DATE THAT COUNSEL NEEDS TO BE HERE,
11 BUT I WILL ISSUE THE FORMAL WRITTEN DECISION ON OR BEFORE
12 THAT DATE, AND MORE LIKELY ON, LOOKING AT MY CALENDAR, AND
13 THE REASON I'M GIVING YOU THAT DAY IS BECAUSE IT'S MY
14 PRACTICE HERE NOT TO TAKE MATTERS UNDER SUBMISSION BUT TO
15 SET DATES FOR MYSELF SO I WILL GET THEM DONE. I FIND IT
16 WORKS A LOT BETTER, AND SO I WILL DO THAT, AND WE WILL PUT
17 THAT ON OUR CALENDAR.

18 THERE IS NO NEED FOR COUNSEL TO APPEAR ON THAT
19 DATE, BUT YOU PROBABLY SHOULD BE CHECKING THE MAIL SHORTLY
20 THEREAFTER, OR YOU CAN CONTACT THE COURT, IF NOT THAT DATE,
21 THEN THE FOLLOWING WEEK, BUT WE WILL SERVE THE WRITTEN
22 DECISION ON EACH PARTY AND COUNSEL, AND IF YOU WANT IT
23 QUICKER THAN THAT, YOU MIGHT BE ABLE TO CONTACT THE COURT,
24 BUT DON'T CONTACT US BEFORE THE 14TH.

25 I WANT TO THANK COUNSEL. I REALLY APPRECIATE THE
26 BRIEFING THAT YOU DID IN RESPONSE TO MY REQUEST. I REALLY
27 FOUND IT HELPFUL.

28 MR. SABEY: THANK YOU, YOUR HONOR.

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MS. OUELLETTE: THANK YOU.
(PROCEEDINGS CONCLUDED)

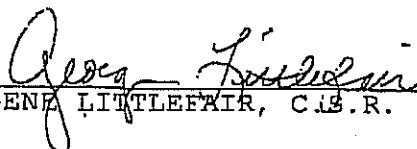
1 STATE OF CALIFORNIA)
 2 COUNTY OF SANTA BARBARA) SS.
 3

4 I, GEORGENE LITTLEFAIR, C.S.R., OFFICIAL
 5 COURT REPORTER OF THE SUPERIOR COURT OF THE STATE OF
 6 CALIFORNIA, IN AND FOR THE COUNTY OF SANTA BARBARA,
 7 HEREBY CERTIFY THAT THE FOREGOING PAGES, 1-17,
 8 COMPRISE A FULL, TRUE AND CORRECT TRANSCRIPT OF THE
 9 PROCEEDINGS HAD IN THE WITHIN-ENTITLED MATTER, RECORDED BY
 10 ME BY STENOTYPE ON THE DATE AND AT THE HOUR HEREIN WRITTEN,
 11 AND THEREAFTER TRANSCRIBED BY ME INTO TYPEWRITING.

12 IN COMPLIANCE WITH SECTION 8016 OF THE
 13 BUSINESS AND PROFESSIONS CODE, I CERTIFY UNDER PENALTY
 14 OF PERJURY THAT I AM A CERTIFIED SHORTHAND REPORTER,
 15 WITH LICENSE NUMBER 12065 IN FULL FORCE AND EFFECT.

16 DATED THIS 7TH DAY OF DECEMBER, 2007.

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 GEORGENE LITTLEFAIR, C.S.R. NO. 12065

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FILE No. 26377.00001

December 12, 2007

VIA FAX AND OVERNIGHT DELIVERY

The Honorable Timothy J. Staffel
Santa Barbara County Superior Court
Cook Division, Dept. SM1
312-C East Cook Street
Santa Maria, CA 93454

Re: *Nancy Crawford-Hall and San Lucas Ranch, Inc. v.
Cachuma Operation and Maintenance Board, et al.*
Santa Barbara County Superior Court Case No. 1171135

Dear Judge Staffel:

As the attorneys for Respondent Cachuma Operation and Maintenance Board and Real Party in Interest Cachuma Conservation Release Board ("Respondents"), we vigorously oppose counsel for the Petitioners' correspondence to the Court dated today. As your Honor is aware, on November 16, 2007, the Court denied Petitioners Nancy Crawford-Hall and San Lucas Ranch, Inc.'s Petition for Writ of Mandate and stated that the Court would issue a written decision on or around December 14, 2007. Despite the Court's clear determinations and instructions in this regard, Petitioners' counsel Andrew B. Sabey has filed a letter, almost a month after the hearing on the merits and only two days prior to the Court's issuance of its written ruling, purporting to have discovered new information related to this case based on the reporter's transcript from the November hearing. This correspondence must be disregarded for at least the following reasons:

The Honorable Timothy J. Staffel
December 12, 2007
Page 2

A. **The Case Has Already Been Fully Briefed**

Petitioner attempts through this correspondence to rebrief the case. However, the Crawford-Hall v. Cachuma Operation and Maintenance Board case was fully briefed prior to the hearing on the merits and even included supplemental briefing that had been requested by this Court to clarify the one remaining unclear issue. For these reasons, additional supplemental briefing is unnecessary and improper.

B. **Counsel Was Present at the November 16 Hearing and Had the Opportunity to Argue This Issue at That Time**

Furthermore, not only has this case already been extensively and thoroughly briefed, considered, and decided, Mr. Sabey was personally present at the hearing, heard the ruling, and was given the opportunity for oral argument. Therefore, he could have objected to or addressed any issues, including those which appear verbatim in the reporter's transcript, during the hearing itself. If Petitioners wished to address the remedies issue, they should have done so at that time. Their counsel's failure to do so cannot now be used to prejudice our clients.

C. **The Issue Raised in Petitioners' Correspondence Is Not New**

Mr. Sabey's letter is an inappropriate, de facto attempt to file an untimely motion for reconsideration in improper form. Code of Civil Procedure section 1008 is controlling regarding such a motion, and under this statute, motions for reconsideration are only allowed in narrow, specific circumstances. For example, such motions are only permitted if the party shows that new or different facts, law, or circumstances necessitate reconsideration or modification of the prior order. (Code of Civ. Proc., § 1008(a).) "New" facts specifically do not include information that was available earlier, such as during briefing or at trial. (See *Garcia v. Hejmadi* (1997) 58 Cal.App.4th 674, 690.) Petitioners' counsel had made no such showing, pointing only to existing statutes, a case that has been available for more than 15 years, and the reporter's transcript from the November hearing, the contents of which clearly "existed" at trial. None of these can possibly constitute "new" law or facts. Therefore, it is unnecessary for the Court to entertain such an inappropriate motion. (See *Gilberd v. A.C. Transit* (1995) 32 Cal.App.4th 1494, 1500 [holding "a court acts in excess of its jurisdiction when it grants a motion to reconsider that is not based upon 'new or different facts, circumstances, or law'"].)

D. **If Petitioners' Correspondence Is Accepted, Full Opportunity To Respond Is Required**

However if the Court does see fit to entertain Petitioners' improper application, Respondents respectfully request the opportunity to prepare an opposition brief responding to Petitioners' mischaracterizations and to have appropriate oral argument.

BEST BEST & KRIEGER
ATTORNEYS AT LAW

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December 12, 2007
Page 3

Respondents, as well as this office, thank you for your consideration of this request.

Sincerely,



Michelle Ouellette
of BEST BEST & KRIEGER LLP

cc: Andrew B. Sabey, Cox Castle Nicholson
Kate Rees, Cachuma Operation and Maintenance Board

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FILED
SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA

DEC 14 2007

GARY M. BLAIR, Executive Officer
BY B. Glynn B.G.
B. GLYNN, Deputy Clerk

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA BARBARA

NANCY CRAWFORD-HALL, et al.,
Petitioners,
CACHUMA OPERATION AND
MAINTENANCE BOARD, et al.,
Respondents.

Case No: 1171135
Proposed Statement of Decision

Nancy Crawford-Hall owns property (the San Lucas Ranch) adjacent to Bradbury Dam and the Cachuma Reservoir. Both the Santa Ynez River and Hilton Creek run through the property. Hilton Creek is one of a number of tributaries of the Santa Ynez River that flow through canyon areas west of Lake Cachuma. It is the closest of these to Bradbury Dam. It begins in the hills above Highway 154, crosses under the highway through a culvert and descends to meet the river just below the spillway and stilling pond below Bradbury Dam. There is actual piping of water from Bradbury Dam to two release points along Hilton Creek below 154. This water release is intended to make it possible for trout in the river to move to the creek area to spawn, since the Dam otherwise blocks further upstream movement on the River. This movement is not easily accomplished at present. Just below the lower release point there is a

1 "cascade/chute" that presents an impediment and the culvert under Highway 154 can be a barrier
2 as well. The last 2980 feet of the stream's flow is on federal land, the area above that is on the
3 Crawford-Hall/San Lucas Ranch property.

4 Since 1956 actual operations of Bradbury Dam and the Cachuma Reservoir have been the
5 responsibility of local agencies that exercise joint powers as the Cachuma Operations and
6 Management Board (COMB). The federal concern for the endangered steelhead population
7 resulted in a 1999 Biological Assessment to examine options for stimulating upstream migration
8 on the Santa Ynez River and its tributaries. One option was to create new fish habitat on
9 tributaries of the Santa Ynez River downstream of the dam. Federal and local entities cooperated
10 in the drafting of a Fish Management Plan (FMP), a final version of which was issued in October
11 2000. The FMP proposed construction activities on Hilton Creek to facilitate its use by the
12 steelhead, including modifications to the cascade/chute and the Highway 154 culvert.

13 COMB took the lead agency role and initially issued a mitigated negative declaration on
14 the project. This was successfully challenged in an earlier Santa Barbara Superior Court action
15 heard by Judge McLafferty. Work then began on drafting an EIR/EIS. A final EIR/EIS was
16 certified on February 24, 2004. COMB did not take action to approve the project, however, until
17 November 2004. Crawford-Hall and San Lucas Ranch ("Petitioners) timely filed the present
18 petition for writ of mandate to contest the adequacy of the environmental documentation on
19 December 23, 2004. The 64 volume administrative record was not lodged until August 30, 2006.

20 A number of issues concerning the adequacy of the EIR have been raised, but the
21 fundamental point of concern for petitioners is the potential for introducing an endangered
22 species to the upper reaches of Hilton Creek. This is alleged to create a potential conflict in land
23 use affecting cattle and mining operations on the Ranch, resulting in a potentially significant
24 environmental impact not identified as such in the EIR. The petition, more fundamentally,
25 challenges the conclusion of the EIR that it would ultimately be beneficial to provide additional
26 habitat for steelhead on upper Hilton Creek. Petitioner's experts refer to the plan as "trout
27 murder" because upper Hilton Creek dries up in the summer months. Encouraging steelhead
28

1 egg-laying in that area, it is contended, will only serve to trap and kill the fish that spawn and the
2 young of the year that emerge.

3 Steelhead are a variety of rainbow trout that migrate from freshwater to the ocean (the
4 technical description for this is 'anadromous'). They migrate upstream in the period December
5 to April, lay eggs in gravel areas in nests called redds, and return to the ocean in the period
6 February to May. Some 30% are able to respawn in subsequent years. The young emerge to
7 spend 4 to 6 weeks in the gravel area, before moving as fry to shallow protected areas. Cool
8 water is essential to their emergence and growth. The young fish will spend one to three years in
9 freshwater streams before moving to the ocean where they will mature over one to four years
10 before returning. The female selects the site, digs the redd, and the male then fertilizes the eggs.
11 It is reported that the number of adult steelhead returning to spawn in the Santa Ynez River has
12 now declined to some 100 per year.

13 It is a simple proposition that fish will not survive without water. If upper Hilton Creek
14 does dry up completely any fish remaining will not survive the summer months. There is a
15 possibility that some may survive if shallow pools in sheltered and shaded areas remain. Their
16 prospects here are diminished, however, to the extent that the limited water supply increases
17 water temperature, lowers oxygen levels, or renders them more vulnerable to predation. It is
18 critical to the success of the plan therefore to have some assurance of a water supply above the
19 154 culvert.

20 Petitioners point out the very limited information that the EIR contains on this vital point.
21 Much of the EIR reports the obvious fact that even lower Hilton Creek would flow only
22 seasonally without supplemental watering. It is apparently more difficult to maintain surface
23 flow in the upper creek than in the lower area because the depth of gravel before bedrock is
24 reached is significantly greater. "This small creek, which is ephemeral in the areas where
25 steelhead are currently found, should not be relied upon too heavily as the potential cure for the
26 steelhead's problems." (AR 5817, June 16, 1998 letter from EDC). "No spawning or young-of-
27 the-year have been observed above cascade to the Reclamation property boundary (about 2980
28 feet upstream from the mainstem). Anecdotal reports indicate that trout were historically present

1 in upper Hilton Creek above the Highway 154 Culver prior to the Refugio Fire in 1955." (AR
2 13775, Oct. 2, 2000, Appendix B to FMP). "Young steelhead remain in freshwater for a year or
3 more, and, therefore, young-of-the-year cannot complete rearing in lower Hilton Creek under
4 natural conditions because the stream goes dry during the summer." (AR 13873, Id.). The Final
5 EIR at page 7-5 (AR 17625) says of the culvert work: "The culvert is expected to be dry during
6 construction, and not require a stream diversion."

7 The observations made of the creek are not encouraging. A single large trout was
8 observed in a shallow pool at the lower water release point just above the cascade/chute on
9 January 31, 2001. This single observation followed a large storm, but even then "Water flow
10 conditions were not conducive to allow the fish to migrate further upstream at that time, and
11 subsequent bank operations have not resulted in the fish being observed since." (AR 14368,
12 March 1, 2001 report of Scott Engblom). On January 27, 2003 Mr. Engblom observed the upper
13 creek areas in the company of Dr. Rich at two road crossings, and also below the culvert on
14 Ranch property. "The creek was dry except for the reach immediately upstream of Highway 154
15 and at the second road crossing where flow was visible. Dr. Alice Rich indicated that water is
16 expected to be present upstream of the second road crossing into the spring. She also informed
17 the COMB biologist that during a 2002 electrofishing survey, she captured an approximate 3-
18 inch steelhead/rainbow trout immediately upstream of the second road crossing. Because this
19 habitat was dry when she returned several months later, she assumed the fish died." (AR 17627).
20 Thus even in the wet winter months there were "long sections of dry creek channel." (Id., EIR 7-
21 7). No COMB expert provided observation of the status of the creeks during the dry summer
22 months. "Absent observations from different times of year and from years with different winter
23 runoff conditions, it is not possible to characterize the full range of habitat conditions and the
24 frequency when suitable conditions are present." (AR 17628, EIR 7-8).

25 Respondent cites a number of passages from the EIR and Administrative Record
26 [Supplemental Brief filed August 22, 2007 at pages 5 and 6] in support of the view that there is
27 suitable habitat in the upper creek area. Many of these pertain to the lower creek. There is a
28 letter from EDC claiming "three miles of medium to high quality southern steelhead habitat"

1 would be accessible if the culvert was opened up. But no evidence that this habitat remains
2 suitable in the summer months is provided. Mr. Engblom's observations on January 27, 2003
3 have no credible correlation to conditions in summer months especially in areas he has not
4 observed at all. The one three-inch trout observed by Dr. Rich in 2002 is a weak reed to support
5 fish survival in the area. Dr. Rich reported the area was dry and the fish presumed dead when
6 she returned some months later.

7 The additional argument is made that "spawning failure and mortality are natural events
8 that are part of the population dynamics for steelhead throughout the lower Santa Ynez River.
9 These events would not be unique to upper Hilton Creek." (AR 17630, EIR at 7-10). This is
10 perhaps one reason why the species is endangered. With as few as 100 spawning adult steelhead
11 returning on an annual basis encouraging their migration to the upper reaches of Hilton Creek
12 seems a significant risk to take with a precious resource. The point, moreover, ignores any
13 possible impacts on the land uses made on San Lucas Ranch.

14 The law extends every advantage to the drafter of an EIR when the adequacy of its
15 conclusions is challenged. The burden is on the challenger to show an absence of substantial
16 evidence to support the findings. This is interpreted to mean that enough facts are presented to
17 make a fair argument supporting the conclusion reached, even though other conclusions might
18 also be reached. 14 CCR § 15384(a). A court is not required to consider the opinions of a
19 petitioner's experts on the points in dispute. *Browning-Ferris Industries v. City Council* (1986)
20 181 CA3d 852. A single expert opinion may suffice, even if it has not been developed using
21 standard protocols. *Association of Irrigated Residents of County of Madera* (2003) 107 CA4th
22 1383.

23 Nevertheless, it must be presumed that substantial evidence is evidence of ponderable
24 significance. "It must be reasonable in nature, credible, and of solid value; it must be
25 'substantial' proof of the essentials which the law requires in a particular case." *Beck*
26 *Development Co. v. Southern Pacific Transportation Co.* (1996) 44 CA4th 1160, 1203-4. This
27 court is unable to accept the conclusion that suitable steelhead habitat may exist on upper Hilton
28

1 Creek when the only evidence from anyone who has observed the creek in summer months is
2 that it is dry at that time.

3 Moreover, it is not obvious that COMB has embraced the EIR conclusion. Although it
4 certified the document, it deleted from the project description the modifications to the
5 cascade/chute and culvert that would have permitted steelhead access to the upper creek. [AR
6 20221, vol 44 tab 422]. Perhaps this was done with the intent of having CalTrans take care of the
7 culvert [it has now been independently sued and a demurrer has been overruled on the
8 complaint] or perhaps of taking on the cascade/chute work on later. Whatever the intent, the
9 effect of COMB's action would seem to be to moot the objections being made by petitioner as to
10 the effects on steelhead and the San Lucas Ranch of introducing steelhead to upper Hilton Creek.
11 Without the culvert and cascade/chute projects, there is no new impact on the upper creek area
12 other than, hopefully, an increase in steelhead population in the lower creek area [resulting from
13 the supplemental watering and increase in the length of the channel adjoining the mainstem].
14 Steelhead that could make it up the creek through the culvert, if any, can continue to do so.

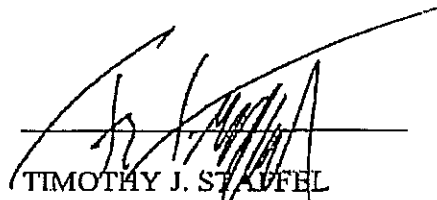
15 There are other issues addressed in the petition. These include the lead agency status of
16 COMB, unexplored possibilities of developing steelhead habitat above Bradbury dam, and new
17 information on steelhead status. The court has resolved these issues in favor of Respondents. It
18 appears, however, that petitioners' concerns should be met by the determination that the EIR,
19 while adequate for the aspects of the Fish Management Plan (FMP) that it actually approved, is
20 not adequate to assess impacts for the cascade/chute or culvert work as it fails to consider land
21 use impacts if the program is successful in bringing steelhead to the upper creek and lacks
22 adequate information on the effect of the steelhead if as all the competent evidence reports the
23 upper creek is dry in the summer months and at least largely dry through most of the year. Any
24 approval would then require a supplemental consideration of these issues, which should consider
25 any new information on steelhead status as endangered or on any newly developed alternatives.

26 The EIR is inadequate to support measures to develop fish habitat on upper Hilton Creek
27 because it lacks substantial evidence to show that steelhead could survive there and fails to
28 consider land use impacts if they did. These points are rendered moot since COMB did not

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approve the portions of the project that would permit additional fish migration, i.e. the cascade/chute modification and the Highway 154 culvert modifications. Respondents are directed to prepare an order incorporating these conclusions.

DATED: December 14, 2007



TIMOTHY J. STAFFEL
Judge of the Superior Court

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GOVERNMENT CODE § 6103

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RELEASE BOARD
8

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF SANTA BARBARA

11
12 NANCY CRAWFORD-HALL, an
individual, and SAN LUCAS RANCH,
13 INC., a California corporation,

14 Plaintiff,

15 v.

16 CACHUMA OPERATION AND
MAINTENANCE BOARD, and DOES 1-
17 20,

18 Respondents.

19
20 CACHUMA CONSERVATION
RELEASE BOARD, and DOES 21-50,

21 Real Parties in Interest.
22
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Case No. 1171135
Hon. Judge: Timothy J. Staffel
Dept: SM1

**[PROPOSED] JUDGMENT DENYING
PETITION FOR WRIT OF MANDATE**

Petition Filed: December 23, 2004

LAW OFFICES OF
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[PROPOSED] JUDGMENT DENYING PETITION FOR WRIT OF MANDATE

On August 10, 2007 and on November 16, 2007 in Department SM1 of the above-entitled court, the Honorable Judge Timothy J. Staffel presiding, hearings were held on the Petition for Writ of Mandate filed by Nancy Crawford-Hall and San Lucas Ranch, Inc. challenging the Cachuma Operation and Maintenance Board's and Cachuma Conservation Release Board's approval of the implementation of certain portions of the Lower Santa Ynez River Fish Management Plan and Biological Opinion and certification of an associated Environmental Impact Report/Environmental Impact Statement.

Michelle Ouellette and Charity Schiller, of Best Best & Krieger, LLP, appeared on behalf of Respondent, Cachuma Operation and Maintenance Board, and Real Party in Interest, Cachuma Conservation Release Board; Andrew Sabey and Chad Hales appeared on behalf of Petitioners Nancy Crawford-Hall and San Lucas Ranch, Inc.

After hearing the evidence, the arguments of counsel, and after considering all papers filed with the Court, and the cause having been argued and submitted for decision:

IT IS SO ORDERED, that:

The Petition for Writ of Mandate is denied in its entirety as set forth in this Court's Proposed Statement of Decision, which is attached hereto as Exhibit "A" and is incorporated herein by reference.

Respondent and Real Party in Interest shall recover costs of suit as permitted by law.

Dated: _____

HON. TIMOTHY J. STAFFEL,
JUDGE OF THE SUPERIOR COURT

RECEIVED

JAN 08 2005

BEST BEST & KRIEGER

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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 FOR THE COUNTY OF SANTA BARBARA

11
12 NANCY CRAWFORD-HALL, an individual and
SAN LUCAS RANCH, INC., a California
13 Corporation,

14 Petitioners,

15 vs.

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

17 Respondents.

18 CACHUMA CONSERVATION RELEASE
19 BOARD, and DOES 21-50,

20 Real Parties in Interest.

CASE NO. 1171135

PETITIONERS' OBJECTIONS TO
PROPOSED JUDGMENT DENYING
PETITION FOR WRIT OF MANDATE
AND PETITIONERS' PROPOSED
ALTERNATIVE JUDGMENT

Petition Filed: December 23, 2004

1 Petitioners Nancy Crawford-Hall and San Lucas Ranch ("Petitioner") hereby object to the
2 [Proposed] Judgment Denying Petition for Writ of Mandate, filed on or about December 21, 2007 by
3 Respondent Cachuma Operation and Maintenance Board ("Respondent"). Petitioner offers a proposed
4 judgment that more accurately reflects this Court's ruling.

5 I. INTRODUCTION

6 On December 14, 2007, the Court issued a "Proposed Statement of Decision" (the "Decision").
7 The concluding paragraph the Decision states:

8 The EIR is inadequate to support measures to develop fish habitat on upper
9 Hilton Creek because it lacks substantial evidence to show that steelhead could
10 survive there and fails to consider land use impacts if they did. These points are
11 rendered moot since COMB did not approve the portions of the project that
12 would permit additional fish migration, i.e., the cascade/chute modification and
13 the Highway 154 culvert modifications. Respondents are directed to prepare an
14 order incorporating these conclusions.

12 (Decision at 6:26-7:3.)

13 On or about December 21, 2007, Respondent submitted to the Court a document entitled
14 [Proposed] Judgment Denying Petition for Writ of Mandate. Respondent did not provide Petitioner's
15 counsel an opportunity to review the proposed judgment before submitting it to the Court. Instead,
16 Respondent served the proposed judgment on Petitioners' counsel via regular mail, apparently at the
17 same time that it submitted the proposed judgment to the Court.

18 The proposed judgment submitted by Respondent states, in relevant part:

19 The Petition for Writ of Mandate is denied in its entirety as set forth in this
20 Court's Proposed Statement of Decision, which is attached hereto as Exhibit
21 "A" and is incorporated herein by reference.

22 Respondent and Real Party in Interest shall recover costs of suit as permitted by
23 law.

23 (See Respondent's Proposed Judgment at 1:16-19.) Despite the proposed judgment's recitation that
24 the Decision was attached as Exhibit A, the proposed judgment fails to include an Exhibit A or the
25 Decision (any judgment in this action should attached the Proposed Statement of Decision).

26 Respondent served the proposed judgment on Petitioner's counsel by regular mail on the
27 Friday before the Christmas holiday. As a result, Petitioner's counsel did not receive the proposed
28 judgment until December 26, 2007. For the reasons discussed below, the proposed judgment

1 submitted by Respondent is defective in numerous respects and should not be entered by the Court.
2 Instead, the Court should enter the proposed judgment prepared by Petitioner and attached hereto as
3 Exhibit A.

4 **II. THE JUDGMENT SHOULD REFLECT THAT A LIMITED WRIT REQUIRING**
5 **COMB TO PARTIALLY SET ASIDE ITS CERTIFICATION OF THE FMP EIR IS**
6 **REQUIRED.**

7 Respondent's proposed judgment is objectionable because it states that the Petition for Writ of
8 Mandate "is denied in its entirety." (See Respondent's Proposed Judgment at 1:16.) *The Court's*
9 *Decision, however, nowhere says that the Petition for Writ of Mandate is denied.* (See Exhibit A
10 (Petitioners' Proposed Judgment, Ex. 1 (Proposed Statement of Decision)).) To the contrary, the
11 Court's Decision clearly states that the EIR is deficient insofar as it pertains to the Highway 154
12 culvert project:

13 It appears, however, that petitioners' concerns should be met by the
14 determination that the EIR, while adequate for the aspects of the Fish
15 Management Plan (FMP) that it actually approved, is not adequate to assess
16 impacts for the cascade/chute or culvert work as it fails to consider land use
17 impacts if the program is successful in bringing steelhead to the upper creeks
18 and lacks adequate information on the effect of the steelhead if as all the
19 competent evidence reports the upper creek is dry in the summer months and at
20 least largely dry through most of the years. Any approval would then require a
21 supplemental consideration of these issues, which should consider any new
22 information on steelhead status as endangered or on any newly developed
23 alternatives.

24 The EIR is inadequate to support measures to develop fish habitat on upper
25 Hilton Creek because it lacks substantial evidence to show that steelhead could
26 survive there and fails to consider land use impacts if they did.

27 (Decision at 6:17-28.)

28 CEQA is clear that where, as here, a court determines that an EIR is deficient, a writ must
issue. Specifically, Public Resources Code section 21168.9 states, in relevant part:

(a) If a court finds, as a result of a trial, hearing, or remand from an appellate
court, that any determination, finding, or decision of a public agency has been
made without compliance with this division, the court shall enter an order that
includes one or more of the following:

(1) A mandate that the determination, finding, or decision be voided by the
public agency, in whole or in part.

Cal. Pub. Res. Code § 21168.9(a) (emphasis added); see also *Sierra Club v. Contra Costa County*, 10

Cal. App. 4th 1212 (1992) ("[W]e find that once the trial court concluded there were defects in the

1 EIR's range of alternatives it erred by not issuing the writ of mandate and remanded the EIR to the
2 Board.") Thus, the express terms of section 21168.9(a)(1) requires a writ of mandate to issue where,
3 as here, a court determines that a decision by a public agency did not comply with CEQA.¹

4 Notably, CEQA allows a writ to be narrowly tailored so that it is "limited to that portion of a
5 determination, finding, or decision or the specific project activity or activities found to be in
6 noncompliance" with CEQA and affects only those "specific project activities" that do not comply
7 with CEQA. Cal. Pub. Res. Code § 21168.9(b). Thus, a writ need not compel an agency to set aside
8 an entire EIR where the majority of it complies with CEQA. Rather, a court can require partial
9 decertification of only those portions of an EIR that are inadequate. CEQA expressly allows a court to
10 do this where: "(1) the portion or specific project activity or activities are severable, (2) severance will
11 not prejudice complete and full compliance with this division, and (3) the court has not found the
12 remainder of the project to be in noncompliance with this division." *Id.*

13 Here, based on the Court's decision that the FMP EIR is inadequate insofar as it applies to the
14 Highway 154 culvert project, CEQA requires the issuance of a writ, albeit a very narrow one.
15 Accordingly, the Judgment should reflect the issuance of a writ that requires COMB to decertify the
16 FMP EIR to the extent it analyzes the Highway 154 culvert project because that aspect of the EIR is
17 inadequate and fails to comply with CEQA. A limited writ is permissible under section 21168.9(b)
18 because, as the Court has noted, this case is unique in that COMB has certified the entire EIR, but did
19 not approve a discrete project that is analyzed in the EIR. Under these particular circumstances, the
20 criteria in section 21168.9(b) for severing the non-compliant portion of the EIR and issuing a limited
21 writ are easily met. First, the EIR's analysis of the discrete Highway 154 culvert project is clearly
22 severable from its analysis of the remaining projects in the FMP. Second, isolating and setting aside
23 the EIR's analysis of the Highway 154 culvert project will not preclude full compliance with CEQA,
24 but rather will ensure that CEQA compliance is actually obtained if the Highway 154 culvert project

25 _____
26 ¹ On December 12, 2007, after Petitioner's counsel received the transcript to the November 16, 2007,
27 hearing in this case, but prior to the Court's Decision, Petitioner's counsel wrote the Court regarding
28 CEQA's requirement that a writ issue where an EIR is determined to be deficient. It is not known
whether the Court received and reviewed this letter prior to issuing the Decision or what changes, if
any, to the Decision were made in response to the letter.

1 were ever approved. Finally, the Court has concluded that the remaining aspects of the EIR did not
2 run afoul of CEQA. Thus, all three factors of section 21168.9(b) governing narrowly tailored writs
3 are satisfied and weigh in favor of the Court issuing a limited writ of mandate requiring COMB to set
4 aside a limited part of the EIR.

5 Moreover, the issuance of a limited writ is important not only to comply with CEQA, but to
6 eliminate potential public confusion regarding the status of the FMP EIR. Importantly, although
7 COMB did not approve the Highway 154 culvert project, it nevertheless certified the *entire* EIR,
8 *including that part of it analyzing the Highway 154 culvert project.* (See 44 AR 472:20331 (“**BE IT**
9 **FURTHER RESOLVED** by the COMB Board of Directors that it hereby **CERTIFIES** the EIR/EIS
10 for the Lower Santa Ynez River Fish Management Plan And Cachuma Project Biological Opinion For
11 Southern Steelhead Trout.”) (bold emphasis in original.) Absent a limited writ, an agency such as
12 Caltrans could mistakenly rely upon the FMP EIR to carry out the Highway 154 culvert project, even
13 though this Court has determined that the FMP EIR is an inadequate basis for doing so. *See, e.g.,* Cal.
14 Pub. Res. Code § 21167.3(b) (providing that responsible agencies shall assume that an EIR complies
15 with CEQA and can approve projects pending a final determination of a challenge to the EIR).
16 Moreover, COMB’s records, which are available for public inspection and review, remain incorrect
17 and inconsistent with this Court’s decision unless they are changed to reflect that the FMP EIR’s
18 analysis of the Highway 154 culvert project is not certified (or said differently, that COMB’s
19 certification of that aspect of the FMP EIR addressing the Highway 154 culvert project is decertified).
20 Absent a limited writ requiring partial decertification of the FMP EIR, the only way the public or a
21 public agency can assess the validity of the FMP EIR would be to consult both the FMP EIR itself *and*
22 the Court’s Decision. This is a cumbersome and unreliable procedure that is inconsistent with
23 CEQA’s objective that an EIR serve as a public informational document. *See* Cal. Pub. Res. Code
24 § 21061 (“The purpose of an environmental impact report is to provide public agencies and the public
25 in general with detailed information about the effect which a proposed project is likely to have on the
26 environment . . .”).

27 Finally, a limited writ requiring partial decertification is consistent with the Court’s Decision,
28 indeed, much more so than Respondent’s proposed judgment. Respondent’s proposed judgment

1 misleadingly suggests that Respondents prevailed on every point and that the FMP EIR is entirely
2 valid (*i.e.*, the “Petition for Writ of Mandate is denied in its entirety”). In fact, as the Court is aware,
3 Petitioner prevailed on a central issue in the case—the adequacy of the FMP EIR’s analysis of the
4 Highway 154 culvert project—and the Court found that the FMP EIR was deficient as it concerned the
5 FMP EIR. A judgment that provides for the issuance of a limited writ clarifies those parts of the FMP
6 EIR that were determined inadequate and is most consistent with the Court’s Decision.

7 For the foregoing reasons, the proposed judgment should provide for the issuance of a limited
8 writ. Attached hereto as Exhibit A is a proposed judgment for the Court’s consideration.

9 **III. REGARDLESS OF WHETHER A WRIT ISSUES, THE JUDGMENT SHOULD**
10 **REFLECT THAT PETITIONERS ARE THE PREVAILING PARTY AND ARE**
11 **ENTITLED TO RECOVER COSTS ALLOWED BY LAW.**

12 Respondent’s proposed judgment is incorrect in that it provides that “Respondent and Real
13 Party in Interest shall recover costs of suit as permitted by law.” (*See Proposed Judgment at 1:19.*)
14 The Court’s Decision nowhere awarded costs to Respondent, nor did it determine that Respondent was
15 the prevailing party entitled to costs. As the substance of the Court’s Decision makes clear, costs
16 should be awarded to Petitioner as the prevailing party in this action.

17 Civil Procedure Code section 1032(a)(4) states:

18 “Prevailing party” includes the party with a net monetary recovery, a defendant
19 in whose favor a dismissal is entered, a defendant where neither plaintiff nor
20 defendant obtains any relief, and a defendant as against those plaintiffs who do
21 not recover any relief against that defendant. When any party recovers other
22 than monetary relief and in situations other than as specified, the “prevailing
23 party” shall be as determined by the court, and under those circumstances, the
24 court, in its discretion, may allow costs or not and, if allowed may apportion
25 costs between the parties on the same or adverse sides pursuant to rules adopted
26 under Section 1034.

27 Clearly, Petitioner obtained significant relief against Respondent in the form of a determination that
28 the Respondent’s EIR cannot be relied upon for purposes of implementing the Highway 154 culvert
project. Indeed, a central issue in this action was Petitioners’ claim that FMP EIR’s analysis of the
Highway 154 culvert project was inadequate. The parties expended significant time on this issue
during the August 10, 2007, hearing on the merits. At the conclusion of that argument, the Court
requested supplemental briefing specifically on the issue of whether substantial evidence supported

1 the FMP EIR's conclusion that the Highway 154 culvert project would not have a significant impact
2 on steelhead. Thereafter, both Petitioner and Respondent submitted supplemental briefing on the
3 issue. As discussed, the Court's Decision on this issue was in favor of Petitioners: "The EIR is
4 inadequate to support measures to develop fish habitat on upper Hilton Creek because it lacks
5 substantial evidence to show that steelhead could survive there and fails to consider land use impacts if
6 they did." While it is true that Petitioner did not prevail on her "lead agency" argument, she does not
7 have to succeed on every argument in order to be a prevailing party. There is no question that
8 Petitioner prevailed on the key issue that the FMP EIR's analysis of the Highway 154 culvert project
9 was deficient. Regardless of whether a writ issues, Petitioner obtained important relief. This victory
10 is particularly important in light of Caltrans' recent efforts to carry out the Highway 154 culvert
11 project.

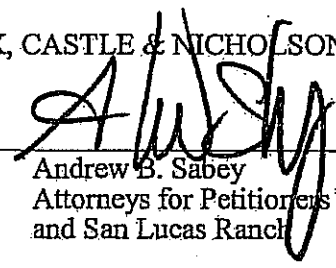
12 In short, the Court's ruling makes clear that neither Caltrans nor any other agency can proceed
13 with the Highway 154 culvert project under the existing FMP EIR, and that before the project does
14 proceed, additional analysis will have to be performed. (See Decision at 6:17-25.) Accordingly,
15 Petitioner should be deemed the prevailing party and should be awarded costs.

16 **IV. CONCLUSION**

17 For the foregoing reasons, Petitioner objects to Respondent's proposed judgment and
18 respectfully requests that the Court enter the proposed judgment attached hereto as Exhibit A.

19 DATED: December 28, 2007

COX, CASTLE & NICHOLSON LLP

By: 
Andrew B. Sabey
Attorneys for Petitioners Nancy Crawford-Hall
and San Lucas Ranch

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EXHIBIT A
Petitioners' Objections to Respondent's Proposed Judgment
Denying Petition for Writ of Mandate

EXHIBIT A
Petitioners' Objections to Respondent's Proposed Judgment
Denying Petition for Writ of Mandate

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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF SANTA BARBARA

11
12 NANCY CRAWFORD-HALL, an individual and
SAN LUCAS RANCH, INC., a California
13 Corporation,
14 Petitioners,
15 vs.
16 CACHUMA OPERATION AND
MAINTENANCE BOARD, and DOES 1-20,
17 Respondents.
18 CACHUMA CONSERVATION RELEASE
19 BOARD, and DOES 21-50,
20 Real Parties in Interest.

CASE NO. 1171135

**[PROPOSED] JUDGMENT GRANTING
IN PART, AND DENYING IN PART,
PETITION FOR WRIT OF MANDATE**

Petition Filed: December 23, 2004

1 On August 10, 2007 and on November 16, 2007, in Department SM1 of the Superior Court for
2 the State of California, County of Santa Barbara, the Honorable Timothy J. Staffel presiding, hearings
3 were held on the Petition for Writ of Mandate filed by Nancy Crawford-Hall and San Lucas Ranch,
4 Inc. ("Petitioners") challenging the Cachuma Operation and Maintenance Board's and Cachuma
5 Conservation Release Board's ("Respondents") certification of the EIR/EIS for the Lower Santa Ynez
6 River Fish Management Plan and Biological Opinion ("FMP EIR"), and approval of certain aspects of
7 the approval of the Lower Santa Ynez River Fish Management Plan.

8 Andrew Sabey and Chad Hales of Cox, Castle & Nicholson LLP appeared on behalf of
9 Petitioners; Michelle Ouellette and Charity Schiller of Best Best & Krieger, LLP appeared on behalf
10 of Respondents.

11 After hearing the evidence, the arguments of counsel, and after considering all papers filed
12 with the Court, and the cause having been argued and submitted for decision, IT IS ORDERED that
13 The Petition for Writ of Mandate ("Petition") is GRANTED in part and DENIED in part as set forth in
14 this Court's Proposed Statement of Decision, which is attached hereto as Exhibit 1 and is incorporated
15 herein by reference, and that:

16 1. The Petition is GRANTED in part because the FMP EIR is inadequate to support
17 measures to develop fish habitat on upper Hilton Creek because it lack substantial evidence to show
18 that steelhead could survive there and fails to consider land use impacts if they did. Accordingly, the
19 Clerk of the Court shall issue a writ in the form attached hereto as Exhibit 2 requiring Respondents to
20 partially set aside their certification of the FMP EIR insofar as it pertains to the FMP EIR's analysis of
21 the cascade/chute and Highway 154 culvert projects.

22 2. Except as stated in Paragraph 1, above, the Petition is DENIED in all other respects.

23 3. Petitioners are the prevailing parties and they shall be entitled to recover costs of suit as
24 permitted by law.

25 DATED: January __, 2008

26 By: _____
27 Honorable Timothy J. Staffel
28 Judge of the Superior Court

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EXHIBIT 1
Petitioners' Proposed Judgment
Granting in Part and Denying in Party Petition for Writ of Mandate

EXHIBIT 1
Petitioners' Proposed Judgment
Granting in Part and Denying in Party Petition for Writ of Mandate

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FILED
SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA

DEC 14 2007

GARY M. BLAIR, Executive Officer
BY B. Glynn
B. GLYNN, Deputy Clerk

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA BARBARA

NANCY CRAWFORD-HALL, et al.,
Petitioners,
CACHUMA OPERATION AND
MAINTENANCE BOARD, et al.,
Respondents.

Case No: 1171135
Proposed Statement of Decision

Nancy Crawford-Hall owns property (the San Lucas Ranch) adjacent to Bradbury Dam and the Cachuma Reservoir. Both the Santa Ynez River and Hilton Creek run through the property. Hilton Creek is one of a number of tributaries of the Santa Ynez River that flow through canyon areas west of Lake Cachuma. It is the closest of these to Bradbury Dam. It begins in the hills above Highway 154, crosses under the highway through a culvert and descends to meet the river just below the spillway and stilling pond below Bradbury Dam. There is actual piping of water from Bradbury Dam to two release points along Hilton Creek below 154. This water release is intended to make it possible for trout in the river to move to the creek area to spawn, since the Dam otherwise blocks further upstream movement on the River. This movement is not easily accomplished at present. Just below the lower release point there is a

1 "cascade/chute" that presents an impediment and the culvert under Highway 154 can be a barrier
2 as well. The last 2980 feet of the stream's flow is on federal land, the area above that is on the
3 Crawford-Hall/San Lucas Ranch property.

4 Since 1956 actual operations of Bradbury Dam and the Cachuma Reservoir have been the
5 responsibility of local agencies that exercise joint powers as the Cachuma Operations and
6 Management Board (COMB). The federal concern for the endangered steelhead population
7 resulted in a 1999 Biological Assessment to examine options for stimulating upstream migration
8 on the Santa Ynez River and its tributaries. One option was to create new fish habitat on
9 tributaries of the Santa Ynez River downstream of the dam. Federal and local entities cooperated
10 in the drafting of a Fish Management Plan (FMP), a final version of which was issued in October
11 2000. The FMP proposed construction activities on Hilton Creek to facilitate its use by the
12 steelhead, including modifications to the cascade/chute and the Highway 154 culvert.

13 COMB took the lead agency role and initially issued a mitigated negative declaration on
14 the project. This was successfully challenged in an earlier Santa Barbara Superior Court action
15 heard by Judge McLafferty. Work then began on drafting an EIR/EIS. A final EIR/EIS was
16 certified on February 24, 2004. COMB did not take action to approve the project, however, until
17 November 2004. Crawford-Hall and San Lucas Ranch ("Petitioners) timely filed the present
18 petition for writ of mandate to contest the adequacy of the environmental documentation on
19 December 23, 2004. The 64 volume administrative record was not lodged until August 30, 2006.

20 A number of issues concerning the adequacy of the EIR have been raised, but the
21 fundamental point of concern for petitioners is the potential for introducing an endangered
22 species to the upper reaches of Hilton Creek. This is alleged to create a potential conflict in land
23 use affecting cattle and mining operations on the Ranch, resulting in a potentially significant
24 environmental impact not identified as such in the EIR. The petition, more fundamentally,
25 challenges the conclusion of the EIR that it would ultimately be beneficial to provide additional
26 habitat for steelhead on upper Hilton Creek. Petitioner's experts refer to the plan as "trout
27 murder" because upper Hilton Creek dries up in the summer months. Encouraging steelhead
28

1 egg-laying in that area, it is contended, will only serve to trap and kill the fish that spawn and the
2 young of the year that emerge.

3 Steelhead are a variety of rainbow trout that migrate from freshwater to the ocean (the
4 technical description for this is 'anadromous'). They migrate upstream in the period December
5 to April, lay eggs in gravel areas in nests called redds, and return to the ocean in the period
6 February to May. Some 30% are able to respawn in subsequent years. The young emerge to
7 spend 4 to 6 weeks in the gravel area, before moving as fry to shallow protected areas. Cool
8 water is essential to their emergence and growth. The young fish will spend one to three years in
9 freshwater streams before moving to the ocean where they will mature over one to four years
10 before returning. The female selects the site, digs the redd, and the male then fertilizes the eggs.
11 It is reported that the number of adult steelhead returning to spawn in the Santa Ynez River has
12 now declined to some 100 per year.

13 It is a simple proposition that fish will not survive without water. If upper Hilton Creek
14 does dry up completely any fish remaining will not survive the summer months. There is a
15 possibility that some may survive if shallow pools in sheltered and shaded areas remain. Their
16 prospects here are diminished, however, to the extent that the limited water supply increases
17 water temperature, lowers oxygen levels, or renders them more vulnerable to predation. It is
18 critical to the success of the plan therefore to have some assurance of a water supply above the
19 154 culvert.

20 Petitioners point out the very limited information that the EIR contains on this vital point.
21 Much of the EIR reports the obvious fact that even lower Hilton Creek would flow only
22 seasonally without supplemental watering. It is apparently more difficult to maintain surface
23 flow in the upper creek than in the lower area because the depth of gravel before bedrock is
24 reached is significantly greater. "This small creek, which is ephemeral in the areas where
25 steelhead are currently found, should not be relied upon too heavily as the potential cure for the
26 steelhead's problems." (AR 5817, June 16, 1998 letter from EDC). "No spawning or young-of-
27 the-year have been observed above cascade to the Reclamation property boundary (about 2980
28 feet upstream from the mainstem). Anecdotal reports indicate that trout were historically present

1 in upper Hilton Creek above the Highway 154 Culver prior to the Refugio Fire in 1955." (AR
2 13775, Oct. 2, 2000, Appendix B to FMP). "Young steelhead remain in freshwater for a year or
3 more, and, therefore, young-of-the-year cannot complete rearing in lower Hilton Creek under
4 natural conditions because the stream goes dry during the summer." (AR 13873, Id.). The Final
5 EIR at page 7-5 (AR 17625) says of the culvert work: "The culvert is expected to be dry during
6 construction and not require a stream diversion."

7 The observations made of the creek are not encouraging. A single large trout was
8 observed in a shallow pool at the lower water release point just above the cascade/chute on
9 January 31, 2001. This single observation followed a large storm, but even then "Water flow
10 conditions were not conducive to allow the fish to migrate further upstream at that time, and
11 subsequent bank operations have not resulted in the fish being observed since." (AR 14368,
12 March 1, 2001 report of Scott Engblom). On January 27, 2003 Mr. Engblom observed the upper
13 creek areas in the company of Dr. Rich at two road crossings, and also below the culvert on
14 Ranch property. "The creek was dry except for the reach immediately upstream of Highway 154
15 and at the second road crossing where flow was visible. Dr. Alice Rich indicated that water is
16 expected to be present upstream of the second road crossing into the spring. She also informed
17 the COMB biologist that during a 2002 electrofishing survey, she captured an approximate 3-
18 inch steelhead/rainbow trout immediately upstream of the second road crossing. Because this
19 habitat was dry when she returned several months later, she assumed the fish died." (AR 17627).
20 Thus even in the wet winter months there were "long sections of dry creek channel." (Id., EIR 7-
21 7). No COMB expert provided observation of the status of the creeks during the dry summer
22 months. "Absent observations from different times of year and from years with different winter
23 runoff conditions, it is not possible to characterize the full range of habitat conditions and the
24 frequency when suitable conditions are present." (AR 17628, EIR 7-8).

25 Respondent cites a number of passages from the EIR and Administrative Record
26 [Supplemental Brief filed August 22, 2007 at pages 5 and 6] in support of the view that there is
27 suitable habitat in the upper creek area. Many of these pertain to the lower creek. There is a
28 letter from EDC claiming "three miles of medium to high quality southern steelhead habitat"

1 would be accessible if the culvert was opened up. But no evidence that this habitat remains
2 suitable in the summer months is provided. Mr. Engblom's observations on January 27, 2003
3 have no credible correlation to conditions in summer months especially in areas he has not
4 observed at all. The one three-inch trout observed by Dr. Rich in 2002 is a weak reed to support
5 fish survival in the area. Dr. Rich reported the area was dry and the fish presumed dead when
6 she returned some months later.

7 The additional argument is made that "spawning failure and mortality are natural events
8 that are part of the population dynamics for steelhead throughout the lower Santa Ynez River.
9 These events would not be unique to upper Hilton Creek." (AR 17630, EIR at 7-10). This is
10 perhaps one reason why the species is endangered. With as few as 100 spawning adult steelhead
11 returning on an annual basis encouraging their migration to the upper reaches of Hilton Creek
12 seems a significant risk to take with a precious resource. The point, moreover, ignores any
13 possible impacts on the land uses made on San Lucas Ranch.

14 The law extends every advantage to the drafter of an EIR when the adequacy of its
15 conclusions is challenged. The burden is on the challenger to show an absence of substantial
16 evidence to support the findings. This is interpreted to mean that enough facts are presented to
17 make a fair argument supporting the conclusion reached, even though other conclusions might
18 also be reached. 14 CCR § 15384(a). A court is not required to consider the opinions of a
19 petitioner's experts on the points in dispute. *Browning-Ferris Industries v. City Council* (1986)
20 181 CA3d 852. A single expert opinion may suffice, even if it has not been developed using
21 standard protocols. *Association of Irrigated Residents of County of Madera* (2003) 107 CA4th
22 1383.

23 Nevertheless, it must be presumed that substantial evidence is evidence of ponderable
24 significance. "It must be reasonable in nature, credible, and of solid value; it must be
25 'substantial' proof of the essentials which the law requires in a particular case." *Beck*
26 *Development Co. v. Southern Pacific Transportation Co.* (1996) 44 CA4th 1160, 1203-4. This
27 court is unable to accept the conclusion that suitable steelhead habitat may exist on upper Hilton
28

1 Creek when the only evidence from anyone who has observed the creek in summer months is
2 that it is dry at that time.

3 Moreover, it is not obvious that COMB has embraced the EIR conclusion. Although it
4 certified the document, it deleted from the project description the modifications to the
5 cascade/chute and culvert that would have permitted steelhead access to the upper creek. [AR
6 20221, vol 44 tab 422]. Perhaps this was done with the intent of having CalTrans take care of the
7 culvert [it has now been independently sued and a demurrer has been overruled on the
8 complaint] or perhaps of taking on the cascade/chute work on later. Whatever the intent, the
9 effect of COMB's action would seem to be to moot the objections being made by petitioner as to
10 the effects on steelhead and the San Lucas Ranch of introducing steelhead to upper Hilton Creek.
11 Without the culvert and cascade/chute projects, there is no new impact on the upper creek area
12 other than, hopefully, an increase in steelhead population in the lower creek area [resulting from
13 the supplemental watering and increase in the length of the channel adjoining the mainstem].
14 Steelhead that could make it up the creek through the culvert, if any, can continue to do so.

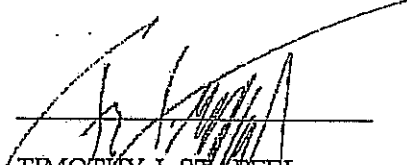
15 There are other issues addressed in the petition. These include the lead agency status of
16 COMB, unexplored possibilities of developing steelhead habitat above Bradbury dam, and new
17 information on steelhead status. The court has resolved these issues in favor of Respondents. It
18 appears, however, that petitioners' concerns should be met by the determination that the EIR,
19 while adequate for the aspects of the Fish Management Plan (FMP) that it actually approved, is
20 not adequate to assess impacts for the cascade/chute or culvert work as it fails to consider land
21 use impacts if the program is successful in bringing steelhead to the upper creek and lacks
22 adequate information on the effect of the steelhead if as all the competent evidence reports the
23 upper creek is dry in the summer months and at least largely dry through most of the year. Any
24 approval would then require a supplemental consideration of these issues, which should consider
25 any new information on steelhead status as endangered or on any newly developed alternatives.

26 The EIR is inadequate to support measures to develop fish habitat on upper Hilton Creek
27 because it lacks substantial evidence to show that steelhead could survive there and fails to
28 consider land use impacts if they did. These points are rendered moot since COMB did not

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approve the portions of the project that would permit additional fish migration, i.e. the cascade/chute modification and the Highway 154 culvert modifications. Respondents are directed to prepare an order incorporating these conclusions.

DATED: December 14, 2007



TIMOTHY J. STAFFEL
Judge of the Superior Court

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EXHIBIT 2
Petitioners' Proposed Judgment
Granting in Part and Denying in Party Petition for Writ of Mandate

EXHIBIT 2
Petitioners' Proposed Judgment
Granting in Part and Denying in Party Petition for Writ of Mandate

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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF SANTA BARBARA

11
12 NANCY CRAWFORD-HALL, an individual and
SAN LUCAS RANCH, INC., a California
13 Corporation,

14 Petitioners,

15 vs.

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

17 Respondents.

18 CACHUMA CONSERVATION RELEASE
19 BOARD, and DOES 21-50,

20 Real Parties in Interest.

CASE NO. 1171135

**[PROPOSED] PEREMPTORY WRIT OF
MANDATE**

Petition Filed: December 23, 2004

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**TO RESPONDENT CACHUMA OPERATION AND MAINTENANCE BOARD AND
REAL PARTY IN INTEREST CACHUMA CONSERVATION RELEASE BOARD**

Judgment having been entered in this proceeding, ordering that a peremptory writ of mandate be issued from the Court, you are hereby commanded to immediately, upon service of this writ, take the following actions:

1. Set aside your certification of the Environmental Impact Report/Environmental Impact Statement for the Lower Santa Ynez River Fish Management Plan and Cachuma Project Biological Opinion ("FMP EIR") insofar as the FMP EIR pertains to the cascade/chute project and the Highway 154 culvert project.

2. Pursuant to Public Resources Code section 21168.9(b), this Court shall retain jurisdiction over Respondent's and Real Party in Interest's proceedings by way of a return to this peremptory writ of mandate until the Court has determined that Respondents and Real Parties have complied with the provisions of this Writ. Respondents must file a return to this writ no later than _____, 2008.

Dated: _____

CLERK OF THE SUPERIOR COURT

PROOF OF SERVICE AND CERTIFICATION

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action; my business address is 555 California Street, 10th Floor, San Francisco, California 94104-1513.

(For messenger) my business address is 1533 Wilshire Boulevard, Los Angeles, CA 90017-2210.

On December 28, 2007, I served the foregoing document(s) described as PETITIONERS' OBJECTIONS TO PROPOSED JUDGMENT DENYING PETITION FOR WRIT OF MANDATE AND PETITIONERS' PROPOSED ALTERNATIVE JUDGMENT on ALL INTERESTED PARTIES in this action by placing the original a true copy thereof enclosed in a sealed envelope addressed as follows:

Michelle Ouellette, Esq.
Best, Best & Krieger LLP
3750 University Ave., Ste. 400
P.O. Box 1028
Riverside, CA 92502

On the above date:

(BY U.S. MAIL/ EXPRESS MAIL) The sealed envelope with postage thereon fully prepaid was placed for collection and mailing following ordinary business practices. I am aware that on motion of the party served, service is presumed invalid if the postage cancellation date or postage meter date on the envelope is more than one day after the date of deposit for mailing set forth in this declaration. I am readily familiar with Cox, Castle & Nicholson LLP's practice for collection and processing of documents for mailing with the United States Postal Service and that the documents are deposited with the United States Postal Service the same day as the day of collection in the ordinary course of business.

(BY FEDERAL EXPRESS OR OTHER OVERNIGHT SERVICE) I deposited the sealed envelope in a box or other facility regularly maintained by the express service carrier or delivered the sealed envelope to an authorized carrier or driver authorized by the express carrier to receive documents.

(BY FACSIMILE TRANSMISSION) On December 28, 2007, at _____ a.m./p.m. at San Francisco, California, I served the above-referenced document on the above-stated addressee by facsimile transmission pursuant to Rule 2008 of the California Rules of Court. The telephone number of the sending facsimile machine was (____) _____, and the telephone number of the receiving facsimile number was (____) _____. A transmission report was properly issued by the sending facsimile machine, and the transmission was reported as complete and without error. Copies of the facsimile transmission cover sheet and the transmission report are attached to this proof of service.

(BY PERSONAL DELIVERY) By causing a true copy of the within document(s) to be personally hand-delivered to the office(s) of the addressee(s) set forth above, on the date set forth above.

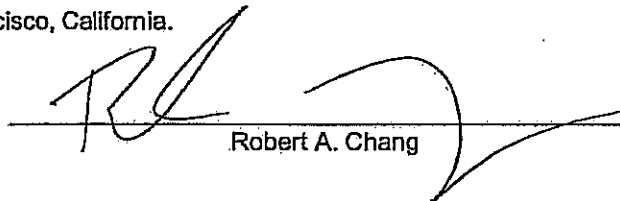
(BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.

(FEDERAL ONLY) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

I hereby certify that the above document was printed on recycled paper.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 28, 2007, at San Francisco, California.


Robert A. Chang

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EXEMPT FROM FILING FEE AS PER
GOVERNMENT CODE § 6103

6 Attorneys for Respondent and Real Party in Interest
7 CACHUMA OPERATION AND MAINTENANCE
8 BOARD and CACHUMA CONSERVATION
9 RELEASE BOARD

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF SANTA BARBARA

12 NANCY CRAWFORD-HALL, an
13 individual, and SAN LUCAS RANCH,
14 INC., a California corporation,

15 Plaintiff,

16 v.

17 CACHUMA OPERATION AND
18 MAINTENANCE BOARD,
19 and DOES 1-20,

20 Respondents.

21 CACHUMA CONSERVATION
22 RELEASE BOARD, and DOES 21-50,

23 Real Parties in Interest.

Case No. 1171135
Hon. Judge: Timothy J. Staffel
Dept. SM1

**OBJECTION TO PETITIONERS'
PROPOSED JUDGMENT AND
OPPOSITION TO PETITIONERS'
OBJECTIONS TO PROPOSED
JUDGMENT**

Petition filed December 23, 2004

1 **OBJECTION TO PETITIONERS' PROPOSED JUDGMENT AND OPPOSITION TO**
2 **PETITIONERS' OBJECTIONS TO PROPOSED JUDGMENT**

3 **A. INTRODUCTION**

4 Respondent Cachuma Operation and Maintenance Board and Real Party in Interest
5 Cachuma Conservation Release Board (collectively, "Respondents" or "COMB") respectfully
6 submit the following objections to Petitioners' Proposed Judgment and opposition to Petitioners'
7 Objections to Proposed Judgment.¹ As directed by this Court, COMB submitted a Proposed
8 Judgment on December 21, 2007, that almost entirely relied upon the ruling in the case.²
9 Respondents' proposed judgment is entirely correct as submitted and accurately reflects the
10 Court's Statement of Decision of December 14, 2007 and statements at the hearing on the merits.

11 In contrast, Petitioners' proposed judgment is grossly inaccurate, and Petitioners'
12 objections to almost every statement in COMB's straightforward, correct Proposed Judgment are
13 frivolous. Petitioners' meritless Objections and error-filled proposed judgment are not only
14 inaccurate, they unmistakably show that Petitioners refuse to honor and acknowledge this
15 Court's ruling. Indeed, Petitioners improperly continue to advance the same meritless claim yet
16 again, unchanged and still without relevant legal support. Indeed, because Petitioners are again
17 bringing this request in improper form, Petitioners' claims are jurisdictionally defective, and they
18 must be rejected.

19 Even if the Court had the discretion to consider Petitioners' meritless objections and
20 incorrect proposed judgment, Petitioners flagrantly mischaracterize the law, the facts at issue,
21 and the Court's holding in order to falsely attempt to claim that they prevailed on this case.
22 Most egregiously, Petitioners' proposed judgment brazenly attempts to construe the Court's
23 ruling in favor of COMB as instead declaring that Petitioners are the prevailing party. However,
24 COMB clearly meets all of the requirements to be considered the prevailing party, while
25 Petitioners meet none of the requirements. Furthermore, such unreasonable behavior in this
26 lawsuit has directly and significantly increased the costs of this litigation. Therefore,

27 ¹ See California Rule of Court section 3.1590(g) (any party may object to a proposed judgment within 10 days of
28 service).

² While this Proposed Judgment was previously filed, for the Court's convenience it is attached hereto as Exhibit "A."
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1 Respondents not only intend to request their costs, to which they are unmistakably entitled as a
2 matter of law, but may also consider requesting compensation for having to respond to these
3 improperly reiterated, meritless claims. For these reasons and those further described below,
4 Respondents respectfully request that this Court overrule Petitioners' objections and sign
5 Respondents' Proposed Judgment as submitted.
6

7 **B. COMB'S PROPOSED JUDGMENT ACCURATELY REFLECTS THE COURT'S**
8 **DECISION**

9 COMB's proposed judgment briefly stated in summary form only that the Petition for
10 Writ of Mandate was denied, that judgment be entered in favor of Respondents, and that
11 Respondents be awarded costs as provided by law. (Resp. Proposed Judgment at p. 1.) These
12 statements are true and correct and comport perfectly with the Court's findings and Statement of
13 Decision and the requirements of the law. Therefore, there is unquestionably nothing
14 objectionable about COMB's Proposed Judgment, and Petitioners' objections and proposed
15 judgment stating the opposite conclusions are wholly without merit.

16 First, Petitioners make the blatantly untrue assertions that they prevailed in this case and
17 that the Court never denied their Petition for Writ of Mandate. (Objections 2:4-8.) However, the
18 actual facts are in stark contrast to Petitioners' false claims: on November 16, 2007, the Court
19 found for Respondents as to all causes of action, and the writ of mandate was denied.
20 (Reporter's Trans. at 10:4-8, 11:1-2.) Indeed, the Court plainly stated at oral argument on
21 November 16, 2007 "the Court's conclusion is as follows: that the Writ of Mandate be denied
22" and "[Petitioners'] challenge would be denied . . ." (Reporter's Trans. at 10:4-8, 11:1-2
23 [emphasis added].) This determination was reiterated in the Court's Statement of Decision, in
24 which the Court plainly stated that it "resolved these issues in favor of Respondents" and ordered
25 Respondents, as prevailing party, to prepare the Judgment. (Statement of Decision at 6:17, 7:2-3
26 [emphasis added].)

27 Furthermore, Petitioners' counsel acknowledged on the record that the Court denied the
28 writ of mandate during the November 16, 2007 hearing. (Reporter's Trans. at 11:16-25

1 [Petitioners' counsel Andrew Sabey admitting that "The Court is denying the writ of mandate
2 because COMB didn't actually attempt to implement the cascade chute or the culvert. . . ," and
3 the Court agreeing this was a fair interpretation].) This Court also found for COMB on all other
4 issues, including that COMB was the proper lead agency. (Statement of Decision at 6:15-17.)
5 Therefore, Petitioners' contentions are not only unsupported, they are directly contradicted by
6 the record and consequently must be rejected.³

7
8 **1. Petitioners' Attempt To Request That The Court Reconsider Its
Decision Is In Improper Form And Thus Cannot Be Granted**

9 Not only have Petitioners essentially reversed this Court's ruling in their proposed
10 judgment, they are also attempting to persuade the Court –for the third time now⁴ – to modify the
11 Court's decision on this case. However, this repeated, inappropriate attempt must be rejected
12 because Petitioners have not properly applied to the Court for reconsideration, revocation, or
13 modification of the Court's Order. California Code of Civil Procedure section 1008 states in
14 relevant part:

- 15 (a) When an application for an order has been made to a judge, or to a
16 court, and . . . granted . . . any party affected by the order may, within
17 10 days after service upon the party of written notice of entry of the
18 order and based upon new or different facts, circumstances, or law,
19 make application to the same judge or court that made the order, to
20 reconsider the matter and modify, amend, or revoke the prior order.
The party making the application shall state by affidavit what
application was made before, when and to what judge, what orders or
decisions were made, and what new or different facts, circumstances,
or law are claimed to be shown.
- (b) For a failure to comply with this subdivision, any order made on a

21 ³ Petitioners also complain, without citation, that Respondents were required to "provide Petitioner's [sic] counsel an
22 opportunity to review the proposed judgment before submitting it to the Court." (Objection at 1:14-15.) However,
23 Petitioners are again mistaken about the law. California Rule of Court 3.1590(g) addresses the preparation and filing
24 of a written judgment. This section requires that the court may notify a party to prepare, serve, and submit a
25 proposed judgment to the court within 10 days, and any party may serve and file objections thereto within an
26 additional 10 days. Here, the Court issued its written statement of decision on December 14, 2007 and specifically
27 instructed Respondents to submit a proposed judgment. Respondents prepared, served, and submitted the proposed
28 judgment on December 21, 2007, well within the 10-day window. In arguing that Respondents were required to
provide Petitioners' counsel an opportunity to review the proposed judgment before submitting it to the Court,
Petitioners are appearing to argue that California Rule of Court 3.1312 – which applies to interim orders rather than
final judgments – applies rather than Rule 3.1590. This is incorrect. Additionally, it should be noted that, because
Rule 3.1312 unmistakably states that the "prevailing party" prepares the order, Petitioners are, at the very least,
conceding that COMB is indeed the prevailing party by arguing that this section applies.

⁴ Petitioners first addressed these issues during oral argument. In addition, on December 12, 2007, only two days
before this Court issued its Statement of Decision, Petitioners sent a letter to this Court attempting to get the Court to
change its position, but the Court rejected its arguments, as evidenced by the Statement of Decision.

1 subsequent application may be revoked or set aside on ex parte
2 motion. . . .

3 (e) This section specifies the court's jurisdiction with regard to
4 applications for reconsideration of its orders and renewals of previous
5 motions, and applies to all applications to reconsider any order of a
6 judge or court No application to reconsider any order . . . may be
7 considered by any judge or court unless made according to this section.

8 (Code Civ. Proc., § 1008 [emphasis added].)

9 Petitioners have not complied with any of the requirements of Section 1008. (*Ibid.*) For
10 example, they have not – and cannot – cite to any different facts, circumstances, or law that
11 would allow the Court to reconsider its Order, but have merely repeated arguments previously
12 made based on pre-existing law and facts. Furthermore, Petitioners have provided no affidavits
13 or declarations in support of their inappropriate “objections.” Therefore, Petitioners have failed
14 to satisfy the Section 1008 jurisdictional prerequisites, and their objections must be dismissed.

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2. **Case Law Does Not Support Petitioners' Argument That Relief Must
Be Granted On Moot Issues**

Contrary to Petitioners' assertions that the Court is without discretion here, a review of
the law, including the requirements of the California Environmental Quality Act (“CEQA”),
clearly shows that this Court's powers in issuing relief are plenary, both in CEQA cases and
otherwise. (See Pub. Res. Code, § 21168.9 [allowing the court plenary power to fashion a
specific remedy as may be necessary to comply with CEQA's requirements] and subdivision (c)
[explicitly stating that nothing in CEQA is intended to limit the equitable powers of the courts];
Code of Civ. Proc., § 128; *Bauguess v. Paine* (1978) 22 Cal.3d 626, 635-636 [superseded by
statute on other grounds].) In addition, the cases and statutes cited by Petitioners in their
improper re-argument do not support Petitioners' position. For example, Petitioners express an
unsupported fear, belied by the actual facts, that an agency such as Caltrans will “mistakenly”
rely on the Environmental Impact Report (“EIR”) for the Highway 154 culvert project under
Public Resources Code section 21167.3 subdivision (b). (Objections at 4:11-14.) This is
nonsense. Public Resources Code section 21167.3 subdivision (b) states that other agencies can
assume an EIR complies with CEQA and can approve projects “pending final determination” of

1 a challenge to an EIR. However, such a final determination has now been made, rendering
2 Petitioners' arguments utter nonsense. In addition, Petitioners cite to the case *Sierra Club v.*
3 *Contra Costa County* (1992) 10 Cal.App.4th 1212 for the proposition that a writ must always
4 issue when an EIR has any defect, no matter how minor or inconsequential. (Objections at 2:21-
5 3:3.) However, in reality this case stands for a very different proposition: it actually says that
6 when a court finds major defects in the alternatives and mitigation sections of an EIR, a writ
7 must issue because these sections are the "core of an EIR." (*Id.* at 1217.) Furthermore, remedies
8 were available in that case because the issue was not moot as it is in the case at bar.

9 Additionally, the Court's decision not to grant the Writ of Mandate was entirely proper
10 and supported by applicable law. Public Resources Code section 21168.9 subdivision (b) clearly
11 states that a mandate should only issue (1) if it is necessary to achieve compliance with CEQA
12 and (2) only as to specific project activities in noncompliance with CEQA. Here, there are no
13 "project activities in noncompliance with CEQA"; COMB did not approve the Highway 154
14 culvert project. To the extent that Petitioners fear that Caltrans will construct the culvert project,
15 that issue will be addressed by this Court in a lawsuit filed by Petitioners against the California
16 Department of Transportation, Santa Barbara County Superior Court Case No. 1247449.
17 Therefore, any partial writ by the Court would be entirely meaningless because nothing would or
18 could be accomplished.

19 No case or statute even remotely suggests that this Court is required to issue a writ of
20 mandate on an issue that has been found to be entirely moot. Indeed, when an issue is moot, it
21 means that no effective relief is possible. (See *Assn. for a Cleaner Env't v. Yosemite Community*
22 *College Dist.* (2004) 116 Cal.App.4th 629, 641.) As the Court correctly noted, this is exactly the
23 situation here. (Statement of Decision at 6:15-7:2 [also noting that any future approval of this
24 project would require supplemental review in any case].) Petitioners refuse to respect the
25 Court's clear decision and instead request the Court reverse itself and issue a meaningless ruling,
26 apparently with the intent of setting up a meritless motion for attorneys' fees. Such posturing is
27 a waste of this Court's time and resources, and should not be rewarded.

28 ///

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3 **3. Respondents Are the Prevailing Parties And Petitioners' Claims To The
Contrary Are Not Supported By Applicable Law**

4 Under applicable case law, petitioners can be "prevailing parties" for the purposes here
5 only "if they succeed on any significant issue in litigation which achieves some of the benefit the
6 parties sought in bringing suit." (*Bowman v. City of Berkeley* (2005) 131 Cal.App.4th 173, 178
7 [emphasis added].) Thus, if a petitioner sought an order setting aside project approval and the
8 court directed that very result, the petitioner is the "prevailing party." (*Protect Our Water v.*
9 *County of Merced* (2005) 130 Cal.App.4th 488, 494-495.) A petitioner is only considered the
10 prevailing party if judgment is entered in his or her favor or "'if he received a substantial though
11 partial recovery.'" (*Stevens v. City of Glendale* (1981) 125 Cal.App.3d 986, 1001, quoting 4
12 Witkin, California Procedure (2d ed. 1971) at p. 3246 [emphasis added].) Here, Petitioners did
13 not receive any of the relief they were seeking, and achieved no benefit that they sought in
14 bringing suit, much less substantial relief on a significant issue. Consequently, Petitioners
15 cannot be the prevailing party.

16 Regarding when a respondent is considered the prevailing party, Code of Civil Procedure
17 section 1032 states that, for purposes of recovery of costs, the "prevailing party" includes "a
18 defendant where neither plaintiff nor defendant obtains any relief, and a defendant as against
19 those plaintiffs who do not recover any relief against that defendant." Moreover, when a cause
20 of action is found moot, then the prevailing party on that cause of action is the respondent
21 because the court's finding of mootness allowed the respondent "to achieve its litigation
22 objective of avoiding liability." (*City of Long Beach v. Stevedoring Services of America* (2007)
23 157 Cal. App. 4th 672, 679.)

24 Here, Respondents prevailed on all counts. Furthermore, the Court's determination that
25 any deficiencies in the EIR's analysis of the Highway 154 culvert project were entirely moot
26 allowed Respondent "to achieve its litigation objective of avoiding liability." Therefore,
27 Respondents meet every requirement to be considered the prevailing party here, and there can be
28 no valid basis for Petitioners' objection to the language in the proposed judgment stating that

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1 COMB is the prevailing party. Petitioners' objections to COMB's proposed judgment are
2 meritless, and the claims in Petitioners' proposed judgment that it is the prevailing party and that
3 a writ issue are patently false. Such egregious assertions were presumably made in an attempt to
4 set up further litigation in which Petitioners will attempt to force COMB – a public agency
5 funded with public dollars – to pay its private attorney fees. However, such a claim would
6 clearly be without merit because the Court found for Respondents on all counts and denied the
7 writ of mandate. (Statement of Decision at 6:17; Reporter's Trans. at 10:4-8, 11:16-25.)

8 Furthermore, Petitioners' objections to COMB's request for costs cannot be sustained
9 under any theory. COMB, as prevailing party, is unquestionably entitled to costs. (Code Civ.
10 Proc., § 1032 subd. (b) ["a prevailing party is entitled as a matter of right to recover costs in any
11 action or proceeding," emphasis added]; see also *Chaparral Greens v. City of Chula Vista* (1996)
12 50 Cal.App.4th 1134, 1151-1152); *Guymon v. State Bd. of Accountancy* (1976) 55 Cal.App.3d
13 1010, 1016, citing *Moran v. State Bd. of Med. Examiners* (1948) 32 Cal.App.2d 301, 315.)
14 Indeed, recovery of costs for the preparation of the administrative record, the vast majority of the
15 costs incurred by Respondents in this case, is mandatory. As Code of Civil Procedure section
16 1094.5 states, "[i]f the expense of preparing all or any part of the record has been borne by the
17 prevailing party, the expense shall be taxable as costs." ([emphasis added]; see also *Sinclair v.*
18 *Baker* (1963) 219 Cal.App.2d 817, 824; Pub. Res. Code, 21167.6 subd. (b)(1) [administrative
19 record cost must be paid by petitioner].) Here, Respondents paid nearly all of the costs for
20 preparing the administrative record, despite the fact that under CEQA, petitioners are required to
21 bear the cost of preparing the record. (*Black Historical Society v. City of San Diego* (2005) 134
22 Cal.App.4th 670, 677 ["statutory law generally requires a petitioner for a writ of mandate to bear
23 the costs of preparing the record," citing Code Civ. Proc., §§ 1094.5, subd. (a), 1094.6, subd. (c);
24 Pub. Res. Code, § 21167.6, subd. (b)(1)].) Petitioners should not be allowed to evade the
25 requirements of the law on this issue.

26 ///

27 ///

28 ///

RV PUBVMCUSHMAN743352.2

1 **III. CONCLUSION**

2 For all of the foregoing reasons, Respondents respectfully request that this Court overrule
3 Petitioners' objections and sign Respondents' Proposed Judgment as submitted. To the extent
4 the Court disagrees with any statement in Respondents' Proposed Judgment, Respondents
5 request that the Court identify any outstanding issues and allow Respondents to revise their
6 proposed Judgment accordingly.

7
8 Dated: January 8, 2008

BEST BEST & KRIEGER LLP

9
10
11 By: _____

GREGORY K. WILKINSON

MICHELLE OUELLETTE

CHARITY B. SCHILLER

Attorneys for Respondent and Real Party in Interest
Cachuma Operation and Maintenance Board and
Cachuma Conservation Release Board

LAW OFFICES OF
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PROOF OF SERVICE

At the time of service I was over 18 years of age and not a party to this action. My business address is Best Best & Krieger LLP, 3750 University Avenue, Suite 400, P.O. Box 1028, Riverside, California 92502. On January 8, 2008, I served the following document(s):

OBJECTION TO PETITIONERS' PROPOSED JUDGMENT AND OPPOSITION TO PETITIONERS' OBJECTIONS TO PROPOSED JUDGMENT

By United States mail. I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses listed below (specify one):

Deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.

Placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Riverside, California.

By overnight delivery. I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses listed below. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

Andrew B. Sabey
Cox, Castle & Nicholson LLP
555 California St., 10th Floor
San Francisco, CA 94104

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

Executed on January 8, 2008, at Riverside, California.

Arlene P. Cabang

FILED
SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA

JAN 10 2008

GARY M. BLAIR, Executive Officer
BY B. Glynn
B. GLYNN, Deputy Clerk

BEST, BEST, KRIEGER

JAN 14 2008

DE _____
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COD _____
ST _____

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA BARBARA

12	NANCY CRAWFORD-HALL, et al.)	Case No.: 1171135
13)	
13	Petitioners,)	Judgment
14	vs.)	
15)	
15	CACHUMA OPERATION AND)	
16	MAINTENANCE BOARD, et al.)	
16)	

On August 10, 2007 and on November 16, 2007 in Department SM1 of the above-entitled court, hearings were held on the Petition for Writ of Mandate filed by Nancy Crawford-Hall and San Lucas Ranch, Inc. challenging the Cachuma Operation and Maintenance Board's and Cachuma Conservation Release Board's approval of the implementation of certain portions of the Lower Santa Ynez River Fish Management Plan and Biological Opinion and certification of the associated Environmental Impact Report.

Michelle Ouellette and Charity Schiller of Best, Best & Krieger, LLP, appeared on behalf of Respondent Cachuma Operation and Maintenance Board and Real Party in Interest, Cachuma Conservation Release Board; Andrew Sabey and Chad Hales of Cox, Castle, and Nicholson, LLP, appeared on behalf of Peititioners Nancy Crawford-Hall and San Lucas Ranch, Inc.

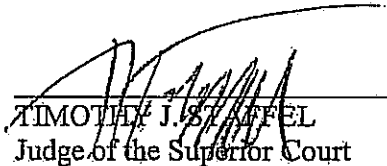
1 After hearing the evidence, the argument of counsel, and after considering all papers filed
2 with the Court, and the cause having been argued and submitted for decision:

3
4 **Judgment is rendered as follows:**

5 The Petition for Writ of Mandate is denied as set forth in this Court's Proposed Statement
6 of Decision. The Court specifically finds that the Environmental Impact Report is inadequate to
7 support measures to develop fish habitat on upper Hilton Creek because it lacks substantial
8 evidence to show that steelhead could survive there and fails to consider land use impacts if they
9 did. Issuance of a limited writ with respect to the EIR is unnecessary as the measures in question
10 were not adopted by Respondent or Real Party in Interest.

11
12 Given the specific findings made by the Court in this matter, neither side is the prevailing
13 party and each side shall bear its own costs, with the exception that Petitioner and Respondent
14 shall each bear one half the cost of the preparation of the Administrative Record.

15 DATED: January 10, 2008

16
17
18 
19 TIMOTHY J. STAFFEL
20 Judge of the Superior Court
21
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**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, November 19, 2007

1. Call to Order, Roll Call

The meeting was called to order at 3:50 p.m. by President Chuck Evans, who chaired the meeting. Those in attendance were:

Directors present:

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

Others present:

Kate Rees	William Hair (via conference phone)
Brett Gray	Tom Mosby
Bob Roebuck	Charles Hamilton
Chip Wullbrandt	Chris Dahlstrom
Rebecca Bjork	Janet Gingras
David McDermott	Bill Ferguson
Gary Kvistad	

- 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)**

The Board went into closed session at 3:58 p.m. The Board came out of closed session at 4:18 p.m. There was nothing to report out of closed session.

3. Public Comment

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PAGE 1

Das Williams, as a concerned citizen spoke about two eminent domain initiatives that are being submitted for qualification on the ballot. He felt that the passage of these initiatives might create some problems for water supply.

4. **Consent Agenda**

a. **Minutes:**

October 22, 2007 Regular Board Meeting

b. **Investment Funds**

Financial Report

Investment Report

c. **Payment of Claims**

Director Abel moved to approve the Consent Agenda, seconded by Director Williams, motion passed, 7/0/0.

5. **Reports from the Manager**

a. **Water Storage, Water Production Use, SWP Accounting**

b. **Operations Report**

The October report on operations from Brett Gray was included in the board packet. Mr. Gray highlighted the SCC pipeline inspections that have been conducted by the COMB field crew. He reported that approximately 10% of the pipeline in the upper reach of the SCC has been inspected and overall the pipeline looks to be in very good condition. The information gathered will be used for comparison to any changes that may occur to the infrastructure. Mr. Gray will have a full report for the Board after the inspections have been completed and the information compiled in a report.

c. **2006 Surcharge Accounting**

Ms. Rees reported that the downstream water rights release ended on November 5, 2007 and were used conjunctively to meet fisheries target flows. Any further releases needed to meet target flows will come out of project yield until we have sufficient rainfall to generate natural base flow in Hilton Creek and the lower Santa Ynez River. The 2006 surcharge balance will continue to reserve 3,200 acre feet to supplement fish passage migration flows if favorable storm conditions occur during the rainy season.

d. **Cachuma Reservoir Current Conditions**

Date 11/19/2007

ITEM # 4a

PAGE 2

Lake elevation	725.6
Storage	124,404 acre feet
Rain (for the month to date)	0.03 inches
Rain YTD (for the season to date)	0.37 inches
Fish Release-Hilton Creek	12.1 acre feet per day
Month to Date Fish Release	187.8 acre feet
Month to Date Spill	0.00 acre feet

6. Meeting with Reclamation November 1, 2007

a. Prevention of Quagga Mussels at Lake Cachuma

Ms. Rees highlighted a meeting with Michael Jackson, SCC Area Manager, concerning the infestation of Quagga mussels into the California waterways. She summarized the Member Units' concern regarding significant impacts to Cachuma Project facilities that would occur if Lake Cachuma were to become infested with the Quagga mussels. At this time Reclamation is not proactively addressing the mussel issue and would like to find out what is being done at the state level. The Directors expressed the seriousness of the impact the mussel would have on the water supply if Cachuma were to become infested. Bob Roebuck, MWD General Manager, recommended that the Board direct legal counsel to draft a letter to the County Board of Supervisors expressing the seriousness of the situation and resulting high cost of a contamination. He also suggested that because mussels are transferred from infected waters via private boats that are allowed on the lake, we should request that the County cease boating activities on Lake Cachuma until they develop a plan that would eliminate the threat of a mussel infestation. Mr. Roebuck also felt that the County should be held liable for damages to all of Cachuma facilities if an infestation occurs. The Board directed Bill Hair, COMB's General Counsel, to draft letter to that affect to be reviewed by President Evans and Ms. Rees. Director Loudon suggested that a separate letter be sent to Reclamation stating the major concerns about possible infestation of Quagga mussels and impacts to the Cachuma water supply delivery system, and request that they notify us of any measures they are taking to protect our water supply.

Mr. Hair will draft the letters as instructed. Mr. Rees will prepare additional information on the Quagga mussel for the next Board meeting.

b. Ortega Reservoir Homeowners Association Access License

Ms. Rees also reported on another topic of discussion during the Reclamation meeting. The homeowners in the Ortega Reservoir area have long wanted to be able to use Ortega Ridge Road to access their properties. Since the covering of the reservoir, the water quality issue is no longer a concern to COMB. It was determined that the best method to accommodate the landowners request would be for COMB to grant the landowners a license to use the road. A draft license will be presented to the Directors at the next Board meeting.

7. Santa Barbara County's Integrated Regional Water Management Plan
a. Prop 50 Round 2 Step 2 Grant Application Process

Ms. Rees reported that the Santa Barbara Countywide plan was called back for the Step 2 application. The step 2 grant application is currently being developed and will be submitted to the state by January 15, 2008. A detailed work plan and budget had been prepared for COMB by Boyle Engineering. After compiling the work plan, it was estimated that the project cost would be \$8.6 million instead of \$10 million which proportionately reduces the grant request from \$4 million to \$3.4 million. It was noted that the Santa Barbara Countywide IRWMP lacks environmental projects. With the COMB project now estimated to be a lower cost than initially determined, there is the possibility that a City of Santa Barbara project, which includes more environmental work, could be added to the project grant list. In order to accommodate adding this project, a portion of the total grant request will need to be designated for the City. With support from the other Directors, Director Williams moved to adjust COMB's grant request downward by \$600,000 due to the decrease in the project costs. The Board authorized Ms Rees to offer an additional \$400,000 reduction in COMB's request if the other agencies on the project list were unable to cut their grant request amounts sufficiently. By adding the City project, the entire grant proposal has a better chance of being successful. The decrease in the amount of funding requested by COMB would subsequently lower the cost COMB would pay to CH2M Hill for the grant application process. The motion was seconded by Director Lieberknecht, passed 7/0/0.

8. Zaca Fire Activities

Ms. Rees reported that she and Cathy Taylor, City of Santa Barbara senior engineer, had met with Barry Hecht of Balance Hydrologics, and reviewed his proposal. An estimated cost of \$74,000 had also been received from MNS Engineering for performing a Bathymetric Survey of Lake Cachuma next summer.

9. COMB Website Development

Ms. Rees presented highlights of the COMB website that is currently under construction by Rauch Communication. It is scheduled to be completed by the first of the year.

10. Disposition of Excess Funds From FY 2006-2007 and FY 2007-2008 Budget Augmentation

a. \$225,000 Post-Zaca Fire Protection Measures for Lake Cachuma

At the September 24, 2007 Board meeting, the Board of Directors authorized \$225,000 of the \$388,679 from the unexpended FY 2006-07 funds for post-Zaca Fire activities that might result from winter storms. The funds would be paid to the Santa Barbara County Flood Control District for installation of log booms (\$30k), Cushman Construction for removal of floating debris on the lake (\$120k) and Balance Hydrologics for the preparation of a post-fire Watershed Assessment

(\$25k). The remainder of the \$50k would be considered an unallocated cushion for additional restoration work.

b. \$50,000 IRWMP – Increase in Consultant Costs for Prop 50 Round 2 Step 2 Grand Application for 2nd Pipeline Project

Also at the September 24, 2007 Board meeting the Board approved participation in a second MOU for the continued administration of the Santa Barbara County-wide IRWMP and preparation of the Round 2 Step 2 grant application. The grant process will be more expensive than the anticipated \$35,000; therefore a budget augmentation of \$50,000 would be needed to cover these expenses and also to cover the cost of services of Boyle Engineering.

Director Williams moved to approve the recommendations:

1. Approve budget augmentation in the amount \$225,000 for post Zaca Fire activities and allocate costs among the COMB Member Units by Cachuma entitlement percentages.
2. Approve budget augmentation in the adjusted amount as discussed during Item #7, for Proposition 50 IRWMP Round 2 Step 2 grant application for the 2nd Pipeline Project and allocate costs among the South Coast Member Units only by entitlement percentages.
3. Designate a total of \$275,000 in excess funds from FY 2006-07 to be used for post-Zaca Fire protection measures for Lake Cachuma and Proposition 50 IRWMP Round 2 Step 2 grant application for the 2nd Pipeline Project.
4. Designate any remaining unexpended funds from FY 2006-07 to be constructively returned through offset to 4th quarter assessments.

Seconded by Director Evans passed 7/0/0.

11. Directors' Request for Agenda Items for Next Meeting

Director Williams requested that at some time the subject of how eminent domain reform could affect our future operations be added to the agenda.

12. Meeting Schedule

The Board agreed to cancel the December 17, 2007 regular meeting, the next regular COMB Board meeting will be January 28, 2008 following the CCRB meeting at the COMB office.

The Board Packets are available on the CCRB-COMB Website, www.ccrb-comb.org

13. COMB Adjournment

There being no further business, the meeting was adjourned at 5:36 p.m.

Respectfully submitted,

Kate Rees, Secretary of the Board

APPROVED:

Chuck Evans, President

comb/11.19.07COMB Min

Approved _____

Unapproved _____ ✓

ITEM # 4a
PAGE 6

comb2
Balance Sheet
 As of November 30, 2007

	<u>Nov 30, 07</u>
ASSETS	
Current Assets	
Checking/Savings	
1050 · GENERAL FUND	15,842.12
1100 · REVOLVING FUND	7,871.95
TRUST FUNDS	
1220 · RENEWAL FUND	5,520.58
1210 · WARREN ACT TRUST FUND	220,258.58
Total TRUST FUNDS	<u>225,779.16</u>
Total Checking/Savings	249,493.23
Other Current Assets	
1010 · PETTY CASH	400.00
1200 · LAIF	1,650,734.68
1300 · DUE FROM CCRB	70,359.95
1302 · ASSESSMENTS RECEIVABLE-CARP	43,652.25
1303 · SOD Act Assessments Receivable	52,824.00
1400 · PREPAID INSURANCE	11,600.72
1401 · W/C INSURANCE DEPOSIT	3,906.00
Total Other Current Assets	<u>1,833,477.60</u>
Total Current Assets	2,082,970.83
Fixed Assets	
1500 · VEHICLES	291,882.50
1505 · OFFICE FURN & EQUIPMENT	169,593.40
1510 · TRAILERS	97,803.34
1515 · FIELD EQUIPMENT	315,952.43
1525 · PAVING	22,350.00
1550 · ACCUMULATED DEPRECIATION	-633,192.50
Total Fixed Assets	<u>264,389.17</u>
Other Assets	
1910 · LT SOD Act Assess Receivable	6,770,319.07
Total Other Assets	<u>6,770,319.07</u>
TOTAL ASSETS	<u><u>9,117,679.07</u></u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
2200 · ACCOUNTS PAYABLE	260,406.06
Total Accounts Payable	<u>260,406.06</u>
Other Current Liabilities	
2592 · DEFERRED REVENUE - SCC DESI...	114,400.00
2550 · VACATION/SICK	71,006.19
2560 · CACHUMA ENTITLEMENT	-0.01
2561 · BRADBURY DAM SOD ACT	52,824.00
2562 · SWRCB-WATER RIGHTS FEE	-2,056.48
2590 · DEFERRED REVENUE	225,779.16
Payroll-DepPrm Admin	34.62
Payroll-DepPrm Ops	9.24
Total Other Current Liabilities	<u>461,996.72</u>
Total Current Liabilities	722,402.78
Long Term Liabilities	
2603 · LT SOD Act Liability - Lauro	1,060,000.00
2600 · Lease Obligation Payable	15,203.50
2601 · Note Payable SBB&T	43,652.25
2602 · SOD Act Liability-Long Term	5,710,319.07
Total Long Term Liabilities	<u>6,829,174.82</u>

8:43 AM
12/24/07
Accrual Basis

comb2
Balance Sheet
As of November 30, 2007

	<u>Nov 30, 07</u>
Total Liabilities	7,551,577.60
Equity	
3000 · Opening Bal Equity	0.95
3901 · Retained Earnings	1,181,912.75
Net Income	384,187.77
Total Equity	<u>1,566,101.47</u>
TOTAL LIABILITIES & EQUITY	<u><u>9,117,679.07</u></u>

comb2
Profit & Loss Budget vs. Actual
July through November 2007

	Jul - Nov 07	Budget	\$ Over Budget	% of Budget
Income				
3000 REVENUE				
3001 · O&M Budget	2,121,317.18			
3003 · Assessment Revenue-Carp	594.63			
3010 · Interest Income	34,182.38			
3020 · Misc Income	482.16			
3070 · OES 2005 Storm 1577 Reimb	700.00			
Total 3000 REVENUE	<u>2,157,276.35</u>			
Total Income	<u>2,157,276.35</u>			
Gross Profit	<u>2,157,276.35</u>			
Expense				
4000 · Reconciliation Discrepancies	-0.16			
3100 LABOR				
3150 · Health & Workers Comp	60,339.92	157,010.00	-96,670.08	38.43%
3155 · PERS	30,102.86	83,745.00	-53,642.14	35.95%
3160 · Payroll Comp FICA Ops	13,352.09	35,755.00	-22,402.91	37.34%
3165 · Payroll Comp MCARE Ops	3,122.79	8,362.00	-5,239.21	37.35%
3100 LABOR - Other	0.00	541,693.00	-541,693.00	0.0%
Total 3100 LABOR	<u>298,148.45</u>	<u>826,565.00</u>	<u>-528,416.54</u>	<u>36.07%</u>
3200 VEH & EQUIPMENT				
3201 · Vehicle/Equip Mtce	12,239.49	38,000.00	-25,760.51	32.21%
3202 · Fixed Capital	5,466.09	47,000.00	-41,533.91	11.63%
3203 · Equipment Rental	7,244.15	25,000.00	-17,755.85	28.98%
3204 · Miscellaneous	10,992.62	16,000.00	-5,007.38	68.7%
Total 3200 VEH & EQUIPMENT	<u>35,942.35</u>	<u>126,000.00</u>	<u>-90,057.65</u>	<u>28.53%</u>
3300 · CONTRACT LABOR				
3301 · Conduit, Meter, Valve & Misc	6,660.65	12,000.00	-5,339.35	55.51%

comb2
Profit & Loss Budget vs. Actual
July through November 2007

	Jul - Nov 07	Budget	\$ Over Budget	% of Budget
TOTAL				
3302 · Buildings & Roads	12,906.91	16,000.00	-3,093.09	80.67%
3303 · Reservoirs	32,971.52	52,000.00	-19,028.48	63.41%
3304 · Engineering, Misc Services	14,347.54	22,000.00	-7,652.46	65.22%
Total 3300 · CONTRACT LABOR	66,886.62	102,000.00	-35,113.38	65.58%
3400 · MATERIALS & SUPPLIES				
3401 · Conduit, Meter, Valve & Misc	22,027.74	22,000.00	27.74	100.13%
3402 · Buildings & Roads	5,826.61	22,000.00	-16,173.39	26.49%
3403 · Reservoirs	3,900.98	10,000.00	-6,099.02	39.01%
Total 3400 · MATERIALS & SUPPLIES	31,755.33	54,000.00	-22,244.67	58.81%
3500 · OTHER EXPENSES				
3501 · Utilities	1,645.95	6,500.00	-4,854.05	25.32%
3502 · Uniforms	2,047.07	6,500.00	-4,452.93	31.49%
3503 · Communications	5,898.34	20,000.00	-14,161.66	29.19%
3504 · USA & Other Services	869.85	4,000.00	-3,130.15	21.75%
3505 · Miscellaneous	3,349.22	6,000.00	-2,650.78	55.82%
3506 · Training	2,279.99	7,000.00	-4,720.01	32.57%
Total 3500 · OTHER EXPENSES	16,030.42	50,000.00	-33,969.58	32.06%
4999 · GENERAL & ADMINISTRATIVE				
5000 · Director Fees				
5001 · Director Mileage	378.05	1,000.00	-621.95	37.81%
5000 · Director Fees - Other	4,480.00	11,000.00	-6,520.00	40.73%
Total 5000 · Director Fees	4,858.05	12,000.00	-7,141.95	40.48%
5100 · Legal	14,957.00	57,000.00	-42,043.00	26.24%
5101-1 · Audit	10,000.00	10,000.00	0.00	100.0%
5150 · Unemployment Tax	0.00	6,500.00	-6,500.00	0.0%
5200 · Liability Insurance	30,278.00	44,000.00	-13,722.00	68.81%
5201 · Health & Workers Comp	27,985.21	54,970.00	-26,984.79	50.91%
5250 · PERS	12,959.99	30,675.00	-17,715.01	42.25%
5260 · Comp FICA Admin	4,639.00	12,416.00	-7,777.00	37.36%

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PAGE 4

comb2
Profit & Loss Budget vs. Actual
July through November 2007

TOTAL

	Jul - Nov 07	Budget	\$ Over Budget	% of Budget
5265 · Comp MCARE Admin	1,207.19	2,903.00	-1,695.81	41.58%
5300 · Manager Salary	18,346.63	43,365.00	-25,018.37	42.31%
5301 · Administrative Manager	35,756.52	85,417.00	-49,660.48	41.86%
5306 · Administrative Assistant	22,503.36	53,190.00	-30,686.64	42.31%
5310 · Postage/Office Exp	2,235.50	9,000.00	-6,764.50	24.84%
5311 · Office Equip/Leases	1,915.78	6,200.00	-4,284.22	30.9%
5312 · Misc Admin Expenses	10,442.04	8,000.00	2,442.04	130.53%
5313 · Communications	1,032.93	12,000.00	-10,967.07	8.61%
5314 · Utilities	3,052.66	5,300.00	-2,247.34	57.6%
5315 · Membership Dues	3,806.50	6,850.00	-3,043.50	55.57%
5316 · Admin Fixed Assets	0.00	7,000.00	-7,000.00	0.0%
5325 · Emp Training/Subscriptions	584.79	4,500.00	-3,915.21	13.0%
5330 · Admin Travel/Conferences	787.18	6,000.00	-5,212.82	13.12%
5331 · Public Information	57.27	8,000.00	-7,942.73	0.72%
5332 · Transportation	113.16	1,200.00	-1,086.84	9.43%
Total 4999 · GENERAL & ADMINISTRATIVE	207,518.75	486,486.00	-278,967.24	42.66%
5510 · Integrated Reg. Water Mgt Plan	59,134.80	60,000.00	-865.20	98.56%
6000 · SPECIAL PROJECTS				
6062 · SCADA	14,321.84	30,000.00	-15,678.16	47.74%
6090-1 · COMB Bldg/Grounds Repair	1,425.60	50,000.00	-48,574.40	2.85%
6092 · SCC Improv Plan & Design	198,303.81	250,000.00	-51,696.19	79.32%
6095 · SCC Valve & Cntrl Sta Rehab	333,946.10	450,000.00	-116,053.90	74.21%
6095-1 · Lauro Debris Basin Rehab	10,638.06	1,144,050.23	-1,133,412.17	0.93%
6095-2 · Lauro Debris Basin CR	0.00	-544,050.23	544,050.23	0.0%
6096 · SCC Structure Rehabilitation	423,470.16	450,000.00	-26,529.84	94.1%
6097 · GIS and Mapping	8,834.66	40,000.00	-31,165.34	22.09%
Total 6000 · SPECIAL PROJECTS	990,940.23	1,870,000.00	-879,059.77	52.99%
6400 · STORM DAMAGE				
6402-1 · Zaca Fire Damage - CR	0.00	-225,000.00	225,000.00	0.0%
6401 · Storm Damage 2005	0.00	100,000.00	-100,000.00	0.0%
6402 · Zaca Fire Damage	30,030.00	225,000.00	-194,970.00	13.35%
Total 6400 · STORM DAMAGE	30,030.00	100,000.00	-69,970.00	30.03%

ITEM # 46
PAGE 5

comb2
Profit & Loss Budget vs. Actual
 July through November 2007

	Jul - Nov 07	Budget	\$ Over Budget	% of Budget
TOTAL				
7000 · LEGAL & LITIGATION				
7002 · Spec Counsel-FMP-BO EIS/R	36,106.83	100,000.00	-63,893.17	36.11%
Total 7000 · LEGAL & LITIGATION	36,106.83	100,000.00	-63,893.17	36.11%
7006 · INTEREST EXPENSE	594.63			
PAYROLL				
Gross	0.60			
Gross-CCRB	-0.29			
Total PAYROLL	0.31			
Total Expense	1,773,088.58	3,775,051.00	-2,001,962.42	46.97%
Net Income	384,187.77	-3,775,051.00	4,159,238.77	-10.18%

comb2
Balance Sheet
 As of December 31, 2007

	<u>Dec 31, 07</u>
ASSETS	
Current Assets	
Checking/Savings	
1050 · GENERAL FUND	25,109.05
1100 · REVOLVING FUND	8,762.52
TRUST FUNDS	
1220 · RENEWAL FUND	5,525.39
1210 · WARREN ACT TRUST FUND	220,562.05
Total TRUST FUNDS	<u>226,087.44</u>
Total Checking/Savings	259,959.01
Other Current Assets	
1010 · PETTY CASH	400.00
1200 · LAIF	1,230,734.68
1300 · DUE FROM CCRB	117,872.47
1302 · ASSESSMENTS RECEIVABLE-CARP	29,125.02
1303 · SOD Act Assessments Receivable	52,824.00
1400 · PREPAID INSURANCE	11,600.72
1401 · W/C INSURANCE DEPOSIT	3,906.00
Total Other Current Assets	<u>1,446,462.89</u>
Total Current Assets	1,706,421.90
Fixed Assets	
1500 · VEHICLES	291,882.50
1505 · OFFICE FURN & EQUIPMENT	169,593.40
1510 · TRAILERS	97,803.34
1515 · FIELD EQUIPMENT	315,952.43
1525 · PAVING	22,350.00
1550 · ACCUMULATED DEPRECIATION	-633,192.50
Total Fixed Assets	<u>264,389.17</u>
Other Assets	
1910 · LT SOD Act Assess Receivable	6,770,319.07
Total Other Assets	<u>6,770,319.07</u>
TOTAL ASSETS	<u><u>8,741,130.14</u></u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
2200 · ACCOUNTS PAYABLE	67,842.39
Total Accounts Payable	<u>67,842.39</u>
Other Current Liabilities	
2550 · VACATION/SICK	71,006.19
2560 · CACHUMA ENTITLEMENT	-0.01
2561 · BRADBURY DAM SOD ACT	52,824.00
2562 · SWRCB-WATER RIGHTS FEE	1.52
2590 · DEFERRED REVENUE	226,087.44
Payroll-DepPrm Admin	29.62
Payroll-DepPrm Ops	9.24
Total Other Current Liabilities	<u>349,958.00</u>
Total Current Liabilities	417,800.39
Long Term Liabilities	
2603 · LT SOD Act Liability - Lauro	1,060,000.00
2600 · Lease Obligation Payable	15,203.50
2601 · Note Payable SBB&T	29,125.02
2602 · SOD Act Liability-Long Term	5,710,319.07
Total Long Term Liabilities	<u>6,814,647.59</u>

comb2
Balance Sheet
As of December 31, 2007

	<u>Dec 31, 07</u>
Total Liabilities	7,232,447.98
Equity	
3000 - Opening Bal Equity	0.95
3901 - Retained Earnings	1,181,912.75
Net Income	326,768.46
Total Equity	<u>1,508,682.16</u>
TOTAL LIABILITIES & EQUITY	<u><u>8,741,130.14</u></u>

8:10 AM
01/22/08
Accrual Basis

comb2
Profit & Loss Budget vs. Actual
July through December 2007

	Jul - Dec 07	Budget	\$ Over Budget	% of Budget
TOTAL				
Income				
3000 REVENUE				
3001 · O&M Budget	2,243,925.48			
3003 · Assessment Revenue-Carp	1,032.66			
3010 · Interest Income	34,195.64			
3020 · Misc Income	482.16			
3070 · OES 2005 Storm 1577 Reimb	700.00			
Total 3000 REVENUE	2,280,335.94			
Total Income	2,280,335.94			
Gross Profit	2,280,335.94			
Expense				
3100 LABOR				
3150 · Health & Workers Comp	69,206.46	157,010.00	-87,803.54	44.08%
3155 · PERS	35,228.18	83,745.00	-48,516.82	42.07%
3160 · Payroll Comp FICA Ops	15,231.95	35,755.00	-20,523.05	42.6%
3165 · Payroll Comp MCARE Ops	3,646.68	8,362.00	-4,715.32	43.61%
3100 LABOR - Other	0.00	541,693.00	-541,693.00	0.0%
Total 3100 LABOR	347,615.79	826,565.00	-478,949.21	42.06%
3200 VEH & EQUIPMENT				
3201 · Vehicle/Equip Mtce	14,359.95	38,000.00	-23,640.05	37.79%
3202 · Fixed Capital	5,466.09	47,000.00	-41,533.91	11.63%
3203 · Equipment Rental	8,784.05	25,000.00	-16,215.95	35.14%
3204 · Miscellaneous	11,350.87	16,000.00	-4,649.13	70.94%
Total 3200 VEH & EQUIPMENT	39,960.96	126,000.00	-86,039.04	31.72%
3300 · CONTRACT LABOR				
3301 · Conduit, Meter, Valve & Misc	7,177.75	12,000.00	-4,822.25	59.82%
3302 · Buildings & Roads	13,457.88	16,000.00	-2,542.12	84.11%
3303 · Reservolts	41,828.40	52,000.00	-10,171.60	80.44%
3304 · Engineering, Misc Services	15,978.13	22,000.00	-6,021.87	72.63%
Total 3300 · CONTRACT LABOR	78,442.16	102,000.00	-23,557.84	76.9%
3400 · MATERIALS & SUPPLIES				
3401 · Conduit, Meter, Valve & Misc	22,027.74	22,000.00	27.74	100.13%

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PAGE 9

comb2
Profit & Loss Budget vs. Actual
July through December 2007

	Jul - Dec 07	Budget	\$ Over Budget	% of Budget
TOTAL				
3402 · Buildings & Roads	6,203.05	22,000.00	-15,796.95	28.2%
3403 · Reservoirs	3,900.98	10,000.00	-6,099.02	39.01%
Total 3400 · MATERIALS & SUPPLIES	32,131.77	54,000.00	-21,868.23	59.5%
3500 · OTHER EXPENSES				
3501 · Utilities	1,971.15	6,500.00	-4,528.85	30.33%
3502 · Uniforms	2,047.07	6,500.00	-4,452.93	31.49%
3503 · Communications	7,004.43	20,000.00	-12,995.57	35.02%
3504 · USA & Other Services	956.25	4,000.00	-3,043.75	23.91%
3505 · Miscellaneous	4,167.31	6,000.00	-1,832.69	69.46%
3506 · Training	2,419.99	7,000.00	-4,580.01	34.57%
Total 3500 · OTHER EXPENSES	18,566.20	50,000.00	-31,433.80	37.13%
4999 · GENERAL & ADMINISTRATIVE				
5000 · Director Fees				
5001 · Director Mileage	378.05	1,000.00	-621.95	37.81%
5000 · Director Fees - Other	4,480.00	11,000.00	-6,520.00	40.73%
Total 5000 · Director Fees	4,858.05	12,000.00	-7,141.95	40.48%
5100 · Legal				
5101-1 · Audit	18,884.72	57,000.00	-38,115.28	33.13%
5150 · Unemployment Tax	0.00	10,000.00	0.00	100.0%
5200 · Liability Insurance	17,187.40	6,500.00	-6,500.00	0.0%
5201 · Health & Workers Comp	32,983.13	44,000.00	-26,812.60	39.06%
5250 · PERS	15,346.77	54,970.00	-21,986.87	60.0%
5260 · Comp FICA Admin	5,359.76	30,675.00	-15,328.23	50.03%
5265 · Comp MCARE Admin	1,429.27	12,416.00	-7,056.24	43.17%
5300 · Manager Salary	21,682.38	2,903.00	-1,473.73	49.23%
5301 · Administrative Manager	42,436.26	43,365.00	-21,682.62	50.0%
5306 · Administrative Assistant	26,594.89	85,417.00	-42,980.74	49.68%
5310 · Postage/Office Exp	2,385.59	53,190.00	-26,595.11	50.0%
5311 · Office Equip/Leases	2,402.92	9,000.00	-6,614.41	26.51%
5312 · Misc Admin Expenses	11,144.68	6,200.00	-3,797.08	38.76%
5313 · Communications	1,249.90	8,000.00	3,144.68	139.31%
5314 · Utilities	3,557.93	12,000.00	-10,750.10	10.42%
5315 · Membership Dues	4,556.50	5,300.00	-1,742.07	67.13%
5316 · Admin Fixed Assets	0.00	6,850.00	-2,293.50	66.52%
		7,000.00	-7,000.00	0.0%

comb2
Profit & Loss Budget vs. Actual
July through December 2007

	Jul - Dec 07	Budget	\$ Over Budget	% of Budget
5325 · Emp Training/Subscriptions	584.79	4,500.00	-3,915.21	13.0%
5330 · Admin Travel/Conferences	1,950.78	6,000.00	-4,049.22	32.51%
5331 · Public Information	5,750.98	8,000.00	-2,249.02	71.89%
5332 · Transportation	130.93	1,200.00	-1,069.07	10.91%
Total 4999 · GENERAL & ADMINISTRATIVE	230,477.63	486,486.00	-256,008.37	47.38%
5510 · Integrated Reg. Water Mgt Plan	59,134.80	60,000.00	-865.20	98.56%
6000 · SPECIAL PROJECTS				
6062 · SCADA	15,098.11	30,000.00	-14,901.89	50.33%
6090-1 · COMB Bldg/Grounds Repair	1,425.60	50,000.00	-48,574.40	2.85%
6092 · SCC Improv Plan & Design	248,413.34	250,000.00	-1,586.66	99.37%
6095 · SCC Valve & Cntrl Sta Rehab	333,946.10	450,000.00	-116,053.90	74.21%
6095-1 · Lauro Debris Basin Rehab	39,027.40	1,144,050.23	-1,105,022.83	3.41%
6095-2 · Lauro Debris Basin CR	0.00	-544,050.23	544,050.23	0.0%
6096 · SCC Structure Rehabilitation	424,485.77	450,000.00	-25,514.23	94.33%
6097 · GIS and Mapping	8,889.66	40,000.00	-31,110.34	22.22%
Total 6000 · SPECIAL PROJECTS	1,071,285.98	1,870,000.00	-798,714.02	57.29%
6400 · STORM DAMAGE				
6402-1 · Zaca Fire Damage - CR	0.00	-225,000.00	225,000.00	0.0%
6401 · Storm Damage 2005	0.00	100,000.00	-100,000.00	0.0%
6402 · Zaca Fire Damage	30,030.00	225,000.00	-194,970.00	13.35%
Total 6400 · STORM DAMAGE	30,030.00	100,000.00	-69,970.00	30.03%
7000 · LEGAL & LITIGATION				
7002 · Spec Counsel-FMP-BO EIS/R	44,889.48	100,000.00	-55,110.52	44.89%
Total 7000 · LEGAL & LITIGATION	44,889.48	100,000.00	-55,110.52	44.89%
7006 · INTEREST EXPENSE	1,032.66			
PAYROLL				
Gross	0.69			
Gross-CCRB	-0.40			
Total PAYROLL	0.29			
Total Expense	1,953,567.48	3,775,051.00	-1,821,483.52	51.75%
Net Income	326,768.46	-3,775,051.00	4,101,819.46	-8.66%

ITEM # 46
PAGE 11

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Local Agency Investment Fund
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November, 2007 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
11-27-2007	11-26-2007	RD	1148243	KATHLEEN REES	510,000.00

Account Summary

Total Deposit :	510,000.00	Beginning Balance :	1,140,734.68
Total Withdrawal :	0.00	Ending Balance :	1,650,734.68 ✓

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 November, 2007, 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 Rees
 Secretary

ITEM # 46
 PAGE 12

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

This Statement Covers

From: 11/01/07
Through: 11/30/07

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

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Washington Mutual Bank, FA

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Your Account at a Glance

Beginning Balance	<i>12/12/07</i>	\$5,515.87	Interest Earned	\$4.71
Checks Paid		\$0.00	Annual Percentage Yield Earned	1.04%
Other Withdrawals		\$0.00	YTD Interest Paid	\$222.28
Deposits		+\$4.71	YTD Interest Withheld	\$0.00
Ending Balance		\$5,520.58		

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 *November*, 2007, 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 Rees
Secretary

ITEM # 46
PAGE 13

P.O. BOX 1098
NORTHRIDGE, CA 91328-1098**This Statement Covers**From: 11/01/07
Through: 11/30/07CACHUMA OPERATION AND MAINTENANCE BOARD
TRUST FUND
3301 LAUREL CANYON RD
SANTA BARBARA CA 93105-2017

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Your Guaranteed Great Rate Money Market Detail InformationCACHUMA OPERATION AND MAINTENANCE BOARD
TRUST FUNDAccount Number: 871-849358-3
Washington Mutual Bank, FA

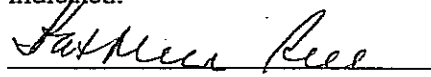
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Your Account at a Glance

Beginning Balance	<i>KR 12/12/07</i> \$219,962.08 ✓	Interest Earned	\$296.50
Checks Paid	\$0.00	Annual Percentage Yield Earned	1.65%
Other Withdrawals	\$0.00	YTD Interest Paid	\$1,339.50
Deposits	+\$296.50	YTD Interest Withheld	\$0.00
Ending Balance	\$220,258.58		

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 November, 2007, 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.


SecretaryITEM # 46PAGE 14

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CACHUMA O&M BOARD



December, 2007 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
12-11-2007	12-10-2007	RW	1149890	KATHLEEN REES	- 300,000.00
12-12-2007	12-11-2007	RW	1150087	KATHLEEN REES	- 60,000.00
12-14-2007	12-13-2007	RW	1150426	KATHLEEN REES	- 60,000.00

Account Summary

Total Deposit :	0.00	Beginning Balance :	1,650,734.68
Total Withdrawal :	- 420,000.00	Ending Balance :	1,230,734.68

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 December, 2007, 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 Rees
 Secretary

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NORTHRIDGE, CA 91328-1098

This Statement Covers

From: 12/01/07
Through: 12/31/07

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

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Account Number: 871-849343-4
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Your Account at a Glance

Beginning Balance	<i>KR</i> \$5,520.58	Interest Earned	\$4.81
Checks Paid	\$0.00	Annual Percentage Yield Earned	1.03%
Other Withdrawals	\$0.00	YTD Interest Paid	\$227.09
Deposits	+\$4.81	YTD Interest Withheld	\$0.00
Ending Balance	\$5,525.39		

Date	Description	Withdrawals (-)	Deposits (+)
12/31	Interest Payment		\$4.81

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 December, 2007, 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 Rees
Secretary

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

This Statement Covers

From: 12/01/07
Through: 12/31/07

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

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Your Account at a Glance

Beginning Balance	\$220,258.58	Interest Earned	\$303.47
Checks Paid	\$0.00	Annual Percentage Yield Earned	1.63%
Other Withdrawals	\$0.00	YTD Interest Paid	\$1,642.97
Deposits	+\$303.47	YTD Interest Withheld	\$0.00
Ending Balance	\$220,562.05		

Date	Description	Withdrawals (-)	Deposits (+)
12/31	Interest Payment		\$303.47

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 December, 2007, 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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8:44 AM
 12/24/07
 Accrual Basis

comb2
Payment of Claims
 As of November 30, 2007

Date	Num	Name	Memo	Split	Amount
1050 · GENERAL FUND					
11/5/2007	16562	Acorn Landscape Manage...	Scheduled mtce	2200 · ACC...	-246.65
11/5/2007	16563	ACWA Services Corporati...	Nov EAP	2200 · ACC...	-47.46
11/5/2007	16564	Business Card		2200 · ACC...	-1,275.87
11/5/2007	16565	CIO Solutions, Inc.	Support	2200 · ACC...	-1,031.25
11/5/2007	16566	Coastal Copy	Monthly mtce KM5035 9/4-10/3/07	2200 · ACC...	-113.70
11/5/2007	16567	COMB-Petty Cash	Replenish petty cash	2200 · ACC...	-319.82
11/5/2007	16568	Cox Communications	Business internet 10/18-11/17/07	2200 · ACC...	-199.00
11/5/2007	16569	ECHO Communications	Answering service	2200 · ACC...	-64.05
11/5/2007	16570	Employer Resource Institute	Calif. Employer Advisor	2200 · ACC...	-177.00
11/5/2007	16571	J&C Services	10/12,19 ofc cleaning	2200 · ACC...	-250.00
11/5/2007	16572	PG&E		2200 · ACC...	-215.28
11/5/2007	16573	Praxair Distribution	Cylinder rental	2200 · ACC...	-43.69
11/5/2007	16574	Prudential Overall Supply		2200 · ACC...	-427.50
11/5/2007	16575	Southern California Edison	Main ofc/outlying stations	2200 · ACC...	-1,126.19
11/5/2007	16576	State Board of Equalization	Water Rights Fee 7/1/07-6/30/08	2200 · ACC...	-21,474.24
11/5/2007	16577	Underground Service Alert	62 new tickets	2200 · ACC...	-99.20
11/5/2007	16578	Verizon Wireless	Cellular	2200 · ACC...	-245.08
11/7/2007	16579	A-OK Mower Shops, Inc.	Chain sharpening	2200 · ACC...	-72.65
11/7/2007	16580	B & B Surplus, Inc.	Pipe PO#8780	2200 · ACC...	-2,076.36
11/7/2007	16581	Boyle Engineering Corp.		2200 · ACC...	-35,066.04
11/7/2007	16582	Brett Gray	Reimb-lunch confined space entry...	2200 · ACC...	-198.64
11/7/2007	16583	C. Charles Evans	Oct mtg fees	2200 · ACC...	-265.70
11/7/2007	16584	City of Santa Barbara-Rec...	Recycle 9/30-10/31/07	2200 · ACC...	-7.35
11/7/2007	16585	City of SB-Refuse	Refuse 9/30-10/31/07	2200 · ACC...	-153.19
11/7/2007	16586	CMC Rescue, Inc		2200 · ACC...	-10,072.37
11/7/2007	16587	COMB - Revolving Fund	Nov payrolls/taxes	2200 · ACC...	-94,462.03
11/7/2007	16588	Culligan Water	RO system Nov	2200 · ACC...	-20.95
11/7/2007	16589	Cushman Contracting Corp.	Lauro Res Rd Mtce	2200 · ACC...	-192,086.78
11/7/2007	16590	Das Williams	Oct mtg fees	2200 · ACC...	-264.04
11/7/2007	16591	Famcon Pipe & Supply		2200 · ACC...	-1,419.73
11/7/2007	16592	Flowers & Associates, Inc.		2200 · ACC...	-6,444.30
11/7/2007	16593	GE Capital	Copier lease Billing ID#90133603...	2200 · ACC...	-427.77
11/7/2007	16594	Henry Pratt Company	Butterfly vavle 30" PO#8739	2200 · ACC...	-15,408.00
11/7/2007	16595	Jan Abel	Oct mtg fees	2200 · ACC...	-275.40
11/7/2007	16596	Matt Loudon	Oct mtg fees	2200 · ACC...	-155.49
11/7/2007	16597	Nextel Communications	Cellular 9/19-10/18/07	2200 · ACC...	-407.22
11/7/2007	16598	Permacolor, Inc.	Spools/reducer	2200 · ACC...	-345.00
11/7/2007	16599	Republic Elevator	Schedule mtce	2200 · ACC...	-232.17
11/7/2007	16600	Robert Lieberknecht	Oct mtg fees	2200 · ACC...	-283.44
11/7/2007	16601	Science Applications Inter...		2200 · ACC...	-17,441.26
11/7/2007	16602	Staples Credit Plan	Office supplies	2200 · ACC...	-435.07
11/7/2007	16603	State Compensation Insur...	Payroll Report Oct 07	2200 · ACC...	-3,209.18
11/7/2007	16604	Western Welding	Pin-lynch	2200 · ACC...	-13.58
11/8/2007	16605	AT&T	Oct statement	2200 · ACC...	-210.72
11/8/2007	16606	MarBorg Industries		2200 · ACC...	-171.66
11/8/2007	16607	Paychex, Inc.	10/5,19, 11/2 payrolls/taxes/qtr end	2200 · ACC...	-330.74
11/8/2007	16608	Santa Barbara Sand & To...		2200 · ACC...	-1,789.06
11/8/2007	16609	Southern California Edison	Glen Anne gate	2200 · ACC...	-16.95
11/8/2007	16610	Verizon California		2200 · ACC...	-458.02
11/12/2007	16611	Squidly's Car Wash	Vehicle wash/mtce	2200 · ACC...	-115.00
11/13/2007	16612	ACWA Services Corp. (AS...	12/1/07-1/1/08 coverage	2200 · ACC...	-10,418.53
11/13/2007	16613	Assoc. of California Water...	2008 Membership Dues	2200 · ACC...	-5,460.00
11/13/2007	16614	Best, Best & Krieger, LLP	Crawford-Hall CEQA Oct services	2200 · ACC...	-883.54
11/13/2007	16615	Caterpillar Financial Servi...	Backhoe lease Contract #001-025...	2200 · ACC...	-1,294.06
11/13/2007	16616	CIO Solutions, Inc.		2200 · ACC...	-2,750.00
11/13/2007	16617	County of Santa Barbara ...	Step 2 grant application	2200 · ACC...	-59,167.92
11/13/2007	16618	Fleet Fueling	Fuel	2200 · ACC...	-1,648.60
11/13/2007	16619	Hydrex Pest Control Co.	Ant/pest control	2200 · ACC...	-65.00
11/13/2007	16620	J&C Services	10/26,11/2 ofc cleaning	2200 · ACC...	-250.00
11/13/2007	16621	Nordman, Cormany, Hair ...	Gen Counsel Oct services	2200 · ACC...	-2,570.00
11/13/2007	16622	Permacolor, Inc.	Pipe	-SPLIT-	-569.25

8:44 AM
12/24/07
Accrual Basis

comb2
Payment of Claims
As of November 30, 2007

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Split</u>	<u>Amount</u>
11/13/2007	16623	WFCB-OSH Commercial ...		2200 · ACC...	-113.92
11/16/2007	16624	The Gas Company	Main ofc	2200 · ACC...	-2.20
11/16/2007	16625	Verizon California	SCADA	2200 · ACC...	-515.21
11/26/2007	16626	Tri-County Locksmiths	Keyed locks/re-keyed PO#8778	2200 · ACC...	-1,514.40
Total 1050 · GENERAL FUND					<u>-498,914.47</u>
TOTAL					<u><u>-498,914.47</u></u>

comb2
Payment of Claims
As of December 31, 2007

Date	Num	Name	Memo	Split	Amount
1050 - GENERAL FUND					
12/12/2007	16627	Acorn Landscape Manage...	Scheduled mtce	2200 · ACC...	-246.65
12/12/2007	16628	ACWA Services Corp. (AS...	1/1/08-2/1/08 coverage	2200 · ACC...	-10,326.72
12/12/2007	16629	ACWA Services Corporati...	Dec EAP	2200 · ACC...	-44.07
12/12/2007	16630	All Around Landscape Sup...	Marking flags	2200 · ACC...	-24.42
12/12/2007	16631	AT&T	Nov statement	2200 · ACC...	-170.43
12/12/2007	16632	Bedrock Building Supplies	Gravel	2200 · ACC...	-7.43
12/12/2007	16633	Best, Best & Krieger, LLP	Crawford-Hall CEQA Nov services	2200 · ACC...	-8,782.65
12/12/2007	16634	Big Brand Tire Company	Service C-3500	2200 · ACC...	-691.78
12/12/2007	16635	Boyle Engineering Corp.		2200 · ACC...	-27,871.21
12/12/2007	16636	Business Card		2200 · ACC...	-1,971.14
12/12/2007	16637	C. Charles Evans	Nov mtg fees	2200 · ACC...	-132.85
12/12/2007	16638	Caterpillar Financial Servi...	Backhoe lease Contract #001-025...	2200 · ACC...	-1,294.06
12/12/2007	16639	Cedant Web Hosting	Reg#2499621453	2200 · ACC...	-19.94
12/12/2007	16640	CIO Solutions, Inc.		2200 · ACC...	-1,292.50
12/12/2007	16641	City of Santa Barbara-Cen...	Paper towels/gloves	2200 · ACC...	-209.98
12/12/2007	16642	City of Santa Barbara-Rec...	Recycle 10/31-11/30/07	2200 · ACC...	-7.35
12/12/2007	16643	City of SB-Refuse	Refuse 10/31-11/30/07	2200 · ACC...	-153.19
12/12/2007	16644	CMC Rescue, Inc		2200 · ACC...	-810.93
12/12/2007	16645	Coastal Copy	Monthly mtce KM5035 10/4-11/3/07	2200 · ACC...	-55.22
12/12/2007	16646	COMB-Petty Cash	Replenish petty cash	2200 · ACC...	-258.85
12/12/2007	16647	COMB - Revolving Fund	Dec payrolls/taxes	2200 · ACC...	-101,128.05
12/12/2007	16648	Cox Communications	Business internet 11/18-12/17/07	2200 · ACC...	-199.00
12/12/2007	16649	Culligan Water	RO system Dec	2200 · ACC...	-20.95
12/12/2007	16650	Cushman Contracting Corp.		2200 · ACC...	-158,019.77
12/12/2007	16651	Das Williams	Nov mtg fees	2200 · ACC...	-132.02
12/12/2007	16652	Durbiano Fire Equipment, ...	Fire extinguisher recharge	2200 · ACC...	-517.10
12/12/2007	16653	ECHO Communications	Answering service	2200 · ACC...	-61.20
12/12/2007	16654	ESRI	Arclnfo/ArcView PO#8776	2200 · ACC...	-4,784.65
12/12/2007	16655	Farncon Pipe & Supply	Fiberglass extension/tubing/adhes...	2200 · ACC...	-172.94
12/12/2007	16656	Fleet Services	Fuel	2200 · ACC...	-1,794.01
12/12/2007	16657	Flowers & Associates, Inc.	Oct-Exam & repair of SCC Phase ...	2200 · ACC...	-9,071.25
12/12/2007	16658	GE Capital	Copier lease Billing ID#90133603...	2200 · ACC...	-427.77
12/12/2007	16659	Giffin Rental Corp.	Chipper	2200 · ACC...	-202.15
12/12/2007	16660	Hydrex Pest Control Co.	Ant/pest control	2200 · ACC...	-80.00
12/12/2007	16661	J&C Services		2200 · ACC...	-500.00
12/12/2007	16662	Jan Abel	Nov mtg fees	2200 · ACC...	-137.70
12/12/2007	16663	Larry's 8-Day Auto Parts	Fuse asst/lhalogen beam/brake fl...	2200 · ACC...	-68.84
12/12/2007	16664	Lee Central Coast Newsp...	WSW I ad	2200 · ACC...	-485.89
12/12/2007	16665	MarBorg Industries		2200 · ACC...	-171.66
12/12/2007	16666	Matt Loudon	Nov mtg fees	2200 · ACC...	-155.49
12/12/2007	16667	Nextel Communications	Cellular 10/19-11/18/07	2200 · ACC...	-408.20
12/12/2007	16668	Nordman, Cormany, Hair ...	Gen Counsel Nov services	2200 · ACC...	-3,927.72
12/12/2007	16669	Orchard Supply Hardware		2200 · ACC...	-144.37
12/12/2007	16670	Paychex, Inc.	11/16,30 payrolls/taxes	2200 · ACC...	-211.98
12/12/2007	16671	Permacolor, Inc.	Pipe	2200 · ACC...	-3,897.90
12/12/2007	16672	PG&E		2200 · ACC...	-171.61
12/12/2007	16673	Pitney Bowes Global Fina...	Postage meter lease 10/10/07-1/1...	2200 · ACC...	-543.72
12/12/2007	16674	Powell Garage	Service-Colorado	2200 · ACC...	-437.95
12/12/2007	16675	Praxair Distribution	Cylinder rental	2200 · ACC...	-45.14
12/12/2007	16676	Prudential Overall Supply		2200 · ACC...	-342.00
12/12/2007	16677	Quality Machine Shop	Rolled rings	2200 · ACC...	-303.94
12/12/2007	16678	Republic Elevator	Schedule mtce	2200 · ACC...	-232.17
12/12/2007	16679	Reserve Account	Postage refill	2200 · ACC...	-800.00
12/12/2007	16680	Robert Lieberknecht	Nov mtg fees	2200 · ACC...	-141.72
12/12/2007	16681	Santa Barbara Human Re...	2008 Membership	2200 · ACC...	-145.00
12/12/2007	16682	Santa Barbara News Press	WSW I ad	2200 · ACC...	-545.21
12/12/2007	16683	SB Home Improvement C...	Earplugs/dust masks	2200 · ACC...	-32.62
12/12/2007	16684	Science Applications Inter...	SCC/Goleta Reach Env. Consulti...	2200 · ACC...	-2,890.63
12/12/2007	16685	Sound Billing LLC	Explorer service	2200 · ACC...	-73.46
12/12/2007	16686	Southern California Edison		2200 · ACC...	-1,072.85
12/12/2007	16687	State Compensation Ins. F...	Deposit premium due Group#266 ...	2200 · ACC...	-26.68

comb2
Payment of Claims
 As of December 31, 2007

Date	Num	Name	Memo	Split	Amount
12/12/2007	16688	State Compensation Insur...	Payroll Report Nov 07	2200 · ACC...	-4,684.09
12/12/2007	16689	SWRCB Fees	Annual fee-waste discharge requir...	2200 · ACC...	-1,185.00
12/12/2007	16690	Titan Industrial & Safety S...	Repair	2200 · ACC...	-73.22
12/12/2007	16691	Underground Service Alert	54 new tickets	2200 · ACC...	-86.40
12/12/2007	16692	UPS	Lending library return	2200 · ACC...	-12.92
12/12/2007	16693	Ventura County Star	WSW I ad	2200 · ACC...	-770.00
12/12/2007	16694	Verizon California		2200 · ACC...	-412.27
12/12/2007	16695	Verizon Wireless	Cellular	2200 · ACC...	-195.23
12/12/2007	16696	Sansum-SBMFC Occupati...	Pre-employment physical-N. Pete...	2200 · ACC...	-209.00
12/17/2007	16697	Staples Credit Plan	Office supplies	2200 · ACC...	-596.81
12/17/2007	16698	The Gas Company	Main ofc	2200 · ACC...	-24.63
12/17/2007	16699	Verizon California	SCADA	2200 · ACC...	-515.21
12/19/2007	16700	Cachuma Cons. Release ...	Website work done through 9/30/07	2200 · ACC...	-5,548.25
12/19/2007	16701	Cashier, DPR	QAC license/certificate fee-D.Nag...	2200 · ACC...	-60.00
12/19/2007	16702	Cushman Contracting Corp.		2200 · ACC...	-66,987.74
12/19/2007	16703	Department of Health Serv...	Grade 2 Dist. Renewal fee-D.Nag...	2200 · ACC...	-80.00
12/26/2007	16704	Cox Communications	Business internet 12/18/07-1/17/08	2200 · ACC...	-199.00
12/26/2007	16705	Sansum-SBMFC Occupati...		2200 · ACC...	-418.00
12/28/2007	16706	Business Card		2200 · ACC...	-801.13
12/28/2007	16707	Pacific Capital Bank, N.A.	#14 of 16 Qrtly pymnt princ & int	2200 · ACC...	-14,965.26
12/31/2007	16708	Business Card	KR	2200 · ACC...	-1,865.64
12/31/2007	16709	Pitney Bowes Global Fina...	Postage meter lease 1/10-4/10/08	2200 · ACC...	-478.41
Total 1050 · GENERAL FUND					-449,064.89
TOTAL					-449,064.89

CACHUMA OPERATION AND MAINTENANCE BOARD
WATER STORAGE REPORT

MONTH: **December 2007**

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	351.00 Feet
Water in Storage	116.49 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	545.20 Feet
Water in Storage	505.99 Acre Feet

ORTEGA RESERVOIR

Capacity at 460' elevation:	65 Acre Feet
Capacity at outlet at elevation 440':	0 Acre Feet
Stage of Reservoir Elevation	442.20 Feet
Water in Storage	4.09 Acre Feet

CARPINTERIA RESERVOIR

Capacity at 384' elevation:	45 Acre Feet
Capacity at outlet elevation 362':	0 Acre Feet
Stage of Reservoir Elevation	376.20 Feet
Water in Storage	27.50 Acre Feet

TOTAL STORAGE IN RESERVOIRS

Change in Storage	537.58 Acre Feet
	213.28 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	724.3 Feet
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Water in Storage	121,505 AF
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Area	2,218
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Evaporation	274.5 AF
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Inflow	317.1 AF
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Downstream Release WR8918	0 AF
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Fish Release	370.0 AF
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Spill/Seismic Release	0 AF
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State Project Water	485.8 AF
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Change in Storage	-1,822 AF
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Tecolote Diversion	2,423.5 AF
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Rainfall:	Month:	2.39	Season:	2.96	Percent of Normal: 51%
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ITEM # 5a

PAGE 1

07-08 ENTITLEMENT

CACHUMA OPERATION AND MAINTENANCE BOARD

Revised

WATER PRODUCTION AND WATER USE REPORT

FOR THE MONTH OF DECEMBER 2007 AND THE WATER YEAR TO DATE

(All in rounded Acre Feet)

				MONTH TOTAL			YTD TOTAL
WATER PRODUCTION:							
Cachuma Lake (Tec. Diversion)				2,424			8,730
Tecolote Tunnel Infiltration				177			501
Glen Anne Reservoir				0			0
Cachuma Lake (County Park)				3			12
State Water Diversion Credit				352			1,203
Gibraltar Diversion Credit				0			0
Bishop Ranch Diversion				0			0
Meter Reads				1,839			7,126
So. Coast Storage gain/(loss)				213			(50)
Total Production				2,603			9,243
Total Deliveries				2,404			8,279
Unaccounted-for				198			964
% Unaccounted-for				7.63%			10.43%
WATER USE:							
	GWD	SB CITY	MWD	CVWD	SYRWCD	TOTAL	
					I.D. #1		
M&I	702	827	0	71	3	1,601	
Agricultural	170	0	0	68	0	238	
TOTAL FOR MONTH	872	827	0	139	3	1,880	
Same Mo/prev. yr	808	645	261	164	2	1,880	
M&I Yr to date	2,394	3,209	205	273	12	6,091	
Ag. Yr to date	662	0	102	270	0	1,034	
TOTAL YTD	3,056	3,209	307	542	12	7,125	
USAGE % YTD	23.9%	24.2%	8.3%	11.5%	0.5%	19.1%	
Previous Year/YTD	3,309	1,753	931	684	11	6,688	
Evaporation	4	8	3	5	1	21	
Evaporation, YTD	31	54	16	27	3	131	
Entitlement	9,322	8,277	2,651	2,813	2,651	25,714	
Carryover	3,516	5,171	1,202	2,112	204	12,205	
Carryover Balances Spilled YTD	0	0	0	0	0	0	
Surplus^^	0	0	0	0	0	0	
State Water Exchange^	70	47	47	31	(195)	0	
Transfers*/Adjustment***	0	0	0	0	0	0	
Passthrough H2O**	0	(18)	0	0	0	(18)	
TOTAL AVAILABLE	12,907	13,477	3,900	4,956	2,660	37,900	
REMAINING BALANCE	9,820	10,214	3,577	4,387	2,645	30,644	

** City relinquished 6 AF per "Passthrough" agrmt for December 2007 (No Passthrough during spill conditions).

State Water Deliveries for December to Lake Cachuma were MWD 283.84 AF; CVWD 0 AF

GWD 0 AF (Morehart 0 AF); City of S.B. 0 AF; and LaCumbre 68 AF; (Ratheon 0 AF).

^ Per SWP Exchange Agrmt GWD received 15 AF; MWD received 10;

City of SB received 10 AF; and CVWD received 7 AF from ID#1 in December 2007.

PERCENT OF WATER YEAR ELAPSED:

25.0%

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

MONTH	DELVRD TO LAKE	Delvd CVWD		Delvd MWD		Delvd S.B.		Delvd GWD		Delvd LCMWC		Delvd RSYS		Delvd MLC	
		to Lake	to SC	to Lake	to SC	to Lake	to SC	to Lake	to SC	to Lake	to SC	to Lake	to SC	to Lake	to SC
2006															
Bal. Frwd		0	0	0	0	0	0	0	0	0	0	0	0	0	0
January	0	0	0	0	0	0	0	0	0	95	0	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	60	0	0	0	0	0	0	0	0	0	0	0	0	0	0
July	121	0	0	0	0	0	0	0	0	60	0	0	0	0	0
August	111	0	0	0	0	0	0	0	0	66	0	55	0	0	0
September	150	0	0	0	0	0	0	0	0	111	0	0	0	0	0
October	100	0	0	0	0	0	0	0	0	150	0	0	0	0	0
November	106	0	0	0	0	0	0	0	0	100	0	0	0	0	0
December	0	0	0	0	0	0	0	0	0	106	0	0	0	0	0
Total	759	0	0	0	0	0	0	0	0	704	0	55	0	0	0

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

MONTH	DELVRD TO LAKE	Delvd CVWD		Delvd MWD		Delvd S.B.		Delvd GWD		Delvd LCMWC		Delvd RSYS		Delvd MLC	
		to Lake	to SC	to Lake	to SC	to Lake	to SC	to Lake	to SC	to Lake	to SC	to Lake	to SC	to Lake	to SC
2007															
Bal. Frwd		0	0	0	0	0	0	0	0	0	0	0	0	0	0
January	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
February	7	0	0	0	0	0	0	0	0	7	0	0	0	0	0
March	412	0	0	369	62.27	0	306.7	0	0	0	0	0	0	0	0
April	419	0	0	352	0.6	0	351.4	0	0	43	0	0	0	0	0
May	797	0	0	288	-62.9	0	350.9	0	0	67	0	0	0	0	0
June	882	0	0	345	0	0	345	0	432	77	0	0	0	0	0
July	982	0	0	308	0	0	308	0	518	56	0	33	0	0	0
August	716	0	0	254	0	0	254	0	463	81	0	0	0	0	0
September	764	100	0	230	0	0	230	0	381	81	0	0	0	0	0
October	588	100	0	403	0	0	403	0	346	88	0	0	0	0	0
November	263	0	0	183	0	0	183	0	40	45	0	0	0	0	0
December	486	0	0	418	134.2	0	283.8	0	0	80	0	0	0	0	0
Total	6316	200	0	3150	134.2	0	3016	0	2180	693	0	33	0	0	0

Operations Report – December 2007

Cachuma Project water usage for the month of December 2007 was 1,839 acre-feet, compared with 1,829 acre-feet for the same period in 2006. Cachuma Project water use for the 12 months ending 31 December 2007 was 27,795 acre-feet, compared with 25,231 acre-feet for the 12 months ending 31 December 2006.

The average flow from Lake Cachuma into the Tecolote Tunnel was 60 acre-feet per day. Lake elevation was 725.12 feet at the beginning of the month and 724.30 feet at the end. Recorded rainfall at Bradbury Dam was 2.39 inches for the month and 2.96 inches for the rainfall season, which commenced on July 1, 2007.



Santa Barbara wheeled 61 acre-feet of Gibraltar water through Lauro Reservoir during the month. 284 acre-feet of State Water Project water was wheeled through Cachuma Project facilities and delivered to South Coast Member Units during the month.

Work continued again this month on the internal SCC pipeline inspection project. The inspection to date includes 16,000 feet of SCC pipeline, 10 air valves, 8 blow-offs, and 10 laterals. This covers approximately 30% of the upper reach of the SCC. As stated previously the pipeline is in very good condition.

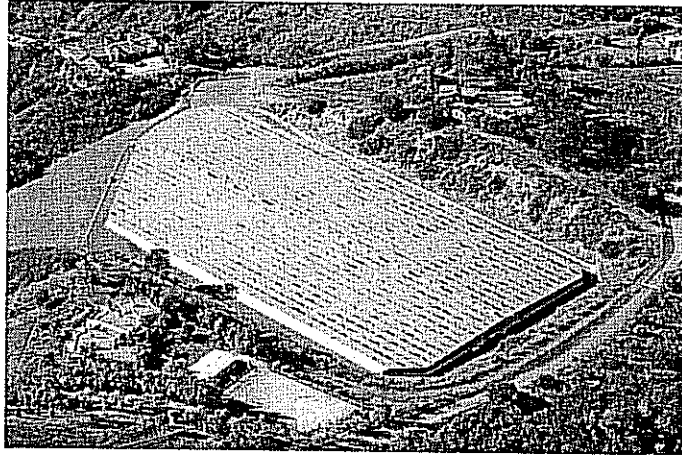
Recommendations will be made to re-inspect certain sections next year and conduct exterior inspections to see if the interior issues expose themselves on the exterior. Overall we are very happy with the condition we are seeing and the progress we are making with these inspections. No other inspections are planned for this fiscal year at this time. A full report and presentation will be given in February at the completion of this year's inspections.

On November 19th, COMB staff was requested, by the USBR, to check Ortega Reservoir due to an earthquake on November 16th. No other site required inspection but inspections were considered prudent and were conducted at all reservoirs. The inspections did not note any issues at any of the sites except for the Ortega toe drain flows. The flows had increased from 6.6 gpm on October 31st to 11.8 gpm on November 19th. The drains and site were monitored daily for the next few weeks. See the enclosed table for recorded flows. The drain water was clear, indicating that the drain system was doing its job of allowing the water to drain without moving

Date	Flow (gpm)	Water Level (ft)
19-Nov	11.8	10.8
20-Nov	10.7	11.5
21-Nov	12	11.8
22-Nov	10	8.1
23-Nov	9.6	6.7
24-Nov	9.1	6.1
25-Nov	9.2	6.3
26-Nov	9.7	7.5
29-Nov	14.2	10.9
30-Nov	14.7	11.7
1-Dec	12.5	9.5
2-Dec	14.6	13
3-Dec	14.7	12.9
4-Dec	22.5	11.9
13-Dec	Out of Service	

any structural dam sediments. The flows did not decrease but increased over the next few weeks. The reservoir was scheduled to be taken out of service in January. Due to the higher drain flows the schedule was moved up and the reservoir was taken out of service on December 13th.

Testing of the reservoir was conducted and determined that the increased drain flows were definitely coming from the reservoir and a majority of the leakage was coming from the northern bay. Inspection of the concrete lining and joints was conducted and some leaking joints were identified. The leaking joints were new joints that were constructed during



the recent Ortega Reservoir Cover Project. Montecito staff was contacted and had the design engineer and project contractor take a look at the issue. A fix/repair of the issue is in the works and scheduled for implementation in January. Testing of the repair will also be conducted in January. Once the engineers report is completed on the issue/cause, it will be reported to the board. At this point the issue seems to be the super-chlorination of the reservoir and the effect the high concentrations of chlorine have on some of the joint sealant products. The super-chlorination only occurred when the reservoir was uncovered and now with the cover in place it is an unnecessary activity. The earthquake probably shifted the sealant that was already in the process of failing and allowed the higher drain flows.

Miscellaneous work conducted this month includes:

- Preparation and cleanup after December rains.
- Safety Committee reviewed repairs of safety deficiencies.
- Annual SCADA system review and testing.

Routine operation and maintenance activities conducted during the month 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: January 28, 2008
TO: Board of Directors
FROM: Janet Gingras, Administrative Manager
RE: **Updated Lauro SOD Repayment Schedule**

RECOMMENDATION:

None requested.

DISCUSSION:

Last October, the Bureau of Reclamation notified the Cachuma Operation and Maintenance Board that the modification to Lauro Dam and Reservoir was deemed to be "substantially complete" on January 4, 2007.

The date of substantial completion signifies the end of the construction period and the start of the repayment period of the reimbursable costs associated with the modification. Attached is an updated repayment schedule provided by Sheryl Carter from the Bureau of Reclamation. This schedule includes the actual costs plus interest during construction only through December 31, 2006.

As you can see, the reasonable maximum cost as of December 2006, which amounts to \$5,974,933 is significantly less than previous projections of \$17,314,125. The reality of the actual costs versus the projected costs of this project resulted in a large reduction of the originally anticipated South Coast Member Unit's 15% repayment obligation. When the final costs have been determined, anticipated to be in 2010, the USBR will issue a revised repayment schedule to include any adjustments that have occurred since December 2006.

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PAGE 1

EXHIBIT B

M&I Annual Payment Schedule

Based on a Substantially Complete date of January 4, 2007

October 1, 2008	\$ 30,884 *	October 1, 2023	\$ 30,884
October 1, 2009	\$ 30,884	October 1, 2024	\$ 30,884
October 1, 2010	\$ 30,884	October 1, 2025	\$ 30,884
October 1, 2011	\$ 30,884	October 1, 2026	\$ 30,884
October 1, 2012	\$ 30,884	October 1, 2027	\$ 30,884
October 1, 2013	\$ 30,884	October 1, 2028	\$ 30,884
October 1, 2014	\$ 30,884	October 1, 2028	\$ 30,884
October 1, 2015	\$ 30,884	October 1, 2030	\$ 30,884
October 1, 2016	\$ 30,884	October 1, 2031	\$ 30,884
October 1, 2017	\$ 30,884	October 1, 2032	\$ 30,884
October 1, 2018	\$ 30,884		
October 1, 2019	\$ 30,884		
October 1, 2020	\$ 30,884		
October 1, 2021	\$ 30,884		
October 1, 2022	\$ 30,884		

M&I Annual Payment Calculation - \$5,974,933 (Reasonable Maximum Cost) x 15% (percent reimbursable by Project beneficiaries under SOD Act) = \$896,240 x 49.28% (M&I Allocation) = \$441,667/25 years = \$17,667 per year. This amount does not factor in the Interest during construction (IDC) repayment

(M&I annual payment *) The M&I payment schedule is adjusted to include IDC interest and repayment interest when the project was deemed Substantially Complete. The repayment interest rate is based on the rate in effect at the time of substantial completion and will be based on the M&I term of repayment (25 years). The schedule shall again be adjusted when the final reimbursable cost of the Modification has been determined.

Principal M&I allocation \$441,667

Interest during construction (IDC) or repayment interest \$15,811

Repayment Interest Rate 4.51% (percent) amortized at the amount of \$457,478 with 25 annual payments

Formula for calculation of M&I annual payment: M&I allocation plus IDC = total M&I allocation. Total M&I Allocation x amortization factor to amortize the obligation over a twenty-five (25)-year repayment term at an interest rate to be determined = annual M&I repayment amount.

EXHIBIT C

Irrigation Annual Payment Schedule

Based on a Substantially Complete date of January 4, 2007

October 1, 2008	\$ 0	October 1, 2033	\$ 11,087
October 1, 2009	\$ 0	October 1, 2034	\$ 11,087
October 1, 2010	\$ 0	October 1, 2035	\$ 11,087
October 1, 2011	\$ 0	October 1, 2036	\$ 11,087
October 1, 2012	\$ 0	October 1, 2037	\$ 11,087
October 1, 2013	\$ 0	October 1, 2038	\$ 11,087
October 1, 2014	\$ 0	October 1, 2039	\$ 11,087
October 1, 2015	\$ 0	October 1, 2040	\$ 11,087
October 1, 2016	\$ 0	October 1, 2041	\$ 11,087
October 1, 2017	\$ 11,087	October 1, 2042	\$ 11,087
October 1, 2018	\$ 11,087	October 1, 2043	\$ 11,087
October 1, 2019	\$ 11,087	October 1, 2044	\$ 11,087
October 1, 2020	\$ 11,087	October 1, 2045	\$ 11,087
October 1, 2021	\$ 11,087	October 1, 2046	\$ 11,087
October 1, 2022	\$ 11,087	October 1, 2047	\$ 11,087
October 1, 2023	\$ 11,087	October 1, 2048	\$ 11,087
October 1, 2024	\$ 11,087	October 1, 2049	\$ 11,087
October 1, 2025	\$ 11,087	October 1, 2050	\$ 11,087
October 1, 2026	\$ 11,087	October 1, 2051	\$ 11,087
October 1, 2027	\$ 11,087	October 1, 2052	\$ 11,087
October 1, 2028	\$ 11,087	October 1, 2053	\$ 11,087
October 1, 2029	\$ 11,087	October 1, 2054	\$ 11,087
October 1, 2030	\$ 11,087	October 1, 2055	\$ 11,087
October 1, 2031	\$ 11,087	October 1, 2056	\$ 11,087
October 1, 2032	\$ 11,087	October 1, 2057	\$ 11,087

Irrigation Annual Payment Calculation - \$5,974,933 (Reasonable Maximum Cost) x 15% (percent reimbursable by Project beneficiaries under SOD Act) = \$896,240 x 50.72% (Irrigation Allocation) = \$454,572/41 years = \$11,087 per year (estimated annual payment*)

*Estimated Annual Payment shall be adjusted when the final reimbursable cost of the Modification has been determined.

CACHUMA RESERVOIR

DISPOSITION OF 2006 SURCHARGE WATER AND 2007 WR 89-18 WATER RIGHTS RELEASE (UNOFFICIAL)

DATE	DESCRIPTION	FISH RELEASE FROM SURCHARGE (acre feet)	SURCHARGE BALANCE (acre feet)	FISH RELEASE FROM PROJECT YIELD (acre feet)	WR 89-18 RELEASE Includes fish release to Hilton Creek (acre feet)
5/31/2006	End of Spill				
6/30/2006	June	605	9,200		
7/31/2006	July	620	8,595		
8/31/2006	August	613	7,975		
9/30/2006	September	596	7,362		
10/31/2006	October	409	6,766		
11/30/2006	November	354	6,357		
12/31/2006	December	360	6,003		
1/31/2007	January	352	5,643		
2/28/2007	February	328	5,291		
3/31/2007	March	373	4,963		
4/30/2007	April	393	4,590		
5/31/2007	May	455	4,197		
*6/30/2007	June	542	3,742		
**7/31/2007	July		3,200	561	2,491
8/31/2007	August		3,200	803	4,644
9/30/2007	September		3,200		2,556
10/31/2007	October		3,200		2,068
**11/30/2007	November		3,200	340	206
12/30/2007	December		3,200	370	
1/31/2008	January		3,200	projected 360	
*** TOTAL		6,000	9,200	2,434	11,965

* Supplemental target flow release began 6/23/07

** WR 89-19 Releases began 7/24/07 and ended 11/5/07

*** Total Fish Release From Surcharge includes 5,500 AF for target rearing flows and 500 AF from Adaptive Management Acct.
kr\comb\cachuma 2006 surcharge account 013108

To: Kate Rees
From: Mark Strudley and Barry Hecht
Date: January 16, 2008

Subject: Interim Phase I Progress Report: Update on post-fire sedimentation rates and vegetation regrowth and stabilization

Balance Hydrologics, Inc. previously provided you with interim estimates of 1) sedimentation rates for Lake Cachuma resulting from the 2007 Zaca Fire, 2) the proportion of incoming sediment that will contribute to reservoir storage loss versus that which will be temporarily stored above spillway elevation as delta topset and channel deposits, and 3) the spatial configuration and shape of the prograding deltas and evolving shorelines. Here we take the opportunity to make adjustments to our presentation of erosion estimates and to provide additional comments on vegetation regrowth and slope stabilization in contributing watersheds surrounding Lake Cachuma, as requested.

Sedimentation Rate Estimates for Lake Cachuma

In our Interim Phase I Progress Report we developed three separate estimates of sediment delivery to the Santa Cruz Creek arm of Lake Cachuma. The estimates were based on three largely-independent lines of reasoning – BAER modeling, rating-curve approximation of an assumed 5-year sediment pulse, and historical data from fires occurring in watersheds underlain by similar rock types. The BAER values require validation because (a) most BAER estimates are developed for granitic and other crystalline rock types often with deeper soils and yielding coarser sediment,¹ and (b) the BAER estimates are for material eroded, rather than the somewhat smaller amount of material which will actually enter the reservoir. All calculations were freely rounded to 2 significant figures, and should be interpreted as midpoints of ranges that should be stated as +/- at least 25 percent. Here we provide these same estimates in tabular form (Table 1) and all are normalized to volumes expressed in acre-feet (AF).

Rates based on the 2007 BAER Assessment are presented first and are based on an erosion estimate of 26 tons per acre for burned areas in the Santa Cruz Creek watershed. The total watershed erosion estimate of 328 AF is split amongst temporary channel storage (76 AF)², deposition above the spillway elevation (20 AF), and the volume of material entering Lake Cachuma as both suspended and deltaic sediments (234 AF). Note that in deriving the volume estimate of 234 AF, a small proportion of the channel storage is enveloped within the above-spillway-deposits at the lower end of the channel. The deltaic component of the total volume entering the reservoir is estimated at 187 AF.

¹ Differences in erosion and sediment transport in granitic and the sandstone/shale geology prevailing in the western Transverse Ranges are graphically explained in USGS reports comparing sediment transport in the Santa Ana watershed with the local Santa Maria/Sisquoc/Cuyama rivers system. (Kroll, 1975).

² It is likely that much of the material entering temporary channel storage in bars or against banks will enter Lake Cachuma during the next several decades, but this is an inference based on a number of partial studies, as no long-term records of the fate of temporary channel storage exist.

The sediment rating-curve approach yields an estimate ranging from 328 to 548 AF of total erosion, while estimates derived from watersheds of similar rock type in coastal California range from 87 to 350 AF.

Revegetation and slope stabilization

The BAER Assessment states that most of the burn area, especially high-severity burn area on slopes exceeding 60%, is too steep and rocky to permit hillslope treatments based on selection criteria, and that BAER hillslope treatments are not proven effective on slopes greater than 60 percent. On moderate-burn severity lands, the BAER Assessment posits that vegetative response in grasslands and scrub communities will be strong enough to negate the need for hillslope treatments.

This decision may be sage—a number of studies suggest that post-fire seeding with ryegrass and other erosion control species may not increase the density of vegetative regrowth compared with native seedling emergence (Barro and Conard, 1987). In fact, it has been suggested that dense covers of grass may actually inhibit the emergence of native seedlings. Furthermore, ryegrass and other non-native grasses may provide first-winter protection, but tend to lose effectiveness rapidly following the first year of establishment. In contrast, natural post-fire regeneration in chaparral, and to a lesser extent in coastal sage scrub, includes a group of native annual and perennial herbaceous species which reproduce from seed almost entirely in the first year or two after fire (Conard et al., 1995, and references therein). Native seedlings, such as Ceanothus and Mule Fat, may take as little as 4 months to sprout and will continue to thrive in years to come. Coast Live Oak and Scrub Oak, similarly, have been observed to emanate new growth from seemingly blackened and dead branches within the same 4-month window. (97% of study oak trees in Dagit (1995) were still alive and growing after 6 months following the Topanga Fire of 1993.) The San Diego hills following the fires of 2003 blossomed with the emergence of grasses and shrub seedlings in roughly 5 months (Spencer and Halsey, 2004). And even though fire may cause a reduction in native perennial grass seedling production the first year following fire, the effect typically disappears within 2-3 years after fire (Menke, 1992).

In watersheds dominated by episodic events such as fire, most hillslope debris will have been eroded during the first one or two rainy seasons, with event-generated sediment passing through corridors over a period of several years (Hecht, 1993). Numerous studies of reservoir sedimentation and hillslope erosion point to restoration of pre-event erosion rates within two to five years after the event (Ritter and Brown, 1972; Wells, 1982; Hecht, 1983; Glysson, 1983; Hecht, 1984; Hecht, 1993; Conard et al., 1995). For example, the Marble Cone Fire of August 1977 in Los Padres National Forest resulted in 555 AF of deposition during WY1978 beyond the 607 AF of storage loss in Los Padres Reservoir during the 31 years since its construction in 1947. However, by October 1980, only an additional loss of 41 AF was recorded, suggesting a drastic reduction in sedimentation and a return to pre-fire erosion rates in surrounding watersheds within the first two years after fire during wet years such as 1978.

Our field reconnaissance during our visit of November 7-8, 2007 suggests that most of the burned area contributing to Santa Cruz Creek is within the burn periphery of the Zaca Fire, which appears to have sustained far less intense burns than other portions of the affected landscape. Thus, a return to pre-fire vegetative and sediment flux conditions might occur faster, and

estimates of vegetation regrowth and hillslope stabilization of approximately 1-3 years might be appropriate to apply in consideration of planning needs for Lake Cachuma.

References

- Barro, S.C. and Conard, S.G., 1987, Use of ryegrass seeding as an emergency revegetation measure in chaparral ecosystems. Gen. Tech. Rep. PSW-102. Berkeley, CA: Pacific Southwest Forest and Range Experiment Station, Forest Service, U.S. Department of Agriculture, 12 p.
- Brown, W.M., III, 1973, Erosion processes, fluvial sediment transport, and reservoir sedimentation in a part of the Newell Creek and Zayante Creek basins, Santa Cruz County, California: U.S. Geological Survey Open-File Report 73-35, 29 p.
- Conard, S.G., Beyers, J.L., Wohlgenuth, P.M., 1995, Impacts of postfire grass seeding on chaparral systems – What do we know and where do we go from here? *in* Keeley, J.E. and Scott, T., eds., *Brushfires in California Wildlands: Ecology and Resource Management*, International Association of Wildland Fire, Fairfield, WA, p. 149-161.
- Dagit, R., 1995, Recovery of oaks (*Quercus*) following the Old Topanga Fire, November 1993, *in* Keeley, J.E. and Scott, T., eds., *Brushfires in California Wildlands: Ecology and Resource Management*, International Association of Wildland Fire, Fairfield, WA, p. 189-191.
- Glysson, G.D., 1983, Sedimentation in Santa Margarita Lake, San Luis Obispo County, California: United States Geological Survey Water-Resources Investigations Report 77-56, 15 p.
- Hecht, B., 1983, Substrate enhancement and sediment management plan for Lagunitas Creek, Marin County, California: Consulting report prepared for the Marin Municipal Water District, 172 p.
- Hecht, B., 1984, Sequential changes in bed habitat conditions in the upper Carmel River following the Marble-Cone fire of August 1977, *in* Warner, R.E. and Hendrix, K.M., eds., *California Riparian Systems: Ecology, Conservation and Productive Management*, University of California Press, p. 134-141.
- Hecht, B., 1993, South of the spotted owl—restoration strategies for episodic channels and riparian corridors in central California, *in* Proceedings of the Society of Wetland Scientists, Western Wetlands Conference, Davis, California, March 25-27, 1993, p. 104-117.
- Knott, J., 1976, Sediment discharge on the Upper Arroyo Grande and Santa Rita Creek basins, San Luis Obispo County, California: U.S. Geological Survey Water-Resources Investigations 76-64, 29 p.
- Knudsen, K., Hecht, B., Holmes, D.O., and Flaschka, I., 1992, Hydrologic and geomorphic factors affecting management of the lower Sisquoc River alluvial corridor, Santa Barbara County, California: Balance Hydrologics, Inc. consulting report prepared for SP Milling Company, 72 p. + 5 appendices.

Kroll, C.G., 1975, Estimate of sediment discharges, Santa Ana River at Santa Ana and Santa Maria River at Guadalupe, California: U.S. Geological Survey Water-Resources Investigations 40-74, 23 p.

Menke, J.W., 1992, Grazing and fire management for native perennial grass restoration in California grasslands: Fremontia: A Journal of the California Native Plant Society 20(2), p. 22-25.

Ritter, J.R., and Brown, III, W.M., 1972, Sedimentation of Williams Reservoir, Santa Clara County, California: United States Geological Survey Open-File Report, 26 p.

Spencer, W., and Halsey, R., April 1, 2004, Post-fire recovery: Nature's way or our way? San Diego Tribune.

USDA Forest Service, 2007, 2007 Zaca Fire BAER Assessment, multipaged.

Table 1: Summary of deposition (reservoir storage loss) estimates for Lake Cachuma

Deposition estimate type	Rate	Units ¹
2007 BAER Assessment:		
Santa Cruz Creek Arm watershed deposition contribution:	328	AF
Temporary channel storage (Santa Cruz Creek):	76	AF
Deposition above spillway elevation:	20	AF
Volume of material entering Lake Cachuma ² :	234	AF
Deltaic component ³ :	187	AF
Sediment passing Gibraltar Res. and entering Lake Cachuma:	135	AF
Sediment passing Bradbury Dam:	36	AF
Sediment passing both reservoirs ⁴ :	33.75 to 6.75	AF
<hr/>		
Sediment Rating-Curve Approach⁵:	327.7 to 548.1	AF
<hr/>		
Watersheds of similar rock type:		
Deposition estimate based on Newell Creek:	87	AF
Deposition estimate based on Zayante Creek ⁶ :	350	AF

¹ AF = acre-feet

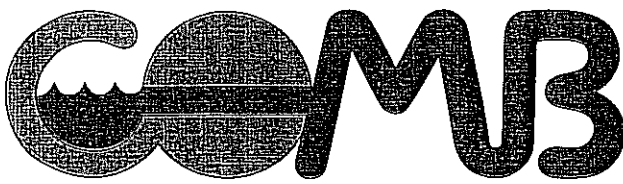
² Represents storage loss from deltaic deposits and suspended material.

³ Component of total storage loss in delta deposits.

⁴ Calculated as 5-25% of sediment passing Gibraltar Res.

⁵ Knudson and others, 1992.

⁶ Upper-range estimate based on historical records in basins of similar lithology.



CACHUMA OPERATION AND MAINTENANCE BOARD

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contactus@cachuma-board.org

January 23, 2008

Mr. Salud Carbajal, Chair
Santa Barbara County Board of Supervisors
105 E. Anapamu Street
Santa Barbara, CA 93101

Re: Cachuma Reservoir – Quagga Mussel Danger

Dear Mr. Carbajal:

As I am sure you have been informed, the quagga mussel was discovered in Lake Mead on January 6, 2007, and has spread rapidly to the four western states. It has been found in more than a dozen locations in the state including the Colorado River Aqueduct, Lake Havasu, Lake Mojave, Lake Powell, Lake Matthews near Riverside, and has now moved into five reservoirs in San Diego County as well. In addition, the zebra mussel, a close relative of the quagga mussel, has just been discovered in a Hollister-area reservoir in San Benito County. Lake Wolford and Lake Cuyamaca have imposed a private boat ban until high-powered, heated sprayers can be installed. At Lake Poway, officials have banned float tubes, private motors, anchors and live-bait containers. The rate of reproduction and growth of the quagga mussels is the most experts have ever seen, due to warmer temperatures, abundant food supply, and calcium available in these waters. This has resulted in a speed of growth so great that they are now a direct threat to Santa Barbara County. Therefore, a rapid, emergency response plan must be developed and put in place utilizing all available preventative measures before infestation occurs at Lake Cachuma.

Quagga mussels and their free-floating larvae spread to waters from fishing boats, motors, hull surfaces, bait tanks, and boat trailers. They “hitch hike,” on boats that have been in infested water bodies, and then enter a new water body when the boat is launched. The mussel’s ability to rapidly colonize on soft and hard surfaces clogs water intake and outlet structures, hampering the flow of water. The wet surfaces of all objects, such as pipes, valves, pumps, sensors, and other hydraulic devices can become completely incrustated with the mussels. And it is virtually impossible to eradicate them once they are established. If they do enter the Lake, they will severely impact all of the Cachuma Project physical facilities, including the Bradbury Dam radial gates, intake and outlet structures to the mainstem Santa Ynez River and Hilton Creek, Tecolote Tunnel, valving and piping at the north and south portals, the South Coast Conduit all the way to the Corona del Mar and Cater Water

*Carpinteria Valley Water District
City of Santa Barbara
Goleta Water District
Montecito Water District
Santa Ynez River Water Conservation District, Improvement District #1
General Manager/Secretary of the Board, Kathleen A. Rees*

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Treatment Plants, and the water treatment plants themselves. In addition, once in the Lake, quagga mussels could enter the State Water Pipeline through the Bradbury Dam outlet works, which in turn could impact each State Water turnout on the Santa Ynez River.

The quagga and zebra mussels have caused an estimated \$100 million a year in damages in the eastern United States and Canada. The Metropolitan Water District has already spent nearly \$10 million over 18 months on mussel control measures. If Lake Cachuma becomes infested, it will cost hundreds of thousands of dollars annually to remove the mussels and maintain the water delivery system that provides this vital resource to some 300,000 residents on the South Coast and in the Santa Ynez Valley, as well as thousands of visitors to Santa Barbara County.

They disrupt the natural food chain because as filter feeders, they remove food and nutrients from the water column, effectively depleting the food supply for other aquatic species, including endangered steelhead and bass. They eat so much phytoplankton that the water turns clear allowing sunlight to increase algal growth, which can cause taste and odor problems in drinking water supplies.

Therefore, prevention is critical. This threat is from the recreational use of boats on Lake Cachuma. The County of Santa Barbara, as the operator of the recreational facility, is responsible for ensuring that Lake Cachuma is managed for its primary purpose - to provide a safe and adequate water supply to the customers of the Cachuma Project Member Units. Recreational activities, such as fishing, are secondary benefits. We, therefore, request that the County take all available steps to protect this valuable resource.

COMB's General Manager, Kate Rees, and General Counsel, Bill Hair, met with County Park staff and Reclamation staff on January 11, 2008 to discuss this issue, and it was a very useful and informative meeting. However, neither the Parks Director nor anyone from the Chief Executive Office, although invited, attended the meeting. Ms Rees indicated that she understood that County Park personnel have been carrying out regular inspections of the Lake, and have not yet discovered the presence of quagga mussels. However, once they are discovered, it will be too late. The Parks Department has been pro-active in initiating several important preventative measures, such as boater education handouts and signage at the main gate, mandatory inspections of all private boats as they enter the Park, and having boat owners sign affidavits regarding where their boats have been. However, it is our belief that inspections, no matter how thorough, are not sufficient to prevent an infestation, as the mussel can be imported in the larval stage which cannot be detected by a visual inspection.

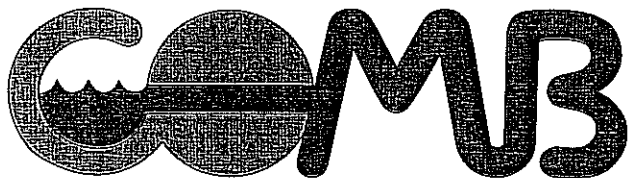
Additional measures are apparently being considered by the County but are not yet in place. Until those measures are implemented, COMB requests that Lake Cachuma be temporarily closed to all boats that are not a part of the current rental fleet, and prevent any other object that might contain mussels or their larvae from entering the Lake. This is not an action that can be "phased in," but must be done immediately. This is a serious and critical emergency, and needs to be recognized as such.

We realize that banning private boats will impact revenues for the Park and will be a hardship for the fishing and boating public who use Lake Cachuma. However, it will cost the County far more to perpetually maintain Cachuma Project facilities if the Lake becomes infected. Therefore, we strongly urge you to issue a restriction on private boating *for a minimum of six months*, but ultimately as long as it takes, to get all available protective measures in place, including, at minimum, the following:

1. Carry out thorough and adequate inspections of all boats entering the County Park.
2. Obtain signed affidavits from boat owners as they enter the Park that their boat is clean and dry, and that it has not been in infected waters.
3. Establish a decontamination protocol that boat owners must follow for boats and other recreational equipment.
4. Purchase and install high-powered, heated, sprayers and decontamination stations, and require that all boats with ANY potential for harboring quagga mussels or vellegers be decontaminated prior to entering the Lake.
5. Continue regular inspections of the Lake, boating facilities, and Cachuma Project facilities and equipment. Expand the current inspections of the Lake to include diving inspections and plankton tows.
6. Make operational the boat registration tracking system being developed by the Department of Fish and Game for all boats. Turn away all boats that have been in infected waters unless owner can demonstrate the boat has been in dry dock for a minimum of 10 days.
7. Develop an exit inspection program
8. Revise public information handouts to inform the public that all of these measures will be strictly enforced.

In addition, we believe the County should consider providing dry-dock storage space within the Park for local boat owners, and also additional private boat dock space that could be rented by interested boat owners.

Please be advised that COMB and its Member Units (City of Santa Barbara; Santa Ynez River Water Conservation District, Improvement District No. 1; and the Goleta,



CACHUMA OPERATION AND MAINTENANCE BOARD

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January 23, 2008

Michael R. Finnegan
Acting Regional Director
U.S. Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

Re: Cachuma Reservoir – Quagga Mussel Danger

Dear Mr. Finnegan:

Thank you for meeting with us at the ACWA Fall Conference. One of the issues we raised was our concern about the imminent possible infestation of quagga mussels at Lake Cachuma (“Lake”) if comprehensive preventative measures are not immediately put in place by the County of Santa Barbara Parks Department.

As you are well aware, the quagga mussel was discovered in Lake Mead on January 6, 2007, and has spread rapidly to the four western states. It has been found in more than a dozen locations in the state including the Colorado River Aqueduct, Lake Havasu, Lake Mojave, Lake Powell, Lake Matthews near Riverside, and has now moved into five reservoirs in San Diego County as well. In addition, the zebra mussel, a close relative of the quagga mussel, has just been discovered in a Hollister-area reservoir in San Benito County. Lake Wolford and Lake Cuyamaca have imposed a private boat ban until high-powered, heated sprayers can be installed. At Lake Poway, officials have banned float tubes, private motors, anchors and live-bait containers. Lake Casitas’ Board of Directors is considering closing Lake Casitas to private boats to prevent an infestation of quagga mussels, and a new state law gives the Department of Fish and Game the power to ban boats from infected lakes throughout the state. The rate of reproduction and growth of the quagga mussels is the most experts have ever seen, due to warmer temperatures, abundant food supply, and calcium available in these waters. This has resulted in a speed of growth so great that they are now a direct threat to Santa Barbara County. Therefore, a rapid, emergency response plan must be developed and put in place utilizing all available preventative measures before infestation occurs at Lake Cachuma.

Quagga mussels and their free-floating larvae spread to waters from fishing boats, motors, hull surfaces, bait tanks, and boat trailers. They “hitch hike,” on boats that have been in infested water bodies, and then enter a new water body when the boat is launched. The

*Carpinteria Valley Water District
City of Santa Barbara
Goleta Water District
Montecito Water District*

*Santa Ynez River Water Conservation District, Improvement District #1
General Manager/Secretary of the Board, Kathleen A. Rees*

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mussel's ability to rapidly colonize on soft and hard surfaces clogs water intake and outlet structures, hampering the flow of water. The wet surfaces of all objects, such as pipes, valves, pumps, sensors, and other hydraulic devices can become completely incrustated with the mussels. And it is virtually impossible to eradicate them once they are established. If they do enter the Lake, they will severely impact all of the Cachuma Project physical facilities, including the Bradbury Dam radial gates, intake and outlet structures to the mainstem Santa Ynez River and Hilton Creek, Tecolote Tunnel, valving and piping at the north and south portals, the South Coast Conduit all the way to the Corona del Mar and Cater Water Treatment Plants, and the water treatment plants themselves. In addition, once in the Lake, quagga mussels could enter the State Water Pipeline through the Bradbury Dam outlet works, which in turn could impact each State Water turnout on the Santa Ynez River.

The quagga and zebra mussels have caused an estimated \$100 million a year in damages in the eastern United States and Canada, and Metropolitan Water District has already spent nearly \$10 million over 18 months on mussel control measures. If Lake Cachuma becomes infested, it will cost hundreds of thousands of dollars annually to remove the mussels and maintain the water delivery system that provides this vital resource to some 300,000 residents on the South Coast and in the Santa Ynez Valley, as well as thousands of visitors to Santa Barbara County.

They disrupt the natural food chain because as filter feeders, they remove food and nutrients from the water column, effectively depleting the food supply for other aquatic species, including endangered steelhead and bass. They eat so much phytoplankton that the water turns clear allowing sunlight to increase algal growth, which can cause taste and odor problems in drinking water supplies.

Therefore, prevention is critical. This threat is from the recreational use of Lake Cachuma, primarily from private boats. The Bureau of Reclamation ("Reclamation") holds a contract with the County of Santa Barbara ("County") as the operator of the recreational facility at Lake Cachuma. That contract acknowledges that the primary purpose of the reservoir is to provide a safe and adequate water supply resource to the customers of the Cachuma Project Member Units. Recreational activities, such as boating and fishing, are ancillary benefits. Reclamation is responsible for ensuring that the County manages the Recreation Area in a manner that protects water supply deliveries and the Cachuma Project facilities. Therefore, Reclamation has the ultimate authority to take any and all steps to avoid a potentially devastating impact to that water delivery system by preventing quagga mussels from entering Lake Cachuma.

COMB's General Manager, Kate Rees, and General Counsel, Bill Hair, met with County Park staff and Reclamation staff on January 11, 2008 to discuss this issue, and it was a very useful and informative meeting. However, neither the Parks Director nor the Chief Executive Office, although invited, attended the meeting. Ms Rees indicated that she understood that County Park personnel have been carrying out regular inspections of the Lake, and have not yet discovered the presence of quagga mussels. However, once they are

discovered, it will be too late. County Parks has initiated several important preventative measures, such as boater education handouts and signage at the main gate, mandatory inspections of all private boats as they enter the Park, and having boat owners sign affidavits regarding where their boats have been. However, it is our belief that inspections, no matter how thorough, are not sufficient to prevent an infestation, as the mussel can be imported in the larval stage which cannot be detected by a visual inspection.

Additional measures are apparently being considered by the County but are not yet in place. Until those measures are implemented, COMB believes that Reclamation should order the County to temporarily close Lake Cachuma to all boats that are not a part of the current rental fleet, and prevent any other object that might contain mussels or their larvae from entering the Lake. This is not an action that can be "phased in," but must be done immediately. This is a serious and critical emergency.

We realize that banning private boats will impact revenues for the Park. However, it will cost the County far more to perpetually maintain Cachuma Project facilities once the Lake is infected. It is the only immediate action that will assure quagga mussels do not enter Lake Cachuma. Therefore, we strongly request that you send a letter to the County Board of Supervisors ordering a ban on private boating *for a minimum of six months*, but ultimately as long as it takes, to get all available protective measures in place, including, at minimum, the following:

1. Carry out thorough and adequate inspections of all boats entering the County Park.
2. Obtain signed affidavits from boat owners as they enter the Park that their boat is clean and dry, and that it has not been in infected waters.
3. Establish a decontamination protocol that boat owners must follow for boats and other recreational equipment.
4. Purchase and install high-powered, heated, sprayers and decontamination stations, and require that all boats with ANY potential for harboring quagga mussels or vellegers be decontaminated prior to entering the Lake.
5. Continue regular inspections of the Lake, boating facilities, and Cachuma Project facilities and equipment. Expand the current inspections of the Lake to include diving inspections and plankton tows.
6. Make operational the boat registration tracking system being developed by the Department of Fish and Game for all boats. Turn away all boats

that have been in infected waters unless owner can demonstrate the boat has been in dry dock for a minimum of 10 days.

7. Develop an exit inspection program.
8. Revise public information handouts to inform the public that all of these measures will be strictly enforced.

In addition, we believe the County should consider providing dry-dock storage space within the Park for local boat owners, and also additional private boat dock space that could be rented by interested boat owners.

Please be advised that COMB and its Member Units (City of Santa Barbara; Santa Ynez River Water Conservation District, Improvement District Number 1; and the Goleta, Montecito, and Carpinteria Valley Water Districts) will hold the County of Santa Barbara responsible for removal of any quagga mussel infestation, all resulting damages to Cachuma Project facilities, Cater Treatment Plant, Corona del Mar Treatment Plant, or State Water conveyance facilities, and all ensuing maintenance to those facilities that might result if the quagga mussel infests Lake Cachuma. Reclamation has the responsibility to make sure that its contractor does all that is possible to protect the primary purpose of the Cachuma Project, which is to provide a safe and reliable water supply. Failing that COMB will also hold Reclamation responsible.

We will gladly work with Reclamation and the County Parks Department to develop viable emergency measures. The financial burden for implementation of these measures rests with the County of Santa Barbara.

Sincerely,



C. Charles Evans
President of the Board

cc: Michael Jackson, South Central California Area Manager, U.S. Bureau of Reclamation
Santa Barbara County Board of Supervisors
Daniel Hernandez, Santa Barbara County Parks Director
William Brennan, Central Coast Water Authority
Cachuma Project Member Units

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Kate Rees

From: Robert Stackhouse [rstack@cvpwater.org]
Sent: Sunday, January 20, 2008 7:28 PM
Cc: 'Robert F. Stackhouse (E-mail)'; 'Serge Birk '
Subject: CALIFORNIA WATER NEWS: WATERSHEDS - 1/18/08

ZEBRA MUSSELS:

Don't move a mussel; expert explains all about invasive shellfish

Hollister Freelance – 1/16/08

By Michael Van Cassell, staff writer

A renowned biologist said today the zebra mussels found in a small reservoir south of Hollister may have been in the basin for years and hitched a ride over the Rocky Mountains to get there.

Dr. Daniel P. Molloy also said a soil bacterium - which could be commercially available within two years - acts as a toxin and can kill 70 percent to 90 percent of the mollusk and its close cousin, the quagga mussel, when applied.

Molloy is director of Cambridge Field Research Laboratory at the New York State Museum and has researched the zebra mussel for nearly two decades.

State officials confirmed Monday the presence of zebra mussels in San Justo Reservoir - which is connected to California's central waterways that feed millions of acres of farmland and provide drinking water. While it is unknown how widespread the pesky mollusks are, it is feared they could clog water pumps and pipes and alter ecosystems.

It's unknown how the zebra mussels came to the reservoir, but a fisherman pulled a clump of the mussels from the reservoir on Jan. 5, the California Department of Fish and Game reported.

"And that clump didn't fall off a boat," Molloy said Wednesday. "Those are the generations after the first settlers came there."

Officials from the U.S. Bureau of Reclamation - the agency that owns San Justo Reservoir - said Tuesday the zebra mussels found there are most likely 1 to 3 years old.

Molloy said he was surprised when state officials found the quagga before the zebra mussel in California.

"Zebra mussels in Europe spread much more quickly from their native range than quagga mussels have," Molloy said.

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The discovery in San Justo Reservoir marks not only the first in the state, Molloy said, but also west of Oklahoma. He credits the Rocky Mountains for blocking the progress of the freshwater mussels, first found in the Great Lakes area in the late 1980s. They have since spread downstream into the Mississippi River drainage.

Since the mussels were brought to American waters - most likely in the ballasts of ships from Europe - they have caused billions of dollars in damage to infrastructure and ecosystems.

Zebra and quagga mussels are native to the Caspian Sea and eventually spread throughout Europe, but the Ural Mountains saved Asia from an encroachment, Molloy said.

The mussels' larvae float on water currents but can also be spread through recreational boating.

'Don't move a mussel,' state officials ask

When state officials learned in January 2007 that quagga mussels were present in Lake Mead - a Nevada reservoir that feeds the Colorado River and ultimately California's aqueduct system - they began intensive inspections of boats crossing the border into California.

Alexia Retallack, a spokeswoman for the California Department of Fish and Game, said the state has stopped approximately 80,000 boats before entering - requiring 7,000 of those to dry, drain and clean - and found mussels on 104 vessels in the past year.

"We ask boaters, please help us out," Retallack said.

Retallack said zebra mussels can live out of water for five days and that state officials recommend leaving a boat dry and cleaned for at least that long.

A zebra mussel can spawn up to one million eggs in a year, Retallack said, making them "prolific breeders, voracious feeders."

The mussels can also choke out indigenous aquatic life by filtering out the water's food base.

San Justo Reservoir remained closed Wednesday and federal, state and local government officials will most likely discuss the zebra mussels via teleconference Thursday, San Benito County Water District Manager Lance Johnson said.

Johnson urged recreation area users to help state officials spot the mussels.

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"More people really need to be cognizant of these things and keep an eye out for them, because it's a problem all across the state," Johnson said.

For now, authorities can only prevent the spread of the zebra and quagga mussels with education. But researchers hope to develop a biopesticide for the mollusks on a commercial level.

A solution from the soil

The Rocky Mountains may have provided California waterways with the relative isolation to give researchers in the east a headstart on finding a solution to combat the two invasive shellfish before coming here.

Dr. Daniel Molloy said research began nearly 20 years ago to find a solution to the zebra and quagga mussels.

Before the mussels arrived, Molloy had discovered a soil bacteria that kills the black fly, a pest in the eastern United States.

Using similar techniques, researchers isolated *Pseudomonas fluorescens*, a soil bacterium that is toxic to zebra and quagga mussels.

"The remarkable thing about this bacteria is we've tested it against fish - we've tested it against other types of aquatic organisms, and it doesn't kill them," Molloy said.

In August 2007, the New York State Museum teamed with Davis-based Marrone Organic Innovations to develop the research into a commercially viable product.

Marja Koivunen, research and development director for Marrone Organic Innovations, said research on the bacteria is promising, but more work needs to be done.

Another hurdle the company faces is the U.S. Environmental Protection Agency, which will register the biopesticide before allowing it to be sold commercially.

Researchers would like to raise the biopesticides kill rate to 95 percent, and also must learn how to develop the bacteria on a commercial scale and what form it will take.

Koivunen said it could come in powder form, but particles must be a specific size.

"If it's too big, the mussels will not take it in," Koivunen said. "If it's too small, it will be filtered out."

The EPA will likely want researchers to further isolate the active ingredient in the

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bacteria that kills the mussels, Koivunen said.

Marrone Organic Innovations has applied for National Science Foundation grant funds for the research and should know more by March 1.

If the grant doesn't come through, it may not stop the company from developing the product.

"Even before we knew it was a threat to California, the investors felt this is something we need to do," Koivunen said.

Also check out: the story that broke the news that zebra mussels were present in the reservoir and a story about how area customers received water from the reservoir during a four-week period.

A few facts about the zebra mussel

The zebra mussel is a prolific breeder that feeds off the bottom of the food chain and can clog water pipes, valves and pumps. It is native to the Caspian Sea, has spread throughout Europe and was first found in the Great Lakes region in the late 1980s.

A recent discovery of the species in San Justo Reservoir south of Hollister marks the first time the mussel has been found west of Oklahoma. State officials do not know how widespread the mussels are or if the mollusks are outside of San Justo Reservoir - which is connected to the California's central water system. A single zebra mussel can produce up to one million eggs in a year. #

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Kate Rees

From: Robert Stackhouse [rstack@cvpwater.org]
 Sent: Wednesday, January 16, 2008 10:18 AM
 Cc: Larry Bauman; 'Robert F. Stackhouse (E-mail)'
 Subject: CALIFORNIA WATER NEWS: WATERSHEDS - 1/16/08

ZEBRA MUSSELS:

Zebra mussel found in California reservoir; Authorities investigate appearance of invasive mollusk in San Benito County. Prolific creatures can clog waterways and pose a threat to fish populations

Los Angeles Times – 1/16/08

By Deborah Schoch, staff writer

The zebra mussel that has wreaked havoc in waterways around the nation has been found in California, dismayed state and federal water officials who hoped to prevent the fast-spreading mollusk from reaching the West Coast.

State officials do not know how the mussel traveled west of the Rockies, although they suspect it may have hitched a ride on a recreational boat transported by trailer.

Dozens of zebra mussels turned up in the last 10 days in a Hollister-area reservoir that serves growers and residents in San Benito County, known for its walnut and apricot orchards. County officials there worry that the mussel will clog irrigation lines and pumps in a region that has already been hit hard by state water shortages.

The zebra mussel, like its close relative the quagga mussel, is a European native that infested the Great Lakes and other waterways in the last two decades, causing hundreds of millions of dollars in damage. Both types of mussels can alter the food chain dramatically and cause steep declines in fish populations, according to government and academic scientists who have studied their spread.

The quagga mussel, which made its first western appearance in Lake Mead last January, has already spread through the Colorado River Aqueduct to reach several Southern California reservoirs.

"It's not good news. If they're as invasive as they say, it could be a nightmare for our infrastructure," said Arman Nazemi, assistant San Benito County public works director, who heard last week that a fisherman found a zebra mussel in San Justo Reservoir.

There is no definitive way to eradicate the zebra or quagga mussel, state officials said.

"Once they're in a waterway, there's not much we can do," said Alexia Retallack, spokeswoman for the California Department of Fish and Game, which announced the zebra

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mussel's discovery Tuesday. "They're prolific breeders. A female can produce 40,000 eggs in a single spawning, and over a season about a million. That's a lot."

Myriad questions surround the zebra mussel's discovery in San Justo Reservoir, which is normally open to recreational boaters but has been closed to them since the mussel was found.

"We want to know how widespread are they. Is this an isolated occurrence, or is the reservoir full of them?" Retallack said.

State, federal and county officials are investigating the finding because the reservoir is the terminus of a gravity-flow pipeline from San Luis Reservoir, used jointly by the federal Central Valley Project and the California State Water Project, state officials said. Water flows into the terminal reservoir, making it unlikely that the mussels could gravitate upstream into the projects, said Pete Weisser, spokesman for the California Department of Water Resources.

Neither type of mussel has been found in the California Aqueduct or other State Water Project facilities that deliver water throughout California. But the discovery of the zebra mussel comes at a difficult time for San Benito County farmers, who have seen water deliveries cut 10% to 15% since late December because of a judicial ruling limiting pumping from the Sacramento-San Joaquin River Delta.

The zebra mussel is a Russian native that is believed to have traveled to the United States in 1988 in the ballast water of a ship, landing first in Lake St. Clair and spreading throughout the Great Lakes in the next 10 years. The mussels have invaded large areas of the Northeast, Midwest and South, competing with fish for food and causing sweeping changes in the ecosystems. #

Invasive zebra mussels found in Hollister reservoir; first known discovery of species in California

Gilroy Dispatch – 1/15/08

By Anthony Ha and Michael Van Cassell, staff writers

State officials confirmed today the first known discovery in California of zebra mussels - an invasive shellfish that can clog water pumps and pipes and could potentially wreck havoc on California's water and power system - in Hollister's San Justo Reservoir.

The California Department of Fish and Game confirmed today it's the first known presence of the species in state waters.

Aside from local impacts to the environment and recreational offerings, what makes it worrisome on a broader level is that the San Justo Reservoir is connected to the state's Central Valley water system. San Benito County Water District Manager Lance Johnson said

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zebra mussels are highly mobile - they can spread through water currents - and have the potential to block water pipelines, pumps and valves.

"This has major implications to it," Johnson said.

Santa Clara Valley Water District officials have taken notice of the outbreak and are taking steps toward identifying whether zebra mussels are present in any Santa Clara County reservoirs, district spokeswoman Susan Siravo said.

"At this point there's no indication that there are zebra muscles in any of the county's 10 reservoirs, however... we'll be doing an inspection of the San Felipe division intakes in San Luis Reservoir," which is a source of the San Justo Reservoir, next week, she said. In addition, "We're going to temporarily stop bringing water from San Luis Reservoir to Calero to Anderson" reservoirs in case the San Luis Reservoir is the source of the mussels.

Water district staff will install and monitor test plates at the intake pipes of Calero and Anderson reservoirs, Siravo said. These test plates will show whether the mussels are coming to the reservoirs from the San Luis Reservoir.

Zebra mussels are also extremely efficient filter feeders that can destroy the food base for indigenous water ecosystems. And a county supervisor today expressed concerns that the discovery could harm local farmers, too.

The U.S. Bureau of Reclamation, which owns San Justo Reservoir, suspects the zebra mussels found there are 1 to 3 years old, said Jeff McCracken, spokesman for the bureau office in Sacramento.

It means they likely have been there for a long time, he noted.

"So this isn't like one just showed up," he said.

Dr. B.J. Miller, a civil engineer who has worked with invasive species' in the Sacramento-San Joaquin Delta for more than a decade, said today the farther away from the reservoir the zebra mussel was introduced, the larger the problem.

Miller said larvae are buoyant and can float, but most likely would not travel against the flow of water from the reservoir into the delta system.

"It will be interesting to find out how they think it got into this little reservoir," Miller said.

Alexia Retallack, spokeswoman for the California Department of Fish and Game, said the zebra mussels found in San Justo Reservoir most likely were spread through recreational users.

Retallack said a fisherman pulled up a clump of the mussels Jan. 5 and took them to fish and

game officials. The agency had the California Department of Food and Agriculture test the mollusks to determine they are the zebra mussel species, Retallack said.

The spokeswoman added that the California Department of Water Resources searched for the mussel in the Central Valley system and could not find any. Invasive quagga mussels - a relative of the zebra - have been found in Southern California, Retallack noted.

Bureau of reclamation officials first contacted Johnson on Wednesday about samples from the reservoir believed to be the invasive species, he said.

The discovery will affect recreational activities there, Johnson said, but it is too early to tell whether it has broader implications.

"There's a lot more work that needs to be done," Johnson said. "We don't go hitting the panic button yet."

The nickel-sized mussel can spread easily through larvae on the hulls of boats and in the cooling systems of motors.

Adult mussels also can be carried on the shoes of recreation area users and spread that way.

Nationally, zebra mussels have caused billions of dollars in damage, according to the Virginia Department of Game and Inland Fisheries. Zebra mussels cost industries, businesses and communities more than \$5 billion from 1993-1999, according to the department.

The state's fish and game department on Thursday collected more samples, which were sent to Sacramento for testing.

San Benito County Supervisors Anthony Botelho, Don Marcus and Reb Monaco all confirmed today they had been notified about the discovery and said they were waiting to hear more.

"I just have my fingers crossed that this zebra mussel came from another area," Botelho said. "Nobody has said, once it's there, what you do about it."

Anything that threatens water from the reservoir could deal a blow to local agriculture, he said.

"I'm very concerned about irrigation water," Botelho said. "This is really, really bad news - it could be the straw that broke the camel's back for farmers (who are already facing a water shortage)."

San Benito County runs the concession stand at San Justo Reservoir and shut down the recreation area on Friday, County Administrative Officer Susan Thompson said.

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The county is just following directions from the fish and game department and water district Thompson said. But she added: "It's concerning, obviously. Otherwise we wouldn't have closed it down."

Johnson said a conference had been scheduled for today with the bureau of reclamation, the department of fish and game, the county's water district and other government agencies.

"We don't know yet where they came from, how they got here," Johnson said.

Officials did not know when the reservoir would re-open. #

CACHUMA OPERATION AND MAINTENANCE BOARD

MEMORANDUM

DATE: January 28, 2008
TO: Members of the Board of Directors
FROM: Kate Rees, General Manager
RE: **License for Ocean View Homeowners Association at Ortega Reservoir**

Recommendation:

Consider the License to Use Reclamation Right-Of-Way to the Ocean View Homeowners' Association in substantially the same form as presented.

Discussion:


The Ocean View Homeowners' Association (HOA) has long desired to acquire permission for the property owners to access their properties along Ortega Ridge Road, which runs above Ortega Reservoir to the north. Except for emergency access, they must currently access their properties through Summerland. The Ortega Ridge Road property is owned by the Bureau of Reclamation (Reclamation), which has transferred the responsibility for maintenance of the Ortega Reservoir facilities to COMB. Prior to Ortega Reservoir being covered, the COMB Board was of the opinion that access should be denied to the HOA in order to protect the water quality in Ortega Reservoir. However, that objection has been removed now that the reservoir cover is in place.

As part of the Settlement Agreement between the Montecito Water District and the HOA, an effort was to be made to acquire access for the property owners. COMB's General Counsel, Mr. Hair, and I have been assisting in that effort.

Reclamation has indicated that they cannot grant a permanent right-of-way easement to the HOA because the properties are not landlocked; the owners have another route by which to access their properties. However, the Transfer Contract allows COMB, acting as Reclamation's agent, to grant a license to the HOA for access rights, providing Reclamation has no objection. Reclamation has determined that this request is not incompatible with the purpose for which the land was obtained, and therefore has no objection to issuing a license to the HOA.

Attached is a draft license for the Board's consideration. There are some minor changes and clarifying statements that need to be added, but it is accurate as to substance. A recommendation for approval will be presented at the February Board meeting.

Respectfully submitted,


Kate Rees
General Manager

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

(Ortega Ridge Access) Cachuma Project
LICENSE TO USE RECLAMATION RIGHT-OF-WAY

THIS LICENSE is given this _____ day of _____, 20____, in pursuance of the Act of June 7, 1902 (32 Stat. 388) and Acts amendatory thereof or supplementary thereto, by THE UNITED STATES OF AMERICA, acting by and through its Bureau of Reclamation, Department of the Interior hereinafter called United States, represented for the purpose of issuing this License, pursuant to the Transfer of the Operation and Maintenance of the Cachuma Transferred Project Works (Contract Number 14-06-200-522R) dated March 1, 2003, by its agent, the CACHUMA OPERATION AND MAINTENANCE BOARD ("COMB"), through its duly authorized officer executing this License to OCEAN VIEW HOMEOWNERS' ASSOCIATION, a California Nonprofit Mutual Benefit Corporation, with a business address at _____ ("Licensee.").

RECITALS:

A. The United States currently owns Assessor's Parcel No. 005-030-001, as identified in the Assessor's Records of the County of Santa Barbara, California, which includes certain land acquired by the Bureau of Reclamation ("Reclamation") to establish a right-of-way to Ortega Reservoir and other facilities associated with the Cachuma Project (the "Ortega Ridge Access")

B. By Contract Number 14-06-200-522R dated March 1, 2003 (the "Transfer Contract") Reclamation transferred to COMB responsibility for the operation and maintenance of certain transferred project works associated with the Cachuma Project including but not limited to the South Coast Conduit System, appurtenant control stations and Ortega Reservoir.

C. Under Sections 6(c) and 6(d) of the Transfer Contract, COMB may issue a license for use of real property subject to the Transfer Contract, provided that such license does not grant an interest in real property and provided that COMB first consults with Reclamation and considers any reasonable provisions requested by Reclamation for inclusion in such instrument.

D. **[Describe role of Montecito Water District in relation to License Area. Bill Hair has asked that MWD be included in several provisions of the License.]**

C. Licensee, through its Board of Directors, has requested that Reclamation authorize access over a portion of the Ortega Ridge Access, as described more fully herein, to benefit members of Licensee who own properties near the Ortega Reservoir, as well as other nonmember owners of nearby properties to whom Licensee may, in its sole judgment, grant access.

D. Reclamation has determined that Licensee's requested use is not, at this time, incompatible with the purpose for which the subject land was obtained, and COMB has agreed that the requested use is not

incompatible with its rights and obligations pursuant to the Transfer Contract

IT IS AGREED:

1. License and License Area Reclamation does hereby grant to Licensee a non-exclusive license to use that portion of the Ortega Ridge Access described more fully in Exhibit A hereto and depicted on Exhibit B hereto (the "License Area"). This License shall be considered personal, revocable, and nontransferable. It will neither constitute nor be construed as any surrender of the jurisdiction and supervision by the United States over the License Area.
2. Reservation of Rights This License is granted subject to any and all existing rights in favor of the public or third parties for highways, roads, railroads, telegraph, telephone and electrical transmission lines, canals, laterals, ditches, flumes, siphons, and pipelines on, over, and across the License Area.
3. Permitted Use Licensee may use the License Area for vehicular and pedestrian ingress and egress and for all activities ordinarily associated with the residential use of land (the "Permitted Use")
4. Authorized Users Licensee is hereby authorized to offer all rights and benefits of this License to its member property owners and their occupants and invitees, as well as to non-member property owners and their occupants and invitees who, in Licensee's sole judgment, may benefit from use of the License Area (together the "Authorized Users"). All acts and omissions of Authorized Users within or in any manner affecting the License Area shall be deemed, for purposes of this License, the acts and omissions of Licensee. Licensee shall remain solely responsible for compliance with all terms and conditions of this License, and no authorization of use by any other person may be construed as a transfer of any of Licensee's responsibilities hereunder. Any attempted assignment or transfer of responsibility under this License shall be considered void and of no effect and shall constitute grounds for revocation of this License.
5. Period of Use This License will become effective on the date hereinabove written and unless otherwise sooner revoked or terminated, will continue for twelve (12) years (the "Period of Use").
6. Value of License Reclamation has waived the value of the right-of-use fee in accordance with 43 CFR 429.4.
7. Prohibited Activity At no time under this License may Licensee engage in any of the following activity:
 - (a) Store any hazardous material on the License Area.
 - (b) Use water from the Ortega Reservoir for Licensee's activities.
 - (c) Leave waste and debris on the License Area.
8. Environmental Requirements Licensee will comply with all applicable water, ground, and air pollution laws and regulations of the United States, the State of California and local authorities. Licensee also will comply with the following hazardous materials restrictions:
 - (a) Licensee shall not allow contamination or pollution of Federal lands, waters or facilities for which Licensee has responsibility for care, operation, and maintenance by its employees or agents and shall take reasonable precautions to prevent such contamination or pollution by third parties.

Substances causing contamination or pollution shall include but are not limited to hazardous materials, thermal pollution, refuse, garbage, sewage effluent, industrial waste, petroleum products, mine tailings, mineral salts, misused pesticides, pesticide containers and any other pollutants.

- (b) Licensee shall comply with all applicable Federal, State, and local laws and regulations, and Reclamation policies, directives and standards, existing or hereafter enacted or promulgated, concerning any hazardous material that will be used, produced, transported, stored, or disposed of on or in Federal lands, waters or facilities.
- (c) "Hazardous material" means any substance, pollutant, or contaminant listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601, et seq., and the regulations promulgated pursuant to that Act.
- (d) Upon discovery of any event which may or does result in contamination or pollution of Federal lands, waters or facilities, Licensee shall initiate any necessary emergency measures to protect health, safety and the environment and shall report such discovery and full details of the actions taken to Reclamation. Reporting may be within a reasonable time period. A reasonable time period means within twenty-four (24) hours of the time of discovery if it is an emergency or by the first working day if it is a non-emergency. An emergency is any situation that requires immediate action to reduce or avoid endangering public health and safety or the environment.
- (e) Violation of any of the provisions of this Paragraph 8, as determined by the Reclamation, may constitute grounds for termination of this License. Such violations require immediate corrective action by Licensee and shall make Licensee liable for the cost of full and complete remediation and/or restoration of any Federal resources or facilities that are adversely affected as a result of the violation.
- (f) Licensee agrees to include the provisions contained in paragraphs (a) through (e) of this Paragraph in any subcontract or third-party contract it may enter into pursuant to this License.
- (g) Reclamation agrees to provide information necessary for Licensee, using reasonable diligence, to comply with the provisions of this Paragraph 8.

9. Cultural Resources Protection. Licensee shall immediately provide an oral notification to Reclamation's authorized official of the discovery of any and all antiquities or other objects of cultural, historic, or scientific interest on Reclamation lands. Licensee shall forward a written report of its findings to Reclamation's authorized official within 48 hours. Objects under consideration include, but are not limited to, historic or prehistoric ruins, human remains, or artifacts discovered as the result of activities under this easement. Licensee shall cease activity, stabilize any disturbed area, and protect such discoveries until authorized to proceed by Reclamation's authorized official. Protective and mitigative measures specified by Reclamation's authorized official shall be the responsibility of the Grantee. For purposes of this Paragraph 9, Reclamation's authorized official shall be _____.

10. Discovery of Human Remains. Licensee shall immediately provide an oral notification to Reclamation's authorized official of the discovery of human remains on Reclamation land. Licensee shall forward a written report of its findings to Reclamation's authorized official within 48 hours by certified mail. Licensee shall cease activity, stabilize any disturbed area, and protect such discoveries until

authorized to proceed by the Regional Archaeologist for Reclamation (91Ø78-5041). Licensee shall be responsible for compliance with any protective and mitigative measures specified by the Regional Archaeologist. For purposes of this Paragraph 9, Reclamation's authorized official shall be its

11. Illegal Activity. Licensee shall be responsible for any activity by Licensee or Authorized Users that is deemed to be illegal on Federal lands. Such activity shall constitute grounds for revocation of this License.

12. Revocation of License. Reclamation may revoke his License upon thirty (30) days written notice to Licensee if:

- (a) Licensee's use of the land interferes with existing or proposed facilities or
- (b) The License Area is needed for any United States purpose, or
- (c) The United States disposes of its interest in the License Area, or
- (d) Licensee violates a term or condition of this License identified as grounds for revocation.

13. Termination of License. This License will terminate, and all rights of Licensee hereunder will cease

- (a) At the expiration of the Period of Use as provided by Paragraph 5; or
- (b) Without notice, upon default in payment to the United States of any installment of rental charges as provided by Paragraph 6, if applicable; or
- (c) On the date provided by written notice from Reclamation to Licensee served 120 days in advance thereof; or
- (d) After failure of Licensee to observe any condition of this License, on the tenth day following service of written notice on Licensee of termination because of failure to observe such condition.

Notices required under this Paragraph 13 shall be served by certified mail addressed to the respective postal addresses provided by the parties pursuant to Paragraph 21 and the mailing of any such notice properly enclosed, addressed, stamped, and certified, will be considered service. In the event that Licensee has prepaid any License fee pursuant to Paragraph 5 at the time of termination, Reclamation shall refund a pro rata portion of the fee intended to cover the post-termination period. If this License is terminated under Paragraph 12(d), Reclamation reserves the right to bar Licensee from subsequent use of Federal lands associated with the Cachuma Project for a period of time determined by Reclamation's Area Manager.

14. Licensee's Obligations at Termination or Revocation. At the end of the Period of Use, or upon the sooner revocation or termination of this License for any reason, Licensee shall, without delay, and at Licensee's sole expense, remove any structure(s) or appurtenances installed in the License Area and quietly deliver to the United States possession of the License Area in a condition as good as on the effective date of this License, reasonable wear and damage by the elements excepted.

15. Severability. Each provision of this License shall be interpreted in such a manner as to be valid under applicable law, but if any provision of this License shall be deemed or determined by competent

authority to be invalid or prohibited such provision shall be ineffective and void only to the extent of such invalidity or prohibition, but shall not be deemed ineffective or invalid as to the remainder of such provision or any other remaining provisions, or of the License as a whole.

16. Installations and Repair and Maintenance of License Area Licensee is hereby authorized to install an electrically-operated gate at the location within the License Area identified as _____ on Exhibit B hereto. Said gate shall be designed and installed in a manner approved by Reclamation and by the Santa Barbara County Fire Department. Licensee has specified, and Reclamation has agreed, that the gate may remain locked with a keyed entry system for Authorized Users, provided that Licensee shall make access information available to Reclamation, COMB, the Montecito Water District, and the Santa Barbara County Fire Department. The installation of other structures or appurtenances in the License Area shall be subject to the requirements of this Paragraph 6.

Licensee shall be responsible for all maintenance and repair of License Area during the Period of Use under this License. Such maintenance and repair shall include, but not be limited to, periodic paving of the roadway, removal of brush for fire clearance and public safety, and other care of the License Area as Licensee may determine.

Installations, repair and maintenance shall be conducted in accordance with all applicable Federal, State of California, and local safety and environmental regulations and to the satisfaction of COMB and Reclamation's Area Manager. Licensee shall notify Reclamation's Area Manager at _____ and COMB at _____ 72 hours prior to initiating any installation, repair or maintenance activity on the License Area. A project construction schedule will be submitted to Reclamation and COMB prior to the commencement of any construction or repair activity that will compromise use of the License Area for vehicular access.

17. Liability Insurance Coverage. Licensee shall obtain and keep in force a Commercial General Liability policy of insurance protecting Licensee, and protecting the United States, COMB and Montecito Water District as additional insureds, against claims for bodily injury, personal injury and property damage based upon or arising out of the use of the License Area. Policy limits shall be not less than \$1,000,000 for each person/occurrence and \$2,000,000 aggregate for bodily injury or death, and not less than \$1,000,000 for property damage. Such insurance shall insure against the acts and omissions of members of Licensee affecting the License Area. The endorsement naming the United States as an additional will be the ISO CG 2010 endorsement form or equivalent and will reference the contract number of this License in the description portion of the endorsement form and will provide that the policy will not be canceled or reduced in coverage without ten (10) days prior written notice to Reclamation. Licensee shall require any contractors engaged in construction work in the License Area to carry liability insurance in comparable amounts and worker compensation coverage, and shall provide proof of same to Reclamation upon request.

18. Responsibility for Damage Damage to any Reclamation property, including but not limited to the License Area and adjacent service roads, access roads, culvert crossings, siphon barrel, farm bridge, fence gates and posts resulting from the Licensee's activities under this License will be corrected promptly at Licensee's expense to the satisfaction of Reclamation and COMB. **[Needs to be reworded for this particular situation.]**

19. Indemnity. Licensee shall indemnify, defend, and hold harmless COMB and the Montecito Water District, and their directors, managers, officers, employees agents and representatives from any loss, damage, claim, cost, lien, action, suit, liability, or judgment (including, without limitation, attorney's fees

and costs) arising from, resulting from, or in any way related to the operations or other activities of Licensee on any portion of the License Area. This indemnity shall survive the revocation or termination of the License.

20. Officials Not to Benefit. No Member of Congress shall be admitted to any share or part of any contract or agreement made, entered into, or accepted by or on behalf of the United States, or any benefit to arise thereupon, including without limitation this License

21. Warranty of Licensee Licensee warrants that no person or agency has been employed or retained to solicit or secure this License upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee except bona fide employees and bona fide commercial agencies maintained by the Licensee for the purpose of securing business. For breach or violation of this warranty, Reclamation will have the right to revoke this License without liability or in its discretion to require Licensee to pay the full amount of such commission, percentage, brokerage, or contingency fee to the United States.

22. Notices. Except as otherwise expressly provided by law or this License, any and all notices, invoices, or other communication required or permitted by this License or by law to be served on or delivered to or given to a party by another party to this License shall be in writing, and shall be deemed duly served, given or delivered when personally delivered to the party to whom it is directed or, in lieu of such personal service, two (2) days after such written notice is deposited in the United States mail, First Class, postage prepaid, addressed to the party at the address identified in this Paragraph 21 for that party in this License. Any party may change its address for purposes of this paragraph by giving written notice of such change to each other party in the manner provide in this paragraph.

Reclamation

Licensee

COMB

IN WITNESS WHEREOF, this License is granted and accepted as of the date first above written.

UNITED STATES OF AMERICA

By and through its Bureau of Reclamation, Department of the Interior

BY Cachuma Operation and Maintenance Board
Its Duly Authorized Representative

Approved as to form:

By: _____

By: _____

District Legal Counsel

Title: _____

ACCEPTED:

Licensee, by signature of its authorized representative below, agrees to the terms and conditions above.

OCEAN VIEW HOMEOWNERS' ASSOCIATION

By: _____

Date: _____

Title: _____

NOTED:

UNITED STATES OF AMERICA

Area Manager
South-Central California Area Office
Bureau of Reclamation

Exhibit "A"
Legal Description

Exhibit "B"
Plat Map

Agenda
Santa Barbara Countywide
Integrated Regional Water Management Plan
Cooperating Partners Meeting
Wednesday, December 19, 2007
1:00 pm – 4:00 pm

Location: County of Santa Barbara, Administrative Building, 4th Floor, Board of
Supervisors Conference Room

105 E. Anapamu Street, Santa Barbara

- **Directions:** Hwy 101 exit Carrillo, head east towards State Street, make a left on Chapala Street, right on Anapamu Street to 105 E. Anapamu Street

Conference call phone: 1-877-873-8016 and participant code 861785

AGENDA

- 1:00 Welcome and introductions
- 1:10 Public comments for items not on the agenda
- 1:20 Approval of minutes from November 13th meeting

- 1:30 **Results from Step 2 Applicant Workshop -Thurs, December 6th**
 - Tom Evans and Kathy Caldwell attended in Riverside

- 1:45 **Issues related to matching funds related to DACs**

- 2:15 **Additional Information Needed from Project Proponents**
 - Photos needed- Please provide to Dana Larson

- 2:45 **Review of Attachments**
 - Draft Application Schedule and Process
 - Partners review of draft application - December 6th- 21st
 - Partners review of draft final application- January 14th- 17th

- 3:40 **Next Meeting:** Time and Date to be decided at meeting- Host needed.

- 4:00 **Adjourn**

Meeting Minutes
Santa Barbara Countywide
Integrated Regional Water Management Plan
Cooperating Partners Meeting

November 13, 2007
11:00am -2:00pm

Location: City of Santa Maria, Community Development Department

Attendees

Cooperating Partners

Robert Almy, SB County Water Agency (County); Cynthia Allen, Vandenberg Village CSD; Bill Ferguson, City of Santa Barbara, Water Resources Division; Janet Gringas, COMB and CCRB; Teresa Reyburn, City of Santa Maria; Matt Van der Linden, Goleta Water District; Wendy Motta, Santa Ynez Valley Water Conservation District, ID#1; Bob McDonald, Carpinteria Valley Water District

On the Conference Call

Kate Rees, COMB and CCRB

Others Present

Kathy Caldwell, CH2MHill (CH); Michael Maxwell, CH2MHill; Tom Evans, Dudek; Shruti Chandra; Aspen Environmental

Proceedings

The meeting was called to order at 11:10 AM by Rob Almy.

There were no public comments for items not on the agenda.

The minutes from the Cooperating Partners meeting on October 25, 2007 were approved as written.

Santa Barbara invited to Submit for Step 2

Congratulations to the Santa Barbara region for being invited back to submit an application for Step 2. Unfortunately, there were some areas such as San Luis Obispo who were not invited back. Shruti Chandra will look over the rankings to compare how our application did as compared to other regions. There were four other regions in Southern California that were invited back to submit for step 2. The legislature has removed \$6.3 million dollars out of the IRWMP for groundwater projects. However, DWR may replace the \$6.3 million dollars from left over money from Round 1. There is a Round 2 workshop for public comments on the draft list this Friday, November 16, 2007. There could be the potential for changes to the draft list if any regions are upset with the outcome. As we saw last year in Round 1, DWR has considered changing funding recommendations. There is \$43 million dollars that is guaranteed for Southern

California. The only chance for getting an extension on the submittal date would be if there are any major issues with the call-back list. In Round 1, they were consistent with giving the same amount of money which was either \$12.5 million dollars or \$25 million dollars. We just don't know what the final configuration for Step 2 will be in the end and it will somewhat depend on the politics of the process.

Discussion on Roundtable of Regions Summit- Thursday, November 8th

Kathy Caldwell and Rob Almy attended the Roundtable of Regions Summit. They relayed the 6 questions that the Santa Barbara region came up with. There were about 35-40 people that attended the meeting. All of the attendees were currently working on IRWMP related work and it was very fruitful to attend. Rob Almy and Kathy Caldwell were able to network and strengthen their common views with the other Central Coast regions within our Prop 84 boundaries. In the summit, they discussed the application process and DWR and the SWRCB were able to join the discussion. The group as a whole felt strongly about how funding was allocated and how specifics on exactly how the funding should be disbursed should not be included in the legislation. They relayed to the agencies that the information in the application was very labor intensive and not very relevant. The state agencies indicated that the group should put together a proposal on how the application could be made better. They also discussed the issue of accountability and liability between the lead agency within the region and the individual project partners. The agencies indicated that there should be a sense of trust among the both the entities. The State Department of Finance made the contract particularly irrelevant to the IRWMP process. The Roundtable will provide input to the State on how the contract should be changed. DWR is being criticized heavily and DWR wants to deal with it.

We should take advantage of the opportunity to provide input because it will have benefits for us in Prop 84.

Someone in the group asked how the proposition process works and the response was that the bond initiative approves the sale of bonds and then the legislature puts the money in the budget and how it is allocated. The Prop 13 contracts between the State and the individual project proponents seemed more efficient than what has been proposed for Prop 50.

Status Update on Project Information Gathering and Required Partners Submittals to CH2MHill for Step 2

The status update began with the current status of the DACs. So far, Guadalupe seems to be in good shape. The County has hired CH2M Hill for the engineering for the DACs. Part of the Casmalia water system needs to be upgraded. HUD grants are available for a portion of the project, which is the tank replacement. The district and the County will work together on the tank replacement part. The issue is urgent and the HUD grant would be considered as part of the matching funds. Lastly, a public meeting needs to occur for Casmalia which is required by DWR as part of the public participation component of the application.

Cuyama has 2 projects which includes the water tower replacement and effluent disposal. Rehabilitation of the tower is similar in cost to replacing the entire tank. The tank does not meet seismic standards. The other project which includes effluent disposal project is a little tricky. If there is any GW interface with land application of the effluent it will trigger the need for Cuyama to prepare a Groundwater Management Plan(GWMP). A GWMP would be nearly impossible for them to prepare for both financial and political reasons. We need to figure out how to move forward with this project and how to make the Regional Board and DWR agree on this.

--Break--

CH went through the status of each individual application and passed out an example of a work plan from a successful region (Pajaro). So far, Carpinteria Valley Water District and Carpinteria Sanitary District are in good shape as far as submittals to CH. The Arundo Eradication, Goleta Sanitary District and Goleta Water District, City of Santa Maria and COMB are all in good shape.

County Flood Control District did not meet the deadline and will have the package by close of business, Wednesday. Vandenberg Village Community Services District (VVCS) is working with the city of Lompoc to obtain necessary information on their project and will provide it to CH2MHill. Missing the submittal deadline creates an issue for CH to prepare a competitive package. The types of projects and how they compare to the program preferences will affect how the State views and scores our projects/application. So far, we as a region, have done well with the DACs. DWR is also realizing that our geography is unique compared to other regions. This week is a crucial week with respect to timelines. The lack of timeliness in submitting materials to CH results in the group only being able to review the submittal once. The workplan is crucial for each project and we have to ensure that it is consistent with schedules, etc.

Something else to consider is that the City of Santa Barbara has a good project that would fit in well with our mix of projects and what DWR is looking for.

The group agreed to an open conference call on Friday afternoon for discussing the list and status of projects to figure out if any projects drop off or come on.

Someone asked if the State will provide input on project lists? They have indicated that they will not, however, this has been inconsistent between Round 1 and Round 2.

Teresa Reyburn asked about how we would deal with the fact that there is a lack of environmental projects. The City of Santa Barbara project would create a balance and increase our chances for funding.

All of our projects have merit; however, we have to make sure they are a good fit with the grant funding requirements.

Upcoming Schedule and Process

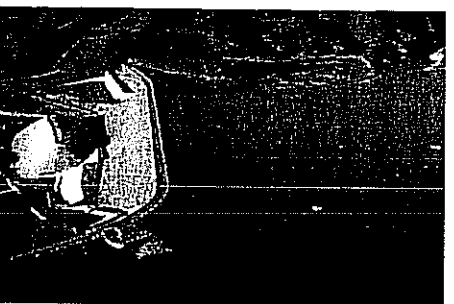
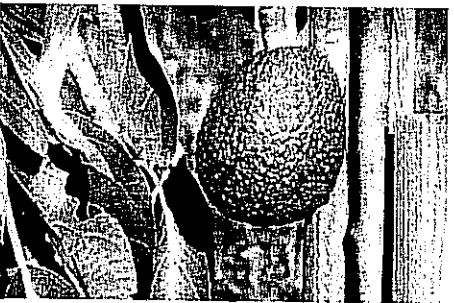
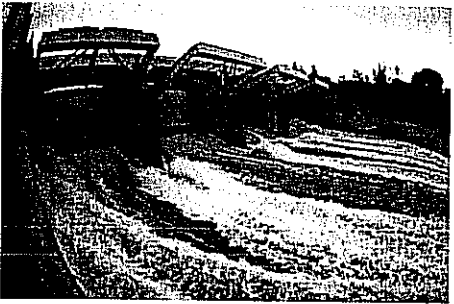
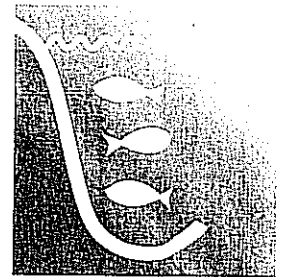
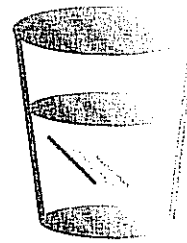
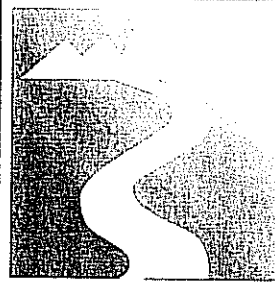
The deliverables will be provided as piecemeal since the schedule has slipped.

Next Meeting

The next meeting will be on Wednesday, December 19th in South County. The location and time is to be determined.

The meeting was adjourned by Rob Almy around 2 PM

Santa Barbara Countywide Integrated Regional Water Management Plan



Santa Barbara Countywide Integrated Regional Water Management Plan (IRWMP) and Step 1 Grant Application for Prop 50

The Santa Barbara Countywide IRWM Plan was completed in June 2007. The Plan provides a comprehensive overview of regional water management identifies important water projects and programs for future implementation and is required to secure State funding from Propositions 50 and 84

The IRWM Plan was adopted by 24 local public agencies as well as the County of Santa Barbara Board of Supervisors between June and August of 2007. The Plan was part of the initial (Step 1) application submitted to the State in early August 2007. The Step 1 application was reviewed by the State in September 2007 and ranked against other regional IRWMP's in Southern California. The IRWMP was assessed on its quality and consistency with the Prop 50 guidelines.

Prop 50- Round 2, Step 2 Application

The Santa Barbara Countywide Integrated Regional Water Management Plan Region scored well during DWR review of the Step 1 application and the Region was invited back to submit a Step 2 application, which is the next level in competing for Proposition funding from the State. 15 projects from the county region will move forward in the Step 2 application. These 15 projects are part of the broader project list contained in the IRWM Plan. The 15 projects include water supply projects, water quality projects and wastewater treatment projects. The Cooperating Partners are working furiously with their team to prepare the application information and at the same time trying to meet the very ambitious State deadline of January 28, 2008.

After their review of the Step 2 applications we expect DWR will announce the funding recommendations in mid 2008. For additional details on the 15 projects and for the latest on the Prop 50 application and IRWMP, please visit:

<http://www.countyofsb.org/pwd/water/irwmp.htm>

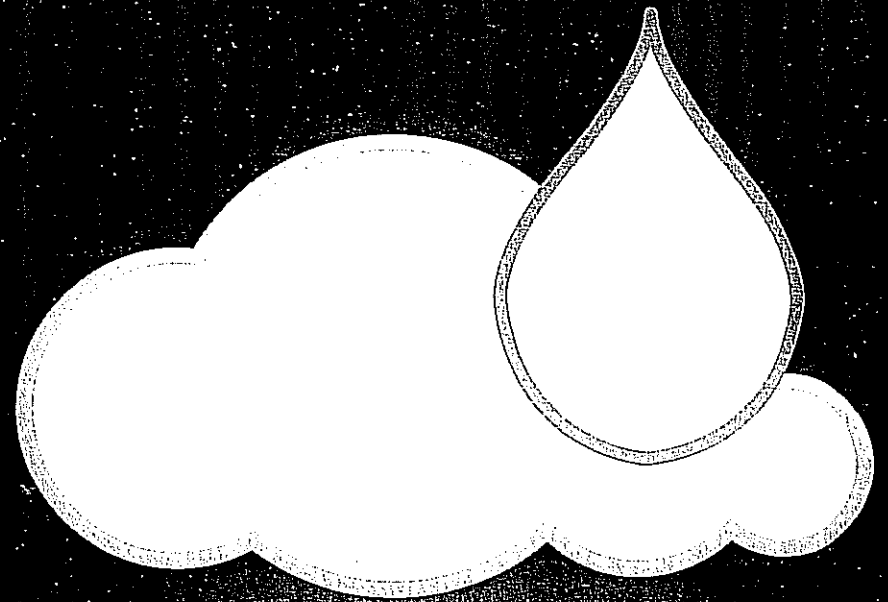
What's Coming Up?

Proposition 84 is another potential funding source for water resources related projects. Prop 84 also requires the preparation of an IRWMP. The Santa Barbara region's IRWMP will likely be updated to meet the new requirements of Prop 84. Draft Prop 84 guidelines are yet to be released by DWR. There is some uncertainty as to timing for the final Guidelines because the Governor cut Proposition activities out of the 2007-09 budget. However we anticipate funding in 2008-08 and Final Guidelines may be released sometime in mid to late 2008.

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Visit www.countyofsb.org/pwd/water/irwmp.htm

Or call (805) 568-5453 for more information.



41st Annual

*Mid Pacific Region
Water Users Conference*

**January 23-25, 2008
Reno, Nevada**

2008 MID PACIFIC REGION WATER USERS CONFERENCE

SCHEDULE OF EVENTS

PLEASE NOTE: In response to attendee requests, we have added "Concurrent Session Workshops" that will run at the same time as General Session presentations on Thursday. Concurrent sessions are featured in gray boxes below the General Session presentation for that time slot.

WEDNESDAY, JANUARY 23

7:30am-5:00pm REGISTRATION

8:00am CONTINENTAL BREAKFAST

8:30am-11:15am CALL TO ORDER and GENERAL SESSION

Welcome and Description of Conference Events: *Jeff Bryant, Firebaugh Canal Water District, Chair, WUC Planning Committee*

"What's Happening Locally" – *Nevada Governor Jim Gibbons (invited)*

Keynote Speaker: *Robert Johnson – Commissioner, U.S. Bureau of Reclamation – "Challenges and Opportunities"*

U.S Bureau of Reclamation: "What's on the Horizon?"

John Davis, Acting Regional Director, Mid Pacific Region

Frank Michny, Assistant Regional Director - Technical Services, Mid Pacific Region

Katherine Thompson, Assistant Regional Director - Support Services, Mid Pacific Region

"Fish, Critters, Man – the New Paradigm?" – Panel Discussion on the question and how that is (or is not) reflected in the Upcoming Biological Opinions, Recovery Plans, and Potential ESA Regulatory Changes

Steve Thompson, Manager, U.S. Fish & Wildlife Service, Cal/Nev Operation Office, Sacramento

Scott Hill, Division Manager, NOAA/NMFS

Frank Michny, Assistant Regional Director - Technical Services, USBR Mid Pacific Region

11:30am-12:45pm LUNCHEON and PROGRAM

F. Gordon Johnston Award Presented by Robert Stackhouse, CVP Water Association

Honorariums – Recently Retired Mid-Pacific Region Leaders

1:00pm-5:00pm FIELD TRIP : Tour of Naval Air Station TACTS and Top Gun

The Naval Air Station TACTS (Tactical Aircrew Training System) tour will include Electronic Warfare training sessions to include air to air combat training scenarios, surface to air threats, ground threats and early warning radar.

The Top Gun portion will include a tour of the Fleet Training Building presented by a pilot active in a base squadron.

5:30pm-7:30pm EXHIBITOR RECEPTION

Complimentary Cocktails, Hors d'oeuvres, and Visits with Exhibitors

THURSDAY, JANUARY 24

7:30am-5:00pm REGISTRATION

8:00am-9:15am BREAKFAST and PROGRAM

Keynote Speaker: *Lester Snow, Director, California Department of Water Resources*

9:30am-11:00am GENERAL SESSION – The Bay Delta

Panel Discussion on the Various Bay Delta Programs and Initiates, How They Interact and How the Programs will Work Together and Result in an Implementable Overall Program

Moderated by Jason Peltier (Chief Deputy General Manager, Westlands Water District), the panel will include representatives from the Delta Vision Task Force, the Levee Integrity Program, the Bay-Delta Conservation Plan, CALFED, and the Integrated Regional Water Management Program

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9:30am-10:10am CONCURRENT SESSION WORKSHOP

M4E Team 25 Financial Reporting – MP Region Implementation Plan – A Panel Discussion

Lynn Hurley, Senior Project Manager, Santa Clara Valley Water District, Moderator

Katherine Thompson, Assistant Regional Director for Support Services, USBR Mid Pacific Region

Kathleen Burks, Regional Financial Manager, USBR Mid Pacific Region

Continued 

2008 MID PACIFIC REGION WATER USERS CONFERENCE SCHEDULE OF EVENTS (CONTINUED)

THURSDAY, JANUARY 24 (continued)

10:15am-11:00am **CONCURRENT SESSION WORKSHOP**
Update on Developments In Water Accounting – A Panel Discussion
Anihea Hansen, Assistant Manager, Del Puerto Water District, Moderator
Julia McGinnis, BORWORKS Project Manager, USBR Mid Pacific Region
Yolanda Wesson, Ratesetting Services Branch Manager, USBR Mid Pacific Region

11:00am-12:00pm **GENERAL SESSION—Wanger Decisions**
Panel Discussion on Immediate Stressors and Alternatives to Continue Critical Water Deliveries South of the Bay Delta in 2008, 2009, etc.
Chris Dahlstrom, General Manager, Santa Ynez River WCD, ID #1, Moderator
Greg Wilkinson, Partner Attorney, Best, Best & Krieger
Daniel O'Hanlon, Shareholder, Kronick, Moskovitz, Tiedemann & Girard
Chris Scheuring, Managing Counsel, Natural Resources and Environmental Division, California Farm Bureau Federation
Deborah Wordham, Deputy Attorney General, Office of the California Attorney General

11:00am-12:00pm **CONCURRENT SESSION WORKSHOP**
Folsom Dam, Effects of SOD Activities and Re-Operation Studies on Water Contractors
Garth Hall, East Bay Municipal Utility District, Moderator
Mike Finnegan, Manager, Central California Area Office, USBR Mid Pacific Region
Jerry Toenyas, Consultant, Northern California Power Agency
Russ Harrington, Financial Analyst, Westlands Water District

12:15pm-1:45pm **LUNCHEON and PROGRAM**
Washington Perspectives – Greg Wang, Partner, The Ferguson Group

Klamath, Newlands, and Cachuma Field Reports – A Panel Discussion
Greg Addington, Executive Director, Klamath Water Users Association
Dave Overholt, Project Manager, Truckee-Carson Irrigation District
Ernie Schank, Board Chairman, Truckee-Carson Irrigation District
Chris Dahlstrom, General Manager, Santa Ynez River WCD, ID #1

2:00pm-2:45pm **GENERAL SESSION**
Climate Change – The Family Farm Alliance – Dan Keppen, Executive Director, Family Farm Alliance

2:00pm-2:45pm **CONCURRENT SESSION WORKSHOP**
CPAR Report – Results of CYPLA Program Activity Review
Frank Michny, Assistant Regional Director for Technical Services, USBR Mid Pacific Region
John Engbring, Deputy Manager, Cal/Nev Operations Office, U.S. Fish & Wildlife Service

2:45pm-3:30pm **GENERAL SESSION**
2007 Farm Bill – Programs that Help Water Districts and the Environment
Dan Keppen, Executive Director, Family Farm Alliance, Moderator
Marc Kelley, Advocate, Sonoma County Water Agency
Michael Powelson, Director of Agency Relations, The Nature Conservancy

2:45pm-3:30pm **CONCURRENT SESSION WORKSHOP**
Water and Power Contractors Perspective on CPAR Report and the CPAR Process
Ara Azhderian, Water Policy Administrator, San Luis & Delta Mendota Water Authority, Moderator
Jerry Toenyas, Consultant, Northern California Power Agency
Frances Brewer, Project Manager, Santa Clara Valley Water District

2008 MID PACIFIC REGION WATER USERS CONFERENCE SCHEDULE OF EVENTS (CONTINUED)

THURSDAY, JANUARY 24 (continued)

3:45pm-4:15pm GENERAL SESSION

The SJR Settlement – Ron Jacobsma, General Manager, Friant Water Authority

3:45pm-4:15pm CONCURRENT SESSION WORKSHOP

Available Water Management/Measurement Tool for Contractors
Tracy Slavin, Resources Management, USBR, Mid Pacific Region
Stuart Styles, Director of Irrigation Training and Research Center, Cal Poly SLO
Brad Laffins, SCADA Technician, Chico State

4:15pm-4:45pm GENERAL SESSION

The San Luis Unit Collaborative Drainage Settlement Proposal

Tom Birmingham, General Manager and Chief Counsel, Westlands Water District

4:15pm-4:45pm CONCURRENT SESSION WORKSHOP

CALFED Activities
Al Candlish, Regional Planning Officer, USBR Mid Pacific Region
Bill Rohwer, Deputy Planning Officer, USBR Mid Pacific Region
Speaker TBA, Special Projects Officer, USBR Mid Pacific Region

6:30pm-9:30pm BOWLING FOR DOLLARS — National Bowling Stadium

A new twist on one of your favorite events! Bowling, poker, cash & merchandise prizes, cocktails, and dinner with friends. See the enclosed flyer for more information on this new and improved event!!

FRIDAY, JANUARY 25

8:30am-10:45am BREAKFAST and PROGRAM

Keynote Speaker: Brenda Burman, Deputy Assistant Secretary for Water and Science, US Department of the Interior

ETA Through M4E – Reclamation's Managing for Excellence Program – Overview, Status and What Remains
Larry Todd, Deputy Commissioner, Policy and Administration, U.S. Bureau of Reclamation

2008 Water Operations Under the Wanger Decisions –

A Panel Discussion on What is Known 30 days into 2008 Operations, What is Not, and . . .

Ron Milligan, Central Valley Project Operations Manager, USBR Mid Pacific Region
Tom Boardman, Water Resources Engineer, San Luis and Delta-Mendota Water Authority

2008 Water Supply Outlook – U.S. Bureau of Reclamation

Paul Fujitani, Central Valley Operations
Christine Karas, Klamath Basin Deputy Area Manager
Elizabeth Rieke, Lahontan Basin Area Manager
Michael Jackson, South Central California Area Office

Closing Comments and Cash Raffle:

*****HOTEL AND CONFERENCE REGISTRATION INFORMATION IS ENCLOSED*****

The Mid-Pacific Region Water Users Conference is an annual conference attended by Managers, Directors, O&M Personnel, Consultants, and Government Agency Representatives from districts served by the United States Bureau of Reclamation facilities in California, Nevada, and Oregon. The 41st Annual Mid-Pacific Region Water Users Conference will be held at the Eldorado Hotel and Casino in Reno, Nevada January 23-25, 2008. The deadline for Conference pre-registration is January 8, 2008.

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