Elizabeth R. Mason
4538-F Oak Glen Drive
Santa Barbara, CA 93110

October 7, 2003

Attention: Andrew Fecko
State Water Resources Control Board
Division of Water Rights
1001 "I" Street
Sacramento, CA 95812

Re: Draft Environmental Impact Report, Consideration of Modifications to the US Bureau of Reclamation's Water Right Permits 11308 and 11310. . . August 2003

Dear Mr. Fecko,

I am writing to submit comments on the SWB DEIR regarding the State Water Resources Control Board Draft Environmental Impact Report, Consideration of Modifications to the US Bureau of Reclamation's Water Right Permits 11308 and 11310 (Applications 11331 and 11332) To Protect Public Trust Values and Downstream Water Right on the Santa Ynez River Below Bradbury Dam (Cachuma Reservoir), August 2003.

I am submitting comments as a private citizen and I appreciate the opportunity to do so. My educational background is in biology with an emphasis in botany and population ecology, and I am employed as an environmental educator.

I support the SWB DEIR conclusion that identifies alternative 3A as environmentally preferred to all other alternatives (3B,3C, 4A, 4B). The health of native Steelhead Trout (Onchorynchus mykiss) can be recovered under Alternative 3A, and the impacts to oak woodland and chaparral plant communities, to cultural resources, and to recreational facilities could be avoided if Alternative 3A is implemented, by avoiding surcharge of Cachuma Lake.

All other alternatives achieve the goal of protecting native steelhead, yet because they each propose surcharge of Cachuma Lake, they have detrimental impacts on other resources that could also be considered "public trust resources." The Santa Ynez River is a biological system, albeit greatly deteriorated from its original functioning, and existing facets of the system, for example, oak woodlands, should not be further compromised needlessly.

The potential reduction in water supplies (due to target flow requirements for Steelhead in the Biological Opinion and no surcharge) during critical drought periods could be mitigated effectively through water conservation, and this potential should be studied. Santa Barbara residents are familiar with effective conservation measures due to

the drought in the 1980s, and the community can be called on again, were there need, to effectively conserve resources. If alternative 3A is adopted, such conservation measures could help to avoid the potential indirect Class I impact of saltwater intrusion due to groundwater pumping by water agency member units during critical drought years.

I have prepared the following comments to address impacts to natural resources at Cachuma Lake that would result from surcharge. Although the SWB DEIR proposes positive benefits for steelhead in the lower Santa Ynez, it is inadequate with regard to direct effects on several natural resources within the Cachuma Lake Recreation Area that would result from a surcharge as proposed under Alternatives 3B, 3C, 4A, and 4B. Water conservation and alternative supplies are feasible alternatives to expensive surcharging and would avoid identified significant impacts to recreational facilities, sensitive species, and oak woodland and chaparral plant communities as addressed below.

Impacts to Oak Woodland and Chaparral Plant Communities

- DEIR section 4.8.3 proposes mitigating the loss of 452 oaks by implementing oak restoration within the County Park campgrounds. This proposal, while it would be beneficial to the park by virtue of the aesthetic value of additional trees, does not fulfill the intent of mitigation. The biological functioning of the oak woodland habitat that would be lost due to surcharge would not be restored under these circumstances by virtue of human disturbance and ground clearing. Oak trees (*Quercus* spp.), in an of themselves, planted in bare ground, do not restore an ecosystem; it is the integrative processes that promote functioning, including, among other things, energy and nutrient cycling and decay of organic materials—processes that are facilitated by living organisms, which would be absent in the park setting.

- Additional inadequacy of the proposed oak mitigation is the replacement ratio. The county standard replacement ratio is 10:1 for evergreen oaks and 15:1 for deciduous oaks; the proposed ratio is 3:1, especially inadequate considering the great probability of mortality due to human disturbance in the campground setting.

- There are additional areas within the recreation area where true woodland mitigation could be effected and appropriate ratios of oaks could be applied. These include savannah mesas above the north shore of the lake, including areas west of Santa Cruz Bay, where cattle grazing has been in effect for many decades, effectively destroying opportunities for Valley Oak recruitment especially, as the young saplings are consumed by cattle, and older, acorn-bearing trees are not replaced. Protestations that these areas would be "hard to access" are unfounded, as they are accessible by road; convenience to the responsible agency should not take precedence over the necessity and obligation of mitigation.

- The DEIR proposes no mitigation for 35 acres of lost chaparral habitat.

Impacts to Bald Eagles and Osprey (*Halliaeetus leucocephalus* and *Pandion haliaetus*):

The principal impact on Bald Eagles and Ospreys is due to loss of oak woodland habitat.

- Surcharge would result in loss of lakeside oaks serving as daytime roosts and foraging perches for Bald Eagle and Osprey. Such perches have been identified as important in successful capture of prey by Bald Eagles, and lack of them may reduce forage success and increase competition between eagles at existing perches according to a study conducted at Cachuma Lake (Detrich 1989).

Impacts to Western and Clark's Grebes (*Aechmophorus occidentalis, A. clarkii*):

- Cachuma Lake is the only body of water in Santa Barbara County that supports Western and Clark's Grebe reproduction. Both species were placed on the list of Species of Special Concern in 1986. They were also on the National Audubon Society's Blue List from 1973 – 1982; The Blue List (now the WatchList) was initiated to provide early warning of those North American species undergoing population or range reductions.
- Surcharge carries with it potential loss, for an undetermined period of time, of the seed bank of aquatic plant species gathered by Grebes as nesting material. It is not known what affect several consecutive years may have on Grebe habitation at Cachuma Lake.
- Increased fluctuation of lake level due to surcharge directly affects reproductive opportunities for Grebes. Nesting is initiated by establishment of appropriate aquatic plant nesting material, for example, *Echinodorus berteroi* (Burhead). Once the nest is built, the duration of egg gestation is 23 days. Releases of water downstream at the key reproductive period for Grebes results in established nests remaining within anchor plants at higher water elevation, thus making the nests inaccessible to tending adult birds, and thus, loss of egg viability. In 2002, Cachuma Lake Park Naturalists documented virtually no Grebe reproductive success, despite nesting attempts, during a period of release of greater than 9,000 acre-feet over a period of 4 months (Mason, 2002)

Impacts to Southwestern Pond Turtle (*Clemmys marmorata pallida)*, a State Protected and Special Concern Species:

- The Southwestern Pond Turtle is present in Cachuma Lake, and hibernates in mud banks at the perimeter of the lake. It also breeds at the lake and lays eggs several hundred meters from the water's edge. The Southwestern Pond Turtle hibernates in mud banks at the perimeter of the lake. The surcharge has the potential to create conditions for the pond turtle that make the mud banks uninhabitable, e.g., displaces the banks to unsuitable depth.

Impacts to Rare Plant Species:

Section 4.8.1.3 of the DEIR identifies six sensitive plant species in the watershed, and states that these would likely not occur at Cachuma. The report overlooks the current and historical presence of six additional plant species occurring at Cachuma Lake.

- There are 6 rare plants (CNPS-listed) within the Cachuma Lake Recreation Area that would be affected by surcharge. Four of these would be affected directly, and 2

more that grow within 15 feet of the proposed surcharge high water level of 753 feet above sea level. These species can be found listed at http://www.cnpsci.org/html/PlantInfo/SBCORarePlants.doc

- Three plants have been seen in isolated years on the mud flats at the east end of Cachuma Lake. They are locally-rare, including:
    1) *Cyperus odoratus*, located in the county only at Cachuma Lake (HM Pollard, Oct 1957; Smith, 1971; D Lampl, 1981).
    2) *Eleocharis parvula*, Colorado spike-rush, located in the county only at Burton Mesa and Cachuma (W. Ferren, no date, UCSB).
    3) *Potamogeton pusillus*, Small pondweed, located in the county only at Cachuma Lake (D Lampl, May 1981, UCSB).

- The fourth plant occurs on the mud flats and around the perimeter of the lake shore in appropriate water depth:
    4) *Echinodorus berteroi*, Burhead, located in the county currently only at Cachuma Lake. (Per Smith, also in 1929, on the Santa Ynez River above Ranger Station, and in Santa Barbara along Las Positas Road north of Veronica Springs, Oct 1962 and Aug 1963).

- Two additional rare plants occur within 15 feet of the proposed surcharge high water mark, and they could be jeopardized by lake access foot traffic:
    1) *Piperia elongata*, dense flower rein orchid, CNPS 4, occurs in county, found at Cachuma Lake by Don Wimpress, 1985, and by Larry Ballard, 2000.
    2) *Calochortus weedii* var. *vestus*, Weed's Mariposa, CNPS 1B, occurs in county, found at Cachuma Lake by Liz Mason, 2001.

Thank you for the opportunity to comment.

Sincerely,

Elizabeth R. Mason
Santa Barbara, California

References:

Detrich, Phillip J, 1989. *Management recommendations for Bald Eagles at Lake Cachuma County Park*. Ecos, Inc, Sacramento.

Lampl, Diane and Baley, Dave,1982. *A Vascular Plant Checklist for the Mud Flats of Eastern Lake Cachuma*. Study on file, Park Naturalist's office, Cachuma Lake.

Mason, E, 2002. Unpublished Park Naturalists' field log. Park Naturalists' Office, Cachuma Lake Recreation Area.

Smith, 1998. *A Flora of the Santa Barbara Region, California*. Second Edition, Santa Barbara Botanic Garden and Capra Press, Santa Barbara.

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