

COUNTY OF SANTA BARBARA



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September 28, 2007

EXECUTIVE OFFICE

Ms. Diane Riddle
Division of Water Rights
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000

VIA FAX to (916) 341-5400

RE: *Revised Draft Environmental Impact Report (DEIR)-Considerations of Modifications to the U.S. Bureau of Reclamation's Water Right Permits 11308 and 11310 (applications 11331 and 11332) to Protect Public Trust Values and Downstream Water Rights on the Santa Ynez River below Bradbury Dam (Cachuma Reservoir)*

Dear Ms. Riddle:

Thank you for the opportunity to comment on the Revised DEIR-Considerations of Modifications to the U.S. Bureau of Reclamation's Water Right Permits 11308 and 11310. Comments from County Public Works and County Parks have been outlined below.

County Public Works provides the following comments on the Revised DEIR:

Sections dealing with "Overview of Cahuma Project" (Section 2.0), "Proposed Project" (Section 3.0), and "Comparison of Alternatives" (Section 6.0)

Existing sections 2.0, 3.0 and 6.0 need to include a discussion of the Cachuma Project Settlement Agreement (CPSA) reached among various interests that settle the long-standing disputes along the Santa Ynez River relating to water rights. This binding interagency agreement is well known to SWRCB since it has been offered as the basis for action by SWRCB to address the issues within its purview in a positive and constructive manner.

The CPSA provides for:

1. Successful resolution of long-standing water rights related issues;
2. Agreed upon reservoir release regime to enhance fish habitat, protect water quality and assure downstream water rights, as described by Alternative 3C;
3. Improved public safety based on innovative winter storm operations; and
4. Ongoing cooperation on river management issues.

The CPSA is summarized in the Santa Barbara County-Wide Integrated Regional Water Management Plan (IRWMP) developed and approved by 28 public agencies through an extensive public process.

The IRWMP describes the agreement in Section 3.1.1.

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3.1.1 South Coast, Santa Ynez Valley, and Lompoc Valley

The history of Santa Ynez River water use is a contentious one, and issues raised by water rights holders downstream of the three Santa Ynez River dams have been addressed over the years by litigation, decisions by the State Water Resources Control Board (SWRCB), and by agreements reached between the parties involved. As described below, years of dissent culminated in the Cachuma Project Settlement Agreement, which uses the Bradbury Dam and the Santa Ynez Extension of the State Water Project to integrate surface and groundwater management strategies including surface storage, conjunctive use, groundwater recharge, groundwater quality improvement, flood protection, and habitat improvements. Existing infrastructure is managed cooperatively, creatively, and efficiently to maximize the use and improve the reliability of available water resources, as well as to provide environmental enhancements.

** * **

Cachuma Project Settlement Agreement

The 2002 "Cachuma Project Settlement Agreement" resolves various differences between the South Coast Member Units and downstream interests pertaining to the operation of the Cachuma Project that existed for over 50 years. It provides the vehicle to manage Cachuma releases conjunctively downstream of the dam. The background and provisions of the Cachuma Project Settlement Agreement are summarized below.

- 1. The parties support WR 89-18 and agree that releases pursuant to WR 89-18, as modified by the Agreement, will protect downstream water rights holders and will improve quality of water released for downstream uses. The parties agree to mutually support the National Marine Fisheries Service Biological Opinion and the Fish Management Plan for the Cachuma Project to address public trust (steelhead) issues. The parties further agree that WR 89-18 releases will operate conjunctively with fish water releases required to meet target flows in the Biological Opinion.*
- 2. In order to lower the salt (total dissolved solids) content of water rights releases for the lower Santa Ynez River downstream of Bradbury Dam, the parties agree to commingle State Water Project water with water from Cachuma in the outlet works of Bradbury Dam by maximizing deliveries of State Water Project water (consistent with the Biological Opinion) when water rights releases are made.*
- 3. Santa Ynez River flooding issues are addressed in the Agreement through winter storm operations of Bradbury Dam, including precautionary drawdowns and temporary surcharging, in order to reduce peak flows and provide some measure of flood control. Project water supply is protected by achieving a full reservoir following the peak flow events.*
- 4. The parties have requested the SWRCB to incorporate into WR 89-18 a provision involving conjunctive operation of the Below Narrows Account (water stored in Lake Cachuma) with the Lompoc Groundwater Basin. More water would be available for the Lompoc (Below Narrows) area in most years, although some Below Narrows Account water stored in Cachuma Reservoir would be made available to Cachuma contractors during shortage years.*

Most of the provisions of the Cachuma Project Settlement Agreement were implemented in 2002. Some others are pending before the SWRCB. Approval of the remaining provisions and full implementation of the Agreement would provide the basis for further water management planning by individual water purveyors downstream of the dams in accordance with the objectives, water management strategies, and regional priorities in the IRWMP.

Table ES-2 (Reporting "Water Supply Impacts")

Results of actual evaluation of changes to water supply (in percentage change and loss of available supply) need to be summarized for Alternatives 5B and 5C. We suggest this information be presented in a table with similar and comparable information regarding Alternatives 3B, 3C and 4B. Appropriate modeling results should be developed and reported as the basis for evaluating impacts under various drought or supply disruption scenarios. In addition, the economic impacts (increased cost) to the districts and their customers need to be evaluated and disclosed (see discussion below).

Section 4.1.3 and Page ES-2

The nature of the threshold relating to the significance of water supply shortages is not clearly described. This is a critical issue since these impacts are different among alternatives and for certain alternatives no mitigation is offered (thus the impacts are "class I"). The CEQA guidelines offer Lead Agencies abundant guidance in the matter of developing and utilizing thresholds of significance. SWRCB needs to develop and apply rational and specific thresholds for impacts to water supply in this EIR.

Section 6 and Table ES-2, Table 6-1

Since the SWRCB has chosen not to include a proposed project, but rather rely on its analysis of alternatives, the EIR needs to include both positive and negative effects so as to meet the obligation to objectively and completely evaluate the impacts of alternatives. Without such evaluation any conclusions regarding alternatives have no basis and are thus arbitrary.

In this light we point out that SWRCB has, in essence, taken Alternatives 5B and 5C from an EIR prepared in 1995 and, without adequate justification for their inclusion, evaluated them in an incomplete manner. First no discussion of beneficial impacts is presented to support how they can be considered reasonable alternatives to 3B and 3C. We point out that the Alternatives 3B and 3C were: 1) developed after listing of *O. Mykiss* as an endangered species (1999), 2) were based on the Lower Santa Ynez River Fish Management Plan and Cachuma Project Biological Opinion (2000), and 3) have specific, reach based, habitat maintenance objectives. SWRCB needs to adequately justify the inclusion of Alternatives 5B and 5C and clarify the full range of their impacts or should mention them without further consideration as infeasible and/or not meeting the necessary criteria for avoidance of impacts.

Section 4.0 Environmental Analysis

The socioeconomic impacts of the proposed action need to be included in this EIR. CEQA requires such an evaluation if the action may cause socioeconomic impacts that lead to adverse changes in the environment. Such changes due to socioeconomic impacts would include increased cost of water beyond

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the ability of certain classes of existing users to pay. In particular Cachuma project supplies are the least cost alternative to the Member Unit Service areas serving agriculture. Loss of supply will drive the cost of supplies to levels that will not support agriculture (see Cachuma Project Contract Renewal EIS/EIR 1995). Among reasonably foreseeable effects to the environment, loss of active agriculture will lead to loss of greenspace (visual impacts) and conversion to residential and commercial land uses (water quality and traffic impacts). These effects need to be evaluated and disclosed in the EIR.

County Parks provides the following comments on the Revised DEIR:

Section 4.2.1 Existing Conditions

Section 4.2.1 of the Revised DEIR describes the elevation survey completed by Stetson Engineers in January 2005, identifying the impacts from an actual water elevation increase to 753 feet. The DEIR should be consistent in the name of the document. Statements relating to this survey in sections 4.2.1 and 4.10 are incomplete and may leave the reader with a misunderstanding regarding the status of park facilities.

Section 4.2.1 states: "Following a spill event in January 2005, Stetson Engineers conducted a survey of the vulnerability of the lake's recreation facilities, revealing that the facilities identified earlier as being at risk of inundation were actually located at elevation higher than had been previously thought."

Section 4.10 states: "The survey also negated the claim that other park facilities would be negatively impacted, such as the water treatment plant intake and electrical facilities, the sewer lift stations near Teepee Island and Mohawk and access to the Marina and concessions."

A Memorandum of Understanding between the County and Member Unit interests described in the EIR document relates to the impacts to the boat ramp and 'critical' facilities e.g. water treatment plant and sewer lift stations. While the above statements are true regarding inundation of the critical facilities addressed in the MOU, other Park facilities which would be inundated at an elevation of 753 feet include the access walk from the boat launch facility to the boat concession area, access walk from boat concession area to private marina docks, access to the ADA fishing pier and picnic area at Harvey's Cove, and access bridge to Teepee Island (walk-in day use area). Additionally, at a water surface elevation of 753 feet an existing lift station in the park would sit within the 50 foot setback from the water's edge, a violation of State of California guidelines.

The Revised Draft EIR should be revised to acknowledge this additional information. (The attached photos represent conditions in January 2005.)

4.8.2.3 Impacts to Riparian Vegetation along the River

Section 4.8.2.3 of the Revised DEIR indicates that Cachuma Park will be reconsidered for placement of the third year's planting of replacement trees. This statement should be revised to reflect that a final determination as to the appropriate site for third year planting has yet to be determined.

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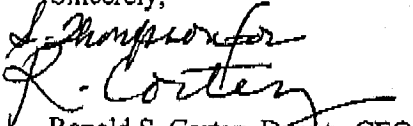
4.10 Recreation

Section 4.10 refers to the survey completed by Stetson Engineers in 2005 as both a "survey" and "study". The DEIR should be consistent in the name of the document. Section 4.10.2.1 referenced the construction of a new boat ramp at the lake "...pending Board of Supervisors approval, construction is slated to begin in August 2007." Construction of the boat ramp commenced September 5, 2007 and is scheduled for completion February 25, 2008. Mitigation R-1 should be revised to reflect the construction of the ramp.

Section 4.10.2.1 indicates: "Though initially described as a temporary emergency protective measure, the gabion basket barrier's ability to protect the water treatment plant from potential wave run-up has proven sufficient to preclude any need for other measures to protect the facility. In order to ensure the continued viability of the gabion basket barrier, regular, small-scale maintenance (i.e. monitoring of the integrity of the barrier and conducting repairs if necessary) similarly in scale to that already performed on the water treatment plant will be required to maintain the barrier's effectiveness." This paragraph should be revised to reflect the existing MOU between the local agencies which identifies the gabion barrier as a temporary measure until the water treatment plant can be relocated. The County is currently pursuing funding for this effort.

Again, thank you for the opportunity to review the Revised DEIR. If you should have further questions, please do not hesitate to contact David Matson, Deputy Director in the Office of Long Range Planning (805) 568-2068.

Sincerely,


Ronald S. Cortez, Deputy CEO
County Executive Office

Cc: David Matson, Deputy Director, Office of Long Range Planning
Robert Almy, Water Agency Manager, Public Works
Coleen Lund, Project Manager, Parks