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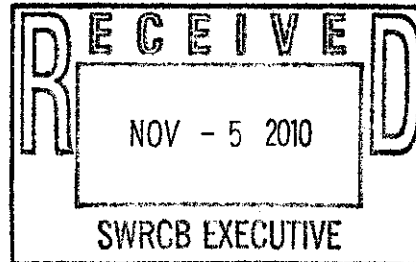
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File No. 18613.00007

November 5, 2010



VIA EMAIL AND FIRST-CLASS MAIL

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Re: Comment Letter – Instream Flow Studies Report – Santa Ynez River

Dear Ms. Townsend:

We represent the Cachuma Conservation Release Board (“CCRB”) and the Santa Ynez River Water Conservation District, Improvement District No. 1 (“ID No. 1”) (collectively, the “Cachuma Member Units”). Together, ID No. 1 and the members of CCRB (the City of Santa Barbara, Goleta Water District, Montecitio Water District and Carpinteria Valley Water District), hold contracts for delivery of the yield of the federal Cachuma Project located on the Santa Ynez River in Santa Barbara County. Your Notice of Opportunity for Public Comment of November 2, 2010 invites comment on the State Board’s draft report of “Instream Flow Studies for the Protection of Public Trust Resources: A Prioritized Schedule and Estimate of Costs.” In particular, your Notice seeks written comment regarding: (1) “whether there are existing and adequate streamflow studies for streams that are on the list” and, (2) “whether there is other information available on likely costs that will help inform the Board.”

Included in the State Board’s draft report of Instream Flow Studies as Schedule 2 (Table C) “High Priority Rivers ... that Support Anadromous Species,” is the Santa Ynez River. The Santa Ynez appears to be included within Schedule 2 as a “High Priority River” because it serves “as habitat for ... Southern California Steelhead.” Draft Report p. 2. As you know, the Santa Ynez River is also the source of water for the Cachuma Project which stores water behind Bradbury Dam in Lake Cachuma. Water from Lake Cachuma is, in turn, provided by the Cachuma Member Units to about 250,000 people residing within Santa Barbara County, downstream of the Project in the Santa Ynez River basin and along Santa Barbara County’s South Coast. Indeed, the Cachuma Project is the principal water supply source for a majority of the residents of Santa Barbara County.

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State Board hearings regarding the operation of the Cachuma Project to determine compliance with Public Trust values and downstream water rights, were completed in November of 2003. *See, Hearing to Review the United States Bureau of Reclamation Water Right Permits 11308 and 11310 (Applications 11331 and 11332) to Determine Whether Any Modifications in Permit Terms and Conditions Are Necessary to Protect Public Trust Values and Downstream Water Rights on the Santa Ynez River Below Bradbury Dam (Cachuma Reservoir).* Although the hearings themselves were completed seven years ago, a water right decision regarding the Cachuma Project permits has not yet been issued; instead, its issuance has been repeatedly delayed to accommodate the development and release of a Final State Board Environmental Impact Report ("FEIR").

It is our understanding that the FEIR for a Cachuma Project water right decision has now been completed and is currently undergoing review by State Board staff. It is our belief, based upon prior iterations of the document (two draft EIRs), that the FEIR contains substantial information on the subjects identified in the State Board's current Notice; viz, information regarding "existing and adequate streamflow studies" and information regarding the "likely costs" of protecting public trust uses on the Santa Ynez River, "that will help inform the Board". Additional written information on both subjects was also presented by the Cachuma Member Units during the water right hearing concluded by the State Board in 2003.

Now that the Santa Ynez River has been identified by the State Board as a "high priority River" because of its importance to Southern California steelhead, we request that the Board release its Final EIR, consider the streamflow analyses for maintenance and protection of the aquatic habitats described in that document and adopt the water right decision that has been pending with respect to the Cachuma Project for the past seven years. In our view, no additional delay is warranted. To the contrary, the Santa Ynez River has already been extensively studied; a circumstance due, in no small part, to the fact that the Cachuma Member Units also treat the Santa Ynez River as a high priority steelhead stream and have undertaken an extensive scientific study program as well as a multi-million dollar effort to restore and improve habitat for the species.

We believe the scientific information contained in the State Board's FEIR will not only answer the questions raised in the November 2, 2010 Notice, but will also help the Cachuma Member Units in their continuing effort to protect Southern California steelhead while providing adequate water to the 250,000 Santa Barbara County residents who depend upon the Santa Ynez River and the Cachuma Project to meet their beneficial needs. We urge you to release that document and use the material it contains to answer the questions set forth in your Notice of Opportunity for Public Comment.

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Thank you for considering our comments. We would be happy to answer any questions you may have.

Respectfully submitted,

BEST BEST & KRIEGER LLP

By: 
Gregory K. Wilkinson

Attorneys for the Cachuma Conservation Release
Board and the Santa Ynez River Water
Conservation District, Improvement District, No. 1

GKW:lcp

cc: Chris Dahlstrom, General Manager, Santa Ynez River
Water Conservation District, Improvement District No. 1
Kate Rees, General Manager, Cachuma Operation
and Maintenance Board