

**NOTICE AND AGENDA**

Regular Meeting of the Board of Trustees  
SANTA YNEZ RIVER WATER CONSERVATION DISTRICT, IMPROVEMENT DISTRICT NO.1  
will be held at **3:00 P.M., Tuesday, December 21, 2021**

**VIDEO/TELECONFERENCE MEETING ONLY - NO PHYSICAL MEETING LOCATION**

**Public Participation:**

**Video:** <https://zoom.us/j/92900399487>

**Meeting passcode: 180175**

**or**

**Teleconference Phone Number: 1-669-900-9128**

**Meeting ID: 929 0039 9487#**

**Participant ID No.: 180175#**

**Meeting Passcode: 180175#**

**Important Notice Regarding Public Participation in This Meeting:** For those who may not attend the meeting in person but wish to provide public comment on an Agenda Item, please submit any and all comments and written materials to the District via electronic mail at [general@syrwd.org](mailto:general@syrwd.org). All submittals should indicate “December 21, 2021 Board Meeting” in the subject line. To the extent practicable, public comments and materials received by the District will be read into the public record during the meeting. Public comments and materials not read into the record will become part of the post-meeting Board packet materials available to the public and posted on the District’s website. In the interest of clear reception and efficient administration of the meeting, all persons participating via teleconference are respectfully requested to mute their voices after dialing-in and at all times unless speaking.

1. **CALL TO ORDER AND ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **REPORT BY THE SECRETARY TO THE BOARD REGARDING COMPLIANCE WITH THE REQUIREMENTS FOR POSTING OF THE NOTICE AND AGENDA**
4. **CONSIDERATION OF RESOLUTION NO. 809 – A Resolution of the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1 Authorizing Remote Teleconference Meetings Under the Ralph M. Brown Act in Accordance with AB 361**
5. **ADDITIONS OR CORRECTIONS, IF ANY, TO THE AGENDA**
6. **PUBLIC COMMENT** - Any member of the public may address the Board relating to any non-agenda matter within the District’s jurisdiction. The total time for all public participation shall not exceed fifteen (15) minutes and the time allotted for each individual shall not exceed three (3) minutes. The District is not responsible for the content or accuracy of statements made by members of the public. No action will be taken by the Board on any public comment item.
7. **CORONAVIRUS (COVID-19) UPDATE**
  - A. **General Manager’s Report**
8. **CONSIDERATION OF THE MINUTES OF THE REGULAR MEETING OF NOVEMBER 16, 2021**
9. **CONSENT AGENDA** - All items listed on the Consent Agenda are considered to be routine and will be approved or rejected in a single motion without separate discussion. Any item placed on the Consent Agenda can be removed and placed on the Regular Agenda for discussion and possible action upon the request of any Trustee.
  - CA-1. **Water Supply and Production Report**
  - CA-2. **Central Coast Water Authority Update**

**10. MANAGER REPORTS - STATUS, DISCUSSION, AND POSSIBLE BOARD ACTION ON THE FOLLOWING SUBJECTS:**

**A. DISTRICT ADMINISTRATION**

1. Employee Recognition
  - a) Eric Tambini – 24 Years of Service
  - b) James “Jim” Morrill – 21 Years of Service
  - c) Russell McCandlish – 20 Years of Service
2. Board of Trustees Designations
  - a) Selection of Officers of the Board – President, Vice President, Treasurer & Secretary
  - b) Appointment of Representatives to Participating Agencies and Organizations – CCWA & ACWA
  - c) Appointment of Board Committees
3. Review of District Staffing Plan
  - a) Consider approval of District Superintendent Position
4. Financial Report on Administrative Matters
  - a) Presentation of Monthly Financial Statements – Revenues and Expenses
  - b) Approval of Accounts Payable
5. Amendment to Rules and Regulations
  - a) Resolution No. 810: A Resolution of the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement No. 1 Approving the Automatic Annual Adjustments to the Capital Facilities Charges and Meter Installation Fees Contained in Attachment of Appendix “C” and Appendix “D” of the District’s Rules and Regulations
6. District Land and Air Space
  - a) Resolution No. 811: A Resolution of the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1 Concerning Inventory of District Land and Air Space

**11. REPORT, DISCUSSION, AND POSSIBLE BOARD ACTION ON THE FOLLOWING SUBJECTS:**

**A. SUSTAINABLE GROUNDWATER MANAGEMENT ACT**

1. Eastern Management Area Update

**B. HEXAVALENT CHROMIUM MAXIMUM CONTAMINANT LEVEL**

1. Update Regarding Notice of Preparation of a Draft Program Environmental Impact Report

**C. PETITION TO LIST SOUTHERN CALIFORNIA STEELHEAD AS ENDANGERED UNDER CALIFORNIA ENDANGERED SPECIES ACT**

1. Update Regarding December 15, 2021 Fish and Game Commission Meeting

**12. REPORTS BY THE BOARD MEMBERS OR STAFF, QUESTIONS OF STAFF, STATUS REPORTS, ANNOUNCEMENTS, COMMITTEE REPORTS, OBSERVATIONS AND OTHER MATTERS AND/OR COMMUNICATIONS NOT REQUIRING BOARD ACTION**

**13. CORRESPONDENCE: GENERAL MANAGER RECOMMENDS FILING OF VARIOUS ITEMS**

**14. REQUESTS FOR ITEMS TO BE INCLUDED ON THE NEXT REGULAR MEETING AGENDA:** Any member of the Board of Trustees may place an item on the meeting Agenda for the next regular meeting. Any member of the public may submit a written request to the General Manager of the District to place an item on a future meeting Agenda, provided that the General Manager and the Board of Trustees retain sole discretion to determine which items to include on meeting Agendas.

**15. NEXT MEETING OF THE BOARD OF TRUSTEES:** The next Regular Meeting of the Board of Trustees is scheduled for **January 18, 2022 at 3:00 p.m.**

**16. CLOSED SESSION:**

To accommodate the teleconferencing component of this meeting, the public access line will be closed for up to thirty (30) minutes while the Board of Trustees convenes into closed session. Upon the conclusion of the closed session, the public participation teleconference access will be reopened for the remaining Agenda Items.

The Board will hold a closed session to discuss the following items:

**A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

[Subdivision (d)(1) of Section 54956.9 of the Government Code – 2 Cases]

1. Name of Case: Adjudicatory proceedings pending before the State Water Resources Control Board regarding Permit 15878 issued on Application 22423 to the City of Solvang, Petitions for Change, and Related Protests
2. Name of Case: Central Coast Water Authority, et al. v. Santa Barbara County Flood Control and Water Conservation District, et al., Santa Barbara County Superior Court Case No. 21CV02432

Public teleconference access to the meeting (Dial-In Number and Passcode above) will be reopened when the Board of Trustees concludes closed session.

**17. RECONVENE INTO OPEN SESSION**

[Sections 54957.1 and 54957.7 of the Government Code]

**18. ADJOURNMENT**

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This Agenda was posted at 3622 Sagunto Street, Santa Ynez, California, and notice was delivered in accordance with Government Code Section 54950, specifically Section 54956. This Agenda contains a brief general description of each item to be considered. The Board reserves the right to change the order in which items are heard. Copies of the staff reports or other written documentation relating to each item of business on the Agenda are on file with the District and available for public inspection during normal business hours. A person who has a question concerning any of the Agenda items may call the District's General Manager at (805) 688-6015. Written materials relating to an item on this Agenda that are distributed to the Board of Trustees within 72 hours (for Regular meetings) or 24 hours (for Special meetings) before it is to consider the item at its regularly or special scheduled meeting(s) will be made available for public inspection at 3622 Sagunto Street, during normal business hours. Such written materials will also be made available on the District's website, subject to staff's ability to post the documents before the regularly scheduled meeting. If you challenge any of the Board's decisions related to the Agenda items above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence to the Board prior to the public hearing. In compliance with the Americans with Disabilities Act, if you need special assistance to review Agenda materials or participate in this meeting, please contact the District Secretary at (805) 688-6015. Notification 72 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting.

**RESOLUTION NO. 809**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE SANTA YNEZ RIVER WATER  
CONSERVATION DISTRICT, IMPROVEMENT DISTRICT NO.1  
AUTHORIZING REMOTE TELECONFERENCE MEETINGS UNDER THE RALPH M.  
BROWN ACT IN ACCORDANCE WITH AB 361**

WHEREAS, the Santa Ynez River Water Conservation District, Improvement District No.1 (District) is committed to promoting and preserving complete public access and participation in meetings of the District's Board of Trustees, as required and set forth by the Ralph M. Brown Act (Gov. Code § 54950 et seq.) (Brown Act); and

WHEREAS, the Brown Act contains special provisions for remote teleconference participation in meetings when the Governor of the State of California has declared a state of emergency pursuant to Government Code section 8625 and either state or local officials have imposed or recommended measures to promote social distancing, or where in-person meetings would present imminent risks to the health and safety of attendees; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom issued a Proclamation of a State of Emergency for the COVID-19 pandemic, which state of emergency has not been rescinded; the County Health Officer for the County of Santa Barbara has issued numerous Health Orders regarding health and safety requirements and protocols since the beginning of and throughout the COVID-19 pandemic, including recent Health Officer Order No. 2021-10.7, effective December 3, 2021, which requires the use of face covering at all times in all indoor public settings, except for certain enumerated circumstances, and identifies that the Centers for Disease Control and California Department of Public Health find that the use of face coverings lessen the risk of COVID-19 transmission and reinforce physical distancing of at least six feet; and on December 13, 2021 the California Department of Public Health issued guidance requiring face masks to be worn in all indoor public settings regardless of vaccination status from December 15, 2021 through January 15, 2022; and

WHEREAS, on September 28, 2021 the County Health Officer and County Public Health Director issued a Health Official AB 361 Social Distance Recommendation which states, among other things, that utilizing teleconferencing options for public meetings is an effective and recommended social distancing measure to facilitate participation in public affairs and encourage participants to protect themselves and others from COVID-19, and that such recommendation is further intended to satisfy the requirements of the Brown Act which allows local legislative bodies in the County of Santa Barbara to use certain available teleconferencing options set forth in the Brown Act, where such recommendation is also based in part on the increased case rate of the highly transmissible Delta variant of COVID-19 within the nation and the County; and

WHEREAS, the District finds that the current circumstances relating to COVID-19 and variants thereof are causing, and will continue to cause, risks to the health and safety of persons within the County, and therefore the District may conduct its meetings to allow remote teleconference participation in the manner authorized by AB 361, specifically including Government Code section 54953(e); and

WHEREAS, this Resolution is exempt from review under the California Environmental Quality Act (CEQA) pursuant to the exemption set forth under Section 15061(b)(3) of Title 14 of the California Code of Regulations (CEQA Guidelines) because remote teleconference meetings during a declared state of emergency do not have the potential for causing a significant effect on the environment.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1, as follows:

1. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
2. The District may conduct its meeting to allow remote teleconference participation in the manner authorized by AB 361, specifically including Government Code Section 54953(e).



3. This Resolution shall take effect immediately upon its adoption and shall remain in effect for up to thirty (30) days as provided in Government Code section 54953(e)(3).

WE, THE UNDERSIGNED, being the duly qualified President and Secretary, respectively, of the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1, do hereby certify that the above and foregoing Resolution was duly and regularly adopted and passed by the Board of Trustees of said District at a Regular meeting held on December 21, 2021 by the following roll call vote:

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Jeff Clay, President

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Mary Martone – Secretary to the Board of Trustees

Traducir al Español



Santa Barbara County  
**PUBLIC Health**  
DEPARTMENT



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📅 Dec 3, 2021

# **SANTA BARBARA COUNTY EXTENDS HEALTH OFFICER ORDER REQUIRING USE OF FACE COVERINGS INDOORS TO PREVENT THE SPREAD OF COVID-19**

## *Indoor Masking Mandate Will Continue*

**(SANTA BARBARA, Calif.)** – The Santa Barbara County Public Health Department has extended the Health Officer Order which requires the use of masks in indoor public settings. This order requires all individuals, regardless of vaccination status, to wear face coverings when indoors in public settings, with limited exceptions. This Order 2021-10.7 is effective at 5 p.m., on December 3, 2021 and continuing until 5 p.m., on January 2, 2022 or until it is extended, rescinded, superseded, or amended.

As of December 1, 2021, the COVID-19 community transmission level is categorized as “Substantial” in California and Santa Barbara County by the Centers for Disease Control & Prevention (CDC). As of November 26, 2021, the County has a case rate of 7.0 per 100,000 and a test positivity of 4.0%. The CDC continues to recommend fully vaccinated individuals wear a face covering in public indoor settings in areas with Substantial or High community transmission rates.

An update to the previous framework has been outlined by local health officials to consider rescinding the indoor mask mandate. The county case rate should be 7.0 cases per 100,000 people or lower for three consecutive weeks. In addition to this, hospitalizations should be low and stable for at least 3 days. Local health officials will consider these metrics, along with any other relevant factors, including the spread of new variants.

“As we head into the winter season once again, we are in a very different place than we were last year,” shared Dr. Henning Ansorg, County Health Officer. “We have vaccines available for everyone 5+ years of age and boosters for those who were vaccinated earlier this

year. We know very well that wearing a face covering while indoors is an effective strategy to reduce transmission in the community. We have yet to see the full role the Omicron variant will play in this pandemic, but we have well established surveillance and prevention strategies in place.”

Additionally, this Health Officer Order aligns with State guidance for students in grades K-12 actively participating in school-based extracurricular activities, such as sports and band. Students may participate in indoor activities without a face covering, if regular testing is conducted. Details are outlined in the full Health Officer Order.

This Health Officer Order is consistent with the guidance from the CDC as well as the California Department of Public Health, which recommend that fully vaccinated people wear masks while in indoor public settings. The full Health Officer Order can be read here: <https://publichealthsb.org/health-officer-orders/>.

Visit <https://publichealthsb.org/vaccine> to learn where you can find a vaccination site near you or call 2-1-1.

by Jenna Perkovich in Blog, COVID-19

**HEALTH OFFICER ORDER NO. 2021-10.7  
COUNTY OF SANTA BARBARA**

**FOR THE CONTROL OF COVID-19  
FACE COVERINGS  
WITHIN SANTA BARBARA COUNTY**

**Health Officer Order No. 2021-10.7 Supersedes and Replaces Health Officer Order  
No. 2021-10.6**

**Effective Date: December 3, 2021, 5:00pm PT**

(Changes are underlined.)

**Please read this Order carefully.** Violation of or failure to comply with this Order may constitute a misdemeanor punishable by fine of up to \$1,000, imprisonment, or both, or result in administrative fines. (Health and Safety Code §§ 101029, 120295 et seq.; County Ord. No. 5120.) Violators are also subject to civil enforcement actions including fines or civil penalties per violation per day, injunctive relief, and attorneys' fees and costs.

This Health Officer Order No. 2021-10.7 supersedes and replaces Health Officer Order No. 2021-10.6 that was effective November 4, 2021. Nothing in this Health Officer Order supersedes State Executive Orders or State Health Officer Orders or guidance provided by the California Department of Public Health available at:

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Guidance.aspx#>

**Summary: As of December 1, 2021, the community transmission level of COVID-19 in Santa Barbara County is categorized as "Substantial" based on the US Centers for Disease Control and Prevention's (CDC) Indicators. The significantly more transmissible SARS-CoV-2 B.1.617.2 (Delta) variant of COVID-19 is the predominant strain in the US and in Santa Barbara County. To control the spread of COVID-19, this Health Officer Order orders all individuals in the County of Santa Barbara – whether vaccinated or unvaccinated – to wear a Face Covering at all times in all Indoor Public Settings, and while inside any Business, with limited exemptions, and recommends that Businesses make face coverings available to individuals entering the Business. This Health Officer Order also allows students to participate in indoor School-Based Extracurricular Activities (as defined) without a Face Covering when it is impracticable so long as the student actively participating is routinely tested for COVID-19.**

WHEREAS, on March 4, 2020, Governor Newsom declared a state of emergency for conditions caused by a novel coronavirus, COVID-19, and on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic, and on March 12, 2020, the County of Santa Barbara declared a local emergency and a local health emergency in relation COVID-19 in the community; and

WHEREAS, in the County of Santa Barbara ("County") as well as throughout California and the nation, there are insufficient quantities of critical healthcare infrastructure, including



hospital beds, ventilators and workers, capable of adequately treating mass numbers of patients at a single time – should the virus spread unchecked; and

WHEREAS, in direct response to the lack of healthcare infrastructure, governments across the nation are taking actions to slow the spread of COVID-19 in order to “flatten the curve” of infection and reduce the numbers of individuals infected at any one time by minimizing situations where the virus can spread; and

WHEREAS, the CDC categorizes COVID-19 community transmission in four categories: Low, Moderate, Substantial, and High; and

WHEREAS, per the CDC “for people infected with the Delta variant, similar amounts of viral genetic material have been found among both unvaccinated and fully vaccinated people”; and

WHEREAS, since April 2021, the Delta variant has been circulating in the County. This variant is highly transmissible in indoor settings and requires multicomponent prevention strategies to reduce spread. Despite high vaccination rates, the County is experiencing substantial levels of community transmission due to the Delta variant. While the risk for COVID-19 infection is highest among unvaccinated persons, the incidence of infection among fully vaccinated persons may also occur. Hospitalizations remain elevated from levels prior to the implementation of this Order, primarily among unvaccinated persons; and

WHEREAS, the COVID-19 vaccines authorized in the United States are highly safe and effective. These vaccines provide protection to individuals and communities, particularly against severe COVID-19 disease, hospitalization, and death, and are recommended by the CDC for all populations authorized to receive them by the U.S. Food and Drug Administration. The Health Officer strongly recommends that all eligible persons in the County be vaccinated. Vaccines are available for all persons over 5 years of age. Information on obtaining a COVID19 vaccine in the County of Santa Barbara is available here: <https://publichealthsb.org/vaccine>; and

WHEREAS, since July 19, 2021, the Health Officer has recommended that fully vaccinated persons wear masks in public indoor settings, considering the apparent increased transmissibility of the Delta variant; and

WHEREAS, since July 28, 2021, the California Department of Public Health (CDPH) has required face coverings in specific indoor public settings regardless of vaccination status, and for those that are not fully vaccinated. The CDPH also recommends universal masking indoors statewide, as “an extra precautionary measure for all to reduce the transmission of COVID-19, especially in communities currently seeing the highest transmission rates” (<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>); and

WHEREAS, as of August 13, 2021 and updated October 25, 2021, the CDC recommends those not fully vaccinated and aged 2 or older should (1) wear a face covering in indoor public places; and (2) in areas with high numbers of COVID-19 cases, consider wearing a mask in crowded outdoor settings and for activities with close contact with others who are



not fully vaccinated (<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html>); and

WHEREAS, as of September 1, 2021 and updated October 15, 2021, the CDC recommends fully vaccinated individuals wear a face covering in public indoor settings in areas with Substantial or High community transmission rates (<https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html>); and

WHEREAS, as of August 4, 2021 and updated November 5, 2021, the CDC recommends "universal indoor masking for all students, staff, teachers, and visitors to K-12 schools, regardless of vaccination status." When community transmission is "Substantial" the CDC recommends screening testing for participants of high-risk sports and high-risk extracurricular activities, especially when conducted indoors, twice per week for participants that are not fully vaccinated. When community transmission is "Moderate" the CDC recommends screening testing for participants of high-risk sports and high-risk extracurricular activities, especially when conducted indoors, at least once per week for participants that are not fully vaccinated. (<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-guidance.html>); and

WHEREAS, as of November 24, 2021, the CDPH updated its COVID-19 Public Health Guidance for K-12 Schools in California, 2021-22 School Year, requiring face coverings for indoor School-Based Extracurricular Activities and recommending weekly testing for activities when masks (Face Coverings) or "bell covers" are not practicable (<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/K-12-Guidance-2021-22-School-Year.aspx>); and

WHEREAS, as of December 1, 2021, according to the CDC, COVID-19 community transmission level is categorized as "Substantial" in California and Santa Barbara County. As of November 26, 2021, the County has a case rate of 7.0 per 100,000 and a test positivity of 4.0%; and

WHEREAS, the CDC and the CDPH find the use of face coverings may reduce asymptomatic transmission of COVID-19 and reinforce physical distancing, and that wearing a face covering combined with physical distancing of at least six feet, and frequent hand washing, will lessen the risk of COVID-19 transmission by limiting the spread of respiratory droplets; and

WHEREAS, universal indoor use of face coverings, also known as masking, is the least disruptive and most immediately impactful additional measure to take to limit the spread of the COVID-19 Delta variant. This Order is part of a strategy to support the continued operations of Businesses, activities, and schools; and

WHEREAS, the County Health Officer finds (1) a significant portion of individuals with COVID-19 are asymptomatic and can transmit the virus to others; (2) those who may develop symptoms can transmit the virus to others before showing symptoms; (3) the incidence of infection among fully vaccinated persons continues to occur; (4) scientific evidence shows COVID-19 is easily spread and public activities can result in transmission of the virus; (5) face coverings are necessary because COVID-19 is highly contagious and

is spread through respiratory droplets that are produced when an infected person coughs, sneezes, or talks. These droplets may land on other people or be inhaled into their lungs, may land on and attach to surfaces where they remain for days, and may remain viable in the air for up to three hours, even after the infected person is no longer present; (6) indoor School-Based Extracurricular Activities lead to increased exhalation and respiratory droplet production; (7) Face Coverings cannot be practicably worn during some indoor School-Based Extracurricular Activities; (8) when worn properly, face coverings have the potential to slow the spread of the virus by limiting the spread of respiratory droplets; and (9) distinctions made in this Order are to minimize the spread of COVID-19 that could occur through proximity and duration of contact between individuals; and

WHEREAS, the intent of this Order is to temporarily require the use of Face Coverings to slow the spread of COVID-19 in Santa Barbara County to the maximum extent possible. All provisions of this Order should be interpreted to effectuate this intent.

**ACCORDINGLY, UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, TITLE 17 CALIFORNIA CODE OF REGULATIONS SECTION 2501, THE HEALTH OFFICER OF THE COUNTY OF SANTA BARBARA ORDERS:**

1. This Order 2021-10.7 is effective 5:00 p.m. (PT) December 3, 2021 and continuing until 5:00 p.m. (PT), on January 2, 2022 or until it is extended, rescinded, superseded, or amended in writing by the County of Santa Barbara Health Officer ("Health Officer"). This Order applies in the incorporated and unincorporated areas of Santa Barbara County ("County").
2. This Order orders that in the County Face Coverings must be worn over the mouth and nose – regardless of vaccination status – in all Indoor Public Settings, and while inside any Business, as defined below, including but not limited to: offices, retail stores, restaurants and bars, theaters, family entertainment centers, conference and event centers, State and local government offices serving the public, educational entities, and schools K-12.
3. Individuals, Businesses, venue operators, hosts, and others responsible for the operation of Indoor Public Settings must:
  - a. Require all individuals to wear Face Coverings regardless of vaccination status while indoors; and
  - b. Post clearly visible and easy-to-read signage at all entry points to communicate the Face Covering requirements.
4. Exemptions. Individuals are not required to wear Face Coverings in the following circumstances:
  - a. While working alone in a closed office or room;
  - b. While actively eating and/or drinking;
  - c. While swimming or showering;

- d. While obtaining a medical or cosmetic service involving the head or face for which temporary removal of the Face Covering is necessary to perform the service;
- e. Performers at indoor live events such as theater, opera, symphony, religious choirs, and professional sports may remove Face Coverings while actively performing or practicing, though such individuals should maximize physical distancing as much as practicable;
- f. Individuals in indoor religious or cultural gatherings may remove Face Coverings when necessary to participate in religious or cultural rituals;
- g. Individuals actively engaged in water-based sports (e.g., swimming, swim lessons, diving, water polo) and other sports where masks create imminent risk to health (e.g., wrestling, judo). All other indoor recreational sports, gyms, and yoga studios shall comply with this Order;
- h. Students actively participating in School-Based Extracurricular Activities (as defined below), when practicing, conditioning, or competing in indoor sports or exercise, where due to heavy exertion, Face Coverings are not practicable, so long as those participating students undergo COVID-19 testing either once weekly with an FDA-approved PCR testing, or twice weekly with an FDA-approved antigen testing. Face Coverings are required at all other times including when not actively practicing, conditioning, competing, or on the sidelines, in team meetings, within locker rooms, or in weight rooms;
- i. Students actively participating in School-Based Extracurricular Activities (as defined below), using instruments indoors that cannot be played with a Face Coverings (e.g., wind instruments) may perform without a Face Covering if bell coverings are used AND a minimum of 3 feet of physical distancing is maintained between participants. If bell covers are not used, then participating students shall undergo COVID-19 testing either once weekly with an FDA-approved PCR testing, or twice weekly with an FDA-approved antigen testing. Face Coverings are required at all other times when not actively practicing or performing;
- j. Persons younger than two years old must not wear a Face Covering because of the risk of suffocation;
- k. Persons with a medical condition, mental health condition, or disability that prevents wearing a Face Covering. This includes persons with a medical condition for whom wearing a Face Covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a Face Covering without assistance;
- l. Persons who are hearing impaired, or communicating with a person who is hearing impaired, when the ability to see the mouth is essential for communication; and
- m. Persons for whom wearing a Face Covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.



5. Persons exempted from wearing a Face Covering due to a medical condition, mental health condition, or disability must wear a non-restrictive alternative, such as a face shield with a drape on the bottom edge.
6. Workplaces subject to the Cal/OSHA COVID-19 Emergency Temporary Standards (ETS) and/or the Cal/OSHA Aerosol Transmissible Diseases Standards should consult the applicable regulations for additional requirements. The ETS allows local health jurisdictions to mandate more protective measures. (8 CCR § 3205(a)(2).) This Order, which requires Face Coverings for all individuals in Indoor Public Settings, and while inside any Business, regardless of vaccination status, takes precedence over the more permissive ETS regarding employee face coverings.
7. "Business" or "Businesses" for the purpose of this Health Officer Order is defined to mean any institution, establishment, public or private agency, for-profit, non-profit, or educational entity, whether an organization, corporate entity, partnership, or sole proprietorship. Business does not include a place when used exclusively by one or more individuals for a private gathering or other personal purpose.
8. "Face Covering" means a covering made of a variety of materials such as cloth, fabric, cotton, silk, linen, or other permeable materials, that fully covers the tip of a person's nose and mouth, without holes, including cloth face masks, surgical masks, towels, scarves, and/or bandanas. This Order does not require the public to wear medical-grade masks, including masks rated N95, KN95, and their equivalent or better.

A face covering with a one-way valve (typically a raised plastic cylinder about the size of a quarter on the front or side of the mask) that provides a preferential path of escape for exhaled breath shall not be used as a face covering under this Order because the valve permits respiratory droplets to easily escape which places others at risk.

9. "Indoor Public Setting" or "Indoor Public Settings" for the purpose of this Health Officer Order is defined to mean an enclosed area whether privately or publicly owned, to which the public have access by right or by invitation, expressed or implied, whether by payment of money or not, but not a place when used exclusively by one or more individuals for a private gathering or other personal purpose.
10. "School-Based Extracurricular Activities" for the purpose of this Health Officer Order is defined to mean all extracurricular activities that are operated or supervised by public or private schools K-12 and involve singing, shouting, band, or exercise at a school site, whether or not the activity occurs during school hours.
11. Except as otherwise set forth herein, the June 28, 2021 Guidance for the Use of Face Coverings issued by the CDPH (<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>) as may be amended from time to time, continues to apply throughout the County of Santa Barbara.
12. The Health Officer strongly encourages that individuals, Businesses, venue

operators, hosts, and others responsible for the operation of Indoor Public Settings to provide Face Coverings at no cost to individuals required to wear them.

13. If you cannot afford a face covering one will be provided to you free-of-charge at the following locations:
  - a. Santa Barbara County Administration building lobby, 105 E Anapamu St, Santa Barbara
  - b. Santa Barbara Health Care Center, 345 Camino del Remedio, Santa Barbara
  - c. Santa Maria Health Care Center, 2115 Centerpointe Parkway, Santa Maria
  - d. The Health Officer requests cities within the County of Santa Barbara provide face coverings free-of-charge to those cannot afford them.

This Order is issued as a result of the worldwide pandemic of COVID-19 which has infected at least 263,435,245 individuals worldwide, in 222 countries and territories, including 45,691 cases, and 548 deaths in the County, and is implicated in over 5,238,270 worldwide deaths.

This Order is issued based on evidence of increasing transmission of COVID-19 both within the County and worldwide, scientific evidence regarding the most effective approach to slow transmission of communicable diseases generally and COVID-19 specifically, as well as best practices as currently known and available to protect the public from the risk of spread of or exposure to COVID-19.

This Order is issued because of the propensity of the virus to spread person to person and also because the virus physically is causing property loss or damage due to its proclivity to attach to surfaces for prolonged periods of time.

This Order is intended to reduce the likelihood of exposure to COVID-19, thereby slowing the spread of COVID-19 in communities worldwide. As the presence of individuals increases, the difficulty and magnitude of tracing individuals who may have been exposed to a case rises exponentially.

This Order may be rescinded when the County's Case Rate per 100,000 in population is 7 or less for 21 consecutive days, and hospitalizations are low and stable (20% or more staffed ICU beds are available) for 3 consecutive days.

This Order is issued in accordance with, and incorporates by reference: the March 4, 2020 Proclamation of a State Emergency issued by Governor Gavin Newsom; the March 12, 2020 Declaration of Local Health Emergency and Proclamation of Emergency based on an imminent and proximate threat to public health from the introduction of novel COVID-19 in the County; the March 17, 2020 Resolution of the Board of Supervisors ratifying the County Declaration of Local Health Emergency and Proclamation of Emergency regarding COVID-19; the March 13, 2020 Presidential Declaration of a National Emergency due to the national impacts of COVID-19; the March 22, 2020, Presidential Declaration of a Major Disaster in California beginning on January 20, 2020 under Federal Emergency Management Agency (FEMA) Incident DR-4482-CA; CDPH / Cal-OSHA Interim Guidance for Ventilation, Filtration, and Air Quality in Indoor Environments issued February 26, 2021; the State Public Health Order issued June 11, 2021; Governor Gavin Newsom's Executive Order N-07-21 of

June 11, 2021; Governor Gavin Newsom's Executive Order N-08-21 of June 11, 2021; the State Public Health Order issued July 26, 2021; the July 28, 2021 California Department of Public Health Guidance for the Use of Face Coverings; the October 15, 2021 guidance issued by the Centers for Disease Control and Prevention titled Interim Public Health Recommendations for Fully Vaccinated People; and the October 25, 2021 guidance issued by the Centers for Disease Control and Prevention titled Your Guide to Masks; the November 5, 2021 guidance issued by the Centers for Disease Control and Prevention titled Guidance for COVID-19 Prevention in K-12 Schools; and the November 24, 2021 California Department of Public Health Guidance for K-12 Schools in California, 2021-22 School Year.

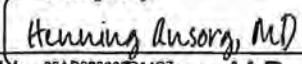
This Order is made in accordance with all applicable State and Federal laws, including but not limited to: Health and Safety Code sections 101040 and 120175; Health and Safety Code sections 101030 et seq., 120100 et seq.; and Title 17 of the California Code of Regulations section 2501.

If any provision of this Order or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

The violation of any provision of this Order constitutes a threat to public health. Pursuant to Government Code sections 26602 and 41601 and Health and Safety Code sections 101029 and 120295, the Health Officer requests that the Sheriff and all chiefs of police in the County ensure compliance with and enforce this Order. Per Health and Safety Code section 101029, "the sheriff of each county, or city and county, may enforce within the county, or the city and county, all orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease. Every peace officer of every political subdivision of the county, or city and county, may enforce within the area subject to his or her jurisdiction all orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease. This section is not a limitation on the authority of peace officers or public officers to enforce orders of the local health officer. When deciding whether to request this assistance in enforcement of its orders, the local health officer may consider whether it would be necessary to advise the enforcement agency of any measures that should be taken to prevent infection of the enforcement officers."

Copies of this Order shall promptly be: (1) made available at the County Public Health Department; (2) posted on the County Public Health Department's website ([publichealthsb.org](http://publichealthsb.org)); and (3) provided to any member of the public requesting a copy of this Order.

IT IS SO ORDERED:

DocuSigned by:  
  
Henning Ansoerg, M.D.  
Health Officer  
Santa Barbara County Public Health Department





TOMÁS J. ARAGÓN, M.D., Dr.P.H.  
State Public Health Officer & Director

State of California—Health and Human  
Services Agency  
**California Department of  
Public Health**



GAVIN NEWSOM  
Governor

December 13, 2021

**TO:** All Californians

**SUBJECT:** Guidance for the Use of Face Coverings

**Related Materials:** [Face Coverings Q&A](#) | [Face Coverings Fact Sheet \(PDF\)](#) | [Face Mask Tips and Resources](#) | [Face Shields Q&A \(PDF\)](#) | [Safe Schools for All Hub](#) | [More Home & Community Guidance](#) | [All Guidance](#) | [More Languages](#)

**Updates as of December 13, 2021:**

- Adds requirement for universal masking indoors statewide December 15, 2021, through January 15, 2022.

**Guidance For the Use of Masks**

**Background**

The COVID-19 vaccines remain effective in preventing serious disease, hospitalization, and death from the SARS-CoV-2 virus. Unvaccinated persons are more likely to get infected and spread the virus which is transmitted through the air and concentrates indoors. To ensure that we collectively protect the health and well-being of all Californians; keep schools open for in-person instruction; and allow California's economy to remain open and thrive, the California Department of Public Health (CDPH) **is requiring masks to be worn in all indoor public settings, irrespective of vaccine status, for the next four weeks (December 15, 2021 through January 15, 2022).**

This new measure brings an added layer of mitigation as the Omicron variant, a Variant of Concern as labeled by the World Health Organization, is detected across California, the United States, and the world and is likely to spread more easily than the original SARS-CoV-2 virus and the Delta variant. Additionally, this new measure brings additional protection to individuals, families and communities during the holidays when more travel occurs, and time is spent indoors.

Since Thanksgiving, the statewide seven-day average case rate has increased by 47% and hospitalizations have increased by 14%. While the percentage of Californians fully vaccinated and boosted continues to increase, we continue to have areas of the state where vaccine coverage is low, putting individuals and communities at greater

risk for COVID-19. Given the current hospital census, which is at or over capacity, even a moderate surge in cases and hospitalizations could materially impact California's health care delivery system within certain regions of the state. Other states and countries with similar vaccination rates that have relaxed masking requirements are seeing surges in COVID-19 cases and increasing stress in their healthcare systems.

As recently noted in an updated Science Brief[1] by the Centers for Disease Control and Prevention (CDC), at least ten studies have confirmed the benefit of universal masking in community level analyses: in a unified hospital system,[2] a German city,[3] two U.S. states,[4], [5] a panel of 15 U.S. states and Washington, D.C.,[6], [7] as well as both Canada[8] and the U.S.[9], [10], [11] nationally. Each analysis demonstrated that, following directives for universal masking, new infections fell significantly. Two of these studies[12], [13] and an additional analysis of data from 200 countries that included the U.S.[14] also demonstrated reductions in mortality. Another 10-site study showed reductions in hospitalization growth rates following mask mandate implementation.[15]

Implementing a universal masking requirement not only has proven to decrease the rate of infections but is able to slow community transmission. A series of cross-sectional surveys in the U.S. suggested that a 10% increase in self-reported mask wearing tripled the likelihood of slowing community transmission.[16]

The masking requirement in California schools has allowed us to keep schools open when compared to other parts of the country. California accounts for roughly 12% of all U.S. students, but only 1% of COVID-19 related school closures. Nationally during the Delta surge in July and August 2021, jurisdictions without mask requirements in schools experienced larger increases in pediatric case rates, and school outbreaks were 3.5 times more likely in areas without school mask requirements.[17], [18]

In workplaces, employers are subject to the Cal/OSHA COVID-19 Emergency Temporary Standards (ETS) or in some workplaces the Cal/OSHA Aerosol Transmissible Diseases (ATD) Standard and should consult those regulations for additional applicable requirements.

## Masking Requirements

**Masks are required for all individuals in all indoor public settings, regardless of vaccination status from December 15, 2021 through January 15, 2022 (surgical masks or higher-level respirators are recommended).**

See State Health Officer Order, issued on July 26, 2021, for a full list of high-risk congregate and other healthcare settings where surgical masks are required for unvaccinated workers, and recommendations for respirator use for unvaccinated workers in healthcare and long-term care facilities in situations or settings not covered by Cal OSHA ETS or ATD.

For additional information on types of masks, the most effective masks, and ensuring a well-fitted mask, individuals should refer to CDPH Get the Most out of Masking and see CDPH Masking Guidance Frequently Asked Questions for more information.

No person can be prevented from wearing a mask as a condition of participation in an activity or entry into a business.

## Exemptions to masks requirements

The following **individuals** are exempt from wearing masks at all times:

- Persons younger than two years old. Very young children must not wear a mask because of the risk of suffocation.
- Persons with a medical condition, mental health condition, or disability that prevents wearing a mask. This includes persons with a medical condition for whom wearing a mask could obstruct breathing or who are

- unconscious, incapacitated, or otherwise unable to remove a mask without assistance.
- Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
- Persons for whom wearing a mask would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.

[1] Science Brief: Community Use of Masks to Control the Spread of SARS-CoV-2 | CDC

[2] Wang X, Ferro EG, Zhou G, Hashimoto D, Bhatt DL. Association between universal masking in a health care system and SARS-CoV-2 positivity among health care workers. *JAMA*. 2020;324(7):703–704.

[3] Mitze T, Kosfeld R, Rode J, Wälde K. Face masks considerably reduce COVID-19 cases in Germany. *Proc Natl Acad Sci U S A*. 2020;117(51):32293–32301.

[4] Gallaway MS, Rigler J, Robinson S, et al. Trends in COVID-19 incidence after implementation of mitigation measures – Arizona, January 22–August 7, 2020. *MMWR Morb Mortal Wkly Rep*. 2020;69(40):1460–1463.

[5] Van Dyke ME, Rogers TM, Pevzner E, et al. Trends in county-level COVID-19 incidence in counties with and without a mask mandate – Kansas, June 1–August 23, 2020. *MMWR Morb Mortal Wkly Rep*. 2020;69(47):1777–1781.

[6] Lyu W, Wehby GL. Community use of face masks and COVID-19: evidence from a natural experiment of state mandates in the US. *Health Aff (Millwood)*. 2020;39(8):1419–1425.

[7] Hatzius J, Struyven D, Rosenberg I. Face masks and GDP. Updated June 29, 2020. Accessed July 8, 2020.

[8] Karaivanov A, Lu SE, Shigeoka H, Chen C, Pamplona S. Face masks, public policies and slowing the spread of COVID-19: evidence from Canada. *J Health Econ*. 2021;78:102475.

[9] Joo H, Miller GF, Sunshine G, et al. Decline in COVID-19 hospitalization growth rates associated with statewide mask mandates – 10 states, March–October 2020. *MMWR Morb Mortal Wkly Rep*. 2021;70(6):212–216.

[10] Chernozhukov V, Kasahara H, Schrimpf P. Causal impact of masks, policies, behavior on early COVID-19 pandemic in the U.S. *J Econom*. 2021;220(1):23–62.

[11] Guy GP Jr, Lee FC, Sunshine G, et al. Association of state-issued mask mandates and allowing on-premises restaurant dining with county-level COVID-19 case and death growth rates – United States, March 1–December 31, 2020. *MMWR Morb Mortal Wkly Rep*. 2021;70(10):350–354.

[12] Ibid, 6.

[13] Ibid, 7.

[14] Ibid, 11.

[15] Ibid, 9.

[16] Rader B, White LF, Burns MR, et al. Mask-wearing and control of SARS-CoV-2 transmission in the USA: a cross-sectional study. *The Lancet Digital Health*. 2021;3(3):e148–e157.

[17] Jehn M, McCullough JM, Dale AP, Gue M, Eller B, Cullen T, Scott SE. Association between K–12 school mask policies and school-associated COVID-19 outbreaks — Maricopa and Pima Counties, Arizona, July–August 2021. *MMWR Morb Mortal Wkly Rep*. 2021; 70(39);1372–1373.

[18] Budzyn SE, Panaggio MJ, Parks SE, Papazian M, Magid J, Eng M, Barrios LC. Pediatric COVID-19 cases in counties with and without school mask requirements — United States, July 1–September 4, 2021. *MMWR Morb Mortal Wkly Rep.* 2021; 70(39);1377–1378.

California Department of Public Health  
PO Box, 997377, MS 0500, Sacramento, CA 95899-7377  
Department Website ([cdph.ca.gov](http://cdph.ca.gov))





TOMÁS J. ARAGÓN, M.D., Dr.P.H.  
State Public Health Officer & Director

State of California—Health and Human  
Services Agency  
**California Department of  
Public Health**



GAVIN NEWSOM  
Governor

December 13, 2021

**TO:** All Californians

**SUBJECT:** Travel Advisory

**Related Materials:** [Travel Guidelines \(PDF\)](#) | [CDC Travel Requirements](#)

## Travel Advisory

The COVID-19 vaccines remain effective in preventing serious disease, hospitalization, and death from the SARS-CoV-2 virus. However, since Thanksgiving, the statewide seven-day average case rate has increased by 47% and hospitalizations have increased by 14%.

On December 1, 2021 the first confirmed U.S. case of Omicron, a Variant of Concern as labeled by the World Health Organization, was identified. The Omicron variant is likely to spread more easily than the original SARS-CoV-2 virus and the Delta variant and has been detected throughout the United States and the world.

While the percentage of Californians fully vaccinated and boosted continues to increase, we continue to have areas of the state where vaccine coverage is low putting individuals and communities at greater risk for COVID-19. While we have made great progress, many states and countries are experiencing increasing levels of transmission and increasing travel from other states and countries is expected during this winter season.

It is imperative that California continue to take steps necessary to curb the spread of COVID-19 and its variants and reduce new sources of infection until we can achieve higher levels of vaccination in California and beyond. As such, the State is issuing the following recommendations, which supersede all prior Travel Advisories:

- All travelers arriving in or returning to California from other states or countries should follow CDC travel guidance.
- All travelers arriving in or returning to California from other states or countries should test 3-5 days upon arrival.
- All travelers who test positive or develop symptoms of COVID-19 should isolate and follow public health recommendations.

# OFFICE OF COMMUNICATIONS

## **CDPH Requires Masking for All Public Indoor Settings to Slow the Spread of COVID-19 In Response to Increasing Case Rates and Hospitalizations**

Date: December 13, 2021

Number: NR21-352

Contact: [CDPHpress@cdph.ca.gov](mailto:CDPHpress@cdph.ca.gov)

*With case rates increasing 47% since Thanksgiving, the California Department of Public Health will require universal masking to increase protection to individuals, families, and communities during the holidays.*

SACRAMENTO –The California Department of Public Health (CDPH) continues to monitor COVID-19 data in order to protect the health and well-being of all Californians. Since Thanksgiving, the statewide seven-day average case rate has increased by almost half (47%) and hospitalizations have increased by 14%. In response to the increase in cases and hospitalizations, and to slow the spread of both Delta and the highly transmissible Omicron variant, CDPH has issued updated guidance to curb the spread of COVID-19 and its variants.

Beginning December 15, CDPH will require masks to be worn in all indoor public settings irrespective of vaccine status through January 15, 2022, at which point California will make further recommendations as needed in response to the pandemic.

Additionally, CDPH updated requirements for attending mega events, like concerts and sporting events. Prior to attending an event, attendees will now require either proof of vaccination, a negative antigen COVID-19 test within one day of the event, or a negative PCR test within two days of the event.

CDPH also issued a new travel advisory effective immediately to recommend that all travelers arriving in California test for COVID-19 within three to five days after arrival, regardless of their vaccination status.



"Our collective actions can save lives this holiday season. We are already seeing a higher level of transmission this winter and it is important to act now to prevent overwhelming our busy hospitals so we can provide quality health care to all Californians. All Californians should get vaccinated and receive their booster. Getting your whole family up to date on vaccination is the most important action you can take to get through the pandemic and to protect yourself from serious impacts from the virus and its variants. Testing and masking remain important tools in slowing the spread," said Dr. Tomás J. Aragón, CDPH Director and State Public Health Officer. "Starting Wednesday, California will require masking in all public indoor places during the holiday season regardless of vaccination status. Attendees of large events will be required to show either proof of vaccination, a negative antigen COVID-19 test within one day of the event, or a negative PCR test within two days of the event. Additionally, California has issued a travel alert to recommend that all travelers get tested within three to five days of their arrival in California. Vaccines and these temporary measures will allow friends and families to safely spend the holidays together and will add critical layers of protection to keep people safe."

## Statewide COVID-19 Data

Today, the California Department of Public Health (CDPH) released the most recent statistics on COVID-19 and updates on the state's pandemic response. The most up to date data is available on the state's COVID-19 data dashboard.

Cases, hospitalizations, and deaths are largely occurring among unvaccinated populations. See the data for unvaccinated and vaccinated cases, hospitalizations and deaths.

- Unvaccinated people were **7.1 times more likely to get COVID-19** (data from November 21, 2021 to November 27, 2021 ).
- Unvaccinated people were **12.5 times more likely to be hospitalized** with COVID-19 (data from November 14, 2021 to November 20, 2021).
- Unvaccinated people were **13.0 times more likely to die** from COVID-19 (data from November 7, 2021 to November 13, 2021).

## California COVID-19 By the Numbers

December 13, 2021 *Numbers as of December 12, 2021*

COVID-19 Cases **4,886,509** (+18,905) Fatalities **74,685** (+176)

Vaccines Administered **61,315,927** People Fully Vaccinated **26,228,583**

### Ages of Confirmed Cases

743,955	2,761,359	885,304	493,236	2,655
0-17	18-49	50-64	65+	Unknown/Missing

Gender of Confirmed Cases **2,478,651** **2,337,635** **70,223**  
Female Male Unknown/Missing

Hospitalizations	Confirmed COVID-19		Suspected COVID-19	
	3,465	937	339	30
	Hospitalized	In ICU	Hospitalized	In ICU

[cdph.ca.gov](http://cdph.ca.gov)



## Vaccinations

- 61,315,927 total vaccines administered.
- 77.7% of the eligible population (5+) has been vaccinated with at least one dose.
- 210,409 people a day are receiving COVID-19 vaccination (average daily dose count over 7 days).

## Cases

- California has 4,886,509 confirmed cases to date.
- Today's average case count is 5,825 (average daily case count over 7 days).

## Testing

- The testing positivity rate is 2.2 % (average rate over 7 days).

## Hospitalizations

- There are 3,804 hospitalizations statewide.
- There are 967 ICU patients statewide.

## Deaths

- There have been 74,685 COVID-19 deaths since the start of the pandemic.
- COVID-19 claims the lives of 51 Californians each day (average daily death count over 7 days).

## ADDITIONAL UPDATES

## **Omicron Variant**

The recent emergence of the Omicron variant emphasizes the importance of getting a vaccine, booster, and taking prevention efforts needed to protect against COVID-19. As of December 12, 2021, 24 confirmed cases associated with the Omicron variant have been reported to the state. This number will be updated weekly with the other variants California is currently monitoring on the CDPH Tracking Variants webpage. For more information about the Omicron variant, see the Omicron variant fact sheet.

## **Stop the Spread: Get Vaccinated for COVID-19**

The risk for COVID-19 exposure and infection continues as a number of Californians remain unvaccinated. Real-world evidence continues to show that the vaccine is preventing severe illness, hospitalization, and death. With the combination of colder weather keeping people indoors, the waning of vaccine and natural immunity, and more mingling among non-household members, public health officials urge Californians to get vaccinated and boosted as soon as possible to help prevent a possible winter surge in COVID-19 cases.

It is recommended that every vaccinated adult 18 years or older should get a booster as long as they received their second dose of the Pfizer or Moderna vaccine at least six months ago or they received their Johnson & Johnson vaccine at least two months ago.

Vaccination appointments can be made by visiting [myturn.ca.gov](https://myturn.ca.gov) or calling 1-833-422-4255. The consent of a parent or legal guardian may be needed for those under age 18 to receive a vaccination. Visit [Vaccinate All 58](#) to learn more about the safe and effective vaccines available for all Californians 5+.

## **Your Actions Save Lives**

Protect yourself, family, friends and your community by following these prevention measures:

- **Celebrate safely:** Take commonsense steps this holiday season to protect yourself, your family and your community as you celebrate the holiday season.
- **Upgrade your mask:** Good fit and filtration continue to be the best way to get the most out of your mask. The best masks for preventing COVID-19 include the N95, KN95 and KF94. If you don't have access to one of these masks, wear a surgical mask or a surgical mask with a cloth mask on top. If you choose a fabric mask, opt for one with three or more cloth layers. No matter what kind of mask you wear, check the fit by avoiding gaps above the nose or on the sides.
- **Get vaccinated for COVID-19 and flu:** It's your turn now! It's recommended for everyone over six months of age to be vaccinated for the flu. For COVID-19, Californians age 5+ are eligible to make appointments or go to a walk-in site for vaccination. You can get your flu and COVID-19 vaccines on the same day.
- **My Vaccine Record** is an easy way to show vaccination status at venues or businesses that require proof of vaccination. Visit [myvaccinerecord.cdph.ca.gov](https://myvaccinerecord.cdph.ca.gov) today to get your vaccine record.
- **Stay Home & Get Tested if Sick:** If you are experiencing symptoms of COVID-19 (fever, cough, shortness of breath, fatigue, muscle or body aches), or believe you have been exposed, get tested, call your health care provider, and stay home and away from others. Free, confidential testing is available statewide. Avoid close contact with people who are sick and stay home from work and school if you feel ill.
- **Wash hands** with soap and water for at least 20 seconds.
- **Travel tips:** Delay travel (both domestic and international) until you are fully vaccinated. If you must travel before being fully vaccinated, consider getting tested before and after travel. See the CDC's full travel guidance.

- **Avoid crowded venues** or areas when cases are high.
- **Add your phone to the fight:** Sign up for COVID-19 exposure notifications from CA Notify.
- **Answer the call or text** if a contact tracer from the CA COVID Team or your local health department tries to connect.
- **Check with your local health department** about local conditions. Local health jurisdictions can implement protocols that are stricter than state guidance.

## Tracking COVID-19 in California

- Data and Tools – Models and dashboards for researchers, scientists and the public
- COVID-19 Race & Ethnicity Data – Weekly updated Race & Ethnicity data
- Cases and Deaths by Age Group – Weekly updated Deaths by Age Group data
- Health Equity Dashboard – See how COVID-19 highlights existing inequities in health
- Tracking Variants – Data on the variants California is currently monitoring
- Safe Schools for All Hub – Information about safe in-person instruction

## Health Care Workers

- As of December 9, local health departments have reported 131,821 confirmed positive cases in health care workers and 531 deaths statewide.

## Testing Turnaround Time

- The testing turnaround time dashboard reports how long California patients are waiting for COVID-19 test results. During the week of November 28 to December 4, the average time patients waited for test results was 1.0 day. During this same time period, 75% of patients received test results in one day and 97% received them within two days.

## **Multisystem Inflammatory Syndrome in Children (MIS-C)**

- As of December 6, there have been 731 cases of Multisystem Inflammatory Syndrome in Children (MIS-C) reported statewide. MIS-C is a rare inflammatory condition associated with COVID-19 that can damage multiple organ systems. MIS-C can require hospitalization and be life threatening.

Page Last Updated : December 13, 2021



# Mask Up: Masks Required in All Indoor Public Settings

## Client Alert

December 2021

By: Jeffrey A. Dinkin, Jared W. Speier

On December 13th the California Department of Public Health (“CDPH”) released guidance requiring face masks to be worn in all indoor public settings, regardless of vaccination status, from December 15, 2021 through January 15, 2022. This mandate comes on the heels of the Omicron variant being detected in California and the CDPH guidance stating that more protection is warranted during the holiday season.

The guidance requires that all individuals comply regardless of their vaccination status but exempts the following individuals from the mask requirements:

- “Persons younger than two years old.”
- “Persons with a medical condition, mental health condition, or disability that prevents wearing a mask.”
- “Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.”
- “Persons for whom wearing a mask would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.”

Additionally, the existing exceptions to masking requirements continue to apply in the following circumstances in indoor public settings:

- Masks may be removed while actively eating or drinking.
- Persons who are working alone in a closed office or room.
- Persons who are actively performing at indoor live or recorded settings or events such as music, acting, or singing. If performers do not wear a mask indoors while performing, CDPH strongly recommends that individuals undergo screening testing at least once weekly. An FDA-approved antigen test, PCR test, or pooled PCR test is acceptable for evaluation of an individual's COVID-19 status.
- Persons who are obtaining a medical or cosmetic service involving the nose or face for which temporary removal of the face covering is necessary to perform the services.
- Workers who wear respiratory protection, per Cal/OSHA requirements.
- Persons who are specifically exempted from wearing masks by any other CDPH guidance.

The updated CDPH guidance only applies to counties that do not already have an existing indoor masking requirement in public settings that applies irrespective of individuals' vaccine status. For counties that have pre-existing masking requirements regardless of vaccination status in indoor public settings prior to December 13, 2021, those local health orders continue to apply.

The guidance does not state what constitutes an “indoor public setting.” The CDPH Fact Sheet lists grocery stores and movie theaters as indoor public places, however, many offices are left guessing whether these new requirements apply to them. For the time being, employers should assume that any area of their business accessible by the public, like lobbies or waiting areas will be considered an indoor public setting. Areas of the office that are behind locked doors or only accessible to the employees are not likely considered an indoor public setting and would not be subject to the new requirements. The current mask guidance under the Cal/OSHA emergency temporary standards will continue to apply even in these “non-public” settings. This guidance is discussed in our prior [alert](#).

### **Stradling Has Resources To Help You Stay Compliant**

To assist California employers in complying with the various COVID-19 requirements in California, Stradling has created COVID-19 protocols which incorporate all the

new requirements and clarifications of the ETS and help businesses comply with federal, state, and county requirements. We encourage you to reach out if you are in the process of reopening or you have been conducting business and want to make sure you are in compliance with the applicable industry guidelines.

Please do not hesitate to reach out to us for assistance in dealing with the effects of the COVID-19 pandemic on your company.

### **Labor and Employment Practice Group**

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### **Related People**



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Shareholder  
Employment



**Jared W. Speier**  
Associate  
Employment

### **Related Practices**

- Employment

SANTA YNEZ RIVER WATER CONSERVATION DISTRICT  
 IMPROVEMENT DISTRICT NO. 1  
NOVEMBER 16, 2021 REGULAR MEETING MINUTES

A Regular Meeting of the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1, was held at 3:00 p.m. on Tuesday, November 16, 2021 via in-person and teleconference.

Trustees Present:     Jeff Clay                             Michael Burchardi  
                               Brad Joos                                 Lori Parker

Trustees Absent:     Jeff Holzer

Others Present:     Paeter Garcia                     Mary Martone  
                               Gary Kvistad                     Eric Tambini  
                               Karen King                       John Britton  
   Laura Copple

**1. CALL TO ORDER AND ROLL CALL:**

President Clay called the meeting to order at 3:02 p.m., he stated this was a Regular Meeting of the Board of Trustees. Ms. Martone conducted roll call and reported that four members of the Board were present, with Trustee Holzer absent.

**2. PLEDGE OF ALLEGIANCE:**

President Clay led the Pledge of Allegiance.

**3. REPORT BY THE SECRETARY TO THE BOARD REGARDING COMPLIANCE WITH THE REQUIREMENTS FOR POSTING OF THE NOTICE AND AGENDA:**

Ms. Martone presented the affidavit of posting of the Agenda, along with a true copy of the Agenda for this meeting. She reported that the Agenda was posted in accordance with the California Government Code commencing at Section 54950, as well as District Resolutions No. 340 and 808 in compliance with AB361. The affidavit was filed as evidence of the posting of the Agenda items contained therein.

**4. ADDITIONS OR CORRECTIONS, IF ANY, TO THE AGENDA:**

Mr. Garcia stated there were no additions or corrections to the Agenda.

**5. PUBLIC COMMENT:**

President Clay welcomed any members of the public participating telephonically and offered time for members of the public to speak and address the Board on matters not on the Agenda. Mr. Garcia reported that no written comments were submitted to the District for the meeting. There was no public comment.

**6. CORONAVIRUS (COVID-19) UPDATE:**

**A. General Manager's Report**

Mr. Garcia reported on the current information related to the COVID-19 pandemic and the District's actions. He reported that the Santa Barbara County Public Health Department issued Health Officer Order No. 2021-10.6 effective 5:00 p.m. on November 4, 2021 through December 4, 2021 which extends the mandatory requirement for the use of face coverings indoors, regardless of vaccination status, or until the Order is extended, rescinded, or superseded.





1 7. CONSIDERATION OF THE MINUTES OF THE REGULAR MEETING OF OCTOBER 19, 2021:

2 The Regular Meeting Minutes from October 19, 2021 were presented for consideration.

3  
4 President Clay asked if there any changes or additions to the Regular Meeting Minutes of October  
5 19, 2021. No changes or additions were requested.

6  
7 It was MOVED by Trustee Joos, seconded by Trustee Burchardi, and carried by a 4-0-0 roll call  
8 vote, with Trustee Holzer absent, to approve the October 19, 2021 Minutes as presented.

9  
10 8. CONSENT AGENDA:

11 The Consent Agenda Report was provided in the Board packet.

12  
13 Mr. Garcia reviewed the Consent Agenda materials for the month of November.

14  
15 It was MOVED by Trustee Burchardi, seconded by President Clay, and carried by a 4-0-0 roll call  
16 vote, with Trustee Holzer absent, to approve the Consent Agenda.

17  
18 9. MANAGER REPORTS - STATUS, DISCUSSION, AND POSSIBLE BOARD ACTION ON THE FOLLOWING  
19 SUBJECTS:

20 A. DISTRICT ADMINISTRATION:

21 1. Financial Report on Administrative Matters

- 22 a) Draft June 30, 2021 & 2020 Financial Audit - Presentation by Bartlett, Pringle & Wolf,  
23 LLP

24 The Draft Financial Statements were included in the Board packet.

25  
26 Mr. Garcia introduced Mr. John Britton from Bartlett, Pringle & Wolfe, LLP for the  
27 presentation of the District's draft June 30, 2021 and 2020 Financial Statements.

28  
29 Mr. Britton reviewed a PowerPoint presentation of the June 30, 2021 and 2020  
30 Financial Statements. He reviewed the District's current assets, liabilities and fund  
31 equity, statement of revenues, statement of changes, statement of cash flows, and  
32 notes to the financial statements. Mr. Britton reported that the District's financials  
33 conform to required Generally Accepted Accounting Principles and the State  
34 Controller's Minimum Audit Requirements for California Special Districts. He  
35 explained that the District's audit resulted in no disagreements with Management  
36 relating to the financials and was a clean audit with no reportable findings or  
37 exceptions.

38  
39 Mr. Garcia recommended approval and acceptance of the June 30, 2021 and 2020  
40 Financial Statements as presented and authorization for Management to submit the  
41 final version of the Financial Statements to the State Controller and Santa Barbara  
42 County.

43  
44 It was MOVED by Trustee Parker, seconded by Trustee Burchardi, and carried by a 4-  
45 0-0 roll call vote, with Trustee Holzer absent, to approve and accept the June 30, 2021  
46 and 2020 Financial Statements as presented by Bartlett, Pringle & Wolf, LLP and  
47 authorize Management to execute the final documentation and distribute to the  
48 appropriate governmental agencies.

49  
50 The Board thanked Mr. Britton for the presentation. Mr. Garcia expressed his  
51 appreciation and compliments to Mr. Britton and the staff at Bartlett Pringle & Wolf,  
52 for their assistance with the audit.

1 b) Presentation of Monthly Financial Statements – Revenues and Expenses

2 The monthly financial statements were included in the handout materials and emailed  
3 to the Board members attending the meeting via phone conference. Ms. Martone  
4 announced that the report was posted on the District’s website in the Board packet  
5 materials for any members of the public wishing to follow along or receive a copy.  
6

7 Ms. Martone reported that at last month’s meeting there was Board discussion to  
8 include an additional column on the financial report that would show expenditures to  
9 date in comparison to adopted fiscal year budget amounts. She stated that staff  
10 researched customization options within the accounting software and provided a  
11 supplemental report titled “Fiscal Year-To-Date Revenues and Expenses” in the Board  
12 packet that incorporated the requested information.  
13

14 Ms. Martone reviewed the Statement of Revenues and Expenses for the month of  
15 October. She highlighted various line-items related to revenue and expense  
16 transactions that occurred during the month. Ms. Martone reported that District  
17 revenues exceeded expenses by \$254,805.77 and the year-to-date net income is  
18 \$1,270,332.89. Ms. Martone stated that the Board would be provided a six-month  
19 budget update at the January meeting.  
20

21 c) Approval of Accounts Payable

22 Ms. Martone reported that the Board was provided the Warrant List for October 20,  
23 2021 through November 16, 2021 in the handout materials and emailed to the Board  
24 members attending the meeting via phone conference. Ms. Martone announced that  
25 the Warrant List was posted on the District’s website in the Board packet materials for  
26 any members of the public wishing to follow along or receive a copy.  
27

28 The Board reviewed the Warrant List which covered warrants 24135 through 24185 in  
29 the amount of \$347,608.12.  
30

31 It was MOVED by Trustee Burchardi, seconded by President Clay, and carried by a 4-  
32 0-0 roll call vote, with Trustee Holzer absent, to approve the Warrant List for October  
33 20, 2021 through November 16, 2021.  
34

35 10. REPORT, DISCUSSION, AND POSSIBLE BOARD ACTION ON THE FOLLOWING SUBJECTS:  
36

37 A. UPDATE REGARDING STATEWIDE DROUGHT CONDITIONS:

38 The Department of Water Resources Current Reservoir Conditions report, and an October 19,  
39 2021 ACWA Advisory were included in the Board packet.  
40

41 Mr. Garcia discussed the conditions of the major reservoirs within California as published by  
42 the Department of Water Resources, noting that there are several reservoirs throughout the  
43 state that are at all time historic low levels due to drought conditions. Mr. Garcia reported that  
44 on October 19, 2021, Governor Newsom issued a proclamation that placed all 58 of the state’s  
45 counties in a drought emergency. Mr. Garcia stated that ID No.1 is fortunate to have a  
46 diversified water supply portfolio which assists in managing dry year periods. Mr. Garcia also  
47 provided a brief overview of water supply conditions of some of the other local agencies within  
48 Santa Barbara County.

1 **B. SUSTAINABLE GROUNDWATER MANAGEMENT ACT:**

2 1. Eastern Management Area Update

3 The Board packet included various materials relating to the Eastern Management Area  
4 Groundwater Sustainability Agency (GSA).  
5

6 Mr. Garcia reported on the topics discussed at the October 28, 2021 Regular Meeting of  
7 the EMA GSA, which included a PowerPoint presentation discussing the GSP  
8 development timeline. He indicated that the draft GSP has been circulated to the public  
9 and written comments have been received. Mr. Garcia reported that the EMA is currently  
10 preparing responses to the written comments which will become part of the final GSP to  
11 be sent to the Department of Water Resources in January 2022. He also discussed ongoing  
12 stakeholder outreach and the EMA Citizen Advisory Committee meeting that took place  
13 on October 11, 2021. He stated that the next meeting of the EMA GSA is scheduled to be  
14 held on November 18, 2021.  
15

16 2. Public Draft Eastern Management Area Groundwater Sustainability Agency -  
17 Groundwater Sustainability Plan - Website [https://www.santaynezwater.org/eastern-  
19 management-area-groundwater-sustainability-plan](https://www.santaynezwater.org/eastern-<br/>18 management-area-groundwater-sustainability-plan)

20 The Executive Summary of the Public Draft Eastern Management Area Groundwater  
21 Sustainability Agency Groundwater Sustainability Plan was included in the Board packet.  
22

23 Mr. Garcia reported that the Public Draft Groundwater Sustainability Plan (GSP) for the  
24 Eastern Management Area was posted for public review and comment on September 8,  
25 2021 and that the public comment period closed on October 24, 2021. He explained that  
26 various public comments have been received by the EMA GSA and that responses to  
27 comments are being developed and will be incorporated into the final GSP. Mr. Garcia  
28 referred to the Executive Summary of the Draft GSP as contained in the Board packet and  
29 explained that a complete copy of the Draft GSP has been posted on the SGMA website  
30 (santaynezwater.org) and made available at the public library and other designated areas.  
31 Mr. Garcia encouraged all Trustees and members of the public to review the electronic  
32 version of the draft GSP and to submit any public comments they may desire through the  
33 SGMA website. He reported that the EMA GSA will review and consider adoption of the  
34 final EMA GSP at its December 2021 or January 2022 meeting prior to submitting the final  
35 GSP to the Department of Water Resources by the January 31, 2022 due date. Mr. Garcia  
36 reported that each member agency of the EMA GSA must review and consider the GSP  
37 prior to the EMA GSA's approval and adoption of the final GSP. Trustee Joos provided  
38 comments relating to the public comments submitted on the Draft GSP, future costs of  
39 implementing SGMA, and future management of the GSP.  
40

41 Mr. Garcia recommended the ID No.1 Board concur with an action by the Eastern  
42 Management Area Groundwater Sustainability Agency to approve and adopt the final  
43 Groundwater Sustainability Plan for the Eastern Management Area in a form  
44 substantially similar to the Public Draft GSP, subject to the finalization of the responses to  
45 public comments, and that the ID No.1 Board authorize Trustee Joos to cast his vote as a  
46 member of the EMA GSA Committee in favor of approving and adopting the final GSP.  
47

48 It was **MOVED** by Trustee Parker, seconded by Trustee Burchardi and carried by a 4-0-0  
49 roll call vote, with Trustee Holzer absent, that SYRWCD, ID No.1 concurs with an action  
50 by the Eastern Management Area Groundwater Sustainability Agency to approve and  
51 adopt the final Groundwater Sustainability Plan for the Eastern Management Area in a  
52 form substantially similar to the Public Draft Groundwater Sustainability Plan, subject to  
53 the finalization of the responses to public comments; and that the Board of Trustees



1 authorizes Trustee Joos to cast his vote as a member of the Eastern Management Area  
2 Groundwater Sustainability Agency Committee in favor of approving and adopting the  
3 final Groundwater Sustainability Plan that will be submitted to the State of California,  
4 Department of Water Resources, in January 2022.  
5

6 Mr. Garcia reported that once the final GSP is adopted, the EMA GSA will be required to  
7 prepare and submit a first annual report to DWR by April 2022. He reviewed the potential  
8 costs related to the annual report and provided information relating to the next steps in  
9 the process to set up a new formal governance structure that will address the financial  
10 participation of each of the parties and other groundwater producers within the EMA.  
11

12 **C. HEXAVALENT CHROMIUM MAXIMUM CONTAMINANT LEVEL:**

13 1. Notice of Preparation of a Draft Program Environmental Impact Report

14 The Board packet included a Notice of Preparation of a Draft Program Environmental  
15 Impact Report.  
16

17 Mr. Garcia discussed the history of the California State Water Resources Control Board's  
18 regulation of Hexavalent Chromium, referred to as Chromium 6. He reported that the  
19 State Board has issued a Notice of Preparation (NOP) of a Draft Program Environmental  
20 Impact Report for the preparation of a new Maximum Contaminant Level (MCL) for  
21 Chromium 6 in drinking water, where a range of 17 possible MCLs will be evaluated. Mr.  
22 Garcia indicated that the public comment period for the NOP opened on November 5,  
23 2021 and closes on December 6, 2021. He reported there is a working group convened  
24 through the Association of California Water Agencies (ACWA) that is specific to  
25 Chromium 6 which is currently working on a comment letter that will be submitted to the  
26 State Board. Mr. Garcia stated he would provide further information to the Board as it  
27 becomes available.  
28

29 **D. AMENDMENT TO RULES & REGULATIONS AND CAPITAL FACILITIES CHARGES:**

30 1. Draft Resolution No. XXX: A Resolution of the Board of Trustees of the Santa Ynez River  
31 Water Conservation District, Improvement No. 1 Approving the Automatic Annual  
32 Adjustments to the Capital Facilities Charges and Meter Installation Fees Contained in  
33 Attachment of Appendix "C" and Appendix "D" of the District's Rules and Regulations  
34

35 The Board packet included a draft Resolution for the automatic annual adjustment to the  
36 District's capital facilities charges and meter installation fees pursuant to District  
37 Resolution No. 422 and Sections 603 and 709 of the District's Rules and Regulations. The  
38 automatic adjustments will take effect on January 1, 2022.  
39

40 Mr. Garcia explained that the draft Resolution was being provided for advance review by  
41 the Board because adjustments to the District's Capital Facilities Charges are implemented  
42 through amendments to Appendix "C" and Appendix "D" of the District's Rules and  
43 Regulations. He explained that the Board must be provided at least 20-days advance  
44 written notice of any proposed amendments or changes to the Rules and Regulations. He  
45 stated there was no action required at this time and the draft Resolution would be  
46 presented for consideration and action at the December meeting.  
47

48 **11. REPORTS BY THE BOARD MEMBERS OR STAFF, QUESTIONS OF STAFF, STATUS REPORTS,**  
49 **ANNOUNCEMENTS, COMMITTEE REPORTS, OBSERVATIONS AND OTHER MATTERS AND/OR**  
50 **COMMUNICATIONS NOT REQUIRING BOARD ACTION:**

1 The Board packet included the Family Farm Alliance Monthly Briefing for the month of  
2 November and a Public Meeting Notice for the Los Olivos Community Services District Board of  
3 Directors Workshop Meeting of November 3, 2021.  
4

5 **12. CORRESPONDENCE: GENERAL MANAGER RECOMMENDS FILING OF VARIOUS ITEMS:**

6 The Correspondence list was received by the Board.  
7

8 **13. REQUESTS FOR ITEMS TO BE INCLUDED ON THE NEXT REGULAR MEETING AGENDA:**

9 There were no requests from the Board.  
10

11 **14. NEXT MEETING OF THE BOARD OF TRUSTEES:**

12 President Clay stated the next Regular Meeting of the Board of Trustees is scheduled for  
13 December 21, 2021 at 3:00 p.m.  
14

15 **15. CLOSED SESSION:**

16 The Board adjourned to Closed Session at 5:11 p.m.  
17

18 **A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

19 [Subdivision (d)(1) of Section 54956.9 of the Government Code - 2 Cases]

- 20 1. Name of Case: Adjudicatory proceedings pending before the State Water Resources  
21 Control Board regarding Permit 15878 issued on Application 22423 to the City of  
22 Solvang, Petitions for Change, and Related Protests  
23
- 24 2. Name of Case: Central Coast Water Authority, et al. v. Santa Barbara County Flood  
25 Control and Water Conservation District, et al., Santa Barbara County Superior Court  
26 Case No. 21CV02432  
27

28 **16. RECONVENE INTO OPEN SESSION:**

29 [Sections 54957.1 and 54957.7 of the Government Code]  
30

31 The public participation phone line was re-opened, and the Board reconvened to Open  
32 Session at approximately 5:43 p.m.  
33

34 Mr. Garcia announced that the Board met in Closed Session concerning Agenda Items  
35 15.A.1 and 15.A.2 and that there was no reportable action from Closed Session.  
36

37 **17. ADJOURNMENT:**

38 Being no further business, it was **MOVED** by Trustee Joos, seconded by Trustee Parker, and  
39 carried by a 4-0-0 voice vote, with Trustee Holzer absent, to adjourn the meeting at 5:45 p.m.  
40

41 **RESPECTFULLY SUBMITTED,**

42  
43  
44 \_\_\_\_\_  
45 Mary Martone, Secretary to the Board  
46

47 **ATTEST:**

48 \_\_\_\_\_  
49 Jeff Clay, President

50 **MINUTES PREPARED BY:**

51 \_\_\_\_\_  
52 Karen King, Board Administrative Assistant  
53



**BOARD OF TRUSTEES  
SANTA YNEZ RIVER WATER CONSERVATION DISTRICT,  
IMPROVEMENT DISTRICT NO.1  
December 21, 2021**

**Consent Agenda Report**

CA-1. Water Supply and Production Report. Total water production in **November (247 AF)** was lower than water production in October (303 AF), about 75 AF lower than the recent 3-year running average (2018-2020) for the month of **November (322 AF)**, and also lower than the previous 10-year running average (2011-2020) for the month of **November (302 AF)**. As previously reported, these numbers reflect the fact that in recent years the District's overall demands have been trending substantially below historic levels for domestic, rural residential, and agricultural water deliveries due to water conservation, changing water use patterns, private well installations, and weather conditions.

For the month of **November**, approximately **92 AF** was produced from the Santa Ynez Upland wells, and approximately **155 AF** was produced from the 6.0 cfs and 4.0 cfs Santa Ynez River well fields. As reflected in the Monthly Water Deliveries Report from the Central Coast Water Authority (CCWA), the District did not request or take delivery of any SWP supplies for the month. Direct diversions to the County Park and USBR were **1.31 AF**.

The USBR Daily Operations Report for Lake Cachuma in **November** (ending November 30, 2021) recorded the end of month lake elevation at **711.54'** with the end of month storage of **92,743 AF**. USBR recorded total precipitation at the lake of only **0.12 inches in November**. For the month, reservoir storage was supplemented with **629.4 AF** of SWP deliveries for South Coast entities. Reservoir evaporation in **November** was **299.0 AF**.

Based on the maximum storage of 193,305 AF, Cachuma reservoir currently (as of **December 15, 2021**) is at approximately **47.7%** of capacity, with current storage of **92,161 AF** (Santa Barbara County Flood Control District, Rainfall and Reservoir Summary). At a point when reservoir storage exceeds 100,000 AF, the Cachuma Member Units typically have received a full allocation, which is the case for this federal WY 2020-2021. Conversely, a 20% pro-rata reduction from the full allocation is scheduled to occur in Water Years beginning at less than 100,000 AF, where incremental reductions may occur (and previously have occurred) at other lower storage levels. **For the federal WY 2021-2022 (October 1, 2021 through September 30, 2022), the Cachuma Member Units jointly requested an allocation of approximately 83% of the Project's annual operational yield of 25,714 AF. By letter dated September 24, 2021, USBR issued a 70% allocation decision for WY 2021-2022, which equates to 18,000. ID No.1's 10.31% share of this allocation amounts to 1,855 AF (current water year balance is 1,727 AF). In addition to its 2021-2022 allocation, ID No.1 currently holds approximately 2,327 AF of previous years carryover water in the reservoir, subject to evaporation.**

Water releases for the protection of fish and aquatic habitat are made from Cachuma reservoir to the lower Santa Ynez River pursuant to the 2000 Biological Opinion issued by the National Marine Fisheries Service (NMFS) and the 2019 Water Rights Order (WR 2019-0148) issued by the State Water Resources Control Board (SWRCB). These releases are made to Hilton Creek and to the stilling basin from the outlet works at the base of Bradbury Dam. The water releases required under the NMFS 2000 Biological Opinion to avoid jeopardy to steelhead and adverse impacts to its critical habitat are summarized as follows:

### NMFS 2000 Biological Opinion

- *When Reservoir Spills and the Spill Amount Exceeds 20,000 AF:*
  - *10 cfs at Hwy 154 Bridge during spill year(s) exceeding 20,000 AF*
  - *1.5 cfs at Alisal Bridge when spill amount exceeds 20,000 AF and if steelhead are present at Alisal Reach*
  - *1.5 cfs at Alisal Bridge in the year immediately following a spill that exceeded 20,000 AF and if steelhead are present at Alisal Reach*
- *When Reservoir Does Not Spill or When Reservoir Spills Less Than 20,000 AF:*
  - *5 cfs at Hwy 154 when Reservoir does not spill and Reservoir storage is above 120,000 AF, or when Reservoir spill is less than 20,000 AF*
  - *2.5 cfs at Hwy 154 in all years when Reservoir storage is below 120,000 AF but greater than 30,000 AF*
  - *1.5 cfs at Alisal Bridge if the Reservoir spilled in the preceding year and the spill amount exceeded 20,000 AF and if steelhead are present at Alisal Reach*
  - *30 AF per month to “refresh the stilling basin and long pool” when Reservoir storage is less than 30,000 AF*

The water releases required under the SWRCB Water Rights Order 2019-0148 for the protection of fish and other public trust resources in the lower Santa Ynez River and to prevent the waste and unreasonable use of water are summarized as follows:

### SWRCB Order WR 2019-0148

- *During Below Normal, Dry, and Critical Dry water years (October 1 – September 30), releases shall be made in accordance with the requirements of the NMFS 2000 Biological Opinion as set forth above.*
- *During Above Normal and Wet water years, the following minimum flow requirements must be maintained at Hwy 154 and Alisal Bridges:*
  - *48 cfs from February 15 to April 14 for spawning*
  - *20 cfs from February 15 to June 1 for incubation and rearing*
  - *25 cfs from June 2 to June 9 for emigration, with ramping to 10 cfs by June 30*
  - *10 cfs from June 30 to October 1 for rearing and maintenance of resident fish*
  - *5 cfs from October 1 to February 15 for resident fish*
- *For purposes of SWRCB Order WR 2019-0148, water year classifications are as follows:*
  - *Wet is when Cachuma Reservoir inflow is greater than 117,842 AF;*
  - *Above Normal is when Reservoir inflow is less than or equal to 117,842 AF or greater than 33,707 AF;*
  - *Below Normal is when Reservoir inflow is less than or equal to 33,707 AF or greater than 15,366 AF;*
  - *Dry is when Reservoir inflow is less than or equal to 15,366 AF or greater than 4,550 AF*
  - *Critical Dry is when Reservoir inflow is less than or equal to 4,550 AF*

**For the month of November, water releases for fish were approximately 25 AF to Hilton Creek and approximately 25 AF to the outlet works for a total of 50 AF. Notably, the year’s remaining water rights releases were used conjunctively to satisfy most of the BiOp and State Board Order requirements for fishery protection. As of the end of November 2021, a total of approximately 43,767 AF of Cachuma Project water has been released under regulatory requirements for the protection of fish and fish habitat below Bradbury Dam since the year after the last spill in 2011.**

CA-2. State Water Project (SWP) and Central Coast Water Authority (CCWA) Updates.

As previously reported, the Final 2021 State Water Project (SWP) Table A allocation is only 5%, which matches the lowest allocation in the history of the SWP (5% final allocation in 2014). This allocation translates to 35 AF for ID No.1's share of Table A supplies through CCWA. In addition to its 5% allocation, ID No.1 holds 146 AF of SWP carryover supply in San Luis Reservoir. **On December 1, 2021, DWR issued a Notice Regarding the 2022 Initial SWP Table A Allocation which states, in part: "Due to persistent dry conditions over the last several years coupled with the elevated risk of continuing drought conditions, DWR will be allocating the initial 2022 SWP available supplies on a basis that ensures the SWP Contractors can meet their outstanding minimum human health and safety demands for water.** According to DWR, this Initial "Health and Safety" Allocation will be based on minimum unmet water demands to meet domestic supply, fire protection, and sanitation needs during the year, which are determined to be not more than 55 gallons per capita per day, consistent with the State Water Resources Control Board's emergency curtailment regulations that have been prescribed for various northern California watersheds. **Because no CCWA agencies identified unmet health and safety demands, the DWR Notice translates to an Initial 0% Table A Allocation for CCWA.** Depending on hydrologic conditions occurring in the SWP watershed in late 2021 and early 2022, DWR's 2022 Table A Allocation could increase in the coming months.

As previously reported, CCWA remains actively engaged in a variety of matters related to the SWP and SWP supplies, including but not limited to: ongoing drought conditions, SWP operations, and SWP forecasts; SWP financing; the 2021 Supplemental Water Purchase Program; Warren Act Contract renewal; water supply management strategies; legislative updates; and pending litigation against the Santa Barbara County Flood Control and Water Conservation District. The next meeting of the CCWA Board of Directors is scheduled for January 27, 2022.

UNITED STATES DEPARTMENT OF THE INTERIOR  
 U.S. BUREAU OF RECLAMATION-CACHUMA PROJECT-CALIFORNIA

NOVEMBER 2021

LAKE CACHUMA DAILY OPERATIONS

RUN DATE: December 2, 2021

DAY	ELEV	STORAGE		COMPUTED* INFLOW AF.	CCWA INFLOW AF.	PRECIP ON RES. SURF. AF.	RELEASE - AF.				EVAP		PRECIP INCHES	
		IN LAKE	CHANGE				TUNNEL	HILTON CREEK	OUTLET	SPILLWAY	AF.	INCH		
1	712.33	93,533												
1	712.31	93,496	-37	4.9	9.4	.0	22.7	2.6	17.0	.0	9.0	.080	.00	
2	712.28	93,439	-57	-12.4	0.0	.0	22.6	2.7	17.0	.0	2.3	.020	.00	
3	712.26	93,402	-37	19.0	0.0	.0	26.1	2.6	16.0	.0	11.3	.100	.00	
4	712.23	93,345	-57	2.2	0.0	.0	28.3	2.6	17.0	.0	11.3	.100	.00	
5	712.20	93,289	-56	7.9	0.0	.0	28.4	2.7	17.0	.0	15.8	.140	.00	
6	712.17	93,232	-57	-0.8	0.0	.0	28.6	2.7	17.0	.0	7.9	.070	.00	
7	712.14	93,176	-56	2.7	0.0	1.6	29.5	2.7	18.0	.0	10.1	.090	.01	
8	712.11	93,120	-56	1.2	0.0	.0	28.5	2.6	16.0	.0	10.1	.090	.00	
9	712.08	93,044	-76	-23.5	0.0	1.6	28.8	2.7	17.0	.0	5.6	.050	.01	
10	712.06	93,026	-18	18.7	0.0	15.6	28.2	2.6	17.0	.0	4.5	.040	.10	
11	712.03	92,969	-57	4.9	0.0	.0	36.6	2.7	17.0	.0	5.6	.050	.00	
12	712.01	92,932	-37	43.8	0.0	.0	39.8	2.6	17.0	.0	21.4	.190	.00	
13	711.96	92,838	-94	6.5	0.0	.0	67.4	2.6	17.0	.0	13.5	.120	.00	
14	711.91	92,744	-94	10.8	0.0	.0	70.5	2.7	17.0	.0	14.6	.130	.00	
15	711.88	92,687	-57	-9.7	36.8	.0	49.9	2.6	17.0	.0	14.6	.130	.00	
16	711.86	92,650	-37	5.9	37.5	.0	48.4	2.6	17.0	.0	12.4	.110	.00	
17	711.84	92,612	-38	1.8	37.5	.0	46.4	2.7	17.0	.0	11.2	.100	.00	
18	711.82	92,574	-38	0.0	37.5	.0	48.0	2.6	17.0	.0	7.9	.070	.00	
19	711.80	92,537	-37	-2.0	37.5	.0	46.3	2.5	17.0	.0	6.7	.060	.00	
20	711.78	92,499	-38	-5.6	37.5	.0	46.7	2.6	15.0	.0	5.6	.050	.00	
21	711.78	92,499	+0	35.6	37.4	.0	47.5	2.6	15.0	.0	7.9	.070	.00	
22	711.75	92,443	-56	-17.8	37.4	.0	47.9	2.5	14.0	.0	11.2	.100	.00	
23	711.74	92,424	-19	24.0	37.3	.0	54.8	2.5	14.0	.0	9.0	.080	.00	
24	711.69	92,330	-94	-65.0	62.4	.0	62.4	2.6	13.0	.0	13.4	.120	.00	
25	711.66	92,274	-56	-10.0	37.1	.0	60.8	2.6	13.0	.0	6.7	.060	.00	
26	711.64	92,236	-38	11.0	37.0	.0	62.5	2.5	12.0	.0	9.0	.080	.00	
27	711.62	92,198	-38	12.0	36.9	.0	61.3	2.5	13.0	.0	10.1	.090	.00	
28	711.58	92,124	-74	-24.8	36.8	.0	62.4	2.6	12.0	.0	9.0	.080	.00	
29	711.56	92,087	-37	13.0	36.7	.0	61.1	2.5	13.0	.0	10.1	.090	.00	
30	711.54	92,050	-37	15.4	36.7	.0	62.3	2.6	13.0	.0	11.2	.100	.00	
<b>TOTAL (AF)</b>			<b>-1,483</b>	<b>69.7</b>	<b>629.4</b>	<b>18.8</b>	<b>1,354.7</b>	<b>78.2</b>	<b>469.0</b>	<b>.0</b>	<b>299.0</b>	<b>2.660</b>	<b>.12</b>	
<b>(AVG)</b>		<b>92,743</b>												

COMMENTS:

\* COMPUTED INFLOW IS THE SUM OF CHANGE IN STORAGE, RELEASES, AND EVAPORATION MINUS PRECIP ON THE RESERVOIR SURFACE AND CCWA INFLOW.

DATA BASED ON 24-HOUR PERIOD ENDING 0800.

INDICATED OUTLETS RELEASE INCLUDE ANY LEAKAGE AROUND GATES.

UNITED STATES DEPARTMENT OF THE INTERIOR  
U.S. BUREAU OF RECLAMATION-CACHUMA PROJECT-CALIFORNIA

DECEMBER 2021

**LAKE CACHUMA DAILY OPERATIONS**

RUN DATE: December 15, 2021

DAY	ELEV	STORAGE		COMPUTED* INFLOW AF.	CCWA INFLOW AF.	PRECIP ON RES. SURF. AF.	RELEASE - AF.				EVAP AF.	PRECIP INCH	PRECIP INCHES	
		IN LAKE	CHANGE				TUNNEL	HILTON CREEK	OUTLET	SPILLWAY				
1	711.54	92,050												
1	711.52	92,013	-37	4.5	36.7	.0	54.5	2.5	12.0	.0	9.2	.090	.00	
2	711.50	91,976	-37	7.0	36.6	.0	53.7	2.6	13.0	.0	11.3	.110	.00	
3	711.48	91,939	-37	0.4	36.6	1.6	54.0	2.5	13.0	.0	6.1	.060	.01	
4	711.46	91,902	-37	-4.1	36.2	.0	48.5	2.5	13.0	.0	5.1	.050	.00	
5	711.43	91,846	-56	-14.2	22.6	.0	45.7	2.6	13.0	.0	3.1	.030	.00	
6	711.41	91,809	-37	8.5	22.6	.0	44.3	2.6	13.0	.0	8.2	.080	.00	
7	711.40	91,790	-19	17.4	22.5	3.1	46.5	2.5	12.0	.0	1.0	.010	.02	
8	711.38	91,753	-37	5.5	22.5	.0	45.4	2.5	13.0	.0	4.1	.040	.00	
9	711.35	91,697	-56	-5.1	11.7	1.5	44.4	2.6	13.0	.0	4.1	.040	.01	
10	711.31	91,623	-74	-28.0	11.9	10.8	46.0	2.5	13.0	.0	7.2	.070	.07	
11	711.29	91,586	-37	16.5	11.9	.0	45.7	2.6	12.0	.0	5.1	.050	.00	
12	711.26	91,531	-55	0.7	11.9	.0	45.9	2.6	13.0	.0	6.1	.060	.00	
13	711.24	91,493	-38	15.7	11.9	.0	45.9	2.6	12.0	.0	5.1	.050	.00	
14	711.57	92,106	+613	57.2	11.9	604.4	45.9	2.6	12.0	.0	.0	.000	3.89	
15	711.60	92,161	+55	32.9	11.9	71.5	46.7	2.6	12.0	.0	.0	.000	.46	
<b>TOTAL (AF)</b>			<b>+111</b>	<b>114.9</b>	<b>319.4</b>	<b>692.9</b>	<b>713.1</b>	<b>38.4</b>	<b>189.0</b>	<b>.0</b>	<b>75.7</b>	<b>.740</b>	<b>4.46</b>	
<b>(AVG)</b>		<b>91,815</b>												

COMMENTS:

\* COMPUTED INFLOW IS THE SUM OF CHANGE IN STORAGE, RELEASES, AND EVAPORATION MINUS PRECIP ON THE RESERVOIR SURFACE AND CCWA INFLOW.

DATA BASED ON 24-HOUR PERIOD ENDING 0800.

INDICATED OUTLETS RELEASE INCLUDE ANY LEAKAGE AROUND GATES.





# Santa Barbara County - Flood Control District

130 East Victoria Street, Santa Barbara CA 93101 - 805.568.3440 - [www.countyofsb.org/pwd](http://www.countyofsb.org/pwd)

## Rainfall and Reservoir Summary

Updated 8am: 12/15/2021

Water Year: 2022

Storm Number: 6

Notes: Daily rainfall amounts are recorded as of 8am for the previous 24 hours. Rainfall units are expressed in inches. All data on this page are from automated sensors, are preliminary, and subject to verification.

\*Each Water Year (WY) runs from Sept 1 through Aug 31 and is designated by the calendar year in which it ends

County Real-Time Rainfall and Reservoir Website link: <http://www.countyofsb.org/hydrology>

Rainfall	ID	24 hrs	Storm 2day(s)	Month	Year*	% to Date	% of Year*	AI
Buellton (Fire Stn)	233	0.36	2.39	2.46	3.79	115%	23%	
Cachuma Dam (USBR)	332	0.44	4.27	4.38	6.15	166%	31%	
Carpinteria (Fire Stn)	208	0.20	2.54	2.62	3.62	104%	21%	
Cuyama (Fire Stn)	436	0.43	1.19	1.29	1.86	110%	24%	
Figueroa Mtn. (USFS Stn)	421	0.58	3.44	3.64	5.92	126%	28%	8.8
Gibraltar Dam (City Facility)	230	0.51	6.11	6.16	9.02	190%	34%	7.8
Goleta (Fire Stn-Los Carneros)	440	0.12	2.58	2.59	4.19	109%	23%	
Lompoc (City Hall)	439	0.38	3.11	3.32	4.55	150%	31%	8.7
Los Alamos (Fire Stn)	204	0.48	2.34	2.47	3.65	120%	24%	
San Marcos Pass (USFS Stn)	212	0.66	8.18	8.24	13.71	202%	40%	
Santa Barbara (County Bldg)	234	0.25	3.58	3.66	5.28	141%	29%	
Santa Maria (City Pub. Works)	380	0.33	1.82	2.01	3.56	124%	27%	
Santa Ynez (Fire Stn /Airport)	218	0.38	2.96	3.05	4.53	145%	29%	
Sisquoc (Fire Stn)	256	0.36	1.69	1.96	3.18	100%	21%	

County-wide percentage of "Normal-to-Date" rainfall :

136%

County-wide percentage of "Normal Water-Year" rainfall :

27%

County-wide percentage of "Normal Water-Year" rainfall calculated assuming no more rain through Aug. 31, 2022 (End of WY2022).

**AI (Antecedent Index / Soil Wetness)**

6.0 and below = Wet (min. = 2.5)

6.1 - 9.0 = Moderate

9.1 and above = Dry (max. = 12.5)

### Reservoirs

Reservoir Elevations referenced to NGVD-29.

\*\*Cachuma is full and subject to spilling at elevation 750 ft.

However, the lake is surcharged to 753 ft. for fish release water.

(Cachuma water storage is based on Dec 2013 capacity revision)

	Spillway Elev. (ft)	Current Elev. (ft)	Max. Storage (ac-ft)	Current Storage (ac-ft)	Current Capacity (%)	Storage Change Mo.(ac-ft)	Storage Change Year*(ac-ft)
<u><a href="#">Gibraltar Reservoir</a></u>	1,400.00	1,373.13	4,693	326	6.9%	136	52
<u><a href="#">Cachuma Reservoir</a></u>	753.**	711.60	193,305	92,161	47.7%	148	-7,109
<u><a href="#">Jameson Reservoir</a></u>	2,224.00	2,206.34	4,848	2,907	60.0%	140	-178
<u><a href="#">Twitchell Reservoir</a></u>	651.50	NA	194,971	NA		NA	NA

Click on Site for  
Real-Time Readings

# CIMIS Daily Report

Rendered in ENGLISH Units.

Monday, November 1, 2021 - Tuesday, November 30, 2021

Printed on Wednesday, December 1, 2021

## Santa Ynez - Central Coast Valleys - Station 64

Date	ETo (in)	Precip (in)	Sol Rad (Ly/day)	Avg Vap Pres (mBars)	Max Air Temp (°F)	Min Air Temp (°F)	Avg Air Temp (°F)	Max Rel Hum (%)	Min Rel Hum (%)	Avg Rel Hum (%)	Dew Point (°F)	Avg Wind Speed (mph)	Wind Run (miles)	Avg Soil Temp (°F)
11/1/2021	0.06	0.00	236	13.6	70.9	46.7	56.8	100	60	86	52.7	2.3	54.3	68.5
11/2/2021	0.10	0.00	354	16.5 Y	77.3	53.6	62.5	100	55	85 Y	58.1 Y	2.8	66.9	68.1
11/3/2021	0.10	0.00	357	15.8 Y	83.1	52.0	63.8	100	34	78 Y	56.9 Y	2.6	61.5	68.5
11/4/2021	0.10	0.00	345	14.9	84.0	46.8	61.1	100	43	81	55.3	2.7	65.0	69.0
11/5/2021	0.10	0.00	369	12.0	83.7	40.6	57.1	100	34	75	49.4	2.2	53.6	69.0
11/6/2021	0.08	0.01	319	13.3	74.2	48.5	56.9	100	47	84	52.1	2.5	61.1	68.6
11/7/2021	0.09	0.00	318	11.4	76.1	42.4	55.7	100	35	75	48.0	2.6	62.3	68.3
11/8/2021	0.09	0.00	341	11.6	72.4	36.7	52.8	100	51	85	48.5	2.2	53.3	67.8
11/9/2021	0.05	0.08	209	16.1 Y	70.0	50.7	59.0	100	75	94 Y	57.3 Y	2.5	61.0	67.4
11/10/2021	0.11	0.00	339	13.2	83.2	49.9	64.9	100	28	63	52.0	2.7	65.5	67.3
11/11/2021	0.10	0.00	348	11.9	88.2	42.2	60.4	100	25	66	49.1	1.7	41.4	67.5
11/12/2021	0.11	0.00	345	11.7	93.3 Y	42.2	61.8	100	16	62	48.7	2.0	46.9	67.4
11/13/2021	0.11	0.00	345	10.4	92.3 Y	42.1	62.4	100	15	54	45.7	2.0	47.8	67.4
11/14/2021	0.11	0.00	345	10.6	93.8 Y	42.1	62.2	100	14	56	46.1	1.9	45.9	67.3
11/15/2021	0.10	0.00	333	11.2	89.7	40.9	59.7	100	19	64	47.6	2.2	52.9	67.2
11/16/2021	0.08	0.00	289	13.5	78.0	47.6	57.5	100	42	83	52.5	2.6	62.3	67.0
11/17/2021	0.06	0.01	244	13.4	72.4	44.5	56.2	100	52	87	52.4	1.9	46.5	66.9
11/18/2021	0.07	0.00	281	12.4	73.4	40.4	53.9	100	54	87	50.2	2.2	52.5	66.5
11/19/2021	0.06	0.00	246	13.0	71.7	49.4	55.7	100	51	86	51.4	2.5	59.5	66.1
11/20/2021	0.06	0.00	252	12.6	77.3	42.4	56.3	100	41	81	50.7	2.2	53.0	66.0
11/21/2021	0.09	0.00	323	8.4	86.9	34.8	55.3	100	14	56	40.1	1.9	45.0	65.7
11/22/2021	0.08	0.00	265	6.5	84.5	31.6	53.4	100	10	47	33.7	1.7	40.2	65.2
11/23/2021	0.10	0.00	317	9.2	83.6	33.0	54.9	100	15	63	42.4	2.7	65.2	64.5
11/24/2021	0.08	0.00	314	8.4	78.5	31.6	51.1	100	27	65	39.9	2.1	50.5	64.0
11/25/2021	0.08	0.00	321	6.5	79.6	29.3	49.4	100	17	54	33.5	2.0	49.0	63.5
11/26/2021	0.09	0.00	310	5.9	79.3	28.1	48.4	96	11	51	31.0	2.2	52.0	62.9
11/27/2021	0.08	0.00	310	5.4	84.8	28.0	51.0	94	7	42	28.7	1.7	41.4	62.4
11/28/2021	0.09	0.00	306	5.7	85.4	30.5	52.9	91	9	42	30.4	1.7	40.4	62.1
11/29/2021	0.09	0.00	302	7.6	87.3 Y	32.5	55.1	96	11	51	37.4	2.0	46.9	61.9
11/30/2021	0.09 R	0.00	303	8.0	90.7 Y	33.8	56.9	98	13	50	38.6	1.9	45.8	61.9
Tots/Avg	2.61	0.10	310	11.0	81.5	40.5	56.8	99	31	68	46.0	2.2	53.0	66.2

Flag Legend		
A - Historical Average	I - Ignore	R - Far out of normal range
C or N - Not Collected	M - Missing Data	S - Not in service
H - Hourly Missing or Flagged Data	Q - Related Sensor Missing	Y - Moderately out of range
Conversion Factors		
Ly/day/2.065=W/sq.m	inches * 25.4 = mm	(F-32) * 5/9 = c
mph * 0.447 = m/s	mBars * 0.1 = kPa	miles * 1.60934 = km



CENTRAL COAST WATER AUTHORITY

MEMORANDUM

TO: Ray Stokes, Executive Director  
Dessi Mladenova, Controller

FROM: Lacey Adam, Senior Accountant

SUBJECT: Monthly Water Deliveries

December 2, 2021

According to the CCWA revenue meters at each turnout, the following deliveries were made during the month of November 2021:

<u>Project Participant</u>	<u>Delivery Amount (acre-feet)</u>
Chorro .....	100.21
López.....	0.94
Guadalupe.....	0.72
Santa Maria.....	2.88
Golden State Water Co.....	0.41
Vandenberg.....	1.77
Buellton .....	0.28
Solvang .....	14.76
Santa Ynez ID#1 .....	0.00
Bradbury.....	619.58
<b>TOTAL .....</b>	<b>741.55</b>

In order to reconcile these deliveries with the DWR revenue meter, which read 737 acre-feet, the following delivery amounts should be used for billing purposes:

<u>Project Participant</u>	<u>Delivery Amount (acre-feet)</u>
Chorro .....	96
López .....	1
Guadalupe.....	1
Santa Maria.....	3*
Golden State Water Co.....	0*
Vandenberg .....	2
Buellton .....	0
Solvang .....	14
Santa Ynez ID#1 .....	0
Bradbury .....	620
<b>TOTAL .....</b>	<b>737</b>

\*Golden State Water Company delivered 0 acre-feet into its system through the Santa Maria turnout. This delivery is recorded by providing a credit of 0 acre-feet to the City of Santa Maria and a charge in the same amount, to the Golden State Water Company.

Notes: Santa Ynez ID#1 water usage is divided into 0 acre-feet of Table A water and 0 acre-feet of exchange water.

The exchange water is allocated as follows:

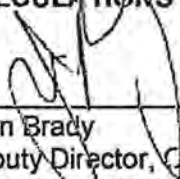
<u>Project Participant</u>	<u>Exchange Amount (acre-feet)</u>
Goleta	0
Santa Barbara	0
Montecito	0
Carpinteria	0
<b>TOTAL</b>	<b>0</b>

Bradbury Deliveries into Lake Cachuma are allocated as follows:


<u>Project Participant</u>	<u>Delivery Amount (acre-feet)</u>
Carpinteria	464
Goleta	127
La Cumbre	25
Montecito	0
Morehart	2
Santa Barbara	0
Raytheon	2
<b>TOTAL</b>	<b>620</b>

cc: Tom Bunosky, GWD  
James Luongo, Golden State WC  
Rebecca Bjork, City of Santa Barbara  
Janet Gingras, COMB  
Craig Kesler, San Luis Obispo County  
Paeter Garcia, Santa Ynez RWCD ID#1  
Shad Springer, City of Santa Maria  
Shannon Sweeney, City of Guadalupe  
Robert MacDonald, Carpinteria Valley WD  
Mike Alvarado, La Cumbre Mutual WC  
Pernell Rush, Vandenberg AFB  
Nick Turner, Montecito WD  
Matt van der Linden, City of Solvang  
Rose Hess, City of Buellton

**REVIEW AND APPROVAL OF  
DELIVERY RECORDS AND ASSOCIATED  
CALCULATIONS**

  
\_\_\_\_\_  
John Brady  
Deputy Director, Operations and Engineering  
Central Coast Water Authority

**NOTICE TO STATE WATER PROJECT CONTRACTORS****Date:** 12/1/2021**Number:** 21-07**Subject:** 2022 State Water Project Initial Allocation – Minimum Human Health and Safety

**From:**   

---

**Ted Craddock**  
**Deputy Director, State Water Project**  
**Department of Water Resources**

Due to persistent dry conditions over the last several years coupled with the elevated risk of continuing drought conditions, the Department of Water Resources (DWR) will be allocating the initial 2022 State Water Project (SWP) available supplies on a basis that ensures the SWP long-term water supply contractors (Contractors) can meet their outstanding minimum human health and safety demands for water (health and safety allocation). Pursuant to Article 18(a) of the long-term water supply contract between DWR and each of the SWP Contractors, the initial 2022 SWP allocation will be based on minimum unmet water demands to meet domestic supply, fire protection, and sanitation needs (referred to herein as "health and safety" needs) during the year. These health and safety needs are determined to be not more than 55 gallons per capita per day (gpcd), consistent with the recent State Water Resources Control Board (SWRCB) emergency curtailment regulations<sup>1</sup>.

Accordingly, DWR's initial 2022 SWP allocation is based on the SWP Contractors' needs for imported SWP water supplies necessary to meet the **unmet** 55 gpcd in their service areas, as identified in the 2022 water delivery schedules submitted to DWR in early October 2021. Consistent with the SWRCB regulations, in determining each SWP Contractor's allocation, DWR will consider whether feasible alternate supplies are available to meet the identified health and safety needs. If a Contractor's undelivered SWP water (e.g., SWP water stored outside of the Contractor's service area under Article 56 of the water supply contracts) can be utilized to meet all or a portion of the Contractor's minimum health and safety needs, such water shall be used as available. These offsets, some of which have already been identified in the Contractors' October 2021 submittals, will reduce the SWP Contractor's health and safety allocation. Exceptions to the 55 gpcd may be requested for the DWR Director's consideration and approval.<sup>2</sup>

<sup>1</sup> Cal. Code Regs., tit. 23, §§ 877.1(g), 878.; see also [https://www.waterboards.ca.gov/drought/delta/docs/deltareg\\_oal\\_approval.pdf](https://www.waterboards.ca.gov/drought/delta/docs/deltareg_oal_approval.pdf).

<sup>2</sup> In considering requests for exceptions to the 55 gpcd limit, DWR will apply the criteria set forth in the SWRCB emergency curtailment regulations (see Cal. Code Regs., tit. 23, § 878.1(b)(2)).  
DWR 9625 (Rev. 3/12)



## NOTICE TO STATE WATER PROJECT CONTRACTORS



This initial allocation is consistent with the long-term water supply contracts and public policy. DWR may revise this allocation if there are significant changes to hydrologic and water supply conditions. DWR will also consider any changes to the availability of the Contractors' other supplies that may affect the unmet 55 gpcd calculation. If a Contractor foresees any changes to their original schedule submitted in October 2021, they are requested to communicate such changes to DWR in a timely manner.

If you have any questions or need additional information, please contact John Leahigh, Water Operations Executive Manager, at (916) 902-9876.

TE 12/1/2021

BGH 12/1/2021

JL 12/1/2021

**Paeter Garcia**

---

**From:** Lisa F. Watkins <lfw@ccwa.com>  
**Sent:** Wednesday, December 1, 2021 11:57 AM  
**To:** Lisa F. Watkins  
**Cc:** Ray Stokes; Stephanie Hastings; John L. Brady  
**Subject:** Notice to State Water Contractors No. 21-07: 2022 State Water Project Initial Allocation – Minimum Human Health and Safety  
**Attachments:** NTC 21-07\_2022 State Water Project Initial Allocation – Minimum Human H....pdf

**WARNING:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To CCWA Project Participants (via bcc)

Ray Stokes requested distribution of the attached to CCWA project participants.

On behalf of Ted Craddock, Deputy Director of the State Water Project, please see attached Notice to State Water Contractors No. 21-07 regarding “**2022 State Water Project Initial Allocation – Minimum Human Health and Safety**”.



Lisa Watkins  
Office Manager  
Office: 805-697-5219  
Email: lfw@ccwa.com  
www.ccwa.com

**Board of Trustees Officers  
 Appointments of Representatives to Agencies/Organizations and District Ad  
 Hoc Committees**

<b>Officers</b>	<b>Current (2021)</b>
President of the Board	Jeff Clay
Vice President	Brad Joos
Treasurer	Mary Martone
Secretary	Mary Martone

<b>Agencies/Organizations</b>	<b>Current (2021)</b>
Central Coast Water Authority	
Director/Alternate	Jeff Clay and Brad Joos
Association of California Water Agencies/JPIA	
Director/Alternate	Jeff Clay and Paeter Garcia
<b>Ad Hoc Committees</b>	
Solvang	Jeff Clay and Brad Joos
Water Rates	Mike Burchardi and Brad Joos
COMB	Jeff Clay and Brad Joos
SGMA – EMA	
Committee/Alternate	Brad Joos and Jeff Holzer
Cachuma Contract	Mike Burchardi and Lori Parker
Alternative Power/Solar	Brad Joos and Mike Burchardi



**To:** Board of Trustees

**From:** Paeter Garcia, General Manager  
Mary Martone, Assistant General Manager

**Date:** December 21, 2021

**Subject:** **Proposed Reinstatement of Superintendent Position and Field Staff Structure**

**Agenda No:** 10.A.3

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### **Staff Report**

#### **BACKGROUND AND DISCUSSION:**

During the late 1990s to 2003, the District's field personnel were organized under a Board-approved structure that was led by an Operations and Maintenance Superintendent position (O&M Superintendent). At that time, the District employed seventeen employees, with seven field positions under the Operations and Maintenance Division. The Division consisted of the O&M Superintendent, a Maintenance Foreman, and five Operations Technicians. In April 2003, the O&M Superintendent position was vacated and the position was not immediately filled. To help meet the staffing demands of the District, an Operations Foreman position was created and approved by the Board to work in conjunction with the Maintenance Foreman. Each Foreman was tasked, respectively, with oversight of maintenance and operational functions; however, the two positions coordinated and maintained dual oversight of the Operations and Maintenance Division, including but not limited to the supervision, evaluation, and direction of field staff, and prioritization of daily task assignments. Over time the District's field division evolved to eight employees consisting of the two Foremen and six operations and maintenance personnel.

In 2019, as part of a Board-approved staff reorganization, the Operations Foreman and Maintenance Foreman positions were retitled to Distribution & Operations Supervisor and Construction and Maintenance Supervisor. The change was in title only, with no adjustment to the salary ranges for these two positions. Moreover, the two Supervisors remained co-equally responsible for administration of the field personnel, including supervision, evaluation, direction, training, and prioritization of projects, daily tasks, and other activities.

In March 2021, the Distribution & Operations Supervisor position was vacated, and the District has been actively recruiting to fill that position for the last nine months. In the interim, the Construction & Maintenance Supervisor (Joe Come) has assumed all responsibilities of both Supervisor positions, part of which included immediately obtaining the required certifications from the State Water Resources Control Board to operate all facets of the District's treatment and distribution system. During this time District management has observed enhanced levels of communication, direction, accountability, and organizational focus among the field personnel, between field and office personnel, and among the field Supervisor and District management. Despite these improvements, it is also apparent that the overall supervisory and operational demands of the District cannot be carried out by one Supervisor on a sustainable basis.

The history and developments described above encouraged management to evaluate how the District's field staff is organized relative to our agency's size, operational activities, current and future needs, and related factors. For additional context, management also reviewed the operations and maintenance structures of 20 other public water agencies located throughout Santa Barbara County, southern California, and northern California.<sup>1</sup> Notably, all twenty agencies have a vertical / linear structure for field supervision (as opposed to horizontal / co-equal supervisors) which includes either a Superintendent or Manager position charged with direct oversight of other supervisor and staff positions. District management believes that our field personnel should be organized in this fashion, where the team would be structured to include a reinstated O&M Superintendent position, the existing Distribution & Operations Supervisor position, and six operations and maintenance positions. This structure would maintain the District's field personnel at eight employees as it has been for many years. At the same time, however, we believe this modification will provide a more defined supervisory structure and continue to foster the recent enhancements we have seen in levels of communication, direction, accountability, and organizational focus.

Accordingly, District management is proposing to reinstate the position of O&M Superintendent and deactivate the current Construction & Maintenance Supervisor position once the Superintendent position is filled. A formal job description for the reinstated O&M Superintendent position is included as Attachment "A" hereto. Management also proposes an adjusted annual salary range for the O&M Superintendent position that will be in par with similar positions of similarly-sized water agencies. Based on management's review of the Superintendent and Manager positions within 20 other water agencies (above), and factoring in the nature and condition of the District's water system, the proposed salary range of a District O&M Superintendent position is \$102,000.00 to \$133,832.84 for Fiscal Year 2021-22.

#### **FISCAL CONSIDERATIONS:**

The current salary range of the Construction & Maintenance Supervisor position is \$85,000.00 to \$111,527.15, such that the proposed salary range for the reinstated O&M Superintendent position represents a maximum of \$17,000 (Step A) to \$22,306 (Step F1) more than the Supervisor position. Notably, however, this difference in the overall salary range does not necessarily translate to an increased annual cost between \$17,000 and \$22,306 because there is an overlap in the salary ranges between the two positions. For example, the salary of a current top-step Supervisor position (\$111,527) could be higher than the salary of a bottom-Step Superintendent position (\$102,000).

Relative to Fiscal Year 2021-2022, any increase in salary paid to a new O&M Superintendent will be more than offset by the savings incurred by this year's 6-month vacancy in the Distribution & Operations Supervisor position.

#### **RECOMMENDATION:**

That the Board approve reinstatement of the Operations and Maintenance Superintendent position and approve a salary range for the Operations and Maintenance Superintendent position of \$102,000.0 to \$133,832.84 for Fiscal Year 2021-2022.

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<sup>1</sup> Of the 20 agencies we reviewed, 19 are water districts and one is a sanitary district, where 18 of the agencies have between 17 and 30 employees, one has 36 employees, and one has approximately 90 employees.



**ATTACHMENT “A”**



## SUPERINTENDENT OF OPERATIONS AND MAINTENANCE

*Specifications herein are intended to present a representative list of the range of duties performed by the Superintendent position and are not intended to reflect all duties performed within the job.*

Receives direction from and reports to the General Manager and Assistant General Manager.

### **Definition:**

Under managerial direction, plans, organizes, manages, supervises, directs, and undertakes the District's operations and maintenance activities, including the safe and reliable operation and maintenance of water disinfection facilities, pumping stations, distribution facilities, mechanical and electrical systems, buildings, equipment, and all related components of the District's water utility system for the provision of water service throughout the District's service area; coordinates activities with customers, outside agencies, and other individuals and entities regarding operation and maintenance of the District's water system and related and/or interconnected systems; provides highly professional and technical assistance to the General Manager, Assistant General Manager, other District personnel, outside agencies, consultants, contractors, subcontractors, vendors, and others involved in District business.

### **Distinguishing Characteristics:**

This is an advanced level position involving exemplary performance in all aspects of the District's water system operation and maintenance. This position assumes a leadership and supervisory role, and management responsibility for all components of the District's water utility system. Incumbents are required to possess a Grade II Water Distribution Certificate and Grade I Water Treatment Operator Certificate issued by the California State Water Resources Control Board at time of appointment, and are required to possess a Grade III Water Distribution Certificate and Grade II Water Treatment Operator Certificate issued by the California State Water Resources Control Board within 24 months of appointment.

### **Examples of Duties and Responsibilities:**

Essential responsibilities and duties may include, but are not limited to the following:

- Assume supervisory responsibility for operations, maintenance, service, and related activities of the District's facilities including the safe and reliable operation and maintenance of water disinfection facilities, pumping stations, wells, reservoirs, distribution facilities, mechanical and electrical systems, buildings, equipment, and all related components of the District's water utility system for the provision of water service throughout the District's service area.
- Manage and participate in the development and implementation of goals, objectives, policies, and priorities for assigned programs; recommend and administer policies and procedures.
- Monitor and evaluate the efficiency and effectiveness of service delivery methods and procedures, and recommend appropriate service levels and staffing needs.
- Prepare, direct, supervise, and maintain a work plan for District's operations and maintenance personnel; assign work activities, projects, and programs; review and evaluate work products, methods, and procedures; meet with District personnel to identify and resolve problems.
- Inspect operations and maintenance projects to determine progress and potential problems;

identify critical project issues, advise appropriate staff, recommend resolutions to General Manager, and resolve complex problems.

- Review plans and equipment design for operations, maintenance, and installations; recommend modifications or changes for improvement.
- Assist and/or administer regulatory standards to ensure compliance with water quality, health and safety, construction, emergency response, and other applicable requirements.
- Establish operational criteria to ensure a safe and adequate water supply; assign field personnel to ensure the effective use of available resources.
- Coordinate and conduct facility inspections to ensure compliance with hazardous materials, and emergency response policies and procedures; establish and maintain work and safety standards and procedures.
- Confer with District management, regulatory and peer agencies, consultants, contractors, and others regarding water treatment, operational, and maintenance issues and solutions.
- Provide program assistance and management for emergency operations and the cross-connection program.
- Train, motivate, and evaluate operations and maintenance personnel; provide or coordinate staff training; work with personnel to enhance performance and correct deficiencies; participate in personnel matters in coordination with District management.
- Participate with District management in the development and administration of annual budgets for operations, maintenance, and capital facilities programs; participate in forecasting funds needed for staffing, equipment, materials, and supplies.
- Serve as a District liaison with outside agencies, consultants, contractors, subcontractors, vendors, and others involved in District business; assist District management in resolving sensitive and controversial matters.
- Prepare and present reports and other correspondence to District management, outside agencies, consultants, contractors, vendors, and others involved in District business.
- Collaborate with District management in reviewing potential modifications to programs, policies, and procedures of the District.
- Attend and participate in professional group, agency, trade association, and other meetings, trainings, and conferences.
- Respond to and resolve difficult and sensitive customer inquiries and complaints.
- Oversee, supervise, and perform a wide variety of skilled operations and maintenance, repair, testing, construction, and installation work on all aspects of the District's water system facilities, including but not limited to mains, services, meters, valves, water disinfection systems, reservoirs, pumps, wells, motors, and a various mechanical and electrical equipment.
- Respond to and supervise emergency conditions, repairs, requests, and on-call-services.
- In coordination with other District personnel, oversee, supervise, and perform collection, chain-of-custody, and reporting of water quality samples, test samples, logs, records, laboratory results, and data systems.
- Provide leadership among District operational and maintenance personnel in all aspects of the District's water utility system.

**Typical Physical Activities:**

- Operate District vehicles and equipment.
- Carry, push, pull, reach, and lift equipment and parts weighing up to 50 pounds.
- Stoop, kneel, crouch, crawl, and climb in all aspects of field operations and maintenance work.
- Stand and walk for extended time periods.
- Hearing and vision within normal ranges.
- Communicate verbally for extended periods.
- Regularly use a telephone and radio for communication.
- Enter and work in underground structures and covered reservoirs.
- Wear appropriate respiratory and other applicable personal protection equipment.
- Operate pneumatic, hydraulic, electric, and gasoline powered tools.

### **Special Requirements:**

- Incumbents are required to possess a Grade II Water Distribution Certificate and Grade I Water Treatment Operator Certificate issued by the California State Water Resources Control Board at time of appointment, and are required to possess a Grade III Water Distribution Certificate and Grade II Water Treatment Operator Certificate issued by the California State Water Resources Control Board within 24 months of appointment.
- Possession and proof of a good driving record as evidenced by freedom from multiple or serious traffic violations or accidents for at least two (2) years duration.
- Subject to emergency calls during off-duty hours according to rotational schedule.

### **Employment Standards / Knowledge Of:**

- Technical aspects of the District's operations and maintenance to the degree necessary to effectively manage and accomplish established objectives.
- Methods and techniques used in the operation and maintenance of water treatment, storage, transmission, distribution and pumping facilities.
- Occupational hazards and standard safety procedures.
- Principles of computer-based supervisory control and data acquisition system (SCADA).
- Principles and practices of program development and administration.
- Operations, services, policies and procedures of the District.
- Principles, methods, and techniques of effective leadership.
- Principles of business correspondence and report preparation.
- Principles and practices of budget preparation and administration.
- Principles and practices of employee relations and related labor laws as assigned.
- Principles of supervision, training, and performance evaluation.
- Pertinent federal, state, and local laws, codes, and regulations.
- Methods, tools, materials, and equipment used in water service installation, maintenance, operation, distribution, and repair work.
- Installation, maintenance, repair, and testing of water meters.
- Proper work safety standards.
- Methods and precautions for handling and storing hazardous and potentially hazardous chemicals and materials.
- Water sample collection and water testing and treatment procedures.

### **Ability to:**

- Participate in supervision of all aspects of the District's operations and maintenance activities.
- Oversee, direct, and supervise the work of District personnel, contractors, and project staff.
- Work with internal and external customers to effectively accomplish objectives of the District.
- Provide timely and effective maintenance, operation, and repair of critical system equipment, facilities, and components.
- Perform inspection, maintenance, and repair work, analyze potential problems, and ensure compliance with applicable standards.
- Review and interpret plans and specifications for maintenance and operations matters.
- Analyze the District's water utility systems, buildings, and infrastructure and develop effective solutions to identified problems.
- Analyze water treatment issues and develop effective solutions.
- Research, analyze, and evaluate new service delivery methods and techniques.
- Ensure facility compliance with established and emerging regulations, laws, and ordinances.
- Coordinate and conduct a variety of facility inspections.
- Supervise, train, and evaluate operations and maintenance personnel.
- Participate in the development and administration of District goals, objectives, Rules and Regulations, policies, and procedures.

- Assist in administering the operations, maintenance, and capital improvement budgets.
- Prepare clear and concise administrative and financial reports.
- Analyze problems, identify alternative solutions, and implement plans in support of District goals and objectives.
- Communicate clearly and concisely, both verbally and in writing.
- Establish and maintain effective working relationships with all District personnel, outside agencies, consultants, contractors, subcontractors, vendors, and others involved in District business.

**Desirable Education and Experience:**

Any combination of education, experience, skills, and training that would likely provide the required knowledge and abilities is qualifying for this position.

Having the desired knowledge and abilities may include:

- The equivalent of an Associate of Arts degree from an accredited college in water science, mechanical, electrical, water quality, engineering, or a related field.
- Directly related professional experience in lieu of accredited college experience on the basis of one and one-half (1½) years of experience for one (1) year of education up to a maximum of four (4) years.
- A minimum of five (5) years of increasingly responsible experience in water treatment, storage and distribution, or maintenance and repair of water treatment, pumping, distribution systems, and building services; and
- A minimum of five (5) years of supervising operations and maintenance personnel on an ongoing or project basis.

**Licenses / Certificates:**

Incumbents are required to possess a Grade II Water Distribution Certificate and Grade I Water Treatment Operator Certificate issued by the California State Water Resources Control Board at time of appointment, and are required to possess a Grade III Water Distribution Certificate and Grade II Water Treatment Operator Certificate issued by the California State Water Resources Control Board within 24 months of appointment.





Date: December 21, 2021

To: Board of Trustees

From: Paeter E. Garcia  
General Manager

Subject: Amendment to the District Rules and Regulations – Resolution No. 810 for the Automatic Annual Adjustments to Capital Facilities Charges and Meter Installation Fees Under Appendix “C” and Appendix “D” of the District’s Rules and Regulations

Agenda: Item 10.A.5

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**STAFF REPORT**

**BACKGROUND AND OVERVIEW**

As previewed during the Board of Trustees meeting on November 16, 2021, the District’s capital facilities charges relating to water service connections and meters are a critical element of the District’s overall financing plan. The District, along with the vast majority of water agencies in California, require new water users or those requesting new or expanded levels of service to pay the costs of facilities needed to serve them. The alternative to collecting capital facilities charges from new development and expanded water uses would be raising charges and fees paid by current water users, which is not equitable. Revenues from capital facilities charges are available to and used by the District to pay for new facilities and the proportionate costs of system improvements and expansions needed to serve and otherwise accommodate new and expanded water uses within the District’s system.

In accordance with state law, specifically Government Code section 66000 et seq., a reasonable relationship must exist between the amount of an agency’s capital facilities charges and the costs of the associated public facilities used to provide the service. On October 19, 1993, the Board of Trustees approved Resolution No. 422 adopting and establishing the District’s installation and capital facilities charges, and establishing that on January 1st of each new year, the capital facilities charges shall be automatically adjusted by an incremental change based on the *Engineering News Record (ENR) Construction Cost Index* (20 cities average) using a base index number of 5167.

In addition to District Resolution No. 422, the automatic annual adjustments in the District’s capital facilities charges relating to water service connections and meters are established by Section 603 and Section 709 of the District’s Rules and Regulations, as follows:

Section 603. Installation and Capital Facilities Charges. Size, location, and type of meter and service connections shall be regulated by the District and installation and capital facilities connection charges shall be imposed on all applicants for water service not involving a main extension in accordance with the schedule attached to these Rules and Regulations as Appendix C. The minimum meter size permitted shall be based on the size of the lot to be served. ... All capital facilities charges to pay the costs of facilities required to provide and maintain water service within the District's service area and all service connection and meter installation charges shall be paid in advance, prior to installation of the service connection and meter. ... In cases where an applicant requests or there is otherwise a requirement for an increase in meter size, the District shall collect a capital facilities charge and meter installation charge equal to the difference between (a) the capital facilities charge and meter installation charge for the existing meter and (b) the capital facilities charge and meter installation charge for the new, larger meter. ... Each year on January 1, the capital facilities charges shall be automatically adjusted by an increment based on the change in the ENR Construction Cost Index (20 cities average) from the base of 5167.

Section 709. Meters. At the time of application for water service from a main extension to which service connections have been previously installed, the applicant shall pay to the District a fee to cover the capital facilities charge or connection charge and the cost of installation of one or more meters and control valves on the service connection. The fees specified in the attached schedule, which shall be attached to these Rules and Regulations as Appendix D, are for the minimum meter size permitted based on the size of the lot to be served. ... All capital facilities charges to pay the costs of facilities required to provide and maintain water service within the District's service area and all service connection and meter installation charges shall be paid in advance, prior to installation of the service connection and meter. ... In cases where an applicant requests or there is otherwise a requirement for an increase in meter size, the District shall collect a capital facilities charge and meter installation charge equal to the difference between (a) the capital facilities charge and meter installation charge for the existing meter and (b) the capital facilities charge and meter installation charge for the new, larger meter. ... Each year on January 1, the capital facilities charges shall be automatically adjusted by an increment based on the change in the ENR Construction Cost Index (20 cities average) from the base of 5167.

In accordance with District Resolution No. 422 and Sections 603 and 709 of the District's Rules and Regulations, District staff reviewed the ENR Construction Cost Index, which is 12,464 as of October 2021, and based thereon calculated the automatic adjustments to the District's Appendix "C" and Appendix "D" capital facilities charges relating to water service connections and meters, effective January 1, 2022.

### **RECOMMENDATION**

Pursuant to the foregoing, staff recommends that the Board of Trustees adopt Resolution No. 810 as presented.

RESOLUTION NO. 810

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE  
SANTA YNEZ RIVER WATER CONSERVATION DISTRICT, IMPROVEMENT DISTRICT NO.1  
APPROVING THE AUTOMATIC ANNUAL ADJUSTMENTS TO THE CAPITAL FACILITIES CHARGES  
AND METER INSTALLATION FEES CONTAINED IN APPENDIX "C" AND APPENDIX "D"  
OF THE DISTRICT'S RULES AND REGULATIONS

WHEREAS, the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1, is empowered to prescribe, revise, and collect charges for services and facilities funded by it; and

WHEREAS, a capital facilities charge is an element in the District's overall financing plan; and

WHEREAS, revenues from capital facilities charges are available for the proportionate costs of system improvements and to pay for expansions; and

WHEREAS, State law (Government Code § 66000 et seq.) requires that a reasonable relationship exist between the amount of capital facilities charge and the cost of the associated public facilities; and

WHEREAS, water users must be treated in a consistent manner and funds collected must be used for certain capital purposes; and

WHEREAS, the District and the vast majority of water agencies in California require that water users pay the costs of facilities provided to serve them; and

WHEREAS, the alternative to collecting charges and fees from new development and water users is raising charges and fees to current water users, which is not equitable; and

WHEREAS, the charges and fees are collected during the construction period as a new customer or new level of use begins to utilize the water facilities; and

WHEREAS, on October 19, 1993, the District Board approved Resolution No. 422 adopting and establishing the installation and capital facility charges and provided that each year on January 1, the capital facilities charges shall be automatically adjusted by an increment based on the change in the *Engineering News Record (ENR) Construction Cost Index* (20 cities average) from a base index of 5167; and

WHEREAS, pursuant to Section 603 and Section 709 of the District's Rules and Regulations, the District's capital facilities charges relating to water service connections and meters shall be automatically adjusted each year on January 1 by an increment based on the change in the ENR Construction Cost Index to reflect actual costs of installation labor, parts, materials, and equipment; and

WHEREAS, the ENR Construction Cost Index is 12,464 as of October 2021; and

THEREFORE, BE IT AND IT IS HEREBY RESOLVED, by the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1, as follows:

1. That APPENDIX "C" Installation and Capital Facilities Charges Pursuant to Article 6, Section 603 of the District's Rules and Regulations, as attached hereto and approved herein, be attached to the District's Rules and Regulations, effective on January 1, 2022; and,
2. That APPENDIX "D" Capital Facilities Charges and Meter Installation Fees for Services from Main Extensions Pursuant to Article 7, Section 709 of the District's Rules and Regulations, as attached hereto and approved herein, be attached to the District's Rules and Regulations, effective on January 1, 2022.

WE, THE UNDERSIGNED, being the duly qualified and acting President and Secretary respectively, of the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1, do hereby certify that the above and foregoing Resolution was adopted and passed by the Board of Trustees at a Regular Meeting of the District held on the 21st day of December 2021, by the following roll call vote:

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Jeff Clay, President

**ATTEST:**

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Mary Martone, Secretary to the Board of Trustees

APPENDIX "C"

**INSTALLATION AND CAPITAL FACILITIES CHARGES  
PURSUANT TO ARTICLE 6, SECTION 603**

(Effective January 1, 2022)

<u>Lot Size</u>	<u>Minimum Meter Size</u>	<u>Maximum Flow Rate</u>	<u>Ratio to 5/8" meter</u>	<u>Capital Facilities Charge</u>	<u>Installation Charge</u>
10,000 sq. ft.	5/8"	20	1.0	\$ 4,510.90	The meter and service installation charge shall equal the cost of installation as determined by the District from time to time
>10,000 sq. ft. to 1 acre	3/4"	30	1.2	\$ 5,413.08	
>1 to 3 acres	1"	50	2.0	\$ 9,021.81	
>3 to 10 acres	1½ "	100	4.0	\$ 18,043.61	
>10 acres	2"	160	6.4	\$ 28,869.77	
	3"	350	12.8	\$ 57,739.55	
	4"	1,000	18.0	\$ 81,196.23	
	6"	2,000	40.0	\$180,436.07	
	8"	3,500	64.0	\$288,697.78	

For parcels with multiple Domestic or Rural Residential meters, the meter sizes (e.g. 5/8" and 1"inch) may be added to result in a combined equivalent size that satisfies the minimum meter size requirements.



APPENDIX "D"

**CAPITAL FACILITIES CHARGES AND METER INSTALLATION FEES  
FOR SERVICES FROM MAIN EXTENSIONS  
PURSUANT TO ARTICLE 7, SECTION 709**

(Effective January 1, 2022)

<u>Lot Size</u>	<u>Minimum Meter Size</u>	<u>Capital Facilities Charge</u>	<u>Meter Installation Fee</u>	<u>Total</u>
10,000 Sq. Ft.	5/8"	\$4,510.90	\$480.45	\$4,991.35
>10,000 to 1 acre	3/4"	\$5,413.08	\$506.31	\$5,919.39
>1 to 3 acres	1"	\$9,021.81	\$582.81	\$9,604.62
>3 to 10 acres	1-1/2"	\$18,043.61	\$1,139.53	\$19,183.14
> 10 acres	2" STD	\$28,869.77	\$1,382.68	\$30,252.45
	2" CPBM	\$28,869.77	\$2,236.42	\$31,106.19
	3" STD	\$57,739.55	\$2,197.63	\$59,937.18
	3" CPBM	\$57,739.55	\$3,372.83	\$61,112.37

Establish base increase: Divide current ENR Construction Cost Index (October of each year) by base ENR Index (5167 - from April 1993) to determine current index ratio. Multiply current index ratio by base 5/8" meter CFC of \$1,870.

Meter Size	Maximum Flow Rate	Ratio to 5/8" Meter*	Base Index**	Current Index***	Index Ratio: (Current/Base)	Base 5/8" CFC****	New CFC: (Base CFC x Ratio)	2021 CFC	CFC Increase
5/8"	20	1.0	5167	12464.00	2.412231	\$1,870	\$ 4,510.90	\$ 4,145.73	\$ 365.17

Establish incremental increases: Use ratio to 5/8" meter to multiply by new base 5/8" meter CFC above.

Meter Size	Maximum Flow Rate	Ratio to 5/8" Meter	2022 (Base CFC x Ratio)	2021 CFC	CFC Increase
3/4"	30	1.2	\$ 5,413.08	\$ 4,974.88	\$ 438.20
1"	50	2.0	\$ 9,021.81	\$ 8,291.47	\$ 730.34
1 1/2"	100	4.0	\$ 18,043.61	\$ 16,582.93	\$ 1,460.68
2"	160	6.4	\$ 28,869.77	\$ 26,532.68	\$ 2,337.09
3"	350	12.8	\$ 57,739.55	\$ 53,065.38	\$ 4,674.17
4"	1,000	18.0	\$ 81,196.23	\$ 74,623.18	\$ 6,573.05
6"	2,000	40.0	\$ 180,436.07	\$ 165,829.30	\$ 14,606.77
8"	3,500	64.0	\$ 288,697.78	\$ 265,326.94	\$ 23,370.84

\* Ratio to 5/8" meter: Referenced below

\*\* Base Index: Engineering News Record 20-City average Construction Cost Index (April 1993) = 5167.

\*\*\* Current Index: Current ENR 20-City average Construction Cost Index (use first week of October of each year) @ <http://www.enr.com>

\*\*\*\* Base 5/8" CFC: \$1,870 for 5/8" meter as set forth in above-referenced Water Rate Study  
Source: District Water Rate Study and Financing Plan, October 1993, Bartle Wells Associates

Improvement District No. 1  
**Meter Cost ONLY**  
 January 1, 2022

Meter Size	Meter Type	Meter Only Cost*	Tax 7.75%	Total Meter Only	Additional Parts Required**	Parts Cost	Tax 7.75%	Parts Total	Labor Cost***	Total Meter Install. Cost	Cap. Fac. Charge	Grand Total	
5/8"	Standard	\$ 253.33	\$ 19.63	\$ 272.96	J-1908 5/8" Ball Valve	\$ 77.00	\$ 5.97	\$ 82.97	\$ 124.52	\$ 480.45	\$ 4,510.90	\$ 4,991.35	
3/4"	Standard	\$ 277.33	\$ 21.49	\$ 298.82	J-1908 3/4" Ball Valve	\$ 77.00	\$ 5.97	\$ 82.97	\$ 124.52	\$ 506.31	\$ 5,413.08	\$ 5,919.39	
1"	Standard	\$ 313.33	\$ 24.28	\$ 337.61	J-1908 1" Ball Valve	\$ 112.00	\$ 8.68	\$ 120.68	\$ 124.52	\$ 582.81	\$ 9,021.81	\$ 9,604.62	
1-1/2"	Standard	\$ 720.00	\$ 55.80	\$ 775.80	J-1913W 1-1/2" Ball Valve	\$ 222.00	\$ 17.21	\$ 239.21	\$ 124.52	\$ 1,139.53	\$ 18,043.61	\$ 19,183.14	
2"	Standard	\$ 826.67	\$ 64.07	\$ 890.73	J-1913W 2" Ball Valve	\$ 341.00	\$ 26.43	\$ 367.43	\$ 124.52	\$ 1,382.68	\$ 28,869.77	\$ 30,252.45	
2"	Compound Body	\$ 1,528.00	\$ 118.42	\$ 1,646.42	J-1913W 2" Ball Valve FL 36x6 Extension	\$ 341.00 \$ 91.00	\$ 26.43 \$ 7.05	\$ 367.43 \$ 98.05					
3"	Standard	\$ 1,200.00	\$ 93.00	\$ 1,293.00	A2360-6 Flanged x MJ Resilient Wedge Valve Bolt & Gasket Kit	\$ 715.00 \$ 9.00	\$ 55.41 \$ 0.70	\$ 770.41 \$ 9.70	\$ 124.52	\$ 2,236.42	\$ 28,869.77	\$ 31,106.19	
								\$ 780.11	\$ 124.52	\$ 2,197.63	\$ 57,739.55	\$ 59,937.18	
3"	Compound Body	\$ 2,290.67	\$ 177.53	\$ 2,468.20	A2360-6 Flanged x FLG Resilient Wedge Valve Bolt & Gasket Kit	\$ 715.00 \$ 9.00	\$ 55.41 \$ 0.70	\$ 770.41 \$ 9.70					
4"	Standard	\$ 1,373.33	\$ 106.43	\$ 1,479.77	A2360-6 MJ x MJ Resilient Wedge Valve Bolt & Gasket Kit	\$ 715.00 \$ 9.00	\$ 55.41 \$ 0.70	\$ 770.41 \$ 9.70	\$ 124.52	\$ 3,372.83	\$ 57,739.55	\$ 61,112.37	
								\$ 780.11	\$ 124.52	\$ 2,384.40	\$ 81,196.23	\$ 83,580.63	
4"	Compound Body	\$ 2,980.00	\$ 230.95	\$ 3,210.95	4" Mueller Gate Valve Resilient Wedge Valve Bolt & Gasket Kit FLG x FLG	\$ 525.00 \$ 9.00	\$ 40.69 \$ 0.70	\$ 565.69 \$ 9.70					
								\$ 575.39	\$ 124.52	\$ 3,910.86	\$ 81,196.23	\$ 85,107.09	

\* Meter Costs: SR11/TRPL (or for 3": Omni T2 w/screen & touch-read)  
 Prices per Invensys/Sensus Technologies - Aqua Metric

\*\* Parts Costs: Per District's material suppliers

\*\*\* Labor Costs: Two hours of Average (between highest and lowest) field crew hourly rate including benefits

APPEN 'C'  
 SHORT SIDE SERVICE AND METER INSTALLATION AND CAPITAL FACILITIES CHARGES  
 January 1, 2022

Service Size	Meter Size	Additional Parts Required	Parts Costs and Total*	Service Labor**	Service Parts/Labor Total	Meter Parts/Labor	Total Service & Meter	Capital Facilities Charge	Grand Total
1"	5/8"	1 - 8"x1" Saddle (J-979) 1 - 1" J-1929 Corp Ball Valve 1" FIP PJ Fitting - Copper 1" MIP PJ Fitting - Copper 1' Soft Copper "K" 1 - 1" Angle Meter Stop (J-1966W) 1 - Christy Fiber Lite Meter Box (FL30) 1 - Christy Meter Box Lid (FL30) 1 - Mortor (60 lb.)	\$ 150.00 \$ 67.25 \$ 25.00 \$ 20.00 \$ 7.73 \$ 107.00 \$ 109.00 \$ 103.00 \$ 5.71 Sub-total \$ 594.69 Tax @ 7.75% \$ 46.09 Total Parts Cost \$ 640.78	\$ 3,227.35	\$ 3,868.12	\$ 480.45	\$ 4,348.57	\$ 4,510.90	\$ 8,859.48
1"	3/4"	Same Parts as 1"x 5/8" above	\$ 640.78	\$ 3,227.35	\$ 3,868.12	\$ 506.31	\$ 4,374.43	\$ 5,413.08	\$ 9,787.52
1"	1"	Same Parts as 1"x 3/4" except 1" Cust. Valve and Meter Box	\$ 749.61	\$ 3,227.35	\$ 3,976.95	\$ 582.81	\$ 4,559.76	\$ 9,021.81	\$ 13,581.57
Service Size	Meter Size	Additional Parts Required	Parts Costs and Total*	Service Labor**	Service Parts/Labor Total	Meter Parts/Labor	Total Service & Meter	Capital Facilities Charge	Grand Total
1" Double Service Manifold	Two 5/8"	1 - 8"x 2" Saddle (J-979) 1 - 1" J-1929 Corp Ball Valve 2 - 1" Angle Meter Stops @ \$107.00 ea (J-1966W) 2- 1" FIP PJ Fitting - Copper 2- 1" MIP PJ Fitting - Copper 2- 1' Soft Copper "K" 1 - Christy Fiber Lite Meter Box (FL-36) 1 - Christy Meter Box Lid (FL-36D) 1 - Build Manifold with Copper and Brass Parts 2 - Mortor (60 lb.)	\$ 171.00 \$ 67.25 \$ 214.00 \$ 50.00 \$ 100.00 \$ 15.46 \$ 159.00 \$ 154.00 \$ 250.00 \$ 11.42 Sub-total \$ 1,192.13 Tax @ 7.75% \$ 92.39 Total Parts Cost \$ 1,284.52	\$ 3,227.35	\$ 4,511.87	\$ 960.90	\$ 5,472.77	\$ 9,021.81	\$ 14,494.57

\* Prices Per District's Material Suppliers  
 \*\* Installation Based on Actual Hours

APPENDIX 'C'  
**SHORT SIDE SERVICE AND METER INSTALLATION AND CAPITAL FACILITIES CHARGES**  
 January 1, 2022

Service Size	Meter Size	Additional Parts Required	Parts Costs and Total*	Service Labor**	Service Parts/Labor Total	Meter Parts/Labor	Total Service & Meter	Capital Facilities Charge	Grand Total
2"	1-1/2"	1 - 8"x 2" Saddle	\$ 171.00						
		1 - 2" Corp. Stop (H-9969)	\$ 215.53						
		1 - 2" FIP PJ Fitting - PVC	\$ 117.00						
		3 - 2" MIP PJ Fitting - PVC	\$ 101.84						
		1 - 2" FIP X Threaded 90 Elbow - Brass	\$ 24.89						
		1 - 2" Angle Meter Stop (H-14286)	\$ 310.00						
		1 - Christy Fiber Lite Meter Box (FL-36)	\$ 159.00						
		1 - Christy Meter Box Lid (FL-36D)	\$ 154.00						
		2" Sch80 PVC pipe (\$2.20/ft)	\$ 66.00						
		1 - Mortor (60 lb.)	\$ 5.71						
		Sub-total	\$ 1,324.97						
		Tax @ 7.75 %	\$ 102.69						
		Total Parts Cost	\$ 1,427.66	\$ 3,227.35	\$ 4,655.00	\$ 1,139.53	\$ 5,794.53	\$ 18,043.61	\$ 23,838.14
2"	2"	Same Parts as above except 2" Customer Valve	\$ 1,427.66	\$ 3,227.35	\$ 4,655.00	\$ 1,382.68	\$ 6,037.68	\$ 28,869.77	\$ 34,907.45

**Compound Body Meter**

Service Size	Meter Size	Additional Parts Required	Parts Costs and Total*	Service Labor**	Service Parts/Labor Total	Meter Parts/Labor	Total Service & Meter	Capital Facilities Charge	Grand Total
2"	2"	Same Parts as above standard meter	\$ 1,427.66	\$ 3,227.35	\$ 4,655.00	\$ 2,236.42	\$ 6,891.42	\$ 28,869.77	\$ 35,761.19

\* Prices Per District's Material Suppliers  
 \*\* Instal Based on Actual Hours



APPENDIX 'C'  
LONG SIDE SERVICE AND METER INSTALLATION AND CAPITAL FACILITIES CHARGES  
January 1, 2022

Service Size	Meter Size	Additional Parts Required	Parts Costs and Total*	Service Labor**	Service Parts/Labor Total	Meter Parts/Labor	Total Service & Meter	Capital Facilities Charge	Grand Total
1"	5/8"	1 - 8"x1" Saddle (J-979) 1 - 1" Corp. Stop (J-1929) 1 - 1" Angle Meter Stop (J-1996W) 1 - 1" PJxPJ Straight Coupling - Copper 1 - 1" FIP PJ Fitting - Copper 1 - 1" MIP PJ Fitting - Copper 1 - Christy Fiber Lite Meter Box (FL30) 1 - Christy Meter Box Lid (FL30) 1 - Morter (60 lb.)  Sub-total Tax @ 7.75 % Total Parts Cost	\$ 150.00 \$ 67.25 \$ 107.00 \$ 24.35 \$ 25.00 \$ 20.00 \$ 109.00 \$ 103.00 \$ 5.71 \$ 611.31 \$ 47.38 \$ 658.69	\$ 8,696.65	\$ 9,355.33	\$ 480.45	\$ 9,835.78	\$ 4,510.90	\$ 14,346.68
1"	3/4"	Same Parts as 1"x 5/8" above	\$ 658.69	\$ 8,696.65	\$ 9,355.33	\$ 506.31	\$ 9,861.64	\$ 5,413.08	\$ 15,274.73
1"	1"	Same Parts as 1" x 3/4" except 1" Cust. Valve & Meter Box	\$ 767.51	\$ 8,696.65	\$ 9,464.16	\$ 582.81	\$ 10,046.97	\$ 9,021.81	\$ 19,068.78
Service Size	Meter Size	Additional Parts Required	Parts Costs and Total*	Service Labor**	Service Parts/Labor Total	Meter Parts/Labor	Total Service & Meter	Capital Facilities Charge	Grand Total
1" Double Service Manifold	Two 5/8"	1 - 8"x1" Saddle (J-979) 1 - 1" Corp. Stop (J-1929) 2 - 1" PJxPJ Straight Coupling - Copper 2 - 1" Angle Meter Stops @ \$107.00 ea (J-1966W) 1 - 1" PJxPJ Straight Coupling - Copper 1 - 1" FIP PJ Fitting - Copper 1 - 1" MIP PJ Fitting - Copper 1 - Christy Fiber Lite Meter Box (FL-36) 1 - Christy Meter Box Lid (FL-36D) 1 - Build Manifold with Copper and Brass Parts 2 - Morter (60 lb.)  Sub-total Tax @ 7.75 % Total Parts Cost	\$ 171.00 \$ 67.25 \$ 48.70 \$ 214.00 \$ 24.35 \$ 25.00 \$ 20.00 \$ 159.00 \$ 154.00 \$ 250.00 \$ 11.42 \$ 1,144.72 \$ 88.72 \$ 1,233.44	\$ 8,696.65	\$ 9,930.08	\$ 960.90	\$ 10,890.98	\$ 9,021.81	\$ 19,912.79

\* Prices Per District's Material Suppliers  
\*\* Installation Based on Actual Hours

APPENDIX 'C'  
**LONG SIDE SERVICE AND METER INSTALLATION AND CAPITAL FACILITIES CHARGES**  
 January 1, 2022

Service Size	Meter Size	Additional Parts Required	Parts Costs and Total*	Service Labor**	Service Parts/Labor Total	Meter Parts/Labor	Total Service & Meter	Capital Facilities Charge	Grand Total	
2"	1-1/2"	1 - 8"x2" Saddle (J-979)	\$ 171.00							
		1 - 2" Corp. Stop (H-9969)	\$ 215.53							
		1 - 2" PJxPJ Straight Coupling - PVC	\$ 155.50							
		1 - 2" Angle Meter Stop (H-14286)	\$ 310.00							
		1 - Christy Fiber Lite Meter Box (FL-36)	\$ 159.00							
		1 - Christy Meter Box Lid (FL-36D)	\$ 154.00							
		50' - 2" Sch. 80 PVC Pipe @ 2.20/l.f.	\$ 110.00							
		1 - 2" FIP PJ Fitting - PVC	\$ 117.00							
		3 - 2" MIP PJ Fitting - PVC	\$ 305.52							
		1 - Brass 2" 90 Degree	\$ 23.34							
		1 - Morter (60 lb.)	\$ 5.71							
			Sub-total	\$ 1,726.60						
			Tax @ 7.75 %	\$ 133.81						
	<b>Total Parts Cost</b>	<b>\$ 1,860.41</b>	<b>\$ 8,696.65</b>	<b>\$ 10,557.06</b>	<b>\$ 1,139.53</b>	<b>\$ 11,696.58</b>	<b>\$ 18,043.61</b>	<b>\$ 29,740.19</b>		
2"	2"	Same Parts as above except 2" Customer Valve	\$ 1,860.41	\$ 8,696.65	\$ 10,557.06	\$ 1,382.68	\$ 11,939.74	\$ 28,869.77	\$ 40,809.51	

**Compound Body Meter**

Service Size	Meter Size	Additional Parts Required	Parts Costs and Total*	Service Labor**	Service Parts/Labor Total	Meter Parts/Labor	Total Service & Meter	Capital Facilities Charge	Grand Total
2"	2"	Same Parts as above standard meter	\$ 1,860.41	\$ 8,696.65	\$ 10,557.06	\$ 2,236.42	\$ 12,793.48	\$ 28,869.77	\$ 41,663.24

\* Prices Per District's Material Suppliers  
 \*\* Instal Based on Actual Hours

APPEN. 'C'  
BORING SERVICE AND METER INSTALLATION COSTS  
January 1, 2022

Service Size	Meter Size	Additional Parts Required	Parts Costs and Total*	Service Labor**	Service Parts/Labor Total	Meter Parts/Labor	Total Service & Meter	Capital Facilities Charge	Grand Total
1"	5/8"	1 - 8"x1" Saddle (J-979) 1 - 1" Corp. Stop (J-1929) 1" FIP PJ Fitting - Copper 1" MIP PJ Fitting - Copper 1' Soft Copper "K" 1 - 1" Angle Meter Stop (J-1996W) 1 - Christy Fiber Lite Meter Box (FL30) 1 - Christy Meter Box Lid (FL30) 1 - Morter (60 lb.) Sub-total Tax @ 7.75 % Total Parts Cost	\$ 150.00 \$ 67.25 \$ 25.00 \$ 20.00 \$ 7.73 \$ 107.00 \$ 109.00 \$ 103.00 \$ 5.71 \$ 594.69 \$ 46.09 \$ 640.78						
<i>Boring Based on Time &amp; Materials and Actual Costs</i>									
1"	3/4"	Same Parts as 1"x5/8" above	\$ 640.78	T&M Basis	\$ 640.78	\$ 480.45	\$ 1,121.23	\$ 4,510.90	\$ 5,632.13
1"	1"	Same Parts as 1"x 3/4" except 1" Cust. Valve and Meter Box	\$ 749.61	T&M Basis	\$ 749.61	\$ 582.81	\$ 1,332.42	\$ 9,021.81	\$ 10,354.22
Service Size	Meter Size	Additional Parts Required	Parts Costs and Total*	Service Labor**	Service Parts/Labor Total	Meter Parts/Labor	Total Service & Meter	Capital Facilities Charge	Grand Total
1" Double Service Manifold	Two 5/8"	1 - 8"x1" Saddle (J-979) 1 - 1" Corp. Stop (J-1929) 2 - 1" Angle Meter Stops @ \$107.00 ea (J-1966W) 1" FIP PJ Fitting - Copper 1" MIP PJ Fitting - Copper 1' Soft Copper "K" 1 - Christy Fiber Lite Meter Box (FL-36) 1 - Christy Meter Box Lid (FL-36D) 1 - Build Manifold with Copper and Brass Parts 2 - Morter (60 lb.) Sub-total Tax @7.75 % Total Parts Cost	\$ 171.00 \$ 67.25 \$ 214.00 \$ 25.00 \$ 20.00 \$ 7.73 \$ 159.00 \$ 154.00 \$ 250.00 \$ 11.42 \$ 1,079.40 \$ 83.65 \$ 1,163.05						
				T&M Basis	\$ 1,163.05	\$ 960.90	\$ 2,123.95	\$ 9,021.81	\$ 11,145.76

\* Prices Per District's Material Suppliers

\*\* Installation Based on Actual Hours and Actual Costs

**APPENDIX 'C'**  
**BORING SERVICE AND METER INSTALLATION COSTS**  
 January 1, 2022

Service Size	Meter Size	Additional Parts Required	Parts Costs and Total*	Service Labor**	Service Parts/Labor Total	Meter Parts/Labor	Total Service & Meter	Capital Facilities Charge	Grand Total
2"	1-1/2"	1 - 8"x2" Saddle (J-979) 1 - 2" Corp. Stop (H-9969) 1 - 2" FIP PJ Fitting - PVC 3 - 2" MIP PJ Fitting - PVC 1 - 2" FIP X Threaded 90 Elbow - Brass 1 - 2" Angle Meter Stop (H-14286) 1 - Christy Fiber Lite Meter Box (FL-36) 1 - Christy Meter Box Lid (B-36P) 50' - 2" Sch. 80 PVC Pipe @ 2.20/l.f. 1 - Brass 2" 90 Degree 1 - Morter (60 lb.) Sub-total Tax @ 7.75 % Total Parts Cost	\$ 171.00 \$ 215.53 \$ 117.00 \$ 101.84 \$ 24.89 \$ 310.00 \$ 159.00 \$ 154.00 \$ 110.00 \$ 23.34 \$ 5.71 \$ 1,392.31 \$ 107.90 \$ 1,500.21	T&M Basis	\$ 1,500.21	\$ 1,139.53	\$ 2,639.74	\$ 18,043.61	\$ 20,683.35
2"	2"	Same Parts as above except 2" Customer Valve	\$ 1,500.21	T&M Basis	\$ 1,500.21	\$ 1,382.68	\$ 2,882.90	\$ 28,869.77	\$ 31,752.66

*Boring Based on  
Time & Materials  
and Actual Costs*

**Compound Body Meter**

Service Size	Meter Size	Additional Parts Required	Parts Costs and Total*	Service Labor**	Service Parts/Labor Total	Meter Parts/Labor	Total Service & Meter	Capital Facilities Charge	Grand Total
2"	2"	Same Parts as above standard meter	\$ 1,500.21	T&M Basis	\$ 1,500.21	\$ 2,236.42	\$ 3,736.63	\$ 28,869.77	\$ 32,606.40

\* Prices Per District's Material Suppliers

\*\* Installation Based on Actual Hours and Actual Costs

**Santa Ynez River Water Conservation District,  
Improvement District No. 1**

**Short Side Water Service Installation  
Backhoe and Equipment Costs**

**January 1, 2022**

<b>Day(s)</b>	<b>Job Description</b>	<b>Hours</b>	<b>\$ Rate w/Benefits</b>	<b>Total</b>
Day 1	Backhoe + Operator	7.00	\$ 130.56	\$ 913.92
	Dump Truck + Operator	4.00	\$ 151.98	\$ 607.92
	Ditch Witch + Operator	1.50	\$ 54.00	\$ 81.00
	Mini Excavator + Operator	3.00	\$ 34.38	\$ 103.13
	Operations Technician	3.00	\$ 48.82	\$ 146.46
	Operations Technician	7.00	\$ 48.82	\$ 341.74
	Const. & Maint. Supervisor	4.00	\$ 77.35	\$ 309.40
	<b>Sub Total</b>			<b>\$ 2,503.57</b>
Day 2	Operations Technician	2.00	\$ 48.82	\$ 97.64
	Operations Technician	2.00	\$ 48.82	\$ 97.64
				<b>\$ 195.28</b>
<b>Item</b>	<b>Job Description</b>	<b>Unit</b>	<b>Costs</b>	<b>Total</b>
	SBCO Encroachment Permit	1	\$ 296.00	\$ 296.00
	Trench Plates/5 days	3	\$ 21.50	\$ 64.50
	Sand Bedding and Shading (Backfill trench zone)	5	\$ 33.60	\$ 168.00
	<b>Sub Total</b>			<b>\$ 528.50</b>
			<b>Total Cost</b>	<b>\$ 3,227.35</b>

Water service installation using typical procedures for a short side installation. This reflects labor only and the equipment to perform the installation. Parts and materials are separate.



**Santa Ynez River Water Conservation District,  
Improvement District No. 1**

**Long Side Water Service Installation  
Labor and Equipment Costs**

January 1, 2022

Days	Job Description	Hours	\$ Rate w/Benefits	Total
Day 1	Operations Technician	2	\$ 48.82	\$ 97.64
	Operations Technician	2	\$ 48.82	\$ 97.64
	Concrete Saw			\$ 200.00
	<b>Sub Total</b>			<b>\$ 395.28</b>
Day 2	Backhoe+ Operator	7	\$ 130.56	\$ 913.92
	Dump Truck + Operator	7	\$ 151.98	\$ 1,063.86
	DitchWitch + Operator	1.5	\$ 54.00	\$ 81.00
	Mini Excavator + Operator	3	\$ 34.38	\$ 103.13
	Op Tech - Traffic Control	7	\$ 96.88	\$ 678.16
	Op Tech - Traffic Control	7	\$ 96.88	\$ 678.16
	Const. & Maint. Supervisor	4	\$ 77.35	\$ 309.40
	<b>Sub Total</b>			<b>\$ 3,827.63</b>
Day 3	Backhoe+ Operator	4	\$ 130.56	\$ 522.24
	Op Tech - Traffic Control	2	\$ 96.88	\$ 193.76
	Op Tech - Traffic Control	2	\$ 96.88	\$ 193.76
	Operations Technician	2	\$ 48.82	\$ 97.64
	Operations Technician	2	\$ 48.82	\$ 97.64
	<b>Sub Total</b>			<b>\$ 1,105.04</b>
Item	Job Description	Unit	Costs	Total
Contract	SBCO Encroachment/Inspection	1	\$ 296.00	\$ 296.00
	Trench Plates - 5 days	3	\$ 21.50	\$ 322.50
	Slurry Mix - Backfill/Yd	4	\$ 91.00	\$ 364.00
	Slurry Mix - Delivery	1	\$ 91.00	\$ 91.00
	Paving		\$ 2,060.00	\$ 2,060.00
	Sand \$33.60 Per Yard	7	\$ 33.60	\$ 235.20
	<b>Sub Total</b>			<b>\$ 3,368.70</b>
<b>Total Cost</b>				<b>\$ 8,696.65</b>

Water service installation using a typical road cut. This reflects labor only and the equipment to perform the installation. Parts and materials are separate.

Santa Ynez River Water Conservation District,  
Improvement District No. 1

Boring - Long Side Water Service Installation  
(Labor Only - Installation Only)

January 1, 2022

Days	Job Description	Hours	\$ Rate w/Benefits	Total
Day 1	Backhoe+ Operator	7.00	\$ 130.56	\$ 913.92
	Dump Truck + Operator	4.00	\$ 151.98	\$ 607.92
	DitchWitch + Operator	1.50	\$ 54.00	\$ 81.00
	Mini Excavator + Operator	3.00	\$ 34.38	\$ 103.13
	Operations Technician	7.00	\$ 48.82	\$ 341.74
	Operations Technician	3.00	\$ 48.82	\$ 146.46
	Const. & Maint. Supervisor	3.00	\$ 77.35	\$ 232.05
			<b>Sub Total</b>	<b>\$ 2,426.22</b>
Day 2	Backhoe+ Operator	4.00	\$ 130.56	\$ 522.24
	Op Tech	4.00	\$ 48.82	\$ 195.28
			<b>Sub Total</b>	<b>\$ 717.52</b>
Item	Job Description	Unit	Costs	Total
	SBCO Encroachment Permit	1	\$ 296.00	\$ 296.00
	Boring Contractor		Time & Materials Based on actual cost.*	\$ -
	Fill Sand	4	\$ 33.60	\$ 134.40
			<b>Sub Total</b>	<b>\$ 430.40</b>
			<b>Total Cost</b>	<b>\$ 3,574.14</b>

\*Water service installation using boring method is based on a time and materials basis at actual cost. This reflects labor only and the equipment to perform the installation. Parts and materials are separate.

*Boring Based on  
Time & Materials  
and Actual Costs*

Establish base increase: Divide current ENR Construction Cost Index (October of each year) by base ENR Index (5167 - from April 1993) to determine current index ratio. Multiply current index ratio by base 5/8" meter CFC of \$1,870.

Meter Size	Maximum Flow Rate	Ratio to 5/8" Meter*	Base Index**	Current Index***	Index Ratio: (Current/Base)	Base 5/8" CFC****	New CFC: (Base CFC x Ratio)	2020 CFC	CFC Increase
5/8"	20	1.0	5167	11455.00	2.216954	\$1,870	\$ 4,145.73	\$ 4,099.05	\$ 46.68

Establish incremental increases: Use ratio to 5/8" meter to multiply by new base 5/8" meter CFC above.

Meter Size	Maximum Flow Rate	Ratio to 5/8" Meter	2021 (Base CFC x Ratio)	2020 CFC	CFC Increase
3/4"	30	1.2	\$ 4,974.88	\$ 4,918.86	\$ 56.02
1"	50	2.0	\$ 8,291.47	\$ 8,198.09	\$ 93.38
1 1/2"	100	4.0	\$ 16,582.93	\$ 16,396.19	\$ 186.74
2"	160	6.4	\$ 26,532.68	\$ 26,233.89	\$ 298.79
3"	350	12.8	\$ 53,065.38	\$ 52,467.79	\$ 597.59
4"	1,000	18.0	\$ 74,623.18	\$ 73,782.82	\$ 840.36
6"	2,000	40.0	\$ 165,829.30	\$ 163,961.83	\$ 1,867.47
8"	3,500	64.0	\$ 265,326.94	\$ 262,339.00	\$ 2,987.94

\* Ratio to 5/8" meter: Referenced below

\*\* Base Index: Engineering News Record 20-City average Construction Cost Index (April 1993) = 5167.

\*\*\* Current Index: Current ENR 20-City average Construction Cost Index (use first week of October of each year) @ <http://www.enr.com>

\*\*\*\* Base 5/8" CFC: \$1,870 for 5/8" meter as set forth in above-referenced Water Rate Study  
Source: District Water Rate Study and Financing Plan, October 1993, Bartle Wells Associates

Improvement District No. 1  
**Meter Cost ONLY**  
 January 1, 2021

Meter Size	Meter Type	Meter Only Cost*	Tax 7.75%	Total Meter Only	Additional Parts Required**	Parts Cost	Tax 7.75%	Parts Total	Labor Cost***	Total Meter Install. Cost	Cap. Fac. Charge	Grand Total
5/8"	Standard	\$ 253.33	\$ 19.63	\$ 272.96	J-1908 5/8" Ball Valve	\$ 65.50	\$ 5.08	\$ 70.58	\$ 113.04	\$ 456.58	\$ 4,145.73	\$ 4,602.31
3/4"	Standard	\$ 277.33	\$ 21.49	\$ 298.82	J-1908 3/4" Ball Valve	\$ 65.50	\$ 5.08	\$ 70.58	\$ 113.04	\$ 482.44	\$ 4,974.88	\$ 5,457.32
1"	Standard	\$ 313.33	\$ 24.28	\$ 337.61	J-1908 1" Ball Valve	\$ 99.00	\$ 7.67	\$ 106.67	\$ 113.04	\$ 557.33	\$ 8,291.47	\$ 8,848.79
1-1/2"	Standard	\$ 720.00	\$ 55.80	\$ 775.80	J-1913W 1-1/2" Ball Valve	\$ 205.00	\$ 15.89	\$ 220.89	\$ 113.04	\$ 1,109.73	\$ 16,582.93	\$ 17,692.66
2"	Standard	\$ 826.67	\$ 64.07	\$ 890.73	J-1913W 2" Ball Valve	\$ 305.00	\$ 23.64	\$ 328.64	\$ 113.04	\$ 1,332.41	\$ 26,532.68	\$ 27,865.10
2"	Compound Body	\$ 1,528.00	\$ 118.42	\$ 1,646.42	J-1913W 2" Ball Valve FL 36x6 Extension	\$ 305.00 \$ 63.00	\$ 23.64 \$ 4.88	\$ 328.64 \$ 67.88	\$ 113.04	\$ 2,155.98	\$ 26,532.68	\$ 28,688.66
3"	Standard	\$ 1,200.00	\$ 93.00	\$ 1,293.00	A2360-6 Flanged x MJ Resilient Wedge Valve Bolt & Gasket Kit	\$ 725.00 \$ 8.00	\$ 56.19 \$ 0.62	\$ 781.19 \$ 8.62				
								\$ 789.81	\$ 113.04	\$ 2,195.85	\$ 53,065.38	\$ 55,261.23
3"	Compound Body	\$ 2,290.67	\$ 177.53	\$ 2,468.20	A2360-6 Flanged x FLG Resilient Wedge Valve Bolt & Gasket Kit	\$ 725.00 \$ 8.00	\$ 56.19 \$ 0.62	\$ 781.19 \$ 8.62	\$ 113.04	\$ 3,371.04	\$ 53,065.38	\$ 56,436.42
4"	Standard	\$ 1,373.33	\$ 106.43	\$ 1,479.77	A2360-6 MJ x MJ Resilient Wedge Valve Bolt & Gasket Kit	\$ 725.00 \$ 8.00	\$ 56.19 \$ 0.62	\$ 781.19 \$ 8.62				
								\$ 789.81	\$ 113.04	\$ 2,382.61	\$ 74,623.18	\$ 77,005.80
4"	Compound Body	\$ 2,980.00	\$ 230.95	\$ 3,210.95	4" Mueller Gate Valve Resilient Wedge Valve Bolt & Gasket Kit FLG x FLG	\$ 525.00 \$ 8.00	\$ 40.69 \$ 0.62	\$ 565.69 \$ 8.62	\$ 113.04	\$ 3,898.30	\$ 74,623.18	\$ 78,521.48
								\$ 574.31				

- \* Meter Costs: SR11/TRPL (or for 3": Omni T2 w/screen & touch-read)  
Prices per Invensys/Sensus Technologies - Aqua Metric
- \*\* Parts Costs: Per District's material suppliers
- \*\*\* Labor Costs: Two hours of Average (between highest and lowest) field crew hourly rate including benefits

APPENDIX 'C'  
 SHORT SIDE SERVICE AND METER INSTALLATION AND CAPITAL FACILITIES CHARGES  
 January 1, 2021

Service Size	Meter Size	Additional Parts Required	Parts Costs and Total*	Service Labor**	Service Parts/Labor Total	Meter Parts/Labor	Total Service & Meter	Capital Facilities Charge	Grand Total
1"	5/8"	1 - 8"x1" Saddle (J-979) 1 - 1" J-1929 Corp Ball Valve 1" FIP PJ Fitting - Copper 1" MIP PJ Fitting - Copper 1' Soft Copper "K" 1 - 1" Angle Meter Stop (J-1966W) 1 - Christy Fiber Lite Meter Box (FL30) 1 - Christy Meter Box Lid (FL30) 1 - J1908 Customer Service Valve 3/4" 1 - Mortor (60 lb.)	\$ 130.00 \$ 55.00 \$ 23.00 \$ 19.00 \$ 4.50 \$ 95.00 \$ 70.00 \$ 67.00 \$ 65.50 \$ 5.71 Sub-total \$ 534.71 Tax @ 7.75% \$ 41.44 Total Parts Cost \$ 576.15	\$ 3,140.58	\$ 3,716.73	\$ 456.58	\$ 4,173.31	\$ 4,145.73	\$ 8,319.04
1"	3/4"	Same Parts as 1"x 5/8" above	\$ 576.15	\$ 3,140.58	\$ 3,716.73	\$ 482.44	\$ 4,199.17	\$ 4,974.88	\$ 9,174.05
1"	1"	Same Parts as 1"x 3/4" except 1" Cust. Valve and Meter Box	\$ 609.65	\$ 3,140.58	\$ 3,750.23	\$ 557.33	\$ 4,307.56	\$ 8,291.47	\$ 12,599.02
Service Size	Meter Size	Additional Parts Required	Parts Costs and Total*	Service Labor**	Service Parts/Labor Total	Meter Parts/Labor	Total Service & Meter	Capital Facilities Charge	Grand Total
1" Double Service Manifold	Two 5/8"	1 - 8"x 2" Saddle (J-979) 1 - 1" J-1929 Corp Ball Valve 2 - 1" Angle Meter Stops @ \$95.00 ea (J-1966W) 2- 1" FIP PJ Fitting - Copper 2- 1" MIP PJ Fitting - Copper 2- 1' Soft Copper "K" 1 - Christy Fiber Lite Meter Box (FL-36) 1 - Christy Meter Box Lid (FL-36D) 2 - J1908 Customer Service Valve 3/4" (\$65.50 ea) 1 - Build Manifold with Copper and Brass Parts 2 - Mortor (60 lb.)	\$ 152.00 \$ 55.00 \$ 190.00 \$ 46.00 \$ 92.00 \$ 9.00 \$ 110.00 \$ 110.00 \$ 131.00 \$ 200.00 \$ 11.42 Sub-total \$ 1,106.42 Tax @ 7.75% \$ 85.75 Total Parts Cost \$ 1,192.17	\$ 3,140.58	\$ 4,332.75	\$ 913.16	\$ 5,245.91	\$ 8,291.47	\$ 13,537.37

\* Prices Per District's Material Suppliers

\*\* Installation Based on Actual Hours



APPENDIX 'C'  
 SHORT SIDE SERVICE AND METER INSTALLATION AND CAPITAL FACILITIES CHARGES  
 January 1, 2021

Service Size	Meter Size	Additional Parts Required	Parts Costs and Total*	Service Labor**	Service Parts/Labor Total	Meter Parts/Labor	Total Service & Meter	Capital Facilities Charge	Grand Total
2"	1-1/2"	1 - 8"x 2" Saddle 1 - 2" Corp. Stop (H-9969) 1 - 2" FIP PJ Fitting - PVC 3 - 2" MIP PJ Fitting - PVC 1 - 2" FIP X Threaded 90 Elbow - Brass 1 - 2" Angle Meter Stop (H-14286) 1 - Christy Fiber Lite Meter Box (FL-36) 1 - Christy Meter Box Lid (FL-36D) 1 - J1913 Customer Service Valve 1-1/2" 2" Sch80 PVC pipe (\$1.32/ft) 1 - Mortor (60 lb.)	\$ 152.00 \$ 230.00 \$ 115.00 \$ 86.57 \$ 20.00 \$ 275.00 \$ 110.00 \$ 110.00 \$ 205.00 \$ 39.60 \$ 5.71 Sub-total \$ 1,348.88 Tax @ 7.75 % \$ 104.54 Total Parts Cost \$ 1,453.42	\$ 3,140.58	\$ 4,594.00	\$ 1,109.73	\$ 5,703.73	\$ 16,582.93	\$ 22,286.66
2"	2"	Same Parts as above except 2" Customer Valve	\$ 1,553.42	\$ 3,140.58	\$ 4,694.00	\$ 1,332.41	\$ 6,026.41	\$ 26,532.68	\$ 32,559.09

**Compound Body Meter**

Service Size	Meter Size	Additional Parts Required	Parts Costs and Total*	Service Labor**	Service Parts/Labor Total	Meter Parts/Labor	Total Service & Meter	Capital Facilities Charge	Grand Total
2"	2"	Same Parts as above standard meter FL 36"x6" Extension	\$ 1,553.42 \$ 67.88 Total Parts Cost \$ 1,621.30	\$ 3,140.58	\$ 4,761.88	\$ 2,155.98	\$ 6,917.86	\$ 26,532.68	\$ 33,450.55

\* Prices Per District's Material Suppliers  
 \*\* Instal' Based on Actual Hours

APPENDIX 'C'  
 LONG SIDE SERVICE AND METER INSTALLATION AND CAPITAL FACILITIES CHARGES  
 January 1, 2021

Service Size	Meter Size	Additional Parts Required	Parts Costs and Total*	Service Labor**	Service Parts/Labor Total	Meter Parts/Labor	Total Service & Meter	Capital Facilities Charge	Grand Total
1"	5/8"	1 - 8"x1" Saddle (J-979) 1 - 1" Corp. Stop (J-1929) 1 - 1" Angle Meter Stop (J-1996W) 1 - 1" PJxPJ Straight Coupling - Copper 1 - 1" FIP PJ Fitting - Copper 1 - 1" MIP PJ Fitting - Copper 1 - Christy Fiber Lite Meter Box (FL30) 1 - Christy Meter Box Lid (FL30) 1 - J1908 Customer Service Valve 3/4" 1 - Morter (60 lb.)	\$ 130.00 \$ 55.00 \$ 95.00 \$ 22.62 \$ 23.00 \$ 19.00 \$ 70.00 \$ 67.00 \$ 65.50 \$ 5.71						
		Sub-total	\$ 552.83						
		Tax @ 7.75 %	\$ 42.84						
		Total Parts Cost	\$ 595.67	\$ 7,611.50	\$ 8,207.17	\$ 456.58	\$ 8,663.75	\$ 4,145.73	\$ 12,809.49
1"	3/4"	Same Parts as 1"x 5/8" above	\$ 595.67	\$ 7,611.50	\$ 8,207.17	\$ 482.44	\$ 8,689.61	\$ 4,974.88	\$ 13,664.49
1"	1"	Same Parts as 1" x 3/4" except 1" Cust. Valve & Meter Box	\$ 629.17	\$ 7,611.50	\$ 8,240.67	\$ 557.33	\$ 8,798.00	\$ 8,291.47	\$ 17,089.47
Service Size	Meter Size	Additional Parts Required	Parts Costs and Total*	Service Labor**	Service Parts/Labor Total	Meter Parts/Labor	Total Service & Meter	Capital Facilities Charge	Grand Total
1" Double Service Manifold	Two 5/8"	1 - 8"x1" Saddle (J-979) 1 - 1" Corp. Stop (J-1929) 2 - 1" PJxPJ Straight Coupling - Copper 2 - 1" Angle Meter Stops @ \$95.00 ea (J-1966W) 1 - 1" PJxPJ Straight Coupling - Copper 1 - 1" FIP PJ Fitting - Copper 1 - 1" MIP PJ Fitting - Copper 1 - Christy Fiber Lite Meter Box (FL-36) 1 - Christy Meter Box Lid (FL-36D) 2 - J1908 Customer Service Valve 3/4" (\$65.50 ea) 1 - Build Manifold with Copper and Brass Parts 2 - Morter (60 lb.)	\$ 152.00 \$ 55.00 \$ 45.24 \$ 190.00 \$ 22.62 \$ 23.00 \$ 19.00 \$ 110.00 \$ 110.00 \$ 131.00 \$ 200.00 \$ 11.42						
		Sub-total	\$ 1,069.28						
		Tax @ 7.75 %	\$ 82.87						
		Total Parts Cost	\$ 1,152.15	\$ 7,611.50	\$ 8,763.65	\$ 913.16	\$ 9,676.81	\$ 8,291.47	\$ 17,968.27

\* Prices Per District's Material Suppliers  
 \*\* Installation Based on Actual Hours

**APPENDIX 'C'**  
**LONG SIDE SERVICE AND METER INSTALLATION AND CAPITAL FACILITIES CHARGES**  
 January 1, 2021

Service Size	Meter Size	Additional Parts Required	Parts Costs and Total*	Service Labor**	Service Parts/Labor Total	Meter Parts/Labor	Total Service & Meter	Capital Facilities Charge	Grand Total
2"	1-1/2"	1 - 8"x2" Saddle (J-979)	\$ 152.00						
		1 - 2" Corp. Stop (H-9969)	\$ 230.00						
		1 - 2" PJxPJ Straight Coupling - PVC	\$ 140.07						
		1 - 2" Angle Meter Stop (H-14286)	\$ 275.00						
		1 - Christy Fiber Lite Meter Box (FL-36)	\$ 110.00						
		1 - Christy Meter Box Lid (FL-36D)	\$ 110.00						
		1 - J1913 Customer Service Valve 1-1/2"	\$ 205.00						
		50' - 2" Sch. 80 PVC Pipe @ 1.32/l.f.	\$ 66.00						
		1 - 2" FIP PJ Fitting - PVC	\$ 115.00						
		3 - 2" MIP PJ Fitting - PVC	\$ 259.71						
		1 - Brass 2" 90 Degree	\$ 21.55						
		1 - Morter (60 lb.)	\$ 5.71						
		Sub-total	\$ 1,690.04						
		Tax @ 7.75 %	\$ 130.98						
Total Parts Cost	\$ 1,821.02	\$ 7,611.50	\$ 9,432.52	\$ 1,109.73	\$ 10,542.25	\$ 16,582.93	\$ 27,125.18		
2"	2"	Same Parts as above except 2" Customer Valve	\$ 1,921.02	\$ 7,611.50	\$ 9,532.52	\$ 1,332.41	\$ 10,864.93	\$ 26,532.68	\$ 37,397.61

**Compound Body Meter**

Service Size	Meter Size	Additional Parts Required	Parts Costs and Total*	Service Labor**	Service Parts/Labor Total	Meter Parts/Labor	Total Service & Meter	Capital Facilities Charge	Grand Total
2"	2"	Same Parts as above standard meter	\$ 1,921.02						
		FL 36"x6" Extension	\$ 73.14						
		Total	\$ 1,994.16						

\* Prices Per District's Material Suppliers  
 \*\* Instal Based on Actual Hours

APPENDIX 'C'  
BORING SERVICE AND METAL INSTALLATION COSTS  
January 1, 2021

Service Size	Meter Size	Additional Parts Required	Parts Costs and Total*	Service Labor**	Service Parts/Labor Total	Meter Parts/Labor	Total Service & Meter	Capital Facilities Charge	Grand Total	
1"	5/8"	1 - 8"x1" Saddle (J-979)	\$ 130.00							
		1 - 1" Corp. Stop (J-1929)	\$ 55.00							
		1" FIP PJ Fitting - Copper	\$ 23.00							
		1" MIP PJ Fitting - Copper	\$ 19.00							
		1' Soft Copper "K"	\$ 4.50							
		1 - 1" Angle Meter Stop (J-1996W)	\$ 95.00							
		1 - Christy Fiber Lite Meter Box (FL30)	\$ 70.00							
		1 - Christy Meter Box Lid (FL30)	\$ 67.00							
		1 - J-1908 Customer Service Valve 3/4"	\$ 65.50							
		1 - Morter (60 lb.)	\$ 5.71							
		Sub-total	\$ 534.71							
		Tax @ 7.75 %	\$ 41.44							
		Total Parts Cost	\$ 576.15	T&M Basis	\$ 576.15	\$ 456.58	\$ 1,032.73	\$ 4,145.73	\$ 5,178.46	
1"	3/4"	Same Parts as 1"x5/8" above	\$ 576.15	T&M Basis	\$ 576.15	\$ 482.44	\$ 1,058.59	\$ 4,974.88	\$ 6,033.47	
1"	1"	Same Parts as 1"x 3/4" except 1" Cust. Valve and Meter Box	\$ 609.65	T&M Basis	\$ 609.65	\$ 557.33	\$ 1,166.98	\$ 8,291.47	\$ 9,458.44	
Service Size	Meter Size	Additional Parts Required	Parts Costs and Total*	Service Labor**	Service Parts/Labor Total	Meter Parts/Labor	Total Service & Meter	Capital Facilities Charge	Grand Total	
1" Double Service Manifold	Two 5/8"	1 - 8"x1" Saddle (J-979)	\$ 152.00							
		1 -1" Corp. Stop (J-1929)	\$ 55.00							
		2 - 1" Angle Meter Stops @ \$95.00 ea (J-1966W)	\$ 190.00							
		1" FIP PJ Fitting - Copper	\$ 23.00							
		1" MIP PJ Fitting - Copper	\$ 19.00							
		1' Soft Copper "K"	\$ 4.50							
		1 - Christy Fiber Lite Meter Box (FL-36)	\$ 110.00							
		1 - Christy Meter Box Lid (FL-36D)	\$ 110.00							
		2 - J1908 Customer Service Valve 3/4" (\$65.50 ea)	\$ 131.00							
		1 - Build Manifold with Copper and Brass Parts	\$ 200.00							
		2 - Morter (60 lb.)	\$ 11.42							
		Sub-total	\$ 1,005.92							
		Tax @7.75 %	\$ 77.96							
Total Parts Cost	\$ 1,083.88	T&M Basis	\$ 1,083.88	\$ 913.16	\$ 1,997.04	\$ 8,291.47	\$ 10,288.50			

*Boring Based on  
Time & Materials  
and Actual Costs*

\* Prices Per District's Material Suppliers

\*\* Installation Based on Actual Hours and Actual Costs

**APPENDIX 'C'**  
**BORING SERVICE AND METER INSTALLATION COSTS**  
 January 1, 2021

Service Size	Meter Size	Additional Parts Required	Parts Costs and Total*	Service Labor**	Service Parts/Labor Total	Meter Parts/Labor	Total Service & Meter	Capital Facilities Charge	Grand Total
2"	1-1/2"	1 - 8"x2" Saddle (J-979)	\$ 152.00						
		1 - 2" Corp. Stop (H-9969)	\$ 230.00						
		1 - 2" FIP PJ Fitting - PVC	\$ 115.00						
		3 - 2" MIP PJ Fitting - PVC	\$ 86.57						
		1 - 2" FIP X Threaded 90 Elbow - Brass	\$ 20.00						
		1 - 2" Angle Meter Stop (H-14286)	\$ 275.00						
		1 - Christy Fiber Lite Meter Box (FL-36)	\$ 110.00						
		1 - Christy Meter Box Lid (B-36P)	\$ 110.00						
		1 - J1913 Customer Service Valve 1-1/2"	\$ 205.00						
		50' - 2" Sch. 80 PVC Pipe @ 1.32/l.f.	\$ 66.00						
1 - Brass 2" 90 Degree	\$ 21.55								
1 - Morter (60 lb.)	\$ 5.71								
		Sub-total	\$ 1,396.83						
		Tax @ 7.75 %	\$ 108.25						
		Total Parts Cost	\$ 1,505.08	T&M Basis	\$ 1,505.08	\$ 1,109.73	\$ 2,614.81	\$ 16,582.93	\$ 19,197.75
2"	2"	Same Parts as above except 2" Customer Valve	\$ 1,605.08	T&M Basis	\$ 1,605.08	\$ 1,332.41	\$ 2,937.50	\$ 26,532.68	\$ 29,470.18

*Boring Based on  
Time & Materials  
and Actual Costs*

**Compound Body Meter**

Service Size	Meter Size	Additional Parts Required	Parts Costs and Total*	Service Labor**	Service Parts/Labor Total	Meter Parts/Labor	Total Service & Meter	Capital Facilities Charge	Grand Total
2"	2"	Same Parts as above standard meter	\$ 1,605.08						
		FL 36"x6" Extension	\$ 78.81						
		Total	\$ 1,683.90	T&M Basis	\$ 1,683.90	\$ 2,155.98	\$ 3,839.88	\$ 26,532.68	\$ 30,372.56

\* Prices Per District's Material Suppliers

\*\* Installation Based on Actual Hours and Actual Costs



**Santa Ynez River Water Conservation District,  
Improvement District No. 1**

**Short Side Water Service Installation  
Backhoe and Equipment Costs**

**January 1, 2021**

<b>Day(s)</b>	<b>Job Description</b>	<b>Hours</b>	<b>\$ Rate w/Benefits</b>	<b>Total</b>
Day 1	Backhoe + Operator	7.00	\$ 128.00	\$ 896.00
	Dump Truck + Operator	4.00	\$ 149.00	\$ 596.00
	Ditch Witch + Operator	1.50	\$ 52.00	\$ 78.00
	Mini Excavator + Operator	3.00	\$ 33.00	\$ 99.00
	Operations Technician	3.00	\$ 47.41	\$ 142.23
	Operations Technician	7.00	\$ 47.41	\$ 331.87
	Const. & Maint. Supervisor	4.00	\$ 70.96	\$ 283.84
	<b>Sub Total</b>			<b>\$ 2,426.94</b>
Day 2	Operations Technician	2.00	\$ 47.41	\$ 94.82
	Operations Technician	2.00	\$ 47.41	\$ 94.82
				<b>\$ 189.64</b>
<b>Item</b>	<b>Job Description</b>	<b>Unit</b>	<b>Costs</b>	<b>Total</b>
	SBCO Encroachment Permit	1	\$ 296.00	\$ 296.00
	Trench Plates/5 days	3	\$ 20.00	\$ 60.00
	Sand Bedding and Shading (Backfill trench zone)	5	\$ 33.60	\$ 168.00
	<b>Sub Total</b>			<b>\$ 524.00</b>
<b>Total Cost</b>				<b>\$ 3,140.58</b>

Water service installation using typical procedures for a short side installation. This reflects labor only and the equipment to perform the installation. Parts and materials are separate.

**Santa Ynez River Water Conservation District,  
Improvement District No. 1**

**Long Side Water Service Installation  
Labor and Equipment Costs**

**January 1, 2021**

Days	Job Description	Hours	\$ Rate w/Benefits	Total
Day 1	Operations Technician	2	\$ 47.41	\$ 94.82
	Operations Technician	2	\$ 47.41	\$ 94.82
	Concrete Saw			\$ 200.00
	<b>Sub Total</b>			<b>\$ 389.64</b>
Day 2	Backhoe+ Operator	7	\$ 128.00	\$ 896.00
	Dump Truck + Operator	7	\$ 149.00	\$ 1,043.00
	Ditch Witch + Operator	1.5	\$ 52.00	\$ 78.00
	Mini Excavator + Operator	3	\$ 33.00	\$ 99.00
	Op Tech - Traffic Control	7	\$ 90.63	\$ 634.41
	Op Tech - Traffic Control	7	\$ 90.63	\$ 634.41
	Const. & Maint. Supervisor	4	\$ 70.96	\$ 283.84
	<b>Sub Total</b>			<b>\$ 3,668.66</b>
Day 3	Backhoe+ Operator	4	\$ 128.00	\$ 512.00
	Op Tech - Traffic Control	2	\$ 90.63	\$ 181.26
	Op Tech - Traffic Control	2	\$ 90.63	\$ 181.26
	Operations Technician	2	\$ 47.41	\$ 94.82
	Operations Technician	2	\$ 47.41	\$ 94.82
	<b>Sub Total</b>			<b>\$ 1,064.16</b>
Item	Job Description	Unit	Costs	Total
Contract	SBCO Encroachment/Inspection	1	\$ 296.00	\$ 296.00
	Trench Plates - 5 days	3	\$ 20.00	\$ 300.00
	Slurry Mix - Backfill/Yd	4	\$ 90.00	\$ 360.00
	Slurry Mix - Delivery	1	\$ 90.00	\$ 90.00
	Paving		\$ 1,200.00	\$ 1,200.00
	Sand \$34.74 Per Yard	7	\$ 243.04	\$ 243.04
	<b>Sub Total</b>			<b>\$ 2,489.04</b>
			<b>Total Cost</b>	<b>\$ 7,611.50</b>

Water service installation using a typical road cut. This reflects labor only and the equipment to perform the installation. Parts and materials are separate.

**Santa Ynez River Water Conservation District,  
Improvement District No. 1**

**Boring - Long Side Water Service Installation  
(Labor Only - Installation Only)**

**January 1, 2021**

<b>Days</b>	<b>Job Description</b>	<b>Hours</b>	<b>\$ Rate w/Benefits</b>	<b>Total</b>
Day 1	Backhoe+ Operator	7.00	\$ 128.00	\$ 896.00
	Dump Truck + Operator	4.00	\$ 149.00	\$ 596.00
	Ditch Witch + Operator	1.50	\$ 52.00	\$ 78.00
	Mini Excavator + Operator	3.00	\$ 33.00	\$ 99.00
	Operations Technician	7.00	\$ 47.41	\$ 331.87
	Operations Technician	3.00	\$ 47.41	\$ 142.23
	Const. & Maint. Supervisor	3.00	\$ 70.96	\$ 212.88
	<b>Sub Total</b>			<b>\$ 2,355.98</b>
Day 2	Backhoe+ Operator	4.00	\$ 128.00	\$ 512.00
	Op Tech	4.00	\$ 47.41	\$ 189.64
	<b>Sub Total</b>			<b>\$ 701.64</b>
<b>Item</b>	<b>Job Description</b>	<b>Unit</b>	<b>Costs</b>	<b>Total</b>
	SBCO Encroachment Permit	1	\$ 296.00	\$ 296.00
	Boring Contractor		Time & Materials Based on actual cost.*	\$ -
	Fill Sand	4	\$ 34.72	\$ 138.88
	<b>Sub Total</b>			<b>\$ 434.88</b>
			<b>Total Cost</b>	<b>\$ 3,492.50</b>

\*Water service installation using boring method is based on a time and materials basis at actual cost. This reflects labor only and the equipment to perform the installation. Parts and materials are separate.

*Boring Based on  
Time & Materials  
and Actual Costs*

RESOLUTION NO. 811

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE  
SANTA YNEZ RIVER WATER CONSERVATION DISTRICT, IMPROVEMENT DISTRICT NO.1  
CONCERNING DISTRICT LAND AND AIR SPACE**

WHEREAS, pursuant to California Government Code Section 50569, the District has taken or caused to be taken an inventory of all its lands to determine what land, including air rights, if any, is in excess of its foreseeable needs; and

NOW, THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED, by the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1, as follows:

1. In accordance with the Representative Inventory of District Lands and Air Space attached hereto, the District does not own or control any lands or air space that are in excess of the District's foreseeable needs.

WE, THE UNDERSIGNED, being the duly qualified President and Secretary respectively, of the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1, do hereby certify that the above and foregoing Resolution was duly and regularly adopted and passed by the Board of Trustees at a Regular meeting held on the 21<sup>st</sup> day of December 2021, by the following roll call vote:

ATTEST:

---

Mary Martone, Secretary to the Board of Trustees

**Santa Ynez River Water Conservation District, Improvement District No. 1  
Representative Inventory of District Lands and Air Space**

<u>Zone</u>	<u>Description</u>	<u>Location</u>	<u>Area</u>	
Zone 3	Zone 3 - 0.5 MG Reservoir	Los Olivos	1+ Acre	Purchased
Zone 3	Zone 3 - 3.2 MG Reservoir	Los Olivos	20 Acres	Purchased
Zone 3	Zone 3 - Reservoir Area	Los Olivos	3.64 Acres	Purchased
Zone 3	Zone 3 - Reservoir Area	Los Olivos	.06 Acre	Purchased
Zone 3	Well 24	Los Olivos	.10 Acre	Purchased
Zone 3	Wells 5 and 5A	Los Olivos	14,000 Sq. Ft.	Purchased
Zone 3	Well 6	Los Olivos	2,700 Sq. Ft.	Purchased
Zone 3	Well 7	Los Olivos	21,000 Sq. Ft.	Purchased
Zone 2	Zone 2 6.5 MG Reservoir	Ballard	3.92 Acres	Purchased
Zone 2	Alamo Pintado Booster Pump Station	Ballard	2,000 Sq. Ft.	Purchased
Zone 1	Zone 1 6.5 MG Reservoir (Radio Trans.)	Solvang	5.35 Acres	Purchased
Zone 2	Monitoring Well 4/Well 28	Santa Ynez	34,000 Sq. Ft.	Purchased
Zone 2	Well 3	Santa Ynez	7,000 Sq. Ft.	Purchased
Zone 1	Gallery Well (river)	Santa Ynez	2.59 Acres	Purchased
Zone 1	Meadowlark Booster Pump Station #2	Santa Ynez	1+ Acre	Purchased
Zone 2	District Office/Maintenance Shop	3622 Sagunto Street, Santa Ynez	20,000 Sq. Ft.	Purchased
Zone 2	Office Well - Lot West of District Office	3622 Sagunto Street, Santa Ynez	10,000 Sq. Ft.	Purchased
Zone 2	District Yard	Madera Street E/of Faraday, Santa Ynez	24,000 Sq. Ft.	Purchased
Zone 2	Wells 1 and 2	Santa Ynez	9,300 Sq. Ft.	Purchased
Zone 2	Still Meadow Baseline Pressure Station	Santa Ynez		Purchased



**Santa Ynez River Water Conservation District, Improvement District No. 1  
Representative Inventory of District Lands and Air Space**

<u>Zone</u>	<u>Description</u>	<u>Location</u>	<u>Area</u>
Zone 3	Well 25	Los Olivos	Easement
Zone 2	Well 27	Santa Ynez	Easement
Zone 1	Wells 9, 10, 11, 20, 21, 23 (River)	Santa Ynez	Easement
Zone 1	Wells 8, 19, 22 (Chlorine Station)	Santa Ynez	Easement
Zone 1	Wells 12, 13, 14, 17, 18 (River)	Santa Ynez	Easement
Zone 2	Well #15	Santa Ynez	Easement
Zone 2	Refugio B.P. Sta. #2	Santa Ynez	Easement
Zone 1	Mesa Verde Pump Sta.	Santa Ynez	Easement
Zone 3	Zone 3 B.P. Sta.	Santa Ynez	Right of Way

**NOTICE AND AGENDA OF SPECIAL MEETING**

**GROUNDWATER SUSTAINABILITY AGENCY  
FOR THE EASTERN MANAGEMENT AREA  
IN THE SANTA YNEZ RIVER GROUNDWATER BASIN**

**WILL BE HELD AT THE  
SANTA YNEZ COMMUNITY SERVICES DISTRICT, CONFERENCE ROOM\*  
1070 FARADAY ST., SANTA YNEZ, CALIFORNIA  
AT 06:30 P.M., THURSDAY, DECEMBER 09, 2021**

**\*AS PER SANTA BARBARA COUNTY HEALTH OFFICER ORDER NO. 2021-10.5  
IN PERSON ATTENDEES MUST WEAR FACE COVERINGS AT ALL TIMES WHILE ATTENDING  
THE MEETING IN AN INDOOR PUBLIC SETTING**

**Remote participation also available via ZOOM**

*You do NOT need to create a ZOOM account or login with email for meeting participation.*

**ZOOM.us - "Join a Meeting"**

**Meeting ID: 826 8603 0508      Meeting Passcode: 278988**

**DIRECT LINK:** <https://us02web.zoom.us/j/82686030508?pwd=ck5sVG9OaEwxQWhucU9hY3E2NTJhOT09>

**DIAL-IN NUMBER: 1-669-900-9128**

**PHONE MEETING ID: 826 8603 0508 # Meeting Passcode: 278988 #**

*If your device does not have a microphone or speakers, you can call in for audio with the phone number and Meeting ID listed above to listen and participate while viewing the live presentation online.*

**0** In the interest of clear reception and efficient administration of the meeting, all persons participating remotely are respectfully requested to mute their line after logging or dialing-in and at all times unless speaking.

**Teleconference Meeting During Coronavirus (COVID-19) Pandemic:** As a result of the COVID-19 pandemic, this meeting will be available via teleconference as recommended by Santa Barbara County Public Health, authorized by State Assembly Bill 361, and Resolution EMA-2021-001 (passed 10/21/2021, reaffirmed 11/18/2021).

**Important Notice Regarding Public Participation in Teleconference Meeting:** Those who wish to provide public comment on an Agenda Item, or who otherwise are making a presentation to the GSA Committee, may participate in the meeting using the remote access referenced above. **Those wishing to submit written comments instead, please submit any and all comments and materials to the GSA via electronic mail at [bbuelow@syrwcd.com](mailto:bbuelow@syrwcd.com).** All submittals of written comments must be received by the GSA no later than **Wednesday, December 8, 2021**, and should indicate **"December 9, 2021 GSA Meeting"** in the subject line. To the extent practicable, public comments and materials received in advance pursuant to this timeframe will be read into the public record during the meeting. Public comments and materials not read into the record will become part of the post-meeting materials available to the public and posted on the SGMA website.

**AGENDA ON NEXT PAGE**

GROUNDWATER SUSTAINABILITY AGENCY  
FOR THE EASTERN MANAGEMENT AREA  
IN THE SANTA YNEZ RIVER GROUNDWATER BASIN

THURSDAY, DECEMBER 9, 2021, 6:30 P.M.

**AGENDA OF SPECIAL MEETING**

- I. Call to Order and Roll Call
- II. Consider findings under Government Code section 54953(e)(3) to authorize continuing teleconference meetings under Resolution EMA-2021-001
- III. Additions or Deletions to the Agenda
- IV. Public Comment (Any member of the public may address the Committee relating to any non-agenda matter within the Committee's jurisdiction. The total time for all public participation shall not exceed fifteen minutes and the time allotted for each individual shall not exceed five minutes. No action will be taken by the Committee at this meeting on any public item.) *Staff recommends any potential new agenda items based on issues raised be held for discussion under Agenda Item "EMA GSA Committee requests and comments" for items to be included on the next Agenda.*
- V. Workshop on EMA GSP Responses to Comments
- VI. Receive update and discuss Scope of Work and costs for GSI to prepare EMA Annual Report
- VII. Next "Special" EMA GSA Meeting to consider GSP adoption Thursday, January 6, 2022 at 6:30 P.M.
- VIII. Next "Regular" EMA GSA Meeting, Thursday, February 24, 2022
- IX. EMA GSA Committee requests and comments
- X. Adjournment

[This agenda was posted 72 hours prior to the scheduled special meeting at 3669 Sagunto Street, Suite 101, Santa Ynez, California, and <https://www.santaynezwater.org> in accordance with Government Code Section 54954. In compliance with the Americans with Disabilities Act, if you need special assistance to review agenda materials or participate in this meeting, please contact the Santa Ynez River Water Conservation District at (805) 693-1156. Notification 72 hours prior to the meeting will enable the GSA to make reasonable arrangements to ensure accessibility to this meeting.]



**Santa Ynez River Valley Groundwater Basin**

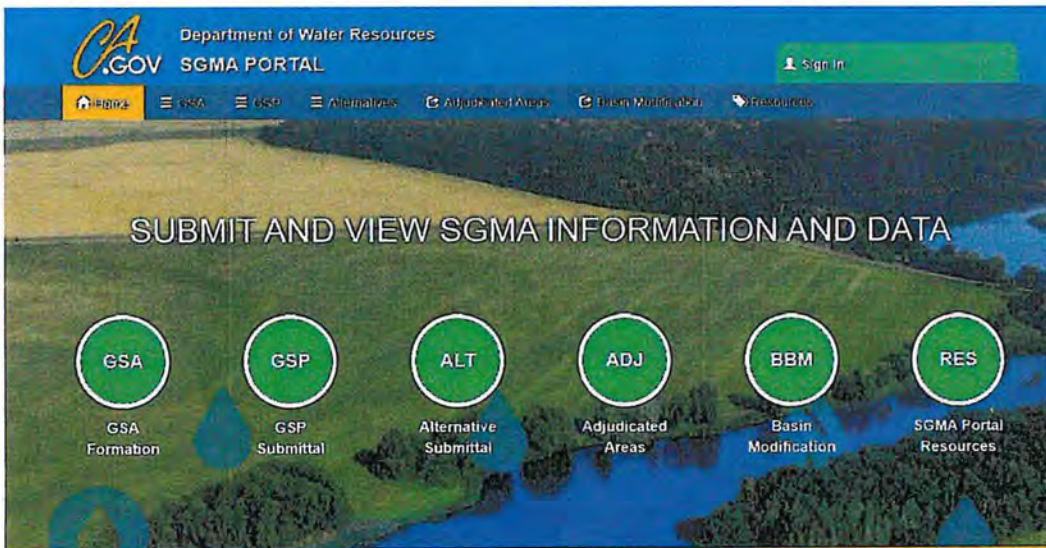
The three Groundwater Sustainability Agencies (GSAs) in the Santa Ynez River Valley Groundwater Basin have prepared **Groundwater Sustainability Plans (GSPs)** as required by the Sustainable Groundwater Management Act (SGMA) of January 2015. The GSPs establish a framework to manage and regulate future groundwater use. The GSPs will be submitted to the California Department of Water Resources (DWR) in January 2022. The California Department of Water Resources (DWR) will post the GSPs online and open a 60-day public review and comment period directly through the DWR SGMA PORTAL website.

**DWR PUBLIC REVIEW & COMMENT PERIOD**

Provide comments directly to DWR for **60 days** in February-March 2022  
See DWR's "SGMA PORTAL" website for exact dates.

**How to view a Submitted GSP and/or submit a public comment:**

Visit the DWR SGMA Portal at <https://sgma.water.ca.gov/portal/>



**All three GSPs are available online  
SantaYnezWater.org**

**GSA Public Hearings on GSPs**

Visit [SantaYnezWater.org](http://SantaYnezWater.org)  
for in-person meeting locations  
and remote participation information

**Monday, January 3, 2022 at 10:00 a.m.**  
Central Management Area GSP

**Wednesday, January 5, 2022 at 10:00 a.m.**  
Western Management Area GSP

**Thursday, January 6, 2022 at 6:30 p.m.**  
Eastern Management Area GSP

A printed copy will be available for review  
at the following public libraries:  
Solvang, Buellton, Lompoc, and Vandenberg Village.

**Local government at work for you and with you**

For more information, please visit **SantaYnezWater.org**  
or call (805) 693-1156 ext. 403 *Versión en español disponible bajo petición.*



Schedule of Public Hearings  
and Meetings is located at  
[SantaYnezWater.org](http://SantaYnezWater.org)



**Cuenca de Aguas Subterráneas del Valle del Río Santa Ynez**

Las tres Agencias de Sostenibilidad de Aguas Subterráneas (GSAs) en la Cuenca de Aguas Subterráneas del Valle del Río Santa Ynez han preparado Planes de Sostenibilidad de Aguas Subterráneas (GSPs) como lo requiere la Ley de Gestión Sostenible de Aguas Subterráneas (SGMA) de enero de 2015. Los GSPs establecen un marco de trabajo para manejar y regular el futuro uso de las aguas subterráneas. Los GSPs serán sometidos al Departamento de Recursos Hídricos de California (DWR) en enero 2022. El Departamento de Recursos Hídricos de California (DWR) posteará el GSPs en línea y abrirá una revisión pública y período de comentarios de 60-días directamente a través del sitio web DWR Portal de la SGMA.

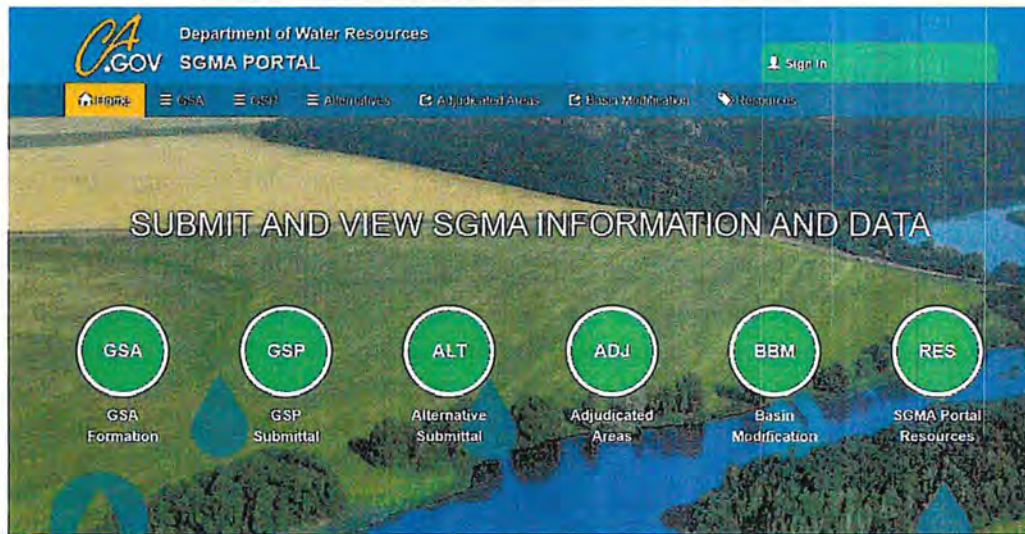
**Período de Revisión y Comentario Público del DWR**

Provee comentarios directamente al DWR por **60 días** en febrero-marzo 2022

Vea la página web "Portal de la SGMA" para las fechas exactas.

**¿Cómo ver un GSP presentado y/o presentar un comentario público:**

Visite el Portal de la SGMA del DWR en <https://sgma.water.ca.gov/portal/>



**Todos los tres GSPs están disponibles en línea**  
**SantaYnezWater.org**

**Audiencias Públicas GSA sobre GSPs**

Visite [SantaYnezWater.org](http://SantaYnezWater.org) para ubicaciones de las reuniones en persona e información referente a la participación remota

**Lunes, 3 de enero de 2022 a las 10:00 a.m**  
GSP del Área de Gestión Central

**Miércoles 5 de enero de 2022 a las 10:00 a.m.**  
GSP del Área de Gestión Occidental

**Jueves 6 de enero de 2022 a las 6:30 p.m.**  
GSP del Área de Gestión Oriental

Una copia impresa estará disponible para revisión en las siguientes bibliotecas públicas:  
Solvang, Buellton, Lompoc, y Villa Vandenberg.

*El gobierno local trabajando para ustedes y con ustedes*

Para más información, por favor visitar **SantaYnezWater.org**  
o llame al (805) 693-1156 ext. 403



El horario de las Audiencias Públicas y las Reuniones está localizado en [SantaYnezWater.org](http://SantaYnezWater.org)





GAVIN NEWSOM  
GOVERNOR



JARED BLUMENFELD  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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## Notice of Preparation of a Draft Program Environmental Impact Report Attachment

**PROJECT TITLE:** Adoption of a Regulation for the Hexavalent Chromium Maximum Contaminant Level (Project)

**PROJECT LOCATION:** The Project is a statewide regulation that would apply to all public drinking water systems in the State of California. Water systems with hexavalent chromium exceeding the proposed MCL are located throughout the state and specific locations are not currently known.

**PROJECT DESCRIPTION:** The proposed Project consists of the State Water Board adopting and implementing a regulation that establishes the Maximum Contaminant Level (MCL) for hexavalent chromium (aka chromium-6) in drinking water provided by public water systems (PWS) in California. The State Water Board is the lead agency under the California Environmental Quality Act (CEQA) and is preparing a Programmatic Environmental Impact Report for the adoption of the regulation. The State Water Board is considering 17 possible MCLs (1 to 15, 20, and 25 µg/L).

The project scope includes not only setting the MCL for hexavalent chromium, but also the reasonably foreseeable methods of compliance. For hexavalent chromium, three treatment technologies are being identified as the Best Available Technology: Ion Exchange, Reduction-Coagulation/Filtration, and Reverse Osmosis. Public Water Systems, however, are not limited to treatment, and can consider other alternatives, if available. Such options could include the removal of contaminated source wells from use, blending of a contaminated source with an uncontaminated source to meet the MCL prior to distribution, drilling and constructing a new well in an uncontaminated aquifer, switching from contaminated groundwater to surface water, or consolidation with another water system that meets the MCL.

**Tribal Notification:** Notification letters have been sent to all 35 tribes who have requested notice from the State Water Board pursuant to Public Resources Code, Section 21080.3.1.

**COMMENT PERIOD:** November 5, 2021 to December 6, 2021

The Notice of Preparation (NOP) is available for review and comment for 31 days. The comment period for this NOP begins November 5, 2021 and ends on December 6,

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

2021. Responses should be sent at the earliest possible date, but **no later than 5:00 PM on December 6, 2021.**

Please submit your written comments to [ddw-hexavalentchromium@waterboards.ca.gov](mailto:ddw-hexavalentchromium@waterboards.ca.gov) or via mail to Kim Niemeyer, State Water Board, Office of Chief Counsel P.O. Box 100 Sacramento, California 95812-0100. In your response, please indicate the public agency or other entity you represent, and the name and phone number of a contact person.

### **PUBLIC SCOPING MEETING**

The State Water Board will hold a scoping meeting to provide information on the Hexavalent Chromium MCL Regulation and potential implementation methods, and to receive written or oral comments from agency personnel and other interested persons concerning the range of alternatives, potential significant effects, and mitigation measures that should be analyzed in the EIR. The time allotted for each individual or organization to provide oral comments may be limited if the number of people in attendance so requires.

The scoping meeting will be held virtually via Zoom as follows:  
Monday, November 29, 2021 from 3:00 – 4:30 pm  
Zoom Meeting Information: <https://waterboards.zoom.us/j/98454482459>

Or

[https://bit.ly/CEQAScoping\\_HexChrme](https://bit.ly/CEQAScoping_HexChrme)

Call-in number: +1 669 900 9128 US (San Jose)  
Meeting ID: 984 5448 2459

If you have additional questions concerning the meeting or would like to make a request for reasonable accommodations for a disability, please contact Kim Niemeyer by email at [ddw-hexavalentchromium@waterboards.ca.gov](mailto:ddw-hexavalentchromium@waterboards.ca.gov).

Kim Niemeyer, Attorney  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100



# COACHELLA VALLEY WATER DISTRICT

*Established in 1918 as a public agency*

GENERAL MANAGER  
Jim Barrett

ASSISTANT GENERAL MANAGER  
Robert Cheng

CLERK OF THE BOARD  
Sylvia Bermudez

ASSISTANT GENERAL MANAGER  
Dan Charlton

November 30, 2021

VIA EMAIL AND U.S. MAIL: [DDW-HEXAVALENTCHROMIUM@WATERBOARDS.CA.GOV](mailto:DDW-HEXAVALENTCHROMIUM@WATERBOARDS.CA.GOV)

Kim Niemeyer  
State Water Board  
Office of Chief Counsel  
P.O. Box 100  
Sacramento, CA 95812-0100

Dear Ms. Niemeyer:

**Subject: Comment Letter regarding Notice of Preparation of a Draft Program  
Environmental Impact Report for the Adoption of a Regulation  
for the Hexavalent Chromium Maximum Contaminant Level**

The Coachella Valley Water District ("CVWD") submits these written comments in response to the State Water Resources Control Board's ("State Water Board") Notice of Preparation ("NOP") of a Draft Program Environmental Impact Report ("EIR") for the adoption of a regulation for the maximum contaminant level ("MCL") for hexavalent chromium ("chromium-6"). According to the NOP, the project at issue in the Draft Program EIR entails (i) seventeen (17) possible MCLs for chromium-6 (1 to 15, 20, and 25 parts per billion ("ppb")); and (ii) "reasonably foreseeable methods of compliance" with the MCLs (collectively, the "Project").

CVWD is a responsible agency for the Project, as it is a water district that will be required to comply with the new MCL and approve "methods of compliance" with the MCL. (State CEQA Guidelines, § 15381.) The MCL may significantly impact CVWD, its ratepayers, and the environment. CVWD was disappointed that these impacts were not properly evaluated for the 2014 chromium-6 MCL. CVWD supports the State Water Board's decision to seek input from interested stakeholders on the preparation of a draft program environmental impact report and hopes this effort results in a comprehensive evaluation of the potential impacts of complying with a new chromium-6 MCL. In the spirit of cooperation with the State Water Board, CVWD provides these written comments to help ensure that the State Water Board complies with the California Environmental Quality Act (Pub. Resources Code, § 21000, et seq.: "CEQA").

**1. The Project Could Have Significant Impacts on the Coachella Valley Water District and its Ratepayers.**

CVWD formed in 1918 to protect and conserve local water sources. Since then, CVWD has grown into a multifaceted agency that delivers irrigation and domestic water, collects and recycles wastewater, provides regional storm water protection, replenishes the groundwater basin, and promotes water conservation. CVWD serves the water needs of more than 109,000 homes and business across a service area spanning approximately 1,000 square miles—from the San Geronio Pass to the Salton Sea, mostly within the Coachella Valley in Riverside County, but also extending into portions of Imperial and San Diego counties.

Coachella Valley Water District  
P.O. Box 1058 Coachella, CA 92236  
Phone (760) 398-2651 Fax (760) 398-3711

[www.cvwd.org](http://www.cvwd.org)  
an Equal Opportunity Employer

The establishment of an MCL for chromium-6 directly concerns CVWD, as the Coachella Valley's groundwater is impacted by naturally occurring chromium-6 due to the valley's geology. CVWD has thus long desired that any MCL for chromium-6 that is established by the State Water Board have a meaningful opportunity for risk reduction and be technologically and economically feasible, as required by law. Such an MCL would allow CVWD to continue providing a sustainable and affordable public water supply to its residents.

CVWD is concerned, however, about the impacts of an unduly stringent MCL that might require CVWD to construct economically infeasible facilities or deploy treatment options at enormous cost. Both the construction of new facilities and the deployment of treatment options would have significant impacts on the environment. Moreover, a new MCL could result in the shutting down of groundwater wells and increasing demands on surface water supplies in a time of significant and historic drought. As a result, CVWD's ratepayers—many of whom are economically vulnerable—could see significant increases in their monthly water expenses. CVWD urges the State Water Board to consider these important concerns when drafting the EIR and selecting the proper MCL. As discussed below, CEQA requires analysis of these impacts.

## **2. The NOP is Procedurally Defective and Must Be Recirculated.**

The purpose of an NOP is to solicit guidance from responsible and trustee agencies, as well as interested members of the public, as to the scope and content of the EIR for a project. (State CEQA Guidelines, § 15375.) Requirements governing the preparation and circulation of an NOP are set forth in the State CEQA Guidelines to ensure this purpose is met. (See State CEQA Guidelines, § 15082.) Unfortunately, these requirements have not been met with the State Water Board's NOP regarding the Project.

### **A. The NOP has not been sent to all responsible and trustee agencies**

The State Water Board, as lead agency for the Project, is required to send the NOP to each responsible and trustee agency for the Project by "either certified mail or any other method of transmittal that provides it with a record that the notice was received." (State CEQA Guidelines, § 15082(a).) The State Water Board, however, has not met this fundamental requirement. Because the "project scope includes not only setting the MCL for hexavalent chromium, but also the reasonably foreseeable methods of compliance," every water district or other entity that is required to implement and carry out methods of compliance with the MCL is a responsible agency for the Project. (State CEQA Guidelines, § 15381 [defining responsible agency].)

CVWD is a responsible agency for the Project because it is a duly organized and established water agency within California that possesses a water system with known hexavalent chromium and it will be required to deploy facilities or treatment methodologies to bring its facilities into compliance with the new MCL. (State CEQA Guidelines, § 15381.) Yet, the State Water Board did not send a copy of its NOP to CVWD via certified mail—a violation of CEQA. The NOP must be recirculated and sent to all responsible agencies via a method of transmittal that provides the State Water Board with a record that the notice was received.



### **B. The NOP has not been filed with all relevant County Clerks**

The State Water Board is also required to file the NOP “with the county clerk of each county in which the project will be located.” (State CEQA Guidelines, § 15082(a).) Again, the State Water Board has failed to comply with this requirement. The NOP was not filed in Riverside County, nor was it filed in the State’s largest metropolitan area, Los Angeles County. The NOP acknowledges that the Project includes “a statewide regulation that would apply to all public drinking water systems in the State of California,” and that “water systems with hexavalent chromium exceeding the proposed MCL are located throughout the state.” (NOP, p. 1.) Presumably for this reason, OPR lists the Project as occurring in every county in the State: <https://ceqanet.opr.ca.gov/2021110099> The NOP should therefore be filed with the county clerk of every county in the State. (State CEQA Guidelines, § 15082(a).) This will ensure that the NOP serves its purpose of soliciting guidance from every responsible and trustee agency for the Project, as well as interested members of the public state-wide.

### **C. The NOP does not include a stable, finite project description**

A stable, finite project description is necessary and paramount to comply with CEQA. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192-193.) Indeed, the adequacy of the project description is inextricably linked to the sufficiency of the analysis of the project’s impacts on the EIR. (*Laurel Heights Improvement Ass’n v. Regents of Univ. of California* (1988) 47 Cal.3d 376.) For this reason, an NOP must provide responsible agencies and the public “with sufficient information describing the project ... to enable the responsible agencies to make a meaningful response.” (State CEQA Guidelines, § 15082(a)(1).)

A “project description that gives conflicting signals to decision makers and the public about the nature and scope of the project is fundamentally inadequate and misleading” and violates CEQA. (*Washoe Meadows Community v. Dept. of Parks and Rec.* (2017) 17 Cal.App.5th 277, 281.) Accordingly, courts have repeatedly held that a lead agency violates CEQA where it does not identify a single finite proposed project, but instead identifies an assortment of alternative projects. (*Washoe Meadows, supra*, 17 Cal.App.5th at p. 281 [CEQA violated where lead agency did not identify a proposed project, but described five different alternative projects without specifying a preferred alternative]; *Stoipthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 20.) Where the lead agency does not commit to a stable, finite project description, but rather analyzes a variety of alternatives or concepts, it is immaterial that the lead agency thoroughly analyzes each of the alternatives. Even if the environmental impacts of each alternative is analyzed, the failure to present a stable, finite project description is prejudicial error under CEQA. (*Stoipthemillenniumhollywood.com, supra*, 39 Cal.App.5th at p. 20.)

Here, the State Water Board, like the lead agency in *Washoe Meadows*, has not committed to a stable, finite project description. Rather, the State Water Board calls out **seventeen** very different alternative projects—i.e., seventeen possible MCLs for chromium-6 (1 to 15, 20, and 25 ppb)—without specifying a preferred alternative. Each of these projects would have different environmental impacts requiring different mitigation measures.



For example, CVWD's comments regarding a proposed MCL of 1 ppb would be dramatically different from its comments on a proposed MCL of 25 ppb. These are completely different projects with different environmental impacts, and they cannot be lumped together in the same NOP. Likewise, the NOP vaguely asserts that the Project includes "foreseeable methods of compliance," but fails to specify what precisely this entails. These vague and noncommittal characterizations of the Project deprive responsible agencies and the public of the opportunity to comment on an accurate, stable, and finite project description. This is a violation of CEQA. (*Washoe Meadows, supra*, 17 Cal.App.5th at p. 281; *Stopthemillenniumhollywood.com, supra*, 39 Cal.App.5th at p. 20.) To remedy this violation, the State Water Board must issue a new, recirculated NOP that identifies a single, proposed MCL for chromium-6.

**D. The NOP does not describe any of the project's potential environmental impacts**

The NOP must include a discussion of the "probable environmental effects of the project." (State CEQA Guidelines, §15082(a)(1).) The NOP does not do this. Nor could it, given that a prerequisite to identifying a project's potential effects is first identifying the project, and the NOP does not identify a single proposed project. Moreover, the project description must include all components of the project—including the preconstruction, construction, and operational phases of the Project—so that the impacts of each phase may be properly analyzed. To comply with CEQA, the NOP must be revised to identify the project being analyzed and the probable environmental effects of that project, and the revised NOP must then be recirculated to all responsible agencies.

**E. The NOP does not identify whether the project will touch or concern any sites listed on the "Cortese List"**

The NOP indicates that the Project will apply statewide, but does not specify whether the Project will touch or concern any hazardous waste sites listed on the "Cortese list" under Government Code section 65962.5. The NOP is thus defective under CEQA, and should be recirculated to specify this information. (Pub. Resources Code, § 21092.6(a).)

**3. Comments Regarding the Scope of the EIR.**

A responsible agency should generally respond to a NOP with comments identifying the significant environmental issues and reasonable alternatives and mitigation measures that the responsible agency will need to have explored in the Draft EIR. (State CEQA Guidelines, § 15082(b).) CVWD, as a responsible agency, is limited in its ability to identify the Project's significant environmental impacts and proposed measures to mitigate those impacts because, as discussed above, the NOP does not provide a stable, finite, and accurate project description on which CVWD can offer comment. Nor does the NOP identify the probable environmental effects of the project so that CVWD could reasonably identify reasonable mitigation measures and alternatives addressing such effects. For these reasons, and the reasons discussed above, CVWD repeats its request that the NOP be revised and recirculated to comply with CEQA.

While CVWD hopes to see a recirculated NOP, in the interim, CVWD provides the following comments regarding the scope of the EIR and some of the direct and indirect impacts of the Project that the EIR must identify, analyze, and mitigate to the extent feasible.

**A. The EIR must analyze how the economic impacts of compliance with the MCL could result in physical impacts on the environment.**

The EIR must serve as an informational document that will inform public agency decision makers and the public generally of the significant environmental effects of the Project, identify possible ways to minimize the Project's significant effects, and describe reasonable alternatives to the Project. (State CEQA Guidelines, § 15121(a).) To achieve this purpose, the EIR must analyze how the economic impacts of compliance with the MCL could result in physical impacts on the environment. (State CEQA Guidelines, § 15382 ["economic change related to a physical change may be considered in determining whether the physical change is significant"].)

The cost of compliance with the MCL for chromium-6 would shape the behavior of both water agencies and ratepayers, and the environmental impacts of this reasonably foreseeable behavior must be analyzed in the EIR. To do so, the EIR must analyze and discuss the costs of complying with MCL, and how activity in response to such costs could potentially impact the environment. CVWD provides a non-exhaustive list of examples of how behavior responding to the cost of the MCL could result in a potentially significant impact on the environment.

**(1) Shift from groundwater usage to surface water usage.** The high cost of compliance with an overly stringent MCL could cause water agencies to shift from groundwater usage to surface water usage, and the EIR must analyze the potential environmental impacts of this reasonably foreseeable shift. Indeed, Yolo County water agencies have already made this shift. The shift to surface water usage would have numerous deleterious impacts on the environment, including decreased in-stream flows and adverse impacts to fish and wildlife.

**(2) Increased dependency on surface waters would increase the need for water storage.** The MCL could spur a wave of reasonably foreseeable water storage and conveyance projects, as water agencies increasingly use surface waters to avoid the costs of compliance with the MCL. The EIR must analyze the environmental impacts of these projects, including their impacts on air quality, water quality, and biological resources. Moreover, the need for water storage would require flooding large areas of land to store water, and the environmental impacts of transforming the environment in this manner must be analyzed.

**(3) The EIR must analyze the reasonably foreseeable environmental impacts of the Project resulting from increased rates to ratepayers.** The cost of compliance with an overly stringent MCL would shape not only the behavior of water agencies, but also of ratepayers who could face dramatic increases in monthly costs as a result of their water agencies' efforts to comply with the MCL. For example, economically vulnerable ratepayers unable to afford these increased costs may be forced to migrate from a service area with high MCL compliance costs to a service area that either has lower such costs or an area that is better able to distribute such costs among a greater number of ratepayers. This migration is a reasonably foreseeable response to higher water rates, and

the environmental effects of such migration must be analyzed in the EIR. These impacts could include (1) rural blight, as ratepayers in smaller service areas with high MCL compliance costs migrate to more metropolitan service areas, where the costs of such compliance can be distributed among a larger population; (2) VMT associated with such migration; (3) air quality and greenhouse gas impacts related to such migration; and (4) substantial unplanned population growth in areas with lower MCL compliance costs and the displacement of substantial numbers of people in areas with high MCL compliance costs.

**B. The EIR must analyze the environmental impacts of reasonably foreseeable methods of compliance with the MCL.**

The Project as described in the NOP has two components—setting the MCL for chromium-6, and “reasonably foreseeable methods of compliance” to meet the new MCL. The EIR must analyze the potential environmental impacts of both components of the Project. CVWD has several concerns regarding the future analysis of the “reasonably foreseeable methods of compliance.”

(1) **The EIR cannot analyze reasonably foreseeable methods of compliance without soliciting comment from the agencies tasked with such compliance.** It is unclear how the State Water Board intends to determine what constitutes the reasonably foreseeable methods of compliance with the MCL. Given that individual water agencies would be tasked to comply with the MCL, the best means to ascertain the reasonably foreseeable methods of compliance with the MCL is to solicit comments from each water agency in the State, all of which are responsible agencies for this Project. This has not been done. The State Water Board should recirculate the NOP to all water agencies in the State to solicit comments regarding how these agencies might comply with the MCL. Failure to do so would arbitrarily limit the EIR’s analysis of “reasonably foreseeable methods of compliance.” Moreover, and as discussed above, to solicit meaningful information from these agencies, it is imperative that the NOP be revised to provide a stable, finite project description—i.e., a single preferred MCL, so that water agencies can speak to how they would comply with such an MCL.

(2) **The EIR must analyze the potential environmental impacts resulting from the construction and operation of treatment plants.** CVWD identifies the construction of treatment plants as one reasonably foreseeable method of compliance with the MCL, and as such, the environmental impacts of the construction and operation of treatment plants across the State must be analyzed in the EIR. Notably, potentially significant environmental impacts resulting from the construction of these plants include, but are not limited to, the following: (i) increased emissions of toxic air contaminants (e.g., diesel exhaust particulate), criteria pollutants (e.g., NOx), and greenhouse gases during construction; (ii) increased discharge of pollutants in stormwater runoff during and after construction; and (iii) increased cumulative environmental burden in disadvantaged communities served by regulated water systems. Moreover, treatment plants require space, and the construction of new plants in areas with significant land constraints could result in potentially significant impacts relating to, among other things, agricultural land, biological resources (including various Habitat Conservation Plans), and tribal cultural resources.



(3) **The EIR must analyze the potential environmental impact resulting from the proposed Best Available Technologies.** The NOP identifies several proposed best available technologies (“BATs”): ion exchange, reduction-coagulation/filtration, and reverse osmosis. The environmental impacts of using these BATs must be analyzed. Notably, the use of the proposed BATs would have potentially significant impacts relating to hazardous waste, as the BATs generate treatment residuals that must be managed as hazardous waste in California. The processing and disposal of these treatment residuals would further result in potentially significant impacts that must be analyzed in the EIR. For example, the shipment of treatment residuals to offsite disposal facilities would result in increased TAC, criteria pollutants, and VMT. The BATs would also result in increased disposal of hazardous waste, increasing pressure on limited in-state Class 1 landfill capacity. Moreover, the proposed BATs may result in potentially significant impacts relating to energy and GHG emissions. This is because the proposed BATs are energy intensive and typically require power from the electric grid rather than local renewable resources. Furthermore, transporting hazardous wastes great distances to other states for disposal also impacts energy and GHG emissions. In short, the Project may have potentially significant impacts resulting from the proposed BATs. The EIR must disclose, analyze, and to the extent feasible, mitigate the environmental effects associated with the BATs and their treatment residuals.

**C. The EIR must analyze the cumulative impacts of the Project.**

The EIR is required to discuss the cumulative impacts of the Project. (State CEQA Guidelines, § 15130.) In particular, the Project would require water agencies to engage in activity to either modify existing sources to comply with the MCL or to shift to an alternative water source (e.g., surface waters) that would allow the agencies to avoid treatment costs associated with MCL compliance. There are hundreds of water agencies in the State of California. (<https://www.acwa.com/about/directory/> [directory of California water agencies].) Each impacted agency likely would be engaging in activity that would impact the environment in response to the MCL, and the cumulative impact of this activity would almost certainly be significant. The cumulative impacts of this activity must be analyzed in the EIR. (State CEQA Guidelines, § 15130.)

**D. The State Water Board must consider a reasonable range of alternatives, including a less intense alternative to the Project.**

“An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” (State CEQA Guidelines, § 15126.6.(a).) Here, because the Project has two components (setting the MCL for chromium-6, and methods of compliance to meet the new MCL), any alternatives developed must take into account both components of the Project. Thus, for example, the EIR must analyze alternatives that involve less impactful treatment options than the BATs set forth in the NOP.

**4. The Project Should Not Result In An MCL That Makes Reliance On Groundwater Economically Infeasible.**

CVWD has concerns that the Project could threaten the economic feasibility of groundwater reliance in California, which would be devastating for the State and its people. While the NOP does not offer a definite project description, it suggests that the MCL for chromium-6 could be as low as 1 ppb. An unreasonably stringent MCL would run afoul of public policy and cause great harm to many Californians. For example:

**A. Increased dependency on surface waters undermines drought resiliency.**

As noted above, the high treatment costs associated with an MCL could result in increased use of surface water and other, non-groundwater sources of water. Wells with water exceeding the MCL may be shut down where treatment of the water is not economically feasible. This shut down of impacted wells would be contrary to existing state policies emphasizing reliance on local water sources. In a time of drought, the MCL could exacerbate water insecurity in California. This must be avoided.

**B. The Project could frustrate achievement of the Human Right to Water goals.**

On September 25, 2012, Governor Brown signed AB 685, making California the first state in the nation to legislatively recognize the human right to water. The Project, however, could result in a shutdown of impacted groundwater wells. This, compounded with uncertain access to state grant funding, would compromise water supply reliability and access to drinking water. Increased water rates compromise water affordability and lead to public health issues caused by decreased disposable income, which is strongly correlated with negative health impacts. These impacts would be most pronounced in socioeconomically disadvantaged communities. CVWD urges the State Water Board to consider these and other environmental justice concerns when contemplating the proper MCL for chromium-6.

**5. The Project's Environmental Impacts Could Be Avoided By Developing A New Public Health Goal For Chromium-6.**

In July 2011, the Office of Environmental Health Hazard Assessment ("OEHHHA") established a public health goal ("PHG") for chromium-6 of 0.02 ppb, representing a de minimis lifetime cancer risk from exposure to chromium-6 in drinking water, based on studies in laboratory animals. Since then, scientific information on the impacts of chromium-6 on human health has advanced substantially. The most recent scientific information on the health effects of human ingestion of chromium-6 in drinking water indicates that MCLs at or above the upper end of the MCLs set forth in the NOP are fully health protective. In October 2016, OEHHHA announced this substantial new information warrants a review of the chromium-6 PHG, which to date has not been performed.



Kim Niemeyer  
State Water Board  
November 30, 2021  
Page 9

CVWD urges a reassessment of the current PHG and the development of a new risk assessment to determine the de minimis lifetime cancer risk from exposure to chromium-6 based on the most recent scientific information available. The revised PHG, based on the most recent science available, would then better guide the State Water Board in determining the proper MCL for chromium-6. And, from a CEQA perspective, this would streamline any EIR regarding MCL for chromium-6 by eliminating from consideration the most stringent proposed MCLs, which are the MCLs likely to have the most significant environmental impacts. Both the people of California and the environment will benefit from a reassessment of the PHG for chromium-6.

**6. Request for Notices.**

CVWD requests to be added to the notification and distribution lists for all notices relating to the Project, including all (i) CEQA-related notices, and (ii) public meeting/hearing notices issued pursuant to state and local law, including CEQA, the Ralph M. Brown Act, and the Bagley-Keene Act. The satisfaction of this written request is required by CEQA (Public Resources Code, § 21092.2), the Ralph M. Brown Act (Government Code, § 54954.1), and the Bagley-Keene Act (Government Code, § 11125).

**7. Conclusion.**

CVWD looks forward to working with the State Water Board to ensure that this Project receives the careful review that it deserves. Thank you for your consideration of CVWD's input.

Sincerely,



Steve Bigley  
Director of Environmental Services  
Coachella Valley Water District

SB: ms\Env Svcs\2021\Comment Ltr NOP Chromium 6 MCL.doc  
File: 0566.02



Bringing  
Water  
Together

Sent via ELECTRONIC MAIL to [ddwhexavalentchromium@waterboards.ca.gov](mailto:ddwhexavalentchromium@waterboards.ca.gov)

December 6, 2021

Kim Niemeyer  
State Water Board  
Office of Chief Counsel  
P.O. Box 100  
Sacramento, CA 95812-0100

**RE: ACWA Comment Letter regarding Notice of Preparation of a Draft Program Environmental Impact Report for the Adoption of a Regulation for the Hexavalent Chromium Maximum Contaminant Level**

Dear Ms. Niemeyer:

The Association of California Water Agencies (ACWA) appreciates the opportunity to submit written comments to the State Water Resources Control Board (State Water Board) regarding the Draft Program Environmental Impact Report (EIR) for the Adoption of a Regulation for the Hexavalent Chromium Maximum Contaminant Level (MCL) following the public workshop held on November 29, 2021. ACWA represents over 460 local public water agencies that supply water for domestic, agricultural, and industrial uses to over 90% of California's population. ACWA's public agency members are entrusted with the responsibility of supplying the public with safe and reliable drinking water. ACWA appreciates State Water Board's role in determining an MCL for Hexavalent Chromium. Ensuring the safety of drinking water supplies by complying with all relevant state and federal standards is the highest priority of these agencies.

ACWA supports the State Water Board's decision to seek input from interested stakeholders on the preparation of a draft program EIR and hopes this effort results in a comprehensive evaluation of the potential impacts of complying with a new Hexavalent Chromium MCL. ACWA provides the following comments for the State Water Board as it moves forward with the development of an EIR for the development of an MCL for Hexavalent Chromium.

**Comment 1- ACWA encourages recirculating the Notice of Preparation to all responsible agencies.**

ACWA encourages recirculating the Notice of Preparation (NOP) to ensure that all responsible agencies are able to provide input to this process ahead of the development



of a Maximum Contaminant Level (MCL) for Hexavalent Chromium. NOPs are issued to provide input opportunities for responsible and trustee agencies, as well as interested members of the public, as to the scope and content of the EIR for a project. Preparation and circulation of an NOP are set forth in the State CEQA Guidelines to ensure this purpose is met. We are concerned that the current timeline will not enable all interested agencies to provide input because of:

- The quick comment deadline following the November 29 workshop
- Concern that not all agencies required to implement and carry out methods of compliance with the eventual Hexavalent Chromium MCL have been reached for input.
- Concern that the NOP lacks a finite project description (17 possible options) which makes very unclear what the Hexavalent Chromium MCL will be proposed. Each option will have different environmental impacts.

**Comment 2- ACWA encourages further consideration of technical and economic issues in development of this Environmental Impact Report.**

ACWA encourages further consideration of economic and physical issues in the development of the EIR because the resulting MCL could have significant impacts on the environment. The cost of compliance with the MCL for Hexavalent Chromium must be further analyzed because it will shape the behavior of public water agencies and the environmental impacts. Areas of concern to ACWA members that deserve further consideration in the EIR include:

- **Increased customer rates could result from public water agency efforts to comply.** The cost of compliance with an overly stringent MCL could shape not only the behavior of water agencies, but also of ratepayers who could face dramatic increases in monthly costs because of public water agencies' efforts to comply with the MCL. The benefits to public health of the Project should balance with the cost of compliance. Taking a larger share of community financial resources imposes foreseeable environmental and social impacts needs to be examined and understood.
- **Shift from groundwater usage to surface water usage.** The high cost of compliance with an overly stringent MCL could cause water agencies to shift from groundwater usage to surface water usage, and the EIR must analyze the potential environmental impacts of this reasonably foreseeable shift. The shift to surface water usage would have numerous deleterious impacts on the environment, including decreased in-stream flows and adverse impacts to fish and wildlife.
- **Decreasing economic feasibility of relying on groundwater supply.** We have concerns that the Project could threaten the economic feasibility of groundwater reliance in California, which would be devastating for the State and its people. While the NOP does not offer a definite project description, it suggests that the MCL for Hexavalent Chromium could be as low as 1 ppb.



- **Exacerbating drought conditions by limiting available water supply.** High treatment costs could result in increased use of surface water and other, non-groundwater sources of water. In a time of drought, the MCL could exacerbate water insecurity in California. Wells with water exceeding the MCL may be shut down where treatment of the water is not economically feasible. This shut down of impacted wells would be contrary to existing state policies emphasizing reliance on local water sources.
- **Increased dependency on surface waters would increase the need for water storage.** The MCL could spur a wave of reasonably foreseeable water storage and conveyance projects, as water agencies increasingly use surface waters to avoid the costs of compliance with the MCL. Water storage needs will require flooding large areas of land to store water, and the environmental impacts of transforming the environment in this manner should be further examined.

**Comment 3- ACWA encourages the State Water Board to develop a new Public Health Goal for Hexavalent Chromium.**

ACWA encourages a review of the current public health goal (PHG) for Hexavalent Chromium and the development of a new risk assessment to determine the de minimis lifetime cancer risk from exposure to Hexavalent Chromium based on the most recent scientific information available. A revised PHG could better inform the State Water Board in determining the proper MCL for Hexavalent Chromium and streamline any EIR regarding MCL for Hexavalent Chromium to best select from the 17 options proposed.

ACWA appreciates consideration of these comments. If you have any questions regarding these comments, please contact me at [NickB@acwa.com](mailto:NickB@acwa.com) or (916) 441-4545.

Sincerely,

Nicholas Blair  
Regulatory Advocate



cc: The Honorable Joaquin Esquivel, Chair, State Water Resources Control Board  
The Honorable Sean Maguire, Board Member, State Water Resources Control Board  
Ms. Eileen Sobeck, Executive Director, State Water Resources Control Board  
Mr. Darrin Polhemus, Deputy Director, State Water Resources Control Board  
Division of Drinking Water  
Mr. Michael Lauffer, Chief Counsel, State Water Resources Control Board  
Mr. Dave Eggerton, Executive Director, Association of California Water Agencies  
Ms. Cindy Tuck, Deputy Executive Director for Government Relations,  
Association of California Water Agencies



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Eric Sklar, Member  
Saint Helena  
Erika Zavaleta, Member  
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## Fish and Game Commission



Wildlife Heritage and Conservation  
Since 1870

### REVISED\* MEETING AGENDA December 15-16, 2021

#### Webinar and Teleconference

Pursuant to Government Code Section 11133, the California Fish and Game Commission is conducting this meeting by webinar and teleconference. Commission members will participate remotely. The public may provide public comment during the public comment periods and otherwise observe remotely, consistent with the Bagley-Keene Open Meeting Act.

**\*This agenda was revised on December 3 to amend items 17(A), 24, 29(A) and 29(C).**

***The meeting will be live streamed; visit [www.fgc.ca.gov](http://www.fgc.ca.gov) the day of the meeting to watch or listen. To provide public comment during the meeting, please join via Zoom Webinar or by telephone; [click here for instructions on how to join](#) or visit [www.fgc.ca.gov/meetings/2021](http://www.fgc.ca.gov/meetings/2021).***

**Note: See important meeting deadlines and procedures, including written public comment deadlines, starting on page 10. Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department.**

**DAY 1 – December 15, 2021, 9:00 AM**

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#### CALL TO ORDER/ROLL CALL TO ESTABLISH QUORUM

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- 1. Consider approving agenda and order of items**

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#### GENERAL PUBLIC COMMENT

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- 2. General public comment for items not on the agenda**  
Receive public comment regarding topics within the Commission's authority that are not included on the agenda. New petitions for regulation change submitted since the previous meeting are received under this item.  
Note: The Commission may not discuss or take action on any matter raised during this item, except to decide whether to place the matter on the agenda of a future meeting (sections 11125 and 11125.7(a), Government Code).

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## CONSENT ITEMS

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Note: Items on the consent calendar are expected to be routine and non-controversial. After public comment, the Commission will consider approving items on the consent calendar in a single vote without discussion. The presiding commissioner may choose to remove any item from the consent calendar and allow a separate discussion and potential action on that item in response to a request by a Commission member, staff, or an interested person.

3. **Temblor legless lizard**  
Receive a petition to list Temblor legless lizard (*Anniella alexanderae*) as endangered or threatened under the California Endangered Species Act (CESA).  
(Pursuant to Section 2073.3, Fish and Game Code)
4. **Southern California steelhead**  
Receive the Department's 90-day evaluation report on the petition to list southern California steelhead (*Oncorhynchus mykiss*) as endangered under CESA.  
(Pursuant to Section 2073.5, Fish and Game Code)
5. **Lime Ridge eriastrum**  
Receive the Department's 90-day evaluation report on the petition to list Lime Ridge eriastrum (*Eriastrum erterae*) as endangered under CESA.  
(Pursuant to Section 2073.5, Fish and Game Code)
6. **Shasta snow-wreath**  
Receive the Department's one-year status review report on the petition to list Shasta snow-wreath (*Neviusia cliffonii*) as endangered under CESA.  
(Pursuant to Section 2074.6, Fish and Game Code)
7. **San Bernardino kangaroo rat**  
Receive the Department's one-year status review report on the petition to list San Bernardino kangaroo rat (*Dipodomys merriami parvus*) as endangered under CESA.  
(Pursuant to Section 2074.6, Fish and Game Code)
8. **Western Joshua tree**
  - (A) Discuss and consider adopting a 90-day extension of emergency regulations for a process to take western Joshua tree (*Yucca brevifolia*) during the CESA candidacy period. (Amend Section 749.11, Title 14, CCR; pursuant to sections 399 and 2084, Fish and Game Code)
  - (B) Discuss and consider adopting a 90-day extension of emergency regulations for incidental take of a limited number of western Joshua tree during its candidacy period under certain circumstances. (Amend Section 749.12, Title 14, CCR; pursuant to sections 399 and 2084, Fish and Game Code)

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## DISCUSSION, ACTION, AND INFORMATIONAL ITEMS

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9. **Commission executive director and Department reports**  
Receive updates on items of note since the previous Commission meeting.
  - (A) Commission executive director's report
  - (B) Department director's and Law Enforcement Division reports.
    - I. Management actions to protect whales and sea turtles  
(Pursuant to subsection 29.80(c)(7)(G), Title 14, CCR)

10. **Upper Klamath-Trinity river spring Chinook salmon**  
 Consider ratifying findings on the decision to list upper Klamath-Trinity river spring Chinook salmon (*Oncorhynchus tshawytscha*) as threatened under CESA.  
 (Pursuant to Section 2075.5, Fish and Game Code)
11. **Northern California summer steelhead**  
 Consider ratifying findings on the decision to list northern California summer steelhead (*Oncorhynchus mykiss irideus*) as endangered under CESA.  
 (Pursuant to Section 2075.5, Fish and Game Code)  
**Staff will recommend that this item be continued to a future meeting.**
12. **Waterfowl hunting**  
 Consider authorizing publication of notice of intent to amend waterfowl hunting regulations.  
 (Amend Section 502, Title 14, CCR)
13. **Big game preference points reinstatement and tag refunds**  
 Discuss proposed amendments to big game regulations to include preference points reinstatement and tag refunds due to public land closures.  
 (Amend Section 708.14, Title 14, CCR)
14. **Emergency low flow inland sport fishing restrictions**  
 Discuss and consider adopting emergency regulations for low flow inland sport fishing restrictions due to drought conditions.  
 (Amend subsections 7.40(b)(40)(A)1., 8.00(a), and 8.00(b), Title 14, CCR)
15. **Wildlife and inland fisheries and administrative regulation change petitions and non-regulatory requests**
  - (A) Consider whether to grant, deny, or refer for additional review, petitions for regulation change and non-regulatory requests received under general public comment at previous meetings. Note: New petitions for regulation change will be received under general public comment. Any petitions granted today will be added to the Commission's rulemaking calendar for development and future consideration. (Pursuant to Section 662, Title 14, CCR)
    - I. Action on current petitions
      - a. Petition 2021-017: Request to make multiple changes to big game hunting regulations
      - b. Petition 2021-018: Request to implement a new permitting system for the take of barred owls
      - c. Petition 2021-019: Request to change Martis Creek Reservoir to catch and release only
      - d. Petition 2021-020: Request to adopt special regulations for the North Yuba River
    - II. Action on pending regulation petitions referred to staff or the Department for review
      - a. Petition 2021-004: Request to remove *Xenopus amietii* frog from the restricted species list
  - (B) Consider and potentially act on wildlife non-regulatory requests received from members of the public at previous meetings.

- 16. California Waterfowler's Hall of Fame**  
Commission recognition of newly-inducted members of the California Waterfowler's Hall of Fame.
- 17. Committee and Department reports**  
Receive updates on items of note since the previous Commission meeting.
- (A) Wildlife Resources Committee: Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting on January 13, 2022.
  - (B) Department Wildlife and Fisheries Division, and Ecosystem Conservation Division

**DAY 2 – December 16, 2021, 8:30 AM**

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**CALL TO ORDER/ROLL CALL TO ESTABLISH QUORUM**

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**PUBLIC COMMENT**

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- 18. General public comment for items not on the agenda**  
Receive public comment regarding topics within the Commission's authority that are not included on the agenda.  
Note: The Commission may not discuss or take action on any matter raised during this item, except to decide whether to place the matter on the agenda of a future meeting (sections 11125 and 11125.7(a), Government Code).

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**DISCUSSION, ACTION, AND INFORMATIONAL ITEMS**

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- 19. Recreational groundfish emergency**  
Discuss and consider adopting emergency regulations for the 2022 recreational fishing season for copper, quillback and vermilion rockfish bag limits, to conform state regulations with federal in-season changes to the 2022 recreational groundfish regulations.  
(Amend Section 28.55, Title 14, CCR)
- 20. Recreational clam, sand crab, and shrimp gear**  
Consider authorizing publication of notice of intent to implement a certificate of compliance to make permanent the emergency regulations prohibiting use of hydraulic pump gear for recreational take of clams, sand crab and shrimp.  
(Amend sections 29.05, 29.20 and 29.80, Title 14, CCR)
- 21. Commercial kelp and other aquatic plants**  
Consider authorizing publication of notice of intent to amend regulations for commercial harvest of kelp and other aquatic plants.  
(Amend sections 165 and 165.5 and add Section 705.1, Title 14, CCR)
- 22. Recreational California grunion**  
Discuss proposed amendments to regulations for grunion limit and season changes.  
(Amend subsection 27.60(b) and Section 28.00, Title 14, CCR)



23. **Experimental Fishing Permit (EFP) Program, Phase II**  
Consider adopting Experimental Fishing Permit (EFP) Program, Phase II regulations. (Add Section 91, amend sections 90, 120.1, 149, 180, and 704, and repeal Section 149.3, Title 14, CCR)
24. **Pink (ocean) shrimp fishery management plan**  
Receive and discuss the Department's *Draft Pink (Ocean) Shrimp, Pandalus jordani, Fishery Management Plan*.  
(Pursuant to Section 7075, et seq., Fish and Game Code)
25. **Recreational ocean salmon and Pacific halibut**  
Receive and discuss an update on the Pacific Fishery Management Council process and timeline for recreational ocean salmon and Pacific halibut recommendations, and automatic conformance to federal regulations.  
(Pursuant to Section 1.95, Title 14, CCR)
26. **Marine regulation change petitions**
- (A) Consider whether to grant, deny, or refer for additional review, petitions for regulation change received under general public comment at previous meetings. Note: New petitions for regulation change will be received under general public comment. Any petitions granted today will be added to the Commission's rulemaking calendar for development and future consideration. (Pursuant to Section 662, Title 14, CCR)
    - I. Action on current petitions
      - a. Petition 2021-015: Establish size limit for shortfin corvina and include in list of California game fish species
      - b. Petition 2021-021: Consider reducing recreational California halibut bag limit between Point Reyes and Bodega Head
      - c. Petition 2021-022: Consider authorizing low-volume open access commercial take of market squid using jig, brail or lampara gear north of Point Arena
      - d. Petition 2021-023: Consider authorizing recreational take of gooseneck barnacles
  - (B) Action on pending regulation petitions referred to staff or the Department for review – *none scheduled at this time*
27. **Marine Protected Areas Management Program**  
Receive annual update from the Department on the State's Marine Protected Areas Management Program activities.
28. **Marine items of interest from previous meetings**  
These items are updates on agenda topics recently heard before the Commission.
- (A) Committee workload prioritization tool and application to Marine Resources Committee topics
  - (B) Status of findings on the petition to list the Pacific leatherback sea turtle (*Dermochelys coriacea*) as an endangered species under CESA.  
(Pursuant to Section 2075.5, Fish and Game Code)



**29. Committee and Department reports**

Receive updates on items of note since the previous Commission meeting.

- (A) Marine Resources Committee: Receive summary and consider approving recommendations from the November 9, 2021 committee meeting. Discuss referred topics and consider revisions to topics and timing.
- (B) Department Marine Region
  - I. Update on box crab experimental fishing permit activities
  - II. Update on the federal CARES Act implementation
- (C) Tribal Committee: Receive summary and consider approving recommendations from the December 14, 2021 committee meeting. Discuss referred topics and consider revisions to topics and timing.

**30. Justice, equity, diversity and inclusion**

Receive and discuss an update on developing the justice, equity, diversity and inclusion plan.

**31. Commission administrative items**

- (A) Legislation and other agency regulations
- (B) Rulemaking timetable updates
- (C) Next meeting – February 16-17, 2022
- (D) New business

Adjourn

## Executive Session

(Not Open to Public)

At a convenient time during the regular agenda of the meeting listed above, the Commission will recess from the public portion of the agenda and conduct a closed session on the agenda items below. The Commission is authorized to discuss these matters in a closed session pursuant to Government Code Section 11126, subdivisions (a)(1), (c)(3), and (e)(1), and Fish and Game Code Section 309. After closed session, the Commission will reconvene in public session, which may include announcements about actions taken during closed session.

- (A) Pending litigation to which the Commission is a Party
  - I. Almond Alliance of California et al. v. California Fish and Game Commission and California Department of Fish and Wildlife (bumble bees California Endangered Species Act determination)
  - II. The Ballona Wetlands Land Trust v. California Fish and Game Commission (Ballona Wetlands Ecological Reserve petition for regulation change)
  - III. California Construction and Industrial Materials Association et al. v. California Fish and Game Commission (western Joshua tree California Endangered Species Act determination)
  - IV. Albert Thomas Paulek v. California Fish and Game Commission (CEQA determination regarding Section 749.10, Title 14, CCR authorizing take of western Joshua tree under 2084)
  - V. Albert Thomas Paulek v. California Fish and Game Commission (CEQA determination regarding Sections 749.11 and 749.12, Title 14, CCR authorizing take of western Joshua tree under section 2084)
  - VI. Fall River Conservancy and California Trout v. California Fish and Game Commission and California Department of Fish and Wildlife (CEQA determination regarding amendments to inland trout regulations)
- (B) Possible litigation involving the Commission
- (C) Staffing
  - I. Executive director performance review process
- (D) Deliberation and action on license and permit items

**State of California  
Natural Resources Agency  
Department of Fish and Wildlife**

**REPORT TO THE FISH AND GAME COMMISSION**

**EVALUATION OF THE PETITION  
FROM CALIFORNIA TROUT  
TO LIST SOUTHERN CALIFORNIA STEELHEAD (*ONCORHYNCHUS MYKISS*)  
AS ENDANGERED  
UNDER THE CALIFORNIA ENDANGERED SPECIES ACT**

**Prepared by  
California Department of Fish and Wildlife**

**NOVEMBER 2021**



## I. Executive Summary

California Trout (Petitioner) submitted a petition (Petition) to the California Fish and Game Commission (Commission) to list Southern California steelhead (*Oncorhynchus mykiss*) as endangered pursuant to the California Endangered Species Act (CESA), Fish and Game Code Section 2050 *et seq.* For purposes of the Petition, the Petitioner defines Southern California steelhead as all *O. mykiss*, including anadromous and resident life histories, below manmade and natural complete barriers to anadromy from the Santa Maria River, San Luis Obispo County (inclusive) to the U.S.-Mexico Border (hereinafter, all references to "Southern steelhead" are to this definition of Southern California steelhead).<sup>1</sup>

The Commission referred the Petition to the California Department of Fish and Wildlife (Department) in accordance with Fish and Game Code Section 2073. (Cal. Reg. Notice Register 2017, No. 13-Z, p. 479.) Pursuant to Fish and Game Code Section 2073.5 and Section 670.1 of Title 14 of the California Code of Regulations, the Department has prepared this evaluation report for the Petition (Petition Evaluation). The Petition Evaluation is an evaluation of the scientific information discussed and cited in the Petition in relation to other relevant information possessed or received by the Department. The Department's recommendation as to whether to make Southern steelhead a candidate for listing under CESA is based on an assessment of whether the scientific information in the Petition is sufficient under the criteria prescribed by CESA to consider listing Southern steelhead as endangered.

After reviewing the Petition and other relevant information, the Department determined the following:

- Population Trend. The Petition provides sufficient scientific information on the trend of Southern steelhead populations to indicate that the petitioned action may be warranted. The Petition describes how Southern steelhead populations have declined substantially from their historical numbers and many populations have been extirpated.
- Range. The Petition provides sufficient scientific information about the range of Southern steelhead to indicate that the petitioned action may be warranted. The Petition specifies that the listing should only include anadromous and resident Southern steelhead populations below artificial and natural total barriers.

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<sup>1</sup> Petitioner did not specify whether they are seeking listing as a subspecies, an evolutionarily significant unit (ESU), or a distinct population segment (DPS). NMFS previously listed Southern steelhead as an ESU, then later changed the listing to a DPS. If the Commission finds that the Petition contains sufficient information to indicate that the petitioned action may be warranted and accepts the Petition for further consideration, the Department will consider the appropriate listing classification, if any, during the development of the status review.

- Distribution. The Petition provides sufficient scientific information on Southern steelhead distribution to indicate that the petitioned action may be warranted. The Petition mostly attributes current distribution to major fish passage barriers.
- Abundance. The Petition provides sufficient scientific information on both historical and recent Southern steelhead abundance to indicate that the petitioned action may be warranted. The Petition states that according to recent abundance estimates Southern steelhead populations have extremely low numbers or have been extirpated.
- Life History. The Petition provides sufficient scientific information on Southern steelhead life history to indicate that the petitioned action may be warranted.
- Kind of Habitat Necessary for Survival. The Petition provides sufficient scientific information on the types and conditions of habitats necessary for the survival of Southern steelhead to indicate that the petitioned action may be warranted.
- Factors Affecting the Ability to Survive and Reproduce. The Petition provides sufficient scientific information on factors affecting the ability of Southern steelhead to survive and reproduce to indicate that the petitioned action may be warranted. The Petition cites major passage barriers and impacts of climate change as two such factors.
- Degree and Immediacy of Threat. The Petition contains sufficient scientific information on the degree and immediacy of threats to the survival of Southern steelhead populations to indicate that the petitioned action may be warranted. The Petition states that remaining populations of Southern steelhead are in danger of going extinct within the next 25-50 years. Based on available abundance estimates and presence/absence data, and the various threats present within the Southern steelhead range, populations appear to be extremely depressed or extirpated and it is likely that remaining populations are in immediate danger of extirpation.
- Impacts of Existing Management. The Petition contains sufficient scientific information on the impacts of existing management to indicate that the petitioned action may be warranted. The Petition states that existing federal and state management measures do not adequately protect Southern steelhead from threats to their survival.
- Suggestions for Future Management. The Petition contains sufficient scientific information on suggestions for future management to indicate that the petitioned action may be warranted. In addition to listing Southern steelhead as endangered under CESA, the Petition suggests specially restricting fishing, collecting angler



data, and minimizing interaction of hatchery trout with natural-origin steelhead.

- Availability and Sources of Information. The availability and sources of scientific information provided in the Petition are sufficient to indicate that the petitioned action may be warranted. The Petition has an 8-page bibliography and frequently cites publications by the National Marine Fisheries Service (NMFS).
- A Detailed Distribution Map. The detailed map of Southern steelhead distribution in the Petition provides sufficient scientific information to indicate that the petitioned action may be warranted. The Petition includes an additional map showing watershed areas that were historically occupied by Southern steelhead but are now anthropogenically blocked from Southern steelhead.

The Petition requests that the Commission list Southern steelhead as endangered under CESA. The Petitioner defines Southern steelhead as all *O. mykiss*, including anadromous and resident life histories, below manmade and natural complete barriers to anadromy from the Santa Maria River, San Luis Obispo County (inclusive) to the U.S.-Mexico Border. A Southern California steelhead Distinct Population Segment (Southern California steelhead DPS) is currently listed as endangered under the federal Endangered Species Act (ESA) with the same geographic scope; however, that federal listing includes only naturally spawned anadromous *O. mykiss*.

The Petition Evaluation is an evaluation of the scientific information discussed and cited in the Petition in relation to other relevant information possessed or received by the Department. In completing its Petition Evaluation, the Department has determined the Petition provides sufficient scientific information to indicate that the petitioned action may be warranted. Therefore, the Department recommends the Commission accept the Petition for further consideration under CESA.

## II. Introduction

### A. Candidacy Evaluation

CESA sets forth a two-step process for listing a species as threatened or endangered. First, the Commission determines whether to designate a species as a candidate for listing by determining whether the petition provides "sufficient information to indicate that the petitioned action may be warranted." (Fish & G. Code, § 2074.2, subd. (e)(2).) If the petition is accepted for consideration, the second step requires the Department to produce, within 12 months of the Commission's acceptance of the petition, a peer reviewed report based upon the best scientific information available that indicates whether the petitioned action is warranted. (Fish & G. Code, § 2074.6.) The Commission, based on that report and other information in the administrative record, then determines whether the petitioned action to list the species as threatened or endangered is warranted. (Fish & G. Code, § 2075.5.)

A petition to list a species under CESA must include "information regarding the population trend, range, distribution, abundance, and life history of a species, the factors affecting the ability of the population to survive and reproduce, the degree and immediacy of the threat, the impact of existing management efforts, suggestions for future management, and the availability and sources of information. The petition shall also include information regarding the kind of habitat necessary for species survival, a detailed distribution map, and other factors the petitioner deems relevant." (Fish & G. Code, § 2072.3; see also Cal. Code Regs., tit. 14, § 670.1, subd. (d)(1).) The range of a species for the Department's petition evaluation and recommendation is the species' California range. (*Cal. Forestry Assn. v. Cal. Fish and Game Com.* (2007) 156 Cal. App. 4th 1535, 1551.)

Within 10 days of receipt of a petition, the Commission must refer the petition to the Department for evaluation. (Fish & G. Code, § 2073.) The Commission must also publish notice of receipt of the petition in the California Regulatory Notice Register (Fish & G. Code, § 2073.3.). Within 90 days of receipt of the petition, the Department must evaluate the petition on its face and in relation to other relevant information the Department possesses or receives and submit to the Commission a written evaluation report with one of the following recommendations:

- Based upon the information contained in the petition, there is not sufficient information to indicate that the petitioned action may be warranted, and the petition should be rejected; or
- Based upon the information contained in the petition, there is sufficient information to indicate that the petitioned action may be warranted, and the petition should be accepted and considered.

(Fish & G. Code, § 2073.5, subds. (a)(1), (a)(2).) However, "Upon the request of the [Director of the Department], the [C]ommission may grant the [D]epartment an extension of time, not to exceed 30 days, to allow the [D]epartment additional time to further analyze and evaluate the petition and complete its evaluation report." (Fish & G. Code, § 2073.5, subd. (b).) The Department's candidacy recommendation to the Commission is based on an evaluation of whether the petition provides sufficient scientific information relevant to the petition components set forth in Fish and Game Code Section 2072.3 and the California Code of Regulations, Title 14, Section 670.1, subdivision (d)(1).

In *Center for Biological Diversity v. California Fish and Game Commission* (2008) 166 Cal. App. 4th 597, the California Court of Appeals addressed the parameters of the Commission's determination of whether a petitioned action should be accepted for consideration pursuant to Fish and Game Code Section 2074.2, subdivision (e), resulting in the species being listed as a candidate species. The court began its discussion by describing the standard for accepting a petition for consideration

previously set forth in *Natural Resources Defense Council v. California Fish and Game Commission* (1994) 28 Cal. App. 4th 1104:

As we explained in *Natural Resources Defense Council* [citation], “the term ‘sufficient information’ in section 2074.2 means that amount of information, when considered with the Department’s written report and the comments received, that would lead a reasonable person to conclude the petitioned action may be warranted.” The phrase “may be warranted” “is appropriately characterized as a ‘substantial possibility that listing could occur.’” [Citation] “Substantial possibility,” in turn, means something more than the one-sided “reasonable possibility” test for an environmental impact report but does not require that listing be more likely than not. [Citation]

(*Center for Biological Diversity, supra*, 166 Cal. App. 4th at pp. 609-10.) The court acknowledged that “the Commission is the finder of fact in the first instance in evaluating the information in the record.” (*Id.* at p. 611.) However, the court clarified:

[T]he standard, at this threshold in the listing process, requires only that a substantial possibility of listing could be found by an objective, reasonable person. The Commission is not free to choose between conflicting inferences on subordinate issues and thereafter rely upon those choices in assessing how a reasonable person would view the listing decision. Its decision turns not on rationally based doubt about listing, but on the absence of any substantial possibility that the species could be listed after the requisite review of the status of the species by the Department under [Fish and Game Code] section 2074.6

(*ibid.*) CESA defines the “species” eligible for listing to include “species or subspecies” (Fish & G. Code, §§ 2062 and 2067), and courts have held that the term “species or subspecies” includes “evolutionarily significant units.” (*Central Coast Forest Assn. v. Fish & Game Com.* (2018) 18 Cal.App.5th 1191, 1236, citing *Cal. Forestry Assn., supra*, 156 Cal. App. 4th at pp. 1542 and 1549.)

#### B. Petition History

In 1997 NMFS listed a Southern California steelhead Evolutionarily Significant Unit (Southern California steelhead ESU) as endangered under the federal ESA. That listed ESU was defined as anadromous *O. mykiss* below manmade and natural complete barriers to anadromy from the Santa Maria River, San Luis Obispo County (inclusive) to Malibu Creek, Los Angeles County (62 FR 49937). In 2002, NMFS expanded the range of the Southern California steelhead ESU south to the U.S.-Mexico Border following additional *O. mykiss* occurrences and documented spawning activity south of Malibu Creek (67 FR 21586). In 2004, NMFS proposed including resident populations of *O. mykiss* that co-occur with anadromous populations in the Southern California steelhead ESU (69 FR 33101), but NMFS did not adopt that proposal. In 2005, NMFS proposed changing the Southern California steelhead ESU listing to a Southern California steelhead DPS listing (70 FR 67130). In 2006, NMFS adopted that proposal (71 FR

833) and has not made any changes to the scope of the Southern California steelhead DPS listing since then. The Southern California steelhead DPS currently listed under the federal ESA only includes naturally spawned anadromous *O. mykiss* originating in streams below natural and manmade impassable barriers from the Santa Maria River (inclusive) to the U.S.-Mexico Border (71 FR 833; 50 CFR 224).

On June 14, 2021, the Commission received from California Trout the Petition to list Southern steelhead, including both anadromous and resident life histories of *O. mykiss*, as endangered under CESA. On June 23, 2021, the Commission referred the Petition to the Department for evaluation. On July 9, 2021, in accordance with Fish and Game Code Section 2073.5, subdivision (b), the Department requested a 30-day extension to further analyze the Petition and complete its evaluation report. The Commission approved this request, and, accordingly, the Department's Petition Evaluation was due to the Commission by October 21, 2021.

On October 4, 2021, the Department emailed the Petitioner to ask for clarification on the definition of "Southern California steelhead" as used in the Petition. On October 5, 2021, the Petitioner emailed the Department back with the following clarification: "CalTrout defines Southern California steelhead as all *Oncorhynchus mykiss*, including anadromous and resident life histories, below manmade and natural complete barriers to anadromy from the Santa Maria River, San Luis Obispo County (inclusive) to the U.S.-Mexico Border with the understanding that anadromous (adult southern steelhead) arise from anadromous and resident naturally spawning adults." This definition is well supported by the Petition. The Department asked the Petitioner for this clarification because of references on pages 3, 15, and 16 of the Petition to the current listing of the Southern California steelhead DPS under the federal ESA that appeared to incorrectly describe the scope of that ESA listing to include the resident life history of *O. mykiss* below natural and manmade impassable barriers. Those references created some uncertainty about how the Petitioner intended to define Southern California steelhead in the Petition. The Petitioner's clarification in their email response on October 5, 2021, resolved that uncertainty.

The Department submitted this Petition Evaluation report to the Commission on November 17, 2021. The Commission has not previously received a petition to list Southern steelhead under CESA.

The Department evaluated the scientific information discussed and cited in the Petition in relation to other relevant information the Department possessed or received as of October 29, 2021. That other relevant information included letters received by the Department from United Water Conservation District on August 17, 2021; the Association of California Water Agencies on August 19, 2021; Casitas Municipal Water District on August 20, 2021; the Mountains Recreation and Conservation Authority on September 16, 2021; Rancho Mission Viejo on September 17, 2021; the Santa Monica Mountains Conservancy on September 21, 2021; and Cachuma Conservation Release Board on October 20, 2021. In accordance with Fish and Game Code Section 2073.5,



subdivision (c), this Petition Evaluation includes copies of those letters in Appendix A. The letters from United Water Conservation District, Casitas Municipal Water District, Rancho Mission Viejo, and Cachuma Conservation Release Board included references to other documents. The Department reviewed and considered those referenced other documents as part of its evaluation of the Petition. Those referenced other documents are available for review upon request to the Department: contact Vanessa Gusman, Senior Environmental Scientist (Specialist), at [Vanessa.Gusman@wildlife.ca.gov](mailto:Vanessa.Gusman@wildlife.ca.gov).

Pursuant to Fish and Game Code Section 2072.3 and Section 670.1, subdivision (d)(1), of Title 14 of the California Code of Regulations, the Department evaluated whether the Petition includes sufficient scientific information regarding each of the following petition components to indicate that the petitioned action may be warranted:

- Population trend;
- Range;
- Distribution;
- Abundance;
- Life history;
- Kind of habitat necessary for survival;
- Factors affecting ability to survive and reproduce;
- Degree and immediacy of threat;
- Impacts of existing management;
- Suggestions for future management;
- Availability and sources of information; and
- A detailed distribution map.

### C. Overview of Southern steelhead

The Southern steelhead geographic range extends from the Santa Maria River in Santa Barbara County south to the U.S.-Mexico Border. *Oncorhynchus mykiss* is a polymorphic species with two distinct alternative phenotypes: anadromous, which migrate to and from the ocean; and resident, which never migrate to the ocean (Behnke 1992). Common nomenclature refers to the anadromous life history as "steelhead" and the resident life history as "Rainbow Trout." The two forms are sympatric, i.e., they can interbreed, throughout much of their range (McMillan et al. 2007), and offspring can express either life history (Pascual et al. 2001). The expression of anadromy or residency is subject to a fish's genotype, individual condition, and environmental factors (Sloat et al. 2014). Juvenile steelhead and Rainbow Trout are difficult to distinguish



without genetic (Pearse et al. 2014), morphological (Beeman et al. 1995; Haner et al. 1995), or physiological evaluations (Negus 2003). Adult steelhead returning from the ocean are easier to identify due to their larger size and overall steel-gray color (Dagit et al. 2020).

In southern California, steelhead upstream migration typically begins in the winter, with returning adults relying on winter rainstorms to breach sandbars and provide connectivity to estuaries and lagoons, enabling passage into creeks for spawning from December through May (California Trout 2019). Spawning occurs in shallow, flowing water and gravel substrate usually near the crest of pool habitats. Adequate stream flow, gravel size, and embeddedness are crucial for egg survival as they allow for oxygenated water to permeate through sediment to the egg (Coble 1961). When a female steelhead finds adequate spawning grounds, it will use its caudal fin to excavate a redd where eggs are deposited and fertilized by a male. Unlike other anadromous salmonids, steelhead do not always die after a reproductive cycle and may try to return to the ocean. If adult steelhead cannot emigrate back to the ocean after spawning, they require large, deep pools that provide refuge during the hot summer months (Boughton et al. 2015).

Steelhead embryos take anywhere from three weeks to two months to hatch depending on water temperature (Turner et al. 2007). Fish hatch as alevin with their yolk sacs still attached and will continue to live in the gravel for an additional two to six weeks before emerging (NMFS 2012). Once emerged as fry they will spend a few months developing in shallow water along the stream bank. As they grow into parr, they develop a pink stripe and oval parr marks along their lateral line. As parr, they continue to grow for an additional 1-4 years and begin to establish territories. Larger steelhead outcompete smaller steelhead for ideal habitats like deep pools while smaller steelhead inhabit riffles (Barnhart 1986). Parr will ultimately begin transitioning into smolts and migrate downstream to estuaries and lagoons where they complete the process of smoltification, which involves morphological and physiological changes as fish prepare for a marine environment (Fessler and Wagner 1969). Migration to the ocean typically occurs during mid to late spring but can vary depending on connectivity between the ocean and estuary/lagoon (Booth 2020). Resident Rainbow Trout early life stages mirror those of anadromous steelhead until their life history strategies diverge (Moyle 2002). Rather than migrating to the ocean, resident *O. mykiss* will reside in freshwater for the remainder of their lives.

Steelhead will remain in the ocean for 1-4 years (two years is typical) before returning to their natal streams to spawn (Barnhart 1986). Studies documenting steelhead ocean behavior, distribution, and movement are limited, but like other salmonids, steelhead exhibit strong homing behavior to their natal streams. However, evidence of straying has been documented in steelhead in central California (Donohue et al. 2021), and genetic population structure analyses suggest that there was historical exchange of genetic information between coastal populations (Garza et al. 2014).

A central premise of the Petition is that Southern steelhead population abundances are extremely low, and populations are in danger of extinction in the next 25-50 years due to anthropogenic and environmental impacts (Moyle et al. 2017). Moyle et al. (2008) estimated fewer than 500 annual anadromous adult returns for Southern steelhead, with far fewer spawning anadromous adults. Since the listing of the Southern California steelhead ESU in 1997, Southern steelhead abundance has not substantially increased, and populations have likely declined during recent drought years. Southern steelhead exhibit unique adaptations, life histories, and genetics and, therefore, represent an important component of steelhead diversity in California.

### III. Sufficiency of Scientific Information to Indicate that the Petitioned Action May Be Warranted

The Petitioner provided sufficient scientific information on Southern steelhead to indicate that the petitioned action may be warranted. Information was provided on population trend, range, distribution, abundance, life history, habitat necessary for survival, factors affecting the ability to survive and reproduce, degree and immediacy of threat, impacts of existing management efforts, and suggestions for future management. The Petition also contains sources of information, which were cited throughout the document to support the information presented.

While most of the information included in the Petition is supported by citations to relevant studies, in some instances the Petitioner did not provide citations for their statements. For example, in the section on habitat necessary for survival, starting on page 9 of the Petition, the Petitioner discusses use of various habitat types by *O. mykiss* of different life stages but provides few citations to support the information presented. The Department found that support for most uncited statements in the Petition can be found in McElhany et al. (2000), Crozier et al. (2008), Moyle et al. (2008), NMFS (2012), Jacobson et al. (2014), and Moyle et al. (2017). To the extent the Petition makes assertions without citing specific support, the Department assumes these statements to be true for purposes of the Petition Evaluation. If the Commission accepts the Petition for further consideration, the Department will need to verify these statements during the status review period.

There are a few statements in the Petition that may need further clarification if the Commission accepts the Petition for further consideration. For example, on page 7 the Petition mentions life-cycle monitoring stations at Vern Freeman Diversion Fish Ladder and Robles Diversion Fish Passage Facility; however, monitoring efforts at these sites are primarily fixed counting stations associated with fish ladders and do not technically constitute full life-cycle monitoring stations as described in Fish Bulletin 180 (Adams et al. 2011). Additionally, the Department could not verify the numbers provided for the total watershed area (12,700 mi<sup>2</sup>) and stream mileage (25,700 mi) within the Southern steelhead range on page 4 of the Petition. The Department determined that the approximate total watershed area and stream mileage for the Southern steelhead range

are 11,586 mi<sup>2</sup> and 15,758 mi, respectively (NMFS 2012). For purposes of the Petition Evaluation, the Department assumes these statements in the Petition to be correct.

On page 2 of the Petition, the Petitioner also discussed the potential contribution of Southern steelhead adaptive traits to northern populations of steelhead. The current knowledge of steelhead population genetic structure is that, while there is a degree of straying and gene flow between populations, migration to nearby basins decreases as distance between basins increases (Clemento et al. 2008; Garza et al. 2014). The extent of genetic exchange occurring between Southern steelhead and more northern populations is unknown.

Much of the information presented in the Petition is focused on the anadromous life history of Southern steelhead, particularly the population abundance and trend information. Information on population abundance and trends of resident *O. mykiss* below barriers in southern California is limited, though the Department has internal data on resident *O. mykiss* observations in various southern California streams collected by the Department and the Santa Monica Mountains Resource Conservation District (RCD) for the years 2004 – 2021.

#### A. Population Trend

##### i. Scientific information in the Petition

The information regarding population trends is contained on page 2 of the Petition. The Petition references multiple sources, primarily from NMFS, that describe the declines of Southern steelhead populations from tens of thousands of returning anadromous adults to fewer than 500 in recent years. The Petition states that the status of the Southern steelhead populations has not changed considerably since Southern California steelhead ESU was listed under the ESA in 1997. Referenced documents indicate that multiple populations have been extirpated and the largest historical populations in the Santa Ynez River, Ventura River, Santa Clara River, and Malibu Creek watersheds, have declined over 90 percent. A compilation of various Southern steelhead observation data from 1994 through 2018 documents only 177 observed anadromous adult Southern steelhead within the past 25 years (Dagit et al. 2020).

##### ii. Other relevant information

While abundance estimates are not available for all populations of Southern steelhead, available presence/absence data shows a downward trend. Of the 52 priority recovery watersheds listed in the NMFS recovery plan for the Southern California steelhead DPS, only 8 watersheds contain a remnant population and most of those are above total barriers (Department internal data, M. Larson). NMFS determined that an annual run size greater than 4,150 anadromous adults would constitute a viable population in the Southern California steelhead DPS (NMFS 2012; Williams et al. 2016).

The Department has internal data on resident *O. mykiss* observations in various southern California streams collected by the Department and the Santa Monica



Mountains RCD for the years 2004 – 2021. However, these *O. mykiss* observations do not equate to total estimates of population abundance in streams for which they are available.

iii. Conclusion

The Petition provides sufficient scientific information on the trend of Southern steelhead populations to indicate that the petitioned action may be warranted. The Petition describes how Southern steelhead populations have declined substantially from their historical numbers and many populations have been extirpated.

B. Range

i. Scientific information in the Petition

Information on Southern steelhead range is provided on pages 3-4 of the Petition. A map showing the Southern California steelhead DPS geographic range is on page 5. The Southern California steelhead DPS includes coastal streams from the Santa Maria River down to the U.S.-Mexico Border; however, this defined range includes some stream areas not suitable to steelhead. The Petition states that intrinsic potential (IP) modeling was used to rank priority watersheds within the DPS into Core 1, Core 2, and Core 3 populations based on their capacity to support steelhead populations. Notably, assignment of these categories to Southern California steelhead DPS watersheds is based on both quantitative IP modeling as well as qualitative evaluation of restoration potential of the watershed and its capacity to support viable steelhead populations.

The Petition states that the current Southern California steelhead DPS boundaries are supported by genetic relationships between steelhead populations in California. Populations within the Southern California steelhead DPS have different genetic markers than those in other California steelhead DPSs. It is also worth noting that although the South-Central California Coast steelhead DPS and the Southern California steelhead DPS do not have distinct lineages (Clemento et al. 2008), they are separated based on biogeography (Busby et al. 1996).

It is important to note that while the Petition requests that the Commission list Southern steelhead under CESA consistent with the geographic boundaries of the current Southern California steelhead DPS listing under the ESA, the Petitioner's definition of Southern steelhead for purposes of the Petition includes the resident life history of *O. mykiss* and the Southern California steelhead DPS listed under the federal ESA does not (see Section (II)(B) for more information).

ii. Conclusion

The Petition provides sufficient scientific information about the range of Southern steelhead to indicate that the petitioned action may be warranted. The Petition specifies that the listing should only include *O. mykiss* populations below artificial and natural total barriers. The information presented is an accurate account of the range of Southern steelhead.

### C. Distribution

#### i. Scientific information in the Petition

Information on distribution of Southern steelhead is provided on page 6 of the Petition. The Petition notes that current distribution is influenced by fish passage barriers, most of which are anthropogenic. The Petition defines Southern steelhead distribution to be all waters below natural or manmade barriers to anadromy. The Petition emphasizes that resident and anadromous *O. mykiss* coexist throughout their southern California range and resident *O. mykiss* contribute to the steelhead populations because offspring from resident individuals can express anadromy. The Petition also notes that wildfires can impact steelhead distribution and post-fire debris flows have the potential to cause local extirpations. The Petition does not provide a detailed comparison of historical and current distribution but states that the Southern California steelhead DPS has been extirpated from approximately 60% of its historical range due to habitat fragmentation.

#### ii. Conclusion

The Petition provides sufficient scientific information on Southern steelhead distribution to indicate that the petitioned action may be warranted. The Petition mostly attributes current distribution to major fish passage barriers. It is likely there are some intermittent and ephemeral streams that are not occupied by or suitable for steelhead, but these were not specified in the Petition.

### D. Abundance

#### i. Scientific information in the Petition

Information on population abundance for Southern steelhead is provided on pages 6-8 of the Petition. Historical estimates of anadromous adult abundance are provided for a few major rivers in the DPS with numbers in the thousands to tens of thousands. Review of multiple NMFS documents and Dagit et al. (2020) cited in the Petition revealed that the most robust Southern steelhead streams currently only support annual runs of anadromous adults in the single digits.

The Petition emphasizes that resident *O. mykiss* are important contributors to Southern steelhead populations and maintaining the anadromous life history of Southern steelhead. The Petitioner cites recent studies that have shown alleles associated with anadromy in resident freshwater *O. mykiss* populations, which indicates that they have the potential to express anadromy and contribute to anadromous populations. The Petition also notes that shrinking populations of freshwater resident *O. mykiss* are vulnerable to loss of genetic diversity and fitness, including the potential loss of genes associated with anadromy. The Petition states that genetic contributions of residents, as well as anadromous strays from neighboring watersheds, may be key in maintaining and improving Southern steelhead abundance.



ii. Other relevant information

As mentioned in Section (III)(A)(ii), the Department has internal data on resident *O. mykiss* observations in various southern California streams collected by the Department and the Santa Monica Mountains RCD for the years 2004 – 2021. However, these *O. mykiss* observations do not equate to total estimates of population abundance in streams for which they are available.

iii. Conclusion

The Petition provides sufficient scientific information on both historical and recent Southern steelhead abundance to indicate that the petitioned action may be warranted. The Petition demonstrates that Southern steelhead abundance has declined significantly from historical numbers and existing populations are at risk of loss of genetic diversity and fitness due to their small numbers. Abundance has not improved since the Southern California steelhead ESU was federally listed in 1997. Existing populations appear to be either extremely depressed or extirpated.

E. Life History

i. Scientific information in the Petition

Life history information is provided on pages 8-9 of the Petition. The Petition discusses the migratory and adaptive nature of Southern steelhead. It describes the length of ocean residency for the anadromous life history as one to four years prior to returning to natal rivers to reproduce. Anadromous adult Southern steelhead typically migrate upriver between January and May. The Petition states that spawn timing can vary due to environmental conditions and that inconsistency in hydrologic connectivity can affect access of Southern steelhead to their spawning grounds.

The Petition briefly describes the spawning process, egg incubation, egg hatching, juvenile rearing, outmigration, and smoltification. The Petition mentions the use of estuary environments by smolts in their transition to the ocean, and that, when available, estuary habitat can help enhance survival. The Petitioner states that Southern steelhead are found less often in estuaries than steelhead in more northern watersheds possible due to low population numbers, quick downstream migration, or poor estuary habitat, although a citation is not provided for this statement.

In addition to the description of a fluvial-anadromous life history, the Petition states that there are two other key life history strategies: freshwater-resident and lagoon-anadromous. The Petitioner clarifies that these three strategies are not the only life history pathways available and do not cover the full complexity of life history expression in Southern steelhead. Additionally, the Petition cites multiple studies that have shown expression of migratory vs. resident life history to be a result of genetics and environmental conditions.

## ii. Conclusion

The Petition provides sufficient scientific information on Southern steelhead life history to indicate that the petitioned action may be warranted.

### F. Kind of Habitat Necessary for Survival

#### i. Scientific information in the Petition

Information on habitat necessary for survival is found on pages 9-11 of the Petition. The Petition describes southern California as having a Mediterranean climate where there are strong seasonal fluctuations in precipitation, temperature, and wind patterns. These fluctuations can have a pronounced effect on accessibility of habitat suitable for Southern steelhead, which take advantage of a variety of habitat types during different stages in their life cycle. The Petition gives a generic description of juvenile and adult Southern steelhead habitat requirements including adequate water quality and depth, sufficient forage and nutrients, presence of cover habitat, and appropriate gravel size. The Petitioner notes that sedimentation and turbidity can be an issue in southern California streams due to their erodible geology.

Developmental stages of the Southern steelhead life cycle are affected by changes in temperature, dissolved oxygen, water depth, and water velocity. The Petition states that Southern steelhead may have greater temperature tolerances than more northern steelhead because Southern steelhead have adapted to a greater range of environmental conditions due to the variation in climate. The Petition states that the upper temperature tolerance for Southern steelhead is 25°C. The Petition asserts that temperature preference for juvenile Southern steelhead falls within 10-17°C. They have been observed in water temperatures as high as 28°C in the Ventura River; however, this is not preferable. The Petition specifies limits for other abiotic factors affecting juvenile and adult Southern steelhead including dissolved oxygen, water depth, and water velocity.

#### ii. Other relevant information

The Petition does not discuss food requirements for juveniles in the freshwater habitat. Juvenile salmonids in streams mostly consume aquatic and terrestrial invertebrates (Bjornn and Reiser 1991; Rundio and Lindley 2008). Bjornn and Reiser (1991) estimated that, in order to achieve maximum growth rates, juvenile salmonids in streams with daily temperatures around 10°C require food resources amounting to 6-7% of their body weight each day. Elevated temperatures have been found to result in increased food consumption of juvenile *O. mykiss* (Wurstbaugh and Davis 1977). It is also important to note that deep pool habitat is essential for Southern steelhead kelts that over-summer in streams if they are not able to return to the ocean (Boughton et al. 2015).

Marine conditions, such as fluctuations in sea surface temperature, can directly influence salmonid survival and production (Mantua et al. 1997). There are various

indices that describe these fluctuations in ocean conditions and can help determine years during which Pacific salmonids will experience a more productive ocean and those during which they will experience a less productive ocean. These indices include the Ocean Niño Index (ONI), Pacific Decadal Oscillation (PDO), and the North Pacific Gyre Oscillation (NPGO). Positive ONI and PDO values and negative NPGO values indicate warmer ocean temperatures and lower productivity in the California Current Ecosystem (NOAA 2021), which are typically unfavorable conditions for Pacific salmonids including Southern steelhead.

### iii. Conclusion

The Petition provides sufficient scientific information on the types and conditions of habitats necessary for the survival of Southern steelhead to indicate that the petitioned action may be warranted.

## G. Factors Affecting the Ability to Survive and Reproduce

### i. Scientific information in the Petition

Factors affecting the ability of Southern steelhead to survive and reproduce are described on pages 11-12 of the Petition. Citing NMFS (2012), the Petition states that the decline of Southern steelhead populations can mainly be attributed to destruction, modification, and fragmentation of their native habitat. Anthropogenic water uses have negatively impacted the suitability and availability of Southern steelhead habitat. Large dams and other complete migration barriers are present on the Ventura River, Santa Clara River, Santa Ynez River, and Malibu Creek. These obstructions block access to upstream Southern steelhead habitat and can also impede smolt outmigration. The Petition notes that land development, including dams and diversions, can also have negative effects on water and sediment flows, water quality, and habitat complexity. The Petition states that water demand is high in southern California, which affects surface water and groundwater availability.

Climate change is another factor described in the Petition that poses a threat to Southern steelhead. Predicted impacts of climate change including higher temperatures, sea level rise, ocean acidification, and heightened intensity and duration of drought and precipitation will exacerbate already existing anthropogenic disturbances. As a result, Southern steelhead survival and behavior may be negatively affected. The Petition also mentions that catastrophic events such as wildfires may result in rapid extirpation of vulnerable Southern steelhead populations due to subsequent impacts on water quality.

### ii. Conclusion

The Petition provides sufficient scientific information on factors affecting the ability of Southern steelhead to survive and reproduce to indicate that the petitioned action may be warranted. Specifically, large dams and obstructions have blocked off much of the historical spawning and rearing habitat of Southern steelhead and climate change will

likely have pronounced negative effects on remaining habitat and Southern steelhead survival. Stochastic events such as wildfires are also threats to the persistence of Southern steelhead.

#### H. Degree and Immediacy of Threat

##### i. Scientific information in the Petition

Discussion of the degree and immediacy of threat is on pages 12-13 of the Petition. Moyle et al. (2008, 2011, and 2017) are cited in stating that Southern steelhead are in danger of going extinct within the next 25-50 years as a result of water and land management practices that have reduced suitability and availability of habitat as well as environmental stressors produced by drought and climate change. The continued existence of Southern steelhead is threatened by many environmental and anthropogenic factors, especially given the current status of the populations (NMFS 2012).

##### ii. Conclusion

The Petition contains sufficient scientific information on the degree and immediacy of threats to the survival of Southern steelhead populations to indicate that the petitioned action may be warranted. Based on available abundance estimates and presence/absence data, and the various threats present within the Southern steelhead range, populations appear to be extremely depressed or extirpated and it is likely that remaining populations are in immediate danger of extirpation.

#### I. Impact of Existing Management Efforts

##### i. Scientific information in the Petition

The Petition provides a description of the impact of existing management efforts, both federal and state, on pages 13-15. NMFS released the Southern California Steelhead Recovery Plan for the Southern California steelhead DPS in 2012. Additional land development and water management regulations provide protections for Southern steelhead. However, the Petitioner states that these federal protections have not been adequate in terms of having positive population-level impacts. No positive change has been observed in population abundance since the Southern California steelhead ESU was listed under the federal ESA in 1997. The Petitioner asserts that there are also issues with enforcing legal protective actions under the ESA when landowners or other stakeholders are not cooperative.

The Petition recognizes that many large migration barriers still exist since plans for remediation of these barriers have been difficult to implement. Major recovery actions that were described in the 2012 federal recovery plan, such as the removal or remediation of dams, have yet to be addressed. Federal regulations can also be an impediment to research, which is important for enhancing knowledge of the species.

The Petition lists a few mechanisms through which the State of California should be able to protect Southern steelhead but provides reasons why these management



mechanisms are ineffective. The Petition states that Section 1600 of the California Fish and Game Code is the main way that riparian and aquatic habitats are conserved, but the Petitioner asserts that further protection is needed for steelhead habitat. The Petition also notes that the Coastal Monitoring Plan (now called the California Monitoring Plan) is not completed for southern California and funding has not been identified for full implementation of that plan.

## ii. Conclusion

The Petition contains sufficient scientific information on the impacts of existing management to indicate that the petitioned action may be warranted. The Petition states that existing federal and state management measures do not adequately protect Southern steelhead from threats to their survival.

## J. Suggestions for Future Management

### i. Scientific information in the Petition

Suggestions for future management are discussed on pages 15-17 of the Petition. The main recommendation presented by the Petitioner is to list Southern steelhead as endangered under CESA. The Petitioner proposes that the CESA listing include all *O. mykiss*, including both anadromous and resident life histories, below manmade and natural fish passage barriers, while excluding above-barrier resident *O. mykiss*. Excluding above-barrier *O. mykiss* in the CESA listing would allow for the continuation of above-barrier recreational Rainbow Trout fisheries. The Petitioner asserts that excluding above-barrier *O. mykiss* also allows for efficient implementation of emergency translocations following wildfires and provides the opportunity for broodstock development and research to enhance genetic and geographic diversity of native *O. mykiss*.

The Petitioner says that listing Southern steelhead under CESA will preserve important phenotypic and genetic diversity of the species. They also note that with Southern steelhead listed under CESA, the Department will have the authority to create specific mitigation requirements for authorization of take. There may also be higher prioritization of implementation and effectiveness monitoring of Southern steelhead conservation projects. The Petitioner states that Southern steelhead meet the "discrete and significance criteria for listing under CESA." These criteria are specific to the 1996 U.S. Fish and Wildlife Service and NMFS joint Policy Regarding the Recognition of Distinct Vertebrate Population Segments Under the Endangered Species Act, commonly referred to as the DPS Policy (61 FR 4722; 70 FR 67130), and are not necessarily relevant to a listing under CESA.

The Petitioner provides four additional recommendations that focus on fishing restrictions, collecting angler data, and minimizing interaction of hatchery trout with natural-origin Southern steelhead. These recommendations could be beneficial by reducing mortality of native *O. mykiss* in recreational trout fisheries. They may also



contribute to the preservation of native genetic diversity by mitigating introgression and hybridization with hatchery stocks (Waples 1991).

#### ii. Conclusion

The Petition contains sufficient scientific information on suggestions for future management to indicate that the petitioned action may be warranted. In addition to listing Southern steelhead as endangered under CESA, the Petition suggests specially restricting fishing, collecting angler data, and minimizing interaction of hatchery trout with natural-origin steelhead.

#### K. Availability and Sources of Information

The availability and sources of scientific information provided in the petition are sufficient to indicate that the petitioned action may be warranted. The Petition provides eight pages of literature cited. Much of the Petition relies on information from NMFS 5-year status reviews and the 2012 Southern California Steelhead Recovery Plan. The Petition also frequently references a recent assessment of anadromous adult Southern steelhead abundance (Dagit et al. 2020) as well as publications by Moyle and coauthors.

#### L. A Detailed Distribution Map

The detailed map of Southern steelhead distribution in the Petition provides sufficient scientific information to indicate that the petitioned action may be warranted. A map of the Southern California steelhead DPS established range is on page 5 of the Petition. The DPS range includes watersheds from the Santa Maria River down to the U.S.-Mexico Border. The map also shows the five defined biogeographic regions that are groupings of watersheds based on landscape and ecology. The map does not specify whether it depicts current or historical distribution, rather it shows the current boundaries of the Southern California steelhead DPS. An additional map is provided on page 15 showing historical watershed areas that are now anthropogenically blocked.

#### IV. Recommendation to the Commission

The Department has evaluated the Petition on its face and in relation to other relevant information the Department possesses or received and determined that the Petition provides sufficient scientific information to indicate that the petitioned action may be warranted. Therefore, the Department recommends the Commission accept the Petition for further consideration under CESA.

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**Appendix A.**

Copies of Letters Received by the Department During Its Evaluation of the Petition



Board of Directors  
Michael W. Mobley, President  
Bruce E. Dandy, Vice President  
Sheldon G. Berger, Secretary/Treasurer  
Mohammed A. Hasan  
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August 17, 2021

Vanessa Gusman  
California Department of Fish and Wildlife  
Fisheries Branch  
PO Box 944209  
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**Subject: CalTrout petition to list Southern California Steelhead as endangered under the California Endangered Species Act (CESA)**

Dear Ms. Gusman:

United Water Conservation District (United) submits the following information in response to the CalTrout petition to list southern California Steelhead as an endangered species under the California Endangered Species Act (CESA) (CalTrout petition). As a California Special District with a vested interest in the conservation of southern California steelhead (*Oncorhynchus mykiss irideus*) (steelhead; *O. mykiss*), United has a well-documented history of monitoring southern California steelhead in the Santa Clara River watershed. The work of United, along with a handful of others in the region, comprises the majority of the monitoring conducted on the species in southern California. Through this monitoring and data analysis, United has developed an understanding of *O. mykiss* in the watershed that has been leveraged in extensive consultations with the regulatory agencies over the years. An information gap regarding *O. mykiss* ecology exists in the region and key research questions remain unanswered, as the information presented below demonstrates. That history and knowledge gap compels the conclusion that the California Department of Fish and Wildlife (CDFW) should study this species – not list it based on the limited information provided in the CalTrout petition.

To aid CDFW's review, United provides additional information and references, formatted to primarily address inaccuracies, or in some cases correct information, presented in the CalTrout petition, followed by a discussion and references to specific documents for consideration in the evaluation of the petition. Specific references included in this submittal are largely focused on steelhead in the Santa Clara River watershed, though reference to the greater geographic region and steelhead population is included as appropriate.



### **The CalTrout Petition Misrepresents United's Freeman Diversion.<sup>1</sup>**

The CalTrout petition states that United's Freeman Diversion facility has not been remediated. This statement fails to recognize that (1) the existing facility<sup>2</sup> continues to provide passage for steelhead, with two confirmed upstream migrating steelhead observations as recently as 2020, (2) United is continuing to prepare a Habitat Conservation Plan (HCP) pursuant to Section 10 of the federal Endangered Species Act (ESA) associated with the rehabilitation of the fish passage facility at the Freeman Diversion and an updated bypass flow program intended to balance the needs of species and water resources in the region, (3) physical modeling of alternative fish passage designs by the United States Bureau of Reclamation (BOR) is currently underway, and (4) United continues to consult with National Marine Fisheries Service (NMFS) and CDFW on all of the above. The rehabilitated fish passage facility will represent a significant improvement over the existing condition and will provide improved fish passage conditions for steelhead as well as Pacific lamprey (*Entosphenus tridentatus*), design criteria for which is a primary component in the 10+ year alternative fish passage design process underway with NMFS and CDFW's involvement.

**The adult steelhead run size estimates<sup>3</sup> are unsubstantiated by quantitative data. Establishment of achievable management and recovery objectives is hampered by the lack of reliable historic and current population data.**

The historic run size estimate in the Southern California Steelhead Recovery Plan<sup>4</sup>, which is cited by the CalTrout petition, comes from "The Updated Status of Federally listed ESUs of West Coast Salmon and Steelhead" (Good et al. 2005) and includes steelhead estimates for each

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<sup>1</sup> CalTrout Petition. See pg. 13, paragraph 1.

<sup>2</sup> United operates the Freeman Diversion to conserve, maintain, and put to beneficial use the waters of the Santa Clara River watershed, with one of the primary goals being to combat seawater intrusion in the Oxnard Plain. United has diverted water from the Santa Clara River at the Freeman Diversion to provide for surface water deliveries and groundwater recharge in accordance with water right license 10173 and permit 18908. CDFW protested the original application to the water rights permit in 1980, citing a remnant steelhead resource in the river. Through much coordination and consultation between United, CDFW, the State Water Resources Control Board (SWRCB), and the Department of Water Resources (DWR), a steelhead study was completed in the river in the early 1980s, which resulted in the installation of a Denil fish ladder and implementation of bypass flows for fish passage at the request of and based on specifications provided by CDFW. SWRCB issued water right permit 18908 to United in 1987 and subsequently amended it in 1992. The permit incorporated CDFW's recommended fish ladder and bypass flow provisions, which were notably protested by DWR due to the importance of combating the severe seawater intrusion experienced in the Oxnard Plain. Nevertheless, United accepted the fish passage provisions and began implementation when the Freeman Diversion became operational in 1991. Over the years, United has modified bypass flows several times for the benefit of steelhead, each time decreasing diversion yield compared to its water rights license and permit. As a result, the seawater intrusion conditions have been magnified by the ongoing drought conditions and limited diversion yield.

<sup>3</sup> CalTrout Petition. See pg. 2, paragraph 5, pg. 6 paragraph 5, and pg. 7 paragraph 1.

<sup>4</sup> NMFS. 2012. Southern California Steelhead Recovery Plan. See pg. xiii, paragraph 3.



of the major watersheds. Within the Ventura River watershed, the estimate traces back to a 1946 CDFW letter commenting on the future Matilija Dam.<sup>5</sup> Within the Santa Clara River watershed, the 1980 estimate by Moore<sup>6</sup> of the average population traces back to the same 1946 CDFW letter from which Moore extrapolated an estimate in the Santa Clara River by comparing the potential habitat of the two watersheds. This fact is echoed in CDFW's 1996 Steelhead Restoration and Management Plan for California<sup>7</sup> and again by NMFS (2005)<sup>8</sup>, which also includes a review of the historical run sizes in the major southern California watersheds. Moore's knowledge of the Santa Clara Watershed comes from the late 1970s and early 1980s, one of the wettest periods on record, causing an overestimation of river miles of suitable steelhead habitat. In the same 1980 report, Moore notes that projecting the average run size can be misleading, particularly in systems subject to extreme flow fluctuations from year-to-year.

In a review of the history of steelhead in the Santa Ynez River, Alagona et al. (2012)<sup>9</sup> acknowledges the natural variation in steelhead run sizes, particularly in the southern California ecosystems, noting that "[a]ll of these perturbations and processes affect steelhead populations, which may have varied by two orders of magnitude annually owing to natural changes alone." The original source of the Santa Ynez River estimate came from a report generated by Shapovalov<sup>10</sup>, a CDFW employee, which relied upon the opinion of another CDFW employee (Carl Tegen) who was working as a trapper in the Santa Ynez River watershed. Tegen compared the number of steelhead in the Santa Ynez River to counts in the Eel River and deduced that the Santa Ynez steelhead run during the year in question (1944) was "at least as large" as the Eel River. While it is apparent that there were many adult steelhead in the Santa Ynez in 1944, it would be inaccurate to assume that his estimate was a running average of a natural run of steelhead for the same reason that Moore notes in his 1980 report regarding year-to-year fluctuations in flows within these river systems.

CDFW acknowledges this subjectivity in quoting the U.S. Fish and Wildlife Service (USFWS) in the Fish Species of Special Concern in California.<sup>11</sup> CDFW notes that the estimates of historical run sizes "are highly subjective and probably correct only within an order of magnitude". In Good et al. (2005), NMFS concurs with the earlier CDFW statement and goes a

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<sup>5</sup> Clanton D.A. and Jarvis J.W. 1946. Field inspection trip to the Matilija-Ventura watershed in relation to the construction of the proposed Matilija Dam. California Division of Fish and Game, Field Correspondence.

<sup>6</sup> Moore M. 1980. An Assessment of the Impacts of the Proposed Improvements to the Vern Freeman Diversion on Anadromous Fishes of the Santa Clara River System, Ventura County, California. See pg. 14, paragraph 2.

<sup>7</sup> CDFW. 1996. Steelhead Restoration and Management Plan for California. See pg. 55, paragraph 4.

<sup>8</sup> Good T.P., Waples R.S., Adams P. 2005. The Updated Status of Federally listed ESUs of West Coast Salmon and Steelhead. See pg. 282, paragraph 4.

<sup>9</sup> Alagona P.S., Cooper S.D., Capelli M., Stoecker M., Beedle P. H. A History of Steelhead and Rainbow Trout (*Oncorhynchus mykiss*) in the Santa Ynez River Watershed, Santa Barbara County, California. See pg. 169, paragraph 4.

<sup>10</sup> Shapovalov L. 1944. Preliminary Report on the Fisheries of the Santa Ynez River System, Santa Barbara County, California. See pg. 12, paragraph 2.

<sup>11</sup> CDFW. 1995. Fish Species of Special Concern in California. See pg. 81, paragraph 4.



step further to adjust down the historical run size estimate for the Santa Ynez based on a logical inference regarding Tegen's experience in the Santa Ynez and Eel Rivers. Good et al. (2005) summarizes their review of historical run sizes by stating that "the estimates of historical run sizes for the Southern California steelhead ESU are based on very sparse data and long chains of assumptions that are plausible but have not been adequately tested." Therefore, to properly evaluate southern California steelhead, CDFW must first develop an accurate estimate of adult run size necessary to establish the status of the species and appropriate recovery goals in southern California watersheds.

Furthermore, another concern is that the estimates were based on an artificially stocked population supported during the extensive steelhead planting program implemented by CDFW beginning in the 1890s and continuing up to the 1930s (Bowers 2008). In the 1910s, southern California rivers, including the Santa Clara and Ventura, along with their tributaries, were receiving up to 3 million trout from northern hatcheries per year. The fish planted were predominantly steelhead and a mix of resident with the anadromous form. This topic is discussed further below.

**The focus on human induced population decline in steelhead<sup>12</sup> in southern California ignores the influence of artificial steelhead planting by CDFW.**

In southern California, the rise and fall of the steelhead population directly correlates with CDFW's planting of northern steelhead in southern California waters. Prior to the planting from northern hatcheries, records of steelhead in the southern California rivers are minimal. For example, records from the missionary period never mention trout or steelhead, which contrasts with the rivers further north, and scarce records from the pre-colonial period. As noted in the review of steelhead in the Santa Ynez River by Alagona et al. (2012)<sup>13</sup>, "we found relatively few explicit records of Chumash exploitation of riverine fish, such as steelhead in the Santa Ynez River, from Spanish, Mexican, and early American explorers and settlers," indicating that steelhead were possibly not as prevalent and abundant as previously asserted. Alagona et al. (2012) continues: "At present, the only archaeological evidence for steelhead presence comes from several theses and a museum contribution describing excavations of sites in former inland Chumash villages with associated information on the identity of fish elements... [s]teelhead remains were found at three of four excavated sites... 6 salmonid bone elements found at Xonxon'ata [located on Zaca Creek 6 miles above its confluence with the Santa Ynez River] constituted only 0.2% of the identifiable fish bones recovered at this site, with the rest assignable to marine species, and these bones appeared to come from immature steelhead or rainbow trout." Alagona et al. (2012) acknowledges that more research is necessary to draw conclusions

<sup>12</sup> CalTrout Petition. See pg. 3, paragraph 3

<sup>13</sup> Alagona P.S., Cooper S.D., Capelli M., Stoecker M., Beedle P. H. A History of Steelhead and Rainbow Trout (*Oncorhynchus mykiss*) in the Santa Ynez River Watershed, Santa Barbara County, California





regarding the presence of salmonid bones at the Santa Ynez River archaeological sites; however, the findings provide an indication of limited steelhead presence during the pre-colonial period.

As noted above, large numbers of trout from northern hatcheries were planted in southern California rivers in the 1890s up to the 1930s. The planted fish were predominantly steelhead and a mix of resident with the anadromous form. The history of the steelhead fisheries during this time is well documented.<sup>14,15</sup> By the early 1930s, there was a trend towards planting larger “catchable-sized” trout. In the late 1930s, the focus of the hatcheries had changed to producing and planting “catchables” that were mostly from a resident form of *O. mykiss*.<sup>16</sup> The decline in steelhead in southern California rivers coincided with the change in hatchery practices.

The population decline following the cessation of planting from northern hatcheries is evident in correspondence generated by CDFW officials and numerous newspaper articles at the time (McEachron 2007 and Bowers 2008). Alagona et al. (2012) also cited Spanne (1975), which “noted that runs of anadromous fish in the Santa Ynez River occurred right up to the construction of Bradbury Dam, but that they were much more predictable and frequent in the late nineteenth and early twentieth centuries based on the memories of elderly residents.” The late nineteenth and early twentieth century time period is coincident with the steelhead planting program that was underway in southern California at that time. By 1951, the mention of a steelhead fishery in the newspapers had almost ceased to exist. During that year (1951), CDFW biologist Willis Evans stated: “The fisheries value of these drainages lies primarily in the existence of a resident population of rainbow trout in the head waters areas. Their range throughout most of the subject drainages is curtailed by the lack of sustained year long stream flows. High summer water temperatures above the tolerance of trout also prevent trout development in otherwise suitable streams such as lower Piru Creek.”<sup>17</sup> “These drainages” referred to the Ventura and Santa Clara River watersheds. The following year (1952), the Santa Paula Chronicle reported that “Steelhead fishing season ended this year without a single catch being made.” In 1954, a few steelhead were reported in the Ventura River but no catches were reported. Notably, these statements from CDFW were made prior to any major dams being constructed in the Santa Clara River watershed. Santa Felicia Dam, constructed on Piru Creek in 1955, was the first such dam. More

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<sup>14</sup> McEachron M. 2009. A Review of Historical Information Regarding Steelhead Trout in the Piru Creek Watershed, Ventura County, California.

<sup>15</sup> Bowers K. 2008. History of Steelhead and Rainbow Trout in Ventura County: Newsprint Accounts from 1870 to 1955. Vol I.

<sup>16</sup> CDFW. 1970. Fish Bulletin 150 A History of California Fish Hatcheries. See pgs. 50-52.

<sup>17</sup> Evans W.A. 1951. U.S. Department of Agriculture “Report of Survey Santa Clara-Ventura Rivers and Calleguas Creek Watersheds, California” (January 1951). See pg. 1, paragraph 4.



recent records of steelhead in the Santa Clara River, primarily made by fisherman, CDFW, and by United were reported and are also well-documented.<sup>18,19,20</sup>

The CalTrout petition refers to steelhead monitoring at the Freeman Diversion fish ladder, stating that it, in part, “supports the finding that little to no change has been observed in total abundance or spatial structure of Southern steelhead since the initial federal listing.” United does not refute this statement. However, it should be noted that it is consistent with previous CDFW surveys in the Santa Clara River watershed, which found low numbers of steelhead going back to the 1950s. Later, CDFW conducted a two year study in coordination with United in 1982-1983 and 1983-1984.<sup>21</sup> It resulted in the trapping and identification of a total of 3 steelhead over the two-year study period. As noted above, monitoring at the Freeman Diversion fish ladder has identified low numbers of adult steelhead, typically 0 to 2 individuals per year, since beginning operation in 1991 up to 2021. Combined with earlier observations, monitoring at the Freeman Diversion indicates that the total abundance of steelhead has remained relatively stable since well before the federal listing.

**Further research into the relationship between resident and anadromous life-histories must be included in the analysis<sup>22</sup> of the status of steelhead, species stability, and recovery.**

When considering the petition and potential future listing, the contribution of resident rainbow trout must be considered. A document prepared by NOAA-NMFS Southwest Fisheries Science Center supports this approach by stating: “Steelhead and rainbow trout belong to the same species (*O. mykiss*), and steelhead are the ocean-migratory (“anadromous”) form and rainbow trout are the freshwater-resident form. There is a growing body of literature showing that steelhead and rainbow trout share freshwater habitat, mate with one another, and their offspring can either undergo physiological changes necessary to migrate to the ocean as a steelhead or undergo freshwater maturation as a rainbow trout.”<sup>23</sup> As evidenced by this interplay, the ecology of the species clearly requires close examination by CDFW.

The CalTrout petition states that “[f]ish that express the resident freshwater life-history strategy play a central role to the continued existence of southern steelhead.” United agrees with the CalTrout petition regarding this interplay of the freshwater resident and anadromous *O. mykiss* life-histories. NMFS recognizes the importance of the life history plasticity between the resident and the anadromous form of *O. mykiss*. In the recovery plan process, NMFS stated: “It is difficult to envision a successful recovery effort without a better

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<sup>18</sup> Stoecker M., Kelley E. 2005. Santa Clara River Steelhead Trout: Assessment and Recovery Opportunities.

<sup>19</sup> Puckett L.K. and Villa N.A. 1985. Lower Santa Clara River Steelhead Study. Final Report.

<sup>20</sup> Entrix. 2000. Results of Fish Passage Monitoring at the Vern Freeman Diversion Facility Santa Clara River 1994-1998

<sup>21</sup> Puckett L.K. and Villa N.A. 1985.

<sup>22</sup> CalTrout Petition. See pg. 8, paragraph 1.

<sup>23</sup> Ohms H.A. and Boughton D.A. 2019. Carmel River Steelhead Fishery Report - 2019.



understanding of the functional relationship between resident and anadromous fish.” They go on to explain that “this continuum has a significant implication for viability criteria.”<sup>24</sup> The most recent NMFS 5-year review of the species referred to resident *O. mykiss*, their importance to the viability of anadromous steelhead populations, and how viability criteria in the Recovery Plan should be updated to account for the contribution of resident fish, a topic that is discussed in more detail below. Recently, several authors that have worked extensively with the southern California steelhead population published a study<sup>25</sup> that makes a key point: “Resident *O. mykiss* in upper watershed areas outside the designated critical habitat are not protected by either state or federal endangered species acts, despite their documented link in maintaining maximum numbers of [s]teelhead (NMFS 2012).” Dagit et al. (2020) also states that the Southern California Steelhead Recovery Plan (NMFS 2012) and Boughton et al. (2007) proclaim that an important consideration to prevent extinction is “protecting existing populations and all life history expressions.”

The current recovery population viability goal of 4,150 spawners per year on average for southern California steelhead comes from Lindley’s (2003) “random walk with drift” model using field data from the Central Valley (Boughton et al. 2007; Williams et al. 2016). However, the “random walk” model considers only 100 percent anadromous spawners (thereby disregarding the significant contribution of resident *O. mykiss*). This approach effectively means that in terms of achieving recovery goals, resident trout would not contribute to the anadromous form even though NMFS recognized that the Santa Clara River has maintained a population of smolts emigrating to the ocean while upstream migrant runs were too small to be self-sustaining. The limited consideration of purely anadromous fish for the recovery goal is biologically inappropriate for this species, and contrary to the wide recognition that resident *O. mykiss* play a key role in conservation of native coastal *O. mykiss*, including the steelhead life history strategy – particularly in arid southern California where intermittent flow regimes and prolonged droughts are common (Dagit et al. 2020). The viability studies recognized that the “interchange between resident and anadromous fish groups would almost certainly lower the extinction risk of both groups.”<sup>26</sup> They go on to state that during their performance-based criteria analysis the interchange between the resident and anadromous form could have large consequences when determining extinction. Specifically, “we suspect that extinction risk of steelhead fraction is likely to be highly sensitive to the details of this interchange.”

In the most recent 5-year review of the species, NMFS states that “the criteria that mean annual spawner abundance 1) be greater than 4,150, and 2) be composed of 100% anadromous individuals, were recommended as a risk-averse approach. It was expected that

<sup>24</sup> NMFS. 2012. See pg. 14-13, paragraph 7.

<sup>25</sup> Dagit, R., M.T. Booth, M. Gomez, T. Hovey, S. Howard, S.D. Lewis, S. Jacobson, M. Larson, D. Mccanne, and T.H. Robinson. 2020. Occurrences of Steelhead Trout (*Oncorhynchus mykiss*) in southern California, 1994-2018. California Fish and Wildlife 106(1):39-58.

<sup>26</sup> Boughton. 2007. See pg. 8, paragraph 2.



further scientific work would either support these criteria or allow one or both to be relaxed” depending on the scientific research to fill key knowledge gaps including “uncertainty about the magnitude of normal fluctuations in adult abundance, and... uncertainty about the underlying biological mechanisms for expression of life-history diversity, especially factors triggering anadromous versus resident life-histories within populations.”<sup>27</sup> Thus, there is clear acknowledgment that additional research is needed to gain a more complete understanding of steelhead ecology and, among other things, refine the viability goal under the federal ESA. These findings and research questions would also need to be closely considered by CDFW in the evaluation of the petition.

Dagit et al. (2020) also notes that, “[a]s reported by Williams et al. (2016) and confirmed by our observations, at no point since [southern California] steelhead were listed as endangered in 1997 was the preliminary provisional viable population goal of 4,150 annual anadromous spawners observed in any individual watershed, nor through the DPS as a whole.”

Finally, Dagit et al. (2020) states that “[b]uilding quantitative models that consider both anadromous and resident fish in the production of smolts, in addition to watershed-specific carrying capacities would be a valuable effort towards refining population goals.” United strongly agrees, and points to the last southern California steelhead 5-year review that also stated: “Overall, these results show that resident and anadromous forms are tightly integrated at the population level, suggesting a revision of the viability criterion for 100 [percent] anadromous fraction” (NMFS 2016). Moyle (2017) acknowledges that the life-history trait of “partial anadromy is an active area of research to gain insight into underlying environmental and genetic influences. This multigenic trait has important implications for endangered steelhead recovery and fisheries management strategies.”

The CalTrout petition states that “[t]he resident component of the ESU covers a large number of native rainbow trout that are geographically dispersed, but are genetically demonstrable remnant populations of Southern steelhead;” however, the information presented above demonstrates that the interplay between the anadromous and resident life-histories is an open and ongoing area of research with direct implications on the status of the species. A review of the best available scientific information results in numerous findings and conclusions regarding the need for additional research on this topic. Researchers and regulatory agencies acknowledge that further study is necessary to ascertain key data required to make informed management decisions. Therefore, United urges CDFW to evaluate the entire breeding population, including resident fish as well as south-central coast steelhead (discussed below) in their review of the CalTrout petition. Should southern California steelhead become a candidate species, CDFW must again evaluate the entire breeding population in the status review to achieve a more realistic recovery goal that is true

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<sup>27</sup> NMFS. 2016. 5-Year Review: Summary and Evaluation of Southern California Coast Steelhead Distinct Population Segment. National Marine Fisheries Service. West Coast Region. California Coastal Office. Long Beach, California. See pg. 20, paragraph 2.





to the biology and genetic structure of the native *O. mykiss* population in southern California. In considering the appropriate population, CDFW can employ a more holistic approach to protecting native *O. mykiss* in southern California, and permit applicants and restoration biologists will be afforded more viable options for project proposals that will lead to meaningful improvements for this population.

**The fraction of anadromy must be considered at the sub-watershed level due to highly variable environmental conditions.**

Tributaries within the Santa Clara watershed support a healthy population of *O. mykiss*. Stoecker and Kelley (2005) summarized various surveys conducted by CDFW and academic institutions documenting observations of over 100 *O. mykiss* per 100 feet of stream length. Moore, as referenced in Stoecker and Kelley (2005), did an extensive survey of both Santa Paula Creek and Sespe Creek, and their tributaries, reporting “abundant” trout in most of the tributaries. Some of his observations included 15 *O. mykiss* per 100 feet in Lion Creek and 70 *O. mykiss* per 100 ft in Howard Creek. A survey by CDFW, also referenced in Stoecker and Kelley (2005), found *O. mykiss* to be abundant in various tributaries to Sespe Creek in 1994 to 1995. As an example, they observed over 100 *O. mykiss* per 100 feet in Howard Creek. While no estimates were made to calculate the total abundance of *O. mykiss* observed in the Santa Clara River watershed, it would be safe to assume that during these surveys the totals were substantial given that, for example, on Sespe Creek about 47 miles of spawning and rearing habitat *O. mykiss* were reported by CDFW<sup>28</sup>. During this same period, various studies documented the anadromous migration within the watershed. A two-year study conducted by CDFW in 1982-1984 found no smolts migrating out of the Sespe despite trapping, electroshocking, and netting downstream of the Sespe tributary throughout the primary smolt migration period<sup>29</sup>. In the early 1990s, smolts were trapped and counted at the Freeman Diversion. In 1994, for example, United operated a downstream migration trap from February 21 through May 25 and a total of 83 smolts were collected at the trap during this period.<sup>30</sup> It is worth noting that smolts collected at the facility ranged from 0 to approximately 800 during the operation of the downstream migrant trap.

With survey and monitoring results documenting an abundant resident population but relatively few smolts produced from these watersheds, there is a strong indication that *O. mykiss* in the Santa Clara River have a natural low fraction of anadromy. A naturally low fraction of anadromy is expected where the cost to migrate to and from the ocean is high (i.e., low success rate) compared to staying within the watershed as residents. This observed low fraction of anadromy may be explained by the dynamics of many of the rivers in southern California.

As an example, the Santa Clara River is a large watershed (1,625 square miles) dominated by a sandy braided channel in the mainstem. During high flows, suspended sediment levels in the

<sup>28</sup> CDFW. 1996. See pg. 205, paragraph 5

<sup>29</sup> Puckett L.K. and Villa N.A. 1985.

<sup>30</sup> Entrix. 1994. Results of Fish Passage Monitoring at the Vern Freeman Diversion Facility, Santa Clara River, 1994. See pg. 3-10, Table 3-4





Santa Clara River are elevated to a point that is expected to preclude upstream migration opportunity<sup>31</sup>. A key section of the river for emigration to the ocean is well documented by observations dating back to the 1700s to go dry, thus precluding passage. During large portions of the year, portions of the river mainstem remain dry due to percolation to the underlying groundwater basins as surface water is quickly lost in the broad alluvial floodplain.<sup>32</sup>

Kendall et al. (2015) reviewed various studies documenting the factors that may influence the fraction of anadromy. One study found that “migration cost did influence life histories in one model which indicated that emigration survival was one of the critical factors shaping the expression of anadromy.”<sup>33</sup> Residency was predicted to increase as emigration survival decreased. Kendall found other studies that concluded that perhaps the southern portions of the species range may be skewed towards residency with the higher cost of anadromy due to seasonally dry stream reaches and lagoon sandbar formations limiting migration opportunities.

Using over 20 years of data collected at the Freeman Diversion from the downstream migrant trap, Booth (2020) concluded that smolt migration timing was correlated with the day length and was less dependent on flow magnitude. Booth found that 95% of all smolts arrived between mid-March and late May with the majority arriving at the collection system in mid-April to mid-May. Most importantly, Booth concluded that “downstream migration in the Santa Clara River often may occur too late in the season to be synchronized with likely opportunities for downstream migration to the estuary and ocean.”<sup>34</sup> Upon reviewing the historic hydrology for the system, Booth found that it is a relatively common occurrence for smolts in the Santa Clara River to be unable to successfully migrate to the ocean even with natural hydrology conditions. In summary, *O. mykiss* in the Santa Clara River watershed produce a very small fraction of anadromy, which is expected due to high cost for anadromy and the lack of opportunities for successful emigration and upstream migration. It is likely that the historic planting of steelhead, discussed in more detail above, temporarily modified the fraction of anadromy, thereby increasing the anadromous run size in the system for a short period. Prior surveys have revealed that the resident form of *O. mykiss* are well established within the watershed and are likely to continue to produce the anadromous form. This relationship needs to be studied before a CESA listing determination can be made. As NMFS has stated, the viability of the species would be expected to rise when considering the resident contribution.

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<sup>31</sup> Stillwater Sciences. 2020. Assessment of Suspended Sediment Effects on Adult Steelhead: Implications for Limitations on Steelhead Behavior and Physiology in the Santa Clara River

<sup>32</sup> Beller E.E., R.M. Grossinger, M.N. Salomon, S.J. Dark, E.D. Stein, B.K. Orr, P.W. Downs, T.R. Longcore, G.C. Coffman, A.A. Whipple, R.A. Askevold, B. Stanford, J.R. Beagle. 2011. Historical ecology of the lower Santa Clara River, Ventura River, and Oxnard Plain: an analysis of terrestrial, riverine, and coastal habitats. See pg. 82

<sup>33</sup> Kendall N.W., McMillan J.R., Sloat M.R., Buerhens T.W., Quinn T.P., Pess G.R., Kuzischin K.V., McClure M.M., Zabel R.W. Anadromy and residency in steelhead and rainbow trout (*Oncorhynchus mykiss*): a review of the processes and patterns. See pg. 335, paragraph 2

<sup>34</sup> Booth M.T. Patterns and Potential Drivers of Steelhead Smolt Migration in Southern California. See pg. 24, paragraph 2.



**Genetics on the population structure. The CalTrout petition discusses nuclear DNA with respect to geography, but fails to consider genetic evidence establishing that there is no differentiation between the southern California and the south-central coast populations of steelhead.**

The best available scientific information does not support southern California steelhead being distinct from south-central coast steelhead. In 2008, scientists at National Oceanic and Atmospheric Administration (NOAA) Southwest Fisheries Science Center concluded that “[n]o genetic basis was found for the division of populations [from southern California] into two distinct biological groups, contrary to current classification under the US and California Endangered Species Acts.”<sup>35</sup> The Clemento et al. (2008) study analyzed nuclear DNA, representing the best available scientific information and a far superior approach to identifying genetic structure in coastal *O. mykiss* populations compared to the prior studies cited in the original listing that used allozymes (proteins), maternally inherited mitochondrial DNA (Busby et al. 1996), and karyotyping (chromosome sampling). Thus, the more recent – and more reliable – studies from 2008 demonstrate that the two populations should be reclassified as one based on the most updated and most rigorous genetic data.

#### **Other comments on the CalTrout petition:**

- The CalTrout petition fails to acknowledge that the language of CESA covers the listing of a “species or subspecies” and not a distinct population segment (DPS).
- While arguing for the listing of the anadromous life-history form, CalTrout recommends not listing the resident life-history form above total barriers even though both forms are genetically identical and comprise a single species, *O. mykiss*. The CalTrout petition stops short of identifying the anadromous life-history form as a species or subspecies, likely owing to the fact that the anadromous and resident life-history forms comprise one species. In the status review of the northern California summer steelhead, CDFW indicated that this ecotype should not be listed under CESA, a recommendation based at least partially on the genetics of the species,<sup>36</sup> which indicated closer relation between localities as opposed to run-timing, and failed to meet the definition of a subspecies, as the petition requested. The same finding should apply to the genetics of anadromous and resident *O. mykiss*.
- The CalTrout petition recommends that catch-and-release fishing with barbless lures only be permitted in waters demonstrated to have steelhead lineage.<sup>37</sup> Catch-and-release

<sup>35</sup> Clemento A.J, Anderson E.C., Boughton D., Garza J.C. 2008. Population genetic structure and ancestry of *Oncorhynchus mykiss* populations above and below dams in south-central California. See pg. 1321, paragraph 1.

<sup>36</sup> CDFW. 2021. California Endangered Species Act Status Review for Northern California Summer Steelhead (*Oncorhynchus mykiss*). See pg. 149, paragraph 4.

<sup>37</sup> CalTrout Petition. See pg. 17, paragraph 1.



fishing results in a percentage of mortality, so the recommendation runs contrary to the arguments presented in the CalTrout petition.

- The CalTrout petition states that the listing of steelhead under CESA is needed to augment the protections provided by the federal ESA listing<sup>38</sup> but the effective protections for the species would not change significantly. Currently, while NMFS administers protections for steelhead under the federal ESA and CDFW administers protections for steelhead under the Fish and Game Code (F&G Code), “take” is already prohibited under the federal ESA without an incidental take permit and is also effectively prohibited by CDFW’s interpretation and application of F&G Code.
- It is important that CDFW use the best available scientific information when describing the species’ basic life history. The CalTrout petition states that “the timing of out-migration is influenced by a variety of environmental cues including streamflow, temperature, and breaching of the sand berm at the river’s mouth.”<sup>39</sup> It is important to add that recent new evidence points to day length (also known as photoperiod) as being a major driver of juvenile outmigration timing<sup>40</sup> and potentially as important, if not more so, than the environmental cues listed by CalTrout’s petition.
- The CalTrout petition notes that “[e]xcessive sedimentation and turbidity are critical water quality components in all habitat types and impacts how southern California steelhead utilize each habitat type.”<sup>41</sup> United agrees, and would note that as part of the Freeman Diversion MSHCP currently in development, United has completed an analysis of the effects of suspended sediment concentrations and turbidity on the behavior of steelhead. United encourages CDFW to evaluate the effects of sedimentation and turbidity as part of their analysis.
- The CalTrout petition notes that “7 inches is considered the minimal water depth needed for successful migration” for adult steelhead.<sup>42</sup> United agrees that the minimum water depth necessary for adult migration in southern California rivers is something other than the 0.7 feet (8.4 inches) referenced in the CDFW critical riffle analysis standard operating procedure,<sup>43</sup> which was developed based on an analysis completed for the SWRCB Policy for Maintaining Instream Flows in Northern Coastal California Streams.<sup>44</sup> United encourages CDFW to evaluate region specific data on fish size and river flows in their analysis to determine more appropriate flow depth criteria.

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<sup>38</sup> CalTrout Petition. See pg. 15, paragraph 3.

<sup>39</sup> CalTrout Petition. See pg. 9, paragraph 1.

<sup>40</sup> Booth M. 2020. Patterns and Potential Drivers of Steelhead Smolt Migration in Southern California. *North American Journal of Fisheries Management*, Volume 40, Issue 4: pp 1032-1050.

<sup>41</sup> CalTrout Petition. See pg. 10, paragraph 3

<sup>42</sup> CalTrout Petition. See pg. 10, paragraph 2

<sup>43</sup> CDFW 2017. Standard Operating Procedure for Critical Riffle Analysis for Fish Passage in California

<sup>44</sup> Policy for Maintaining Instream Flows in Northern California Coastal Streams. Division of Water Rights. State Water Resources Control Board. February 4, 2014.



Vanessa Gusman  
California Department of Fish and Wildlife - Fisheries Branch  
August 17, 2021  
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The lack of reliable historic and current population data, compounded by artificial planting, and the lack of proper research into resident and anadromous life histories, fraction of anadromy, and genetic differentiation compels further study of southern California steelhead prior to making a CESA listing decision based on CalTrout's petition. The evaluation must consider all available sources of information to reach the best available scientific information threshold, including the information provided herein, and the attached reference documents, as a starting point for this species.

Respectfully,

A handwritten signature in black ink, appearing to read "Anthony Emmert".

Anthony Emmert  
Assistant General Manager



Bringing  
Water  
Together

August 17, 2021

The Honorable Peter Silva  
President, California Fish and Game Commission  
P.O. Box 944209  
Sacramento, CA 94244-2090

**RE: ACWA Response to Notice of California Endangered Species Act Petition:  
Southern California Steelhead.**

Dear President Silva:

The Association of California Water Agencies (ACWA) writes in regard to the petition currently pending before the California Fish and Game Commission (Commission) to list Southern California steelhead (Southern steelhead) as an Endangered Species under the state's Endangered Species Act (CESA, FGC § 2050 et seq.). ACWA represents more than 460 public water agencies that collectively deliver approximately 90 percent of the water in California for domestic, agricultural, and industrial uses.

The ongoing drought emergency has left water agencies throughout the state with the difficult task of managing limited water supplies to support a multitude of needs. ACWA believes it is imperative that the Commission consider drought conditions and current water management circumstances within the South Coast region when evaluating whether to designate Southern steelhead a "candidate species." Therefore, we write to communicate the intent of our organization to provide staff within the Department of Fish and Wildlife (Department) with information on present water management conditions, challenges currently facing water agencies in that region, and other information that, we hope, will inform the evaluation of this petition.

Efforts have been underway for years, at both the state and federal level, to address the plight of Southern steelhead. Listed as endangered under the federal ESA since 1997, the distinct population segment (DPS) for Southern steelhead presently consists of coastal watersheds extending from the Santa Maria River system south to the U.S.-Mexico border. The recovery plan for Southern steelhead, adopted by the National Oceanic and Atmospheric Administration (NOAA) in 2012, has resulted in many conservation actions to reduce and eliminate specific threats throughout the region. ACWA members in the region have been actively involved in steelhead recovery planning and implementation through investments in habitat restoration and by modifying infrastructure and operations. While water agencies are committed to the recovery of Southern steelhead, they must view this CESA petition through the lens of current water management circumstances in the region. In the near-term, designating Southern steelhead as a "candidate species" would allow various state agencies to place new restrictions on water agencies already working diligently to effectively manage limited supplies. Water agencies need to contemplate how new operational restrictions would impact their ability to meet all the needs of their customers.

SACRAMENTO 980 9th Street, Suite 1000, Sacramento, CA 95814 • (916) 441-4545  
WASHINGTON, D.C. 400 North Capitol Street NW, Suite 357, Washington, DC 20001 • (202) 434-4760

[www.acwa.com](http://www.acwa.com)





ACWA appreciates the responsibility currently before Department staff and the Commission in evaluating this petition. There are many factors that will help determine whether to list Southern steelhead as a "candidate species." Our members along the South Coast are closely following this petition because the Commission's ultimate decision, particularly in the midst of a historic drought, could drastically alter water management operations throughout the region.

ACWA will be in touch with Department staff over the coming weeks. In the meantime, please contact me at [krisa@acwa.com](mailto:krisa@acwa.com) or (916) 441-4545 with any questions regarding ACWA's comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristopher M. Anderson".

Kristopher M. Anderson, Esq.  
Legislative Advocate

cc: The Honorable Samantha Murray, Vice President, California Fish and Game Commission  
The Honorable Jacque Hostler-Carmesin, Member, California Fish and Game Commission  
The Honorable Eric Sklar, Member, California Fish and Game Commission  
The Honorable Erika Zavaleta, Member, California Fish and Game Commission  
Ms. Melissa Miller-Henson, Executive Director, California Fish and Game Commission  
Mr. Scott Gardner, Wildlife Branch Chief, California Department of Fish and Wildlife



SENT VIA ELECTRONIC MAIL

August 20, 2021

Vanessa Gusman  
California Department of Fish and Wildlife  
Fisheries Branch  
PO Box 944209  
Sacramento, CA 94244-2090  
via email: [Vanessa.Gusman@wildlife.ca.gov](mailto:Vanessa.Gusman@wildlife.ca.gov)

**Subject: Comment Letter for Casitas Municipal Water District Related to the Petition to List Southern California Steelhead Under the California Endangered Species Act**

## Introduction

The Casitas Municipal Water District (Casitas) appreciates the opportunity to comment on the petition by California Trout (CalTrout) to list southern California steelhead (steelhead) Distinct Population Segment (DPS) as endangered under the California Endangered Species Act (CESA). This petition was submitted to the California Fish and Game Commission (Commission) on June 7, 2021.

Casitas as well as the United States Bureau of Reclamation (Bureau) have been active participants in the recovery of steelhead in the Ventura River since the federal listing in 1997 by designing and operating a diversion with a state-of-the-art fish passage facility and fish passage lifecycle monitoring station. Additionally, Casitas developed meaningful instream flows for steelhead in coordination with the National Marine Fisheries Service (NMFS) and the California Department of Fish and Wildlife (CDFW). Casitas agrees that recovery actions are paramount to the viability and success of this species. However, after a thorough review of the petition, Casitas has some concerns and comments to share with CDFW and the Commission. This letter will address concerns Casitas has in that adding an additional permitting process will most likely delay projects, including recovery actions that are already in place or are in the advanced planning stages, as well as additional concerns regarding elements of recovery that CalTrout did not provide in their petition letter. Additionally, CDFW is already involved in steelhead recovery by partnering with NMFS on Section 7 and Section 10 federal ESA consultations and by conducting monitoring and research on the steelhead DPS. The federal and state governments are already dictating and requiring recovery actions through the NMFS recovery plan for southern California steelhead. Adding steelhead to the list of those species covered under the CESA will most likely duplicate recovery efforts already occurring resulting in unnecessary redundancies and delays. CalTrout is expecting recovery to occur in a timeframe that is not reasonable or realistic. Many recovery actions have been implemented and many large scale actions are in the advanced planning phases. The unprecedented drought that has occurred since 2007 has had a significant adverse effect on the recovery of the species resulting in no change in the steelhead numbers in the region. Would adding this species to the list of those species covered under the CESA change that or provide additional, meaningful recovery actions not already included in the federal recovery plan? Lastly, we are concerned that CalTrout is requesting

the Commission to only list the federally designated DPS of southern California steelhead, whereas the CESA does not extend beyond the species or subspecies level (i.e., it does not extend to distinct populations segments or evolutionarily significant units). The CESA defines an endangered species as “a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease” (California Fish and Game Code Section 2062). CalTrout also is requesting the Commission to only consider the anadromous form of *Oncorhynchus mykiss* and to not consider the resident form of the species for CESA listing, which we believe goes against the CESA definition of a species. The remainder of this comment letter includes these topics:

- Regulatory and Permit Burden and Redundancy
- Recovery Timeframe
- Recovery Actions Implemented and Planned
- Effects of Drought on Recovery
- The State is Already Involved in Recovery Through Federal Consultations
- Other State Actions That are Supporting Recovery Outside of CESA

## Regulatory and Permit Burden and Redundancy

If the Commission were to list southern California steelhead as endangered under CESA, Casitas and other entities that have projects potentially affecting steelhead will now have an additional permit process that will cause additional delays and, in our opinion, will only include redundancies that are already included in federal biological opinions and multiple other permits required to implement projects including restoration and recovery projects. A list of recovery projects that will aid in the recovery of the species and have the potential to be delayed due to an additional permit requirement are included below.

CalTrout believes if the Commission determines a listing is warranted, “CDFW will have direct authority to oversee projects proposed within the current limits of anadromy. This will provide CDFW the ability to establish species-specific mitigation measures that must be met for take coverage to be authorized” (CalTrout 2021). The CDFW is already a partner in federal consultation and recovery efforts and have developed site-specific recovery measures in collaboration with NMFS. CDFW scientists have been involved with the federal consultation at the Robles Diversion Facility and are involved with other consultations in the DPS ultimately dictating some of the conservation and recovery measures and actions CalTrout believes would only occur if the species was listed under CESA. Since CDFW is already involved in the federal consultation process, there is no need to add additional regulatory burden on applicants and CDFW staff that are already involved in recovery of the species.

## Recovery Timeframe

CalTrout’s petition includes concerns about the lack of increased fish numbers since the listing in 1997. The federal recovery plan discusses the complexities in recovery planning and the timeframe required for biologically meaningful and quantifiable recovery based on objective, measurable criteria. This paragraph is included on page 5-1 of the recovery plan (NMFS 2012).

“The West Coast’s salmon and steelhead populations have always been sensitive to the variability of the northeast Pacific climate-ocean system . . . So steelhead recovery as a form of human stewardship has to be judged over a broader timeline, with multi-year setbacks in population size considered to be a normal and expected event, and progress judged at the scale of multiple decades and even multiple human generations.”

Dr. David A. Boughton, Chair, NOAA Fisheries  
South-Central/Southern California Steelhead  
Technical Recovery Team, 2010

Although the most recent NMFS 5-year review (NMFS 2016) determined there has been no appreciable increase in steelhead numbers since the listing, there are numerous large scale recovery and restoration actions in the planning stages with goals to increase steelhead numbers within the southern California DPS and neighboring segments. There are also large scale recovery actions occurring or that have already occurred in the neighboring south-central steelhead DPS (San Clemente Dam decommissioning, Los Padres dam fish passage design, Arroyo Grande Creek and watershed improvement projects) intended to aid in the recovery of the south-central California steelhead DPS, but will also aid in recovery of the southern California steelhead DPS. These recovery actions take time to develop through scientific research, advanced and sometimes unprecedented engineering design, and lengthy consultations with resource agencies. Adding additional consultation under CESA would only introduce redundancies to current requirements and consultations already involving CDFW, with potential consequences of delaying important recovery actions.

## Recovery Actions Implemented and Planned

Numerous small- and large-scale recovery actions are occurring in the DPS. Many are in the advanced planning stages and could be implemented within the next ten years and some are already in place. These actions are anticipated to result in a measurable increase in steelhead numbers in the DPS over a reasonable timeframe as described in the NMFS recovery plan. Below is a list of recovery actions that have already occurred or are in the planning process. Note that this is not an exhaustive list and other recovery projects may exist of which we are unaware.

### *Robles Fish Passage Facility*

Casitas completed an \$8 million dollar steelhead fish passage improvement project to the Robles Diversion Facility on the Ventura River in 2005. This project was completed in part with CDFW grants. Casitas worked with CDFW, NMFS, and others to design this facility, which is now operated under a NMFS Biological Opinion. This passage facility now provides access to historic spawning and rearing habitat upstream of the facility. As of 2020, a total of 1,341 *O. mykiss* have been documented passing upstream or downstream through the facility. This facility is just one of many improvement projects undertaken that will aid in the recovery of steelhead in the DPS.

### *Matilija Dam Ecosystem Restoration Project*

The Matilija Dam Ecosystem Restoration Project has been in the design and planning stages for decades. Delays due to funding, complexities with sediment, etc., are an indication of the diverse complexities that can occur with a large-scale recovery/restoration project. The good news is that upfront projects required before the dam can be removed started this year after years of planning and consultations. This project is similar to the San Clemente Dam decommissioning project that occurred on the Carmel

River in 2015. Monitoring results indicate that steelhead and other anadromous fish (Pacific lamprey) are now utilizing important habitats upstream in the Carmel River. The removal of Matilija Dam will be a big step toward improving steelhead numbers in the Ventura River and the DPS overall. The current projection timeline for dam removal is ten years.

#### *Foster Park Fish Passage Improvement Project*

The City of Ventura will be providing fish passage over an exposed subterranean diversion dam and exposed pipeline crossing over the next two years. This project is on the lower Ventura River and will provide unimpeded passage conditions for steelhead to reach high quality spawning and rearing habitats upstream.

#### *Freeman Diversion HCP and Fish Passage Improvements*

A draft Habitat Conservation Plan has been submitted to NMFS, the United States Fish and Wildlife Service (USFWS) and CDFW to obtain incidental take coverage for multiple species including steelhead at the Freeman Diversion on the Santa Clara River. This plan includes operations that provide instream flows that mimic the pattern, timing, magnitude and duration of flows for upstream and downstream migrating steelhead. The plan also includes a new fish passage facility at the diversion. This fish passage facility was developed through an alternatives analyses from a fish passage review panel and is designed to provide natural rate of migration past the facility for steelhead. Additional conservation measures including mitigation are included in this document that will assist in the recovery of steelhead in the DPS.

#### *Santa Felicia Dam Relicensing Project*

The relicensing of the Santa Felicia Dam on Piru Creek, a tributary of the Santa Clara River, through the Federal Energy Regulatory Commission (FERC) included multiple requirements from the FERC, NMFS, the USFWS, the United States Forest Service and CDFW such as instream flows for steelhead migration and rearing, flows to maintain natural geomorphic processes, invasive species management, monitoring and adaptive management, and fish passage over Santa Felicia Dam. Some of these requirements are already in the implementation phase while others are in the advanced planning phases.

#### *Rindge Dam Decommissioning on Malibu Creek*

The Rindge Dam on Malibu Creek is in the planning phase and CalTrout is a partner in moving this project forward. The CalTrout website states "the dam removal project is now poised to proceed into design phase, following recent authorization of the project's feasibility study led by the U.S. Army Corps of Engineers and pending formal approval in Congress. This is a major milestone, but the hard work is now ahead to complete design, put together a successful dam removal team, restore migration of the endangered southern steelhead, and secure funding for the >\$200M project."

#### *Quiota Creek Fish Passage Barrier Removals*

The Cachuma Operation and Maintenance Board replaced numerous low flow crossings with bridges on Quiota Creek, a tributary to the Santa Ynez River. The original crossings were barriers to steelhead migration. They have all been replaced and passage has been restored to this creek.

#### *Salsipuedes Creek and El Jaro Creek Fish Passage Barrier Structures*



Fish passage structures have been constructed on these two tributaries to the Santa Ynez River, providing access to miles of habitat for steelhead.

#### *Arroyo Hondo Creek Fish Passage Project*

Fish passage was restored through a 300-foot culvert beneath highway 101 on Arroyo Hondo Creek on the Santa Barbara coast. This is a small coastal stream that provides excellent spawning and rearing habitat for steelhead. The CDFW has monitored fish passage in this creek using Sonar technology.

#### *Solstice Creek Fish Passage Restoration*

Passage barriers at road crossings have been removed and a passage design at the Hwy 1 crossing has been reviewed by a fish passage consultant that provided a peer review and passage design alternatives to NMFS and CalTrans. CalTrans is working with NMFS to start implementing the project. Solstice Creek is a small coastal stream located near Malibu in the Santa Monica Mountains.

#### *Trabucco Creek Fish Passage Project*

CalTrout is leading an effort to provide fish passage under the interstate 5 bridge in Trabucco Creek in the San Juan Creek watershed, Orange County, California. The project, which is in the 65% design phase will provide access to 15 miles of upstream high quality spawning and rearing habitat for steelhead.

This is not an exhaustive list of recovery efforts occurring in the DPS. The CalTrout petition states that Southern steelhead have seen little demonstrable improvement in population numbers and long-term persistence since the species' federal ESA listing in 1997. It also states that state and federal entities have had decades to address the precipitous and continuing decline in Southern steelhead populations through all manner of guidance, policy, and mandate. This contradicts the results of the NMFS 5-year review that states "while the status of the populations of steelhead within the Southern California Coast Steelhead DPS has not changed appreciably since the last status review, a number of recovery related activities have been undertaken which may result in some reduction in threats to the species, and potentially lead to a future increase in individual populations." The 5-year review highlights NMFS' belief that recovery actions will increase steelhead population numbers in the DPS and it does not conclude there is a "precipitous and continuing decline in Southern steelhead populations in the DPS" as stated in the CalTrout petition.

Although steelhead numbers are low, there are few robust monitoring programs over a meaningful timescale occurring in the DPS. The minimal data that does exist as well as anecdotal information was included in the most recent paper by Dagit et al. (2020), but the authors do acknowledge the lack of data in the DPS. It is too early to use fish numbers to demonstrate progress and population data is lacking in the DPS. The number of recovery actions occurring in the DPS are based on work conducted by project proponents, federal resource agencies, CDFW and project partners and stakeholders. These projects will aid in the recovery of this species and consequently the petition didn't demonstrate how an additional listing through CESA would provide unique conservation or recovery measures that are not already included in the NMFS recovery plan and California state planning documents.

## Effects of Drought on Recovery

Southern California has experienced an unprecedented drought since 2007. This has resulted in substantial reductions in migration opportunities for southern steelhead in the DPS. In arid southern

California, steelhead require elevated winter flows to open seasonally closed sandbars in coastal lagoons as well sufficient instream flows in coastal rivers and streams to migrate to high quality spawning habitats. In some instances these sandbars never opened during the driest years of the drought and when they did, instream flows were not of a sufficient magnitude and duration for steelhead to make it to spawning habitat.

Due to the drought conditions that have occurred over more than a decade, it is not reasonable or prudent for CalTrout to postulate that there is a precipitous decline in steelhead numbers and that current recovery actions will not result in an increase in the numbers of steelhead in the DPS. Once wet conditions return to the region and multiple recovery actions are in place throughout this and neighboring DPSs, steelhead will have access to a significant amount of historic habitat, and once established, population numbers should increase.

## Other State Actions That are Supporting Recovery Outside of CESA

The CDFW is currently conducting instream flow evaluations in priority drainages in California. One of these priority drainages is the Ventura River. The Ventura River is also one of five priority stream systems selected as part of the California Water Action Plan (WAP) effort. The WAP was developed to move California toward more sustainable water management. As part of the WAP, the CDFW Instream Flow Program is supporting flow enhancement activities and developing flow criteria in priority streams that support critical habitat for threatened and endangered anadromous salmonids. The intention of these evaluations is to aid in steelhead recovery.

The Sustainable Groundwater Management Act (SGMA) of California is recent state legislation enacted to help protect groundwater resources over the long-term. Under SGMA, groundwater agencies must develop groundwater sustainability plans. These plans must include an analysis of groundwater dependent ecosystems including potential impacts to sensitive species from groundwater pumping. Plans are under development in the Ventura River and other priority drainages in the DPS further aiding in the recovery of southern California steelhead.

## Conclusions

The overarching theme of the CalTrout petition is that the current federal recovery process is not resulting in an increase in steelhead numbers in the DPS and that a CESA listing will somehow, without any supporting evidence, provide additional and unique actions fostering an increase in steelhead numbers. CalTrout states in their petition that "a number of large, complex fish passage barriers remain in place or not fully functional, even though significant investment over the years has supported advanced engineering design. The state ESA listing is anticipated to help move these projects forward into construction to realize their potential in species recovery" (CalTrout 2021). These complex projects take significant amounts of time and funding to analyze, design, permit, and build. It is our opinion and experience that adding an additional regulatory step through CESA will not help move projects forward, but will most likely cause substantial delays. As stated above, CDFW is already a regulatory partner with NMFS on federal consultations and recovery efforts. Consequently, there is no need to list this species under CESA since the current recovery plan is being managed and implemented with CDFW as a partner to NMFS.

We urge CDFW and the Commission to deny the petition to list southern California steelhead as endangered under CESA. We appreciate your review of this comment letter and please feel free to contact me with any questions or correspondence.

Sincerely,



Michael L. Flood, General Manager  
Casitas Municipal Water District  
1055 North Ventura Avenue  
Oak View, California 93022  
Via email: [mflood@casitaswater.com](mailto:mflood@casitaswater.com)

## Literature Cited

- California Trout (CalTrout). 2021. Notice of Petition: Southern California Steelhead (*Oncorhynchus mykiss*). Submitted to the California Fish and Wildlife Commission. June 7, 2021.
- Dagit, R., M. Booth, M. Gomez, T. Hovey, T., S. Howard, S. Lewis, S. Jacobson, M. Larson, D. Mccanne, and T. Robinson. 2020. Occurrences of Steelhead Trout (*Oncorhynchus mykiss*) in southern California, 1994-2018. 106. 39-58.
- National Marine Fisheries Service (NMFS). 2012. Southern California Steelhead Recovery Plan. Southwest Region, Protected Resources Division, Long Beach, California.
- National Marine Fisheries Service (NMFS). 2016. 5-Year Review: Summary and Evaluation of Southern California Coast Steelhead Distinct Population Segment. National Marine Fisheries Service. West Coast Region. California Coastal Office. Long Beach, California.



MOUNTAINS RECREATION & CONSERVATION AUTHORITY  
King Gillette Ranch  
26800 Mulholland Highway  
Calabasas, California 91302  
Phone (818) 878-0866 Fax (818) 878-0508

September 16, 2021

California Fish and Game Commission  
P.O. Box 944209  
Sacramento, California 94244-2090

**Full Support for Expedited Listing  
of Southern California Steelhead as Endangered**

Dear President Silva and Commissioners:

The Mountains Recreation and Conservation Authority (MRCA) fully supports the listing of the Southern California steelhead as endangered under the California Endangered Species Act. The MRCA owns and manages thousands of acres in watersheds that currently support tenuous populations of this imperiled species. The species' unique ability among all salmonid species to tolerate a higher range of water temperatures is vital to compensate for global warming. This summer has been a loud wake up call to do all we can as conservation agencies to protect the few remaining Southern California Steelhead populations. The populations in the Santa Clara River, Arroyo Sequit, Malibu Creek, and Topanga Creek all contain significant lands owned by the MRCA. We urge you to expedite listing of this phenomenal anadromous fish species. The MRCA Governing adopted the attached resolution on September 1, 2021 supporting the pending petition from California Trout.

Sincerely,

A handwritten signature in black ink, appearing to read "George Lange".

George Lange  
Chairperson

**MOUNTAINS RECREATION AND CONSERVATION AUTHORITY**

September 1, 2021  
Resolution No 21-125

**RESOLUTION OF THE GOVERNING BOARD OF THE MOUNTAINS RECREATION  
AND CONSERVATION AUTHORITY SUPPORTING THE LISTING OF THE  
SOUTHERN CALIFORNIA STEELHEAD AS ENDANGERED UNDER THE  
CALIFORNIA ENDANGERED SPECIES ACT AND AUTHORIZING A COMMENT  
LETTER TO THE CALIFORNIA FISH AND GAME COMMISSION**

*Resolved*, That the Governing Board of the Mountains Recreation and Conservation Authority (MRCA) hereby:

1. FINDS that the Southern California steelhead should be listed as endangered under the California Endangered Species Act;
2. FINDS that the proposed action is categorically exempt from the provisions of the California Environmental Quality Act;
3. ADOPTS the staff report and recommendations dated September 1, 2021;
4. AUTHORIZES a comment letter to the California Fish and Game Commission fully supporting the listing of the Southern California steelhead as endangered under the California Endangered Species Act;
5. AUTHORIZES the Executive Officer or his designee to do any and all acts necessary to carry out this resolution and any recommendations made by the Governing Board.

  
Chairperson

AYES: Muñoz, Paranick, Hasenauer, Lange

NOS: none

ABSTAIN: none



ABSENT: none

I HEREBY CERTIFY that the foregoing resolution was adopted at a regular meeting of the governing board of the Mountains Recreation and Conservation Authority, duly noticed and held according to law on September 01, 2021.

Date: September 1, 2021



Executive Officer

# RANCHO MISSION VIEJO

September 17, 2021

VIA EMAIL

Jonathan Nelson, Environmental Program Manager I,  
Anadromous Fisheries Conservation and Management Program,  
California Department of Fish and Wildlife,  
1010 Riverside Parkway,  
West Sacramento, CA 95605

Reference: Southern California Steelhead (*Oncorhynchus mykiss*) CESA Petition

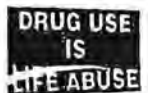
Subject: Rancho Mission Viejo Comments

Dear Mr. Nelson:

Rancho Mission Viejo (RMV) provides the following comments for your consideration as you develop a recommendation on the California Endangered Species Act (CESA) petition submitted by California Trout ("Petition") for the Southern California steelhead ("Southern steelhead").

RMV is located in Southern Orange County and is owned and managed by the O'Neill family. The Ranch is bound by the existing communities of Rancho Santa Margarita, Mission Viejo, San Juan Capistrano and the undeveloped Cleveland National Forest and MCB Camp Pendleton. Various habitat types including but not limited to coastal sage scrub, chaparral, grassland, oak woodland, riparian, and waterways are present on the ranch. Since 1882, the O'Neill family has been a responsible steward of the Ranch. We have and continue to actively manage the Ranch to protect the resources on it. We intend to continue this tradition of stewardship into the future through implementation of the Southern Subregion Habitat Conservation Plan (SSHCP), approved by U.S. Fish and Wildlife Service on January 10, 2007.

RMV is the principal permittee under the SSHCP. In summary, the SSHCP Conservation Strategy provides a comprehensive, habitat-based approach to the protection of SSHCP Covered Species and their habitats by focusing on the lands and aquatic resource areas essential for the long-term conservation of the Covered Species and by providing for appropriate management for



those lands. The SSHCP Habitat Reserve ultimately will conserve approximately 32,818 acres in southern Orange County, comprised of historical RMV lands and three County of Orange wilderness parks.

This letter describes how the SSHCP Habitat Reserve, a product of existing regulatory mechanisms and management efforts, benefits the Southern steelhead. Establishment and management of the SSHCP Habitat Reserve addresses the factors cited by the Petition as warranting listing, including: 1) Present or Threatened Modification or Destruction of Habitat, 2) Overexploitation, 3) Predation, 4) Disease, and 5) Other Natural Occurrences or Human Related Activities.

### **Background Information: Steelhead & the SSHCP**

The Southern steelhead was federally-listed as endangered in 1997 in the Southern California ESU that extends from the Santa Maria River in the north southward to Malibu Creek without Critical Habitat (62 FR 43937–43954). In 2002 the range of the Southern California ESU was extended south to the United States–Mexico Border (67 FR 21586–21598). On January 5, 2006, the federal endangered status of the southern steelhead was re-affirmed for 10 Distinct Population Segments (DPS) of West Coast Steelhead (71 FR 834).

The Southern steelhead historically occurred in two creeks within the SSHCP area (San Juan Creek and Arroyo Trabuco Creek), but has not been documented in either creek within the SSHCP area in recent decades. Since 2001, there are four documented records of Southern steelhead in lower San Juan Creek below the SSHCP area (Dagit et al. 2020). Notably, the 2006 federal listing indicated a "paucity of information" for the Southern steelhead due to a lack of recent and historical data for the species (71 FR 851). The federal listing also noted that except for colonization of a small population in San Mateo Creek, just south of the SSHCP area, the Southern steelhead appears to be extirpated from all systems south of Malibu Creek to the Mexican border. Further, in the 2005 designation of Critical Habitat for Southern steelhead, Arroyo Trabuco and Upper, Mid Upper, and Middle San Juan Creek within the SSHCP area were considered to be unoccupied; only the lower segments of the two creeks west of I-5 were designated Critical Habitat (70 FR 52488-52627). For these reasons, while Southern steelhead, as a federally-listed species, was initially considered for coverage by the SSHCP, existing baseline conditions indicated that coverage was not needed because future direct and indirect impacts to the Southern steelhead were considered to be highly unlikely.

Further, according to the National Marine and Fisheries Service (NMFS) 2016 5-year review of Southern steelhead, San Juan Creek does not meet the viability criteria for Core 1 and 2 populations, including adult abundance, spatial structure, and smolt counts. The Technical Review Team (TRT) did not identify San Juan Creek as a High Priority for recovery (NMFS 2016).

Based on this background information, and consistent with NMFS' 2016 5-year review, RMV does not consider the SSHCP area to be important for conservation and recovery of the Southern steelhead. Nonetheless, conservation and management of the SSHCP Habitat Reserve would not preclude, but would in fact likely enhance, suitable habitat conditions for Southern steelhead should it colonize San Juan and Arroyo Trabuco creeks upstream of I-5 in the future. The following discussion demonstrates how the SSHCP could benefit the Southern steelhead in light of identified threat factors.

### **1. Present or Threatened Modification or Destruction of Habitat**

The SSHCP provides for the conservation and management of two fish species, the arroyo chub and partially three-armed stickleback. The conservation and management actions for these two species are relevant to the Southern steelhead as the steelhead will directly benefit from the actions taken by RMV to conserve chub and stickleback aquatic habitat and manage this habitat to enhance its suitability to support all three species. All aquatic habitat in San Juan Creek will be included in the Habitat Reserve and all aquatic habitat in Arroyo Trabuco Creek will be included in the Habitat Reserve or Supplemental Open Space (at the northern reach of the creek below Cleveland National Forest). On RMV lands within San Juan Creek, this will be accomplished by the recordation of the SSHCP conservation easement. In accordance with the SSHCP Phased Dedication Program, RMV has been incrementally recording the SSHCP conservation easement over its future Habitat Reserve lands. All but 16.25 acres of San Juan Creek are already enrolled in the Habitat Reserve and therefore subject to its protections, management actions, and prohibited and permitted uses. The remaining acres will be enrolled in the Habitat Reserve in the near future. Upstream of RMV lands, San Juan Creek is within Casper's Wilderness Park which the County of Orange enrolled in the SSHCP Habitat Reserve in 2007. The County also enrolled the portion of the Arroyo Trabuco Creek in O'Neill Regional Park at the same time. Thus, potential habitat for the Southern steelhead in San Juan and Arroyo Trabuco creeks is protected - see the attached Figure 1.

The SSHCP includes an Invasive Species Control Plan (ISCP) that addresses the existing and foreseeable impacts of invasive plant and wildlife species on the RMV portion of the Habitat Reserve in both San Juan and Arroyo Trabuco creeks, as well as giant reed in Casper's Wilderness Park in upper San Juan Creek upstream of RMV. The riparian invasive plant species currently targeted for specific controls are: giant reed (*Arundo donax*), pampas grass (*Cortaderia selloana*), castor bean (*Ricinus communis*), tamarisk (*Tamarix ramosissima*), tree tobacco (*Nicotiana glauca*) and Spanish sunflower (*Pulicaria paludosa*). For example, the San Juan Creek invasive plant control project was implemented in a phased approach, with the first phase commencing in 2010 and the final phase completed in 2018. Approximately 110 acres of giant reed has been cut and removed from the project site to date, at a cost of over \$795,000. Giant reed has been reduced by >95% of its abundance in the San Juan Creek project area. All other

target weeds were infrequent and scattered. Quantitative and qualitative data collected at transect locations in the weed removal areas documented that the dead giant reed stumps are starting to decompose, and native species are recruiting into areas formerly dominated by giant reed and other target weeds. Implementation of the ISCP has significantly improved the quality of aquatic and riparian habitat in San Juan Creek for multiple species including the chub, stickleback and steelhead.

With regard to the Arroyo Trabuco Creek, the County implements a Resource Management Plan within O'Neill Regional Park designed to protect biological resources. Currently, there are invasive species removal efforts underway with a focus on 10-20 acres of giant reed removal, and 85 acres of riparian habitat enhancement/restoration in Arroyo Trabuco Creek.

Within RMV lands, the potential impacts to chub and stickleback and other riparian and aquatic species that may result from water quality threats such as temperature, salinity, and pollution, will be mitigated through implementation of the RMV Water Quality Management Plan (WQMP). The WQMP specifies Best Management Practices (BMPs) designed to mitigate "conditions of concern" and "pollutants of concern". BMPs include but are not limited to physical improvements such as water quality basins, infiltration basins, and detention basins constructed within approved development areas that are designed to capture and treat stormwater runoff prior to discharge. BMPs also include public education about behaviors that can degrade water quality, such as throwing trash into creeks.

In compliance with the SSCHP and related regulatory agency permits, RMV will be removing a large Arizona style crossing of San Juan Creek that is identified as a fish passage barrier. This crossing will be replaced with a bridge. Construction of this bridge is anticipated to begin in 2022. Removal of the Arizona crossing and restoration of its footprint back to native habitats will occur after bridge construction is complete. Coordination between Cal Trout and the County regarding the construction of a fish passage ladder on the Arroyo Trabuco Creek is ongoing.

Potential steelhead habitat in San Juan and Arroyo Trabuco creeks is a) permanently conserved, b) managed for the benefit of multiple riparian species, and c) protected from degradation related to development. There is not a present or threatened modification or destruction of steelhead habitat within the SSHCP area.

## **2. Overexploitation**

The Petition notes that recreational angling is not considered the principal cause of Southern steelhead decline. Fishing is not a permitted activity within the RMV portion of Habitat Reserve, and the County of Orange regulates fishing in O'Neill Regional Park (Arroyo Trabuco Creek). Therefore, the threat of over-exploitation is not present.



### **3. Predation**

The ISCP mentioned above also addresses invasive wildlife such as American bullfrogs and African clawed frogs. RMV regularly monitors San Juan Creek and its tributaries such as Chiquita Creek for the presence of these species and conducts a removal program when necessary. RMV is also required to monitor all water quality treatment facilities adjacent to San Juan Creek for the presence of these species and again conducts a removal program when necessary. Thus, RMV is actively managing any potential predation threat.

### **4. Disease**

RMV has described those management measures that it is implementing to promote habitat suitability for steelhead and to eliminate stressors such as invasive plants or wildlife. These actions are designed to promote resiliency in the steelhead population.

### **5. Other Natural Occurrences or Human Related Activities.**

Increased wildfires and climate change are two other factors that could affect long-term habitat conditions for fish species such as Southern steelhead.

With respect to wildfires, the SSHCP includes a Wildland Fire Management Plan (WFMP) that will protect riparian/wetland habitats in the San Juan Creek and Arroyo Trabuco watersheds to the extent possible in the event of more frequent and/or severe fires in the future. While the WFMP focuses mainly on upland vegetation communities, protection and restoration of these resources will also protect the quality of riparian/wetland habitats by controlling upland erosion and potential pollution and sedimentation of waterways from runoff after fire events.

Climate change could affect habitat for Southern steelhead in at least three ways: (1) higher temperatures could affect the temporal stability of aquatic systems (e.g., heat stress) that may be critical for life history traits such spawning, foraging, fry emergence, and migration, should the species colonize the Habitat Reserve; (2) altered precipitation, including longer drought periods, as well as more intense storms, could have various effects on habitat quality and Southern steelhead behavior, including drought-related stress and more frequent and/or intense reset events in the case of increased stormwater runoff; and (3) increased fire frequency and/or severity, as noted above.

While management at the Habitat Reserve-scale cannot directly address climate change at the global or regional scale, the Habitat Reserve management program provides for monitoring and management of effects related to climate change, including collecting regional climate, weather,


and air quality information to examine potential correlations between habitat and population changes and environmental variables. As described above, the WQMP will also address potential effects of climate change on aquatic resources such as temperature and water chemistry.

### **Summary and Conclusion**

In this letter, RMV has explained why it does not consider the SSHCP area to be important for conservation and recovery of the Southern steelhead consistent with the findings of the NMFS TRT. However, by protecting potential suitable habitat and implementing management measures therein, consistent with the SSHCP, RMV has provided suitable habitat conditions for Southern steelhead should it colonize San Juan and/or Arroyo Trabuco creeks upstream of I-5 in the future. Thus, if the Southern steelhead is listed under CESA, RMV requests that the SSHCP be recognized as contributing to the protection and management of the Santa Catalina Gulf Coast population such that "Covered Activities" under the SSHCP (including specified development and infrastructure projects) would not be considered "take" pursuant to California Fish and Game Code Section 86 and would not require a Section 2081(b) Incidental Take Permit.

RMV appreciates the opportunity to provide these comments. Should you have any questions regarding our comments, please feel free to contact me at (949) 240-3363 Ext. 297 or via email at [lcoleyeisenberg@ranchomv.com](mailto:lcoleyeisenberg@ranchomv.com).

Sincerely,



Laura Coley Eisenberg  
Senior Vice President, Open Space & Resource Management

Attachment: Figure 1

**Citations**

National Marine Fisheries Service. 2016. 5-Year Review: Summary and Evaluation of Southern California Coast Steelhead Distinct Population Segment. National Marine Fisheries Service. West Coast Region. California Coastal Office. Long Beach, California.



10/1/08 10:15 AM

**FIGURE 1**  
 Southern Subregion Habitat Reserve  
Figure 1: Southern Subregion

**SANTA MONICA MOUNTAINS CONSERVANCY**

KING GILLETTE RANCH  
26800 MULHOLLAND HIGHWAY  
CALABASAS, CALIFORNIA 91302  
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September 20, 2021

California Fish and Game Commission  
P.O. Box 944209  
Sacramento, California 94244-2090

**Full Support for Expedited Listing of  
Southern California Steelhead as Endangered**

Dear President Silva and Commissioners:

The Santa Monica Mountains Conservancy (Conservancy) fully supports the listing of Southern California steelhead as endangered under the California Endangered Species Act. The Conservancy's jurisdiction includes four watersheds -- Santa Clara River, Arroyo Sequit, Malibu Creek, and Topanga Creek-- that support exceedingly fragile populations of this species. The species' unique genetic capability among all salmonid species to tolerate a higher range of water temperatures is vital to compensate for global warming as stream temperatures irreversibly increase all up the California coast. This summer of heat, drought, and fire has been a loud wake up call to do all we can as conservation agencies to protect the few remaining Southern California Steelhead populations to preserve an adequate genetic reservoir. We urge you to expedite listing of this imperiled anadromous fish species as petitioned by California Trout.

Sincerely,

A handwritten signature in black ink, appearing to read "Irma Muñoz".

Irma Muñoz  
Chairperson





**CACHUMA  
CONSERVATION  
RELEASE BOARD**

City of Santa Barbara

Goleta Water District

Montecito Water District

October 20, 2021

**VIA E-MAIL AND U.S. MAIL**

Vanessa Gusman  
California Department of Fish &  
Wildlife, Fisheries Branch  
PO Box 944209  
Sacramento, CA 94244-2090  
E-Mail:  
Vanessa.Gusman@wildlife.ca.gov

Commissioner Peter S. Silva  
President  
California Fish & Game  
Commission  
1416 Ninth Street, Suite 1320  
Sacramento, CA 95814  
E-Mail: fgc@fgc.ca.gov

Re: CCRB Comments Relating to the Petition to List Southern California Steelhead Under the California Endangered Species Act

Dear Ms. Gusman and Mr. Silva:

The Cachuma Conservation Release Board ("CCRB"), a joint powers agency composed of the Goleta Water District, the City of Santa Barbara, and the Montecito Water District, appreciates the opportunity to comment on California Trout, Inc.'s ("CalTrout") petition to list the Southern California Steelhead ("Steelhead") as endangered under the California Endangered Species Act ("CESA").

For the past several decades, CCRB has worked diligently and effectively to improve the condition of Steelhead in the Santa Ynez River watershed in Santa Barbara County. As explained in detail below, CCRB's demonstrated track record of collaborative efforts to preserve and protect Steelhead has created substantial amounts of additional habitat for Steelhead despite the significant environmental challenges facing the region and contributed extensively to expanding the scope of scientific knowledge about this unique species.

Given its longstanding efforts to protect Steelhead, CCRB is concerned that CalTrout's petition fails to acknowledge how effective actions taken under the federal Endangered Species Act ("Federal ESA") have been in enhancing the status of the species under challenging conditions. The petition also ignores CDFW's existing participation in efforts to protect Steelhead and the ways in which imposing additional regulatory efforts may ultimately do more harm than good in the future. Accordingly, CCRB respectfully submits that listing Steelhead under CESA would not advance the state's policy of preventing the extinction of the specie and asks that CalTrout's listing petition be denied. In the sections that follow, this letter provides information about the work done in the Santa Ynez River watershed to protect Steelhead, the status of the species in this watershed, and the unintended consequences of listing steelhead under CESA.

P.O. Box 3767  
Santa Barbara, CA 93105

[www.ccrb-board.org](http://www.ccrb-board.org)

**I. CCRB and Its Member Agencies' Efforts Have Made Significant Improvements to the Status of the Steelhead Fishery in the Santa Ynez River Watershed.**

For decades, CCRB and its member agencies have worked tirelessly, successfully, and at great expense, to improve conditions for Steelhead and the status of the species in the Santa Ynez River watershed. For example, beginning in 1993—four years before the species was listed under the Federal ESA—CCRB began participating extensively in studies and planning efforts that ultimately led to the issuance of the biological opinion that currently governs the operations of the Cachuma Project.<sup>1</sup> Recently, the State Water Resources Control Board (“State Board”) recognized that the flow regime that CCRB helped to develop for the Cachuma Project should form the basis for a water rights order that the State Board determined would keep the Santa Ynez River Steelhead fishery below Bradbury Dam in “good condition” under Fish & Game Code section 5937.<sup>2</sup>

CCRB’s member agencies have also funded or carried out eighteen habitat improvement projects since 2000. Such projects include remediating numerous fish passage barriers on Salsipuedes, Quiota, and Hilton Creeks, all of which are tributary to the lower Santa Ynez River, as well as several streambed enhancement projects specifically designed to improve Steelhead habitat in streams deemed highly suitable for promoting Steelhead recovery. Altogether, habitat improvement projects funded or implemented by CCRB’s member agencies have added more than twenty miles of high-quality Steelhead habitat in the Santa Ynez River watershed.

CCRB’s cooperative, collaborative efforts to improve conditions for Steelhead in the Santa Ynez River watershed remain ongoing. Currently, CCRB is working with U.S. Bureau of Reclamation (“Reclamation”), the National Marine Fisheries Service (“NMFS”), the California Department of Fish & Wildlife (“CDFW”) and local stakeholders in the Santa Ynez Valley to develop studies and plans to implement Order WR 2019-0148. CCRB is also providing substantial hydrologic and biological support to Reclamation’s efforts to develop a new, even more protective flow regime for the Cachuma Project and the lower Santa Ynez River in connection with an ongoing consultation process between NMFS and Reclamation under the Federal ESA. The proposed action supported by CCRB will not only provide enhanced streamflows for Steelhead in the lower Santa Ynez River; it will also provide opportunities for CCRB and its member agencies to carry out additional habitat improvement projects and studies in the Santa Ynez River and its tributaries.

In short, CCRB and its member agencies have taken and continue to take a variety of concrete actions to improve and protect Steelhead and their habitat in one of the species’ most important watersheds. CalTrout’s petition, however, suggests that these efforts and substantial regulatory efforts under state water law and the Federal ESA are insufficient because the status of the species has not changed appreciably since Steelhead were listed as endangered in 1997. But CalTrout’s frame of reference is

---

<sup>1</sup> The Cachuma Project captures seasonal floodwaters on the Santa Ynez River and provides substantial water supplies for Cachuma Project Member Units such as CCRB’s members.

<sup>2</sup> State Water Resources Control Board, Order WR 2019-0148, *In the Matter of Permits 11308 and 11310 (Applications 11331 and 11332) held by the United States Bureau of Reclamation for the Cachuma Project on the Santa Ynez River* (“Order WR 2019-0148”) (available at [https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/hearings/cachuma/docs/wro2019\\_0148\\_withagreement\\_final.pdf](https://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/cachuma/docs/wro2019_0148_withagreement_final.pdf)).

too narrow to support listing under CESA. Indeed, NMFS previously recognized that the progress of efforts to promote Steelhead recovery should be “judged at the scale of multiple decades and even multiple human generations.”<sup>3</sup> And to the extent that the status of the species has not changed appreciably since 1997, the lack of a substantial increase in the Steelhead population is more accurately attributed to extremely challenging environmental conditions than a lack of regulatory supervision.

## **II. As a Result of CCRB’s Efforts and Existing Regulations, the Santa Ynez River Watershed Steelhead Fishery Has Persisted Through Decades of Challenging Environmental Conditions.**

Since Steelhead were first listed under the Federal ESA in 1997, the Santa Ynez River watershed has experienced several periods of drought, including a record-setting drought from 2012-2019 that resulted in a five year-long local emergency in Santa Barbara County. Yet another drought emergency was recently declared by Governor Newsom on July 8, 2021.

Steelhead in the Santa Ynez River watershed face significant challenges from drought conditions. For example, Steelhead require elevated winter flows to open a seasonally closed sandbar where the Santa Ynez River meets the Pacific Ocean in Santa Barbara County, and also require sufficient instream flows in coastal streams and Santa Ynez River tributaries to access high quality spawning habitat. While CCRB’s member agencies and their ratepayers have implemented rigorous water conservation measures to cope with severe drought conditions, the Santa Ynez River watershed Steelhead population has still faced unprecedented and unavoidable challenges from drought over the past two decades. Catastrophic wildfires in 2016 and 2017-2018 have also adversely affected Steelhead habitat in the Santa Ynez River watershed.<sup>4</sup>

Despite these challenges, Steelhead population numbers have, as CalTrout admits, not appreciably diminished. Thus, it is reasonable to infer that the increased habitat created by CCRB and its member agencies’ activities and projects has allowed Steelhead to weather the challenging environmental conditions experienced in recent years, and that the status of the species will improve in concert with those conditions. It is unclear how listing Steelhead under CESA would have or could make a difference in the status of the species. Indeed, because CDFW is already heavily involved in promoting Steelhead recovery in the Santa Ynez River watershed, adding an additional layer of regulatory burden could do more harm than good for the species’ cause.

## **III. Listing Steelhead under CESA Could Make it More Difficult for CCRB and its Members to Improve the Status of the Species.**

CalTrout contends that if Steelhead are listed under CESA, CDFW will have direct authority to oversee projects within their current range, and will be able to impose “species-specific mitigation measures” through incidental take permits that CDFW may issue under CESA. CalTrout’s suggestion

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<sup>3</sup> National Marine Fisheries Service, Southern California Steelhead Recovery Plan (Jan. 2012) p. 5-1 (available at <https://repository.library.noaa.gov/view/noaa/15988>).

<sup>4</sup> See e.g., United States Forest Service, Draft Whittier Burned Area Report (Aug. 13, 2017) (available at <https://www.cafsti.org/wp-content/uploads/Whittier-Burned-Area-Emergency-Response-2017.pdf>).

that CDFW requires additional regulatory and oversight authority in order to ensure the recovery of the species within the Santa Ynez River watershed contains two logical errors.

First, CDFW is already heavily involved in protecting Steelhead in the Santa Ynez River watershed. For example, CDFW has substantial oversight and consultation authority under Order WR 2019-0148, which governs Reclamation's operation of the Cachuma Project. CDFW is also already a partner in the ongoing Section 7 consultation process for the Cachuma Project between Reclamation and NMFS. In these roles, CDFW has provided substantial comments to Reclamation, NMFS, and the State Board in connection with proposed projects, Steelhead studies, and management plans. It is unclear why Steelhead recovery efforts will be enhanced by supplementing CDFW's already substantial authority with an additional listing under CESA.

Second, granting CDFW additional authority is unnecessary and could ultimately prove counterproductive. Currently, the vast majority of projects that could affect Steelhead in the Santa Ynez River watershed are already subject to CDFW's permitting authority under Fish & Game Code section 1600 *et seq.* Indeed, if Steelhead are listed as endangered under CESA, CCRB and its member agencies' future habitat improvement projects will need to comply with an additional permit process that could delay their ability to implement such projects going forward. Delaying important habitat improvement projects in the Santa Ynez River watershed is inconsistent with CESA's goals, and any decision to list Steelhead as endangered may well prove imprudent. At a minimum, CDFW and the Commission should ensure that any future decision to list Steelhead under CESA does not interfere with the development and implementation of the types of projects that have already proven successful in protecting and preserving Steelhead in the Santa Ynez River watershed.

#### **IV. Conclusion**

CCRB and its members remain deeply committed to improving conditions for Steelhead in the Santa Ynez River watershed and promoting the recovery of the species. CCRB is concerned, however, that CalTrout's listing petition ignores the success of ongoing recovery efforts in the face of extremely challenging environmental conditions presented in recent years. Further, listing Steelhead under CESA could delay these efforts by adding another layer of regulatory burdens on projects with a successful track record of improving and expanding Steelhead habitat in the Santa Ynez River watershed. Accordingly, CCRB disagrees that listing Steelhead under CESA is necessary to achieve our shared goal of protecting and preserving this important species given the ongoing endangered listing of the species under the Federal ESA. We strongly believe that such a listing would do nothing to further the cause of steelhead recovery and ask that CalTrout's listing petition be denied.

Sincerely,



Peter Cantle, Executive Director  
Cachuma Conservation Release Board



Trusted life source for generations



Charlton Bonham, Director  
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Dear Director Bonham and Executive Director Miller-Henson:

We are writing to provide input with respect to the Petition to list the Southern California Steelhead under the California Endangered Species Act (CESA) dated June 7, 2021, and received by the Fish and Game Commission on July 2, 2021. As you know, the City of San Buenaventura (City) is committed to working with agency partners to improve our understanding of the status, trend, and needs of Southern California steelhead (*Oncorhynchus Mykiss*) and to contributing to the long-term conservation of the species. We appreciate the opportunity to provide input into the process of evaluating the Petition. We encourage the Department of Fish and Wildlife and the Commission to conduct a probing review of each of the Petition components in order to make a well-informed decision.

The City appreciates that, at this stage, the Department's charge is to prepare a written evaluation of the petition to the Commission consistent with Fish and Game Code section 2073.5(a). We understand that the written evaluation must be accompanied by a recommendation that the petition either should be rejected or accepted and considered, and that the recommendation is intended to inform the Commission's determination whether listing "may be warranted." Fish & Game Code §§ 2073.5(a); 2074.2. While the threshold for the Commission to make a "may be warranted" finding is less burdensome than the ultimate determination regarding listing following a 12-month status review, the Department and Commission should ensure the basis for recommending and making any "may be warranted" finding is information that is accurate and credible. This is the case, among other reasons, because a "may be warranted" finding triggers the same regulatory requirements for candidate species – including the prohibition on "take" – as a final listing determination. In the event that the Department recommends – and the Commission moves ahead with – a "may be warranted" finding, the City would like to collaborate with the Department and Commission to develop a 2084 regulation to provide "take" coverage for the City's planned steelhead habitat restoration projects described in detail below. The take associated with these projects, which are being planned and implemented to benefit steelhead and other native wildlife, is due to scientific monitoring (i.e., fish population sampling) and rescue/relocation during dewatering for fish passage project construction.





*Existing efforts to conserve the species should be taken into account*

Numerous efforts are underway to benefit Southern California steelhead, and a number of these are described in the 2012 recovery plan and 2016 status review both prepared by the National Marine Fisheries Service (NMFS). These efforts will take years to permit and implement. As a consequence, any suggestion that efforts resulting from listing the distinct population segment (DPS) under the federal Endangered Species Act (ESA) and developing a recovery plan are inadequate is premature. The time horizon to assess the efficacy of the federal listing and recovery effort is likely decades in light of the combination of the time required to plan and implement recovery projects and then realize their benefits for the species, and taking into consideration the fact that precipitation patterns, ocean conditions, and other factors beyond human control can be expected to cause perturbations in the population even as in the event it experiences a positive growth rate over time (NMFS 2012).

The Ventura River and Santa Clara River populations are identified by NMFS as core 1 populations, that is, populations with the highest priority for recovery actions. The City is taking a proactive role in contributing to the conservation of *O. mykiss* in these rivers.

On the Ventura River, the City is in the process of permitting the first phase of Foster Park fish passage improvement projects. This project includes physical fish passage improvements to the Foster Park subterranean diversion structure, which is a fish passage impediment (partial barrier at low flows) to upstream migration, and specifically will consist of notching of the structure. A second phase of the project will address a 36-inch concrete-capped water pipeline located a few hundred feet downstream, which has become exposed in the riverbed and is also a fish passage impediment. Fish passage analysis and engineering design currently are underway. By removing barriers to migration, the projects will provide for improved connectivity between upstream spawning areas and downstream reaches, increasing the availability of habitat accessible to migrating *O. mykiss*. Take of the species that could occur during these projects is entirely associated with fish rescue and relocation, if *O. mykiss* are present during dewatering ahead of construction.

On the Santa Clara River, the City is undertaking the VenturaWaterPure program. The program is intended to protect the ecology of the Santa Clara River Estuary, develop additional water supply sources to meet water demands for planned future growth, and enhance supply reliability even in drought years. The program will achieve the goals of protecting the ecology of the Estuary while augmenting local potable water supplies. In compliance with State Water Board guidance, VenturaWaterPure will divert tertiary-treated water, which currently flows into the Estuary, to an advanced water purification facility for additional treatment and reuse. A pre-diversion and post-diversion estuary monitoring program will monitor extensive physical and biological parameters to ensure the diversion does not negatively affect special-status species and designated critical habitat, including for steelhead. The project will enhance estuary habitat quality for rearing juvenile/migrating adult *O. mykiss* by improving water quality conditions, reducing the risk of illegal unseasonal breaching, and creating more natural hydrology. Take of



the species that could occur during this project is entirely associated with the estuary monitoring program, if *O. mykiss* are captured and released during fish sampling events.

#### *Additional Information to Inform Evaluation of the Petition*

For consideration in the evaluation of the Petition, the City provides input on additional topics, discussed further in Appendix A below:

- Recent research demonstrates an exceptional capacity for adaptation and informs our assessment of viability in both the species as a whole and distinct population segments
- Data on abundance and trend have substantial limitations that inhibit our ability to draw strong inference
- There are a number of threats to Southern California steelhead and the immediacy of extinction risk is unknown
- The Commission should give due consideration to both the pros and cons of listing the Southern California steelhead as it proceeds

#### *Conclusion*

*O. mykiss* is a highly adaptable species with apparently stable populations in varied environmental conditions across a range that encompasses much of its historic range in addition to dozens of states and countries where it is a non-native species. While southern California is more challenging to the species compared to points northward both because of climatic conditions and human development, it nonetheless persists, in part due to the interconnectedness of resident and anadromous life history forms of the species. We urge the Department and Commission to give careful consideration to the status of the species, threats to its persistence in southern California, recent genetic research, and conservation efforts as you evaluate whether listing of the DPS may be warranted.

In the event the Department recommends – and the Commission moves ahead with – a “may be warranted” finding, the City respectfully requests the opportunity to collaborate with the Department and Commission to develop a 2084 regulation to provide “take” coverage for the City’s planned steelhead habitat restoration projects in the near-term (for fish sampling in the Santa Clara River Estuary monitoring program and fish rescue/relocation in the Foster Park fish passage improvement projects). And, in such event, mindful of the potential that the species could be listed under CESA, the City respectfully requests that the Department commit to work in good faith with the City and other regulatory agencies to develop a strategy to ensure that such listing will not create impediments to or delay the restoration efforts described above – the Foster Park fish passage improvement projects and the VenturaWaterPure Program. Among the tools available to the Department to do so, in light of the existing federal listing of the DPS, is the consistency determination process authorized by Fish and Game Code 2080.1.

Through close collaboration and using all the tools in the regulatory toolbox, the Commission and Department together with the City can, we believe, cut the green tape even while processing the petition consistent with the Resource Agency’s initiative to advance restoration projects “quickly, simply, and cost effectively.” A commitment to do so would be a win for the City, the



Commission, the Department, and the steelhead, irrespective of whether the species is ultimately listed under CESA.

We thank the Department and Commission for considering our input and look forward to continuing to engage with you in the coming months.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Rungren".

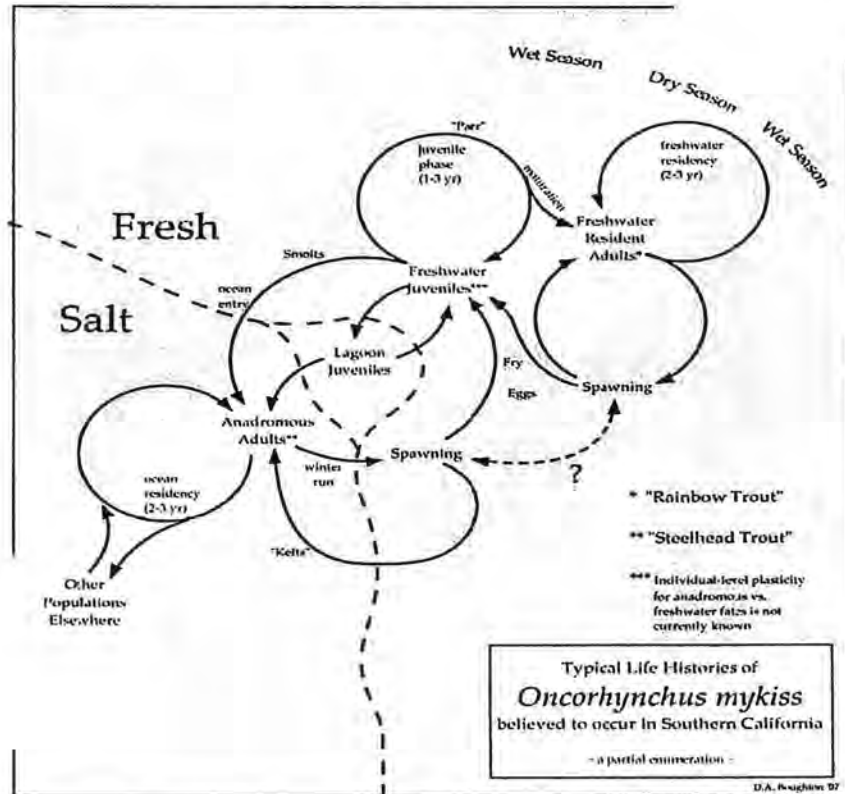
Susan Rungren  
General Manager, Ventura Water  
City of San Buenaventura

**APPENDIX A – Additional Information to Inform Evaluation of the Petition:**

*Recent research demonstrates an exceptional capacity for adaptation and informs our assessment of viability in both the species as a whole and distinct population segments*

From a biological standpoint, the bifurcation of *O. mykiss* into freshwater resident rainbow trout and anadromous steelhead is, at this point in time, anachronistic. Recent research demonstrates that the species exhibits dozens of life history strategies (see Figure 2-1 in NMFS 2012; Hodge et al. 2016). Resident and anadromous *O. mykiss* can and do occur in sympatry. They also can and do interbreed, and both rainbow trout and steelhead can produce progeny that exhibit resident and anadromous life histories (Kendall et al. 2015; Courter et al. 2013; Hayes et al. 2012; Hodge et al. 2016). The body of research that led to these findings has important implications when considering the conservation status of a population of the species, such as the population that petitioners propose to treat as distinct and list under CESA.

*Figure 2-1 From NMFS 2012. Summary of the various life history strategies exhibited by Southern California *O. mykiss* and the life stage specific terminology.*



Petitioners propose listing of *O. mykiss* that occurs in coastal watersheds from the Santa Maria River to the U.S. border with Mexico (California Trout 2021: 3, 5, 15). They further limit the petition to *O. mykiss* downstream of total manmade or natural barriers in anadromous waters





(California Trout 2021: 15). Research indicates that there is no evidence that southern California steelhead are genetically distinct from *O. mykiss* in the South-Central California Coast DPS to the north (Clemento et al. 2009; Garza et al., 2014). In light of this research, NOAA's Southwest Fisheries Science Center is investigating the validity of the southern California steelhead DPS (NMFS 2016). Additionally, NMFS opined in its most recent status review that "the resident and anadromous forms are tightly integrated at the population level" and suggested that the viability criterion for 100 percent anadromous fraction in core populations should be revised (NMFS 2016: 10-11).

Straying of individual anadromous adults between basins occurs and may be high in some years (Clemento et al. 2009). For example, 6 of 16 (38%) returning adults captured in the Santa Ynez River in 2008 were determined by genetic analysis to be from other basins (Tim Robinson, Cachuma Operations and Maintenance Board, personal communication 2010, as cited in NMFS 2016). Some genetic detection of out of basin steelhead was also observed in 2019, suggesting gene flow from straying fish (COMB 2021). Such straying has been considered "frequent" enough in a genetic sense to result in family structure dominating genetic distinctions among basins (NMFS 2016). Straying allows the species to repopulate areas subject to localized extirpations due to stochastic events, contributing to the species' persistence and facilitating range expansion even where retraction has occurred. Straying also enhances genetic exchange both within the DPS and between the DPS and populations to the north. For these reasons, straying is a valuable trait that reduces the risk of extinction of the DPS.

While there is no species distinction between *O. mykiss* in Southern California and their northern counterparts, they seem to have adapted to their immediate environmental conditions. As a consequence, Southern California steelhead tolerate higher water temperatures than those in Central and Northern California (Dressler 2021; Boughton et al. 2015; Dagit et al. 2017). Similarly, *O. mykiss* in Central and Northern California tolerate higher water temperatures than those in the Pacific Northwest. Petitioners acknowledge this increased temperature tolerance in Southern California steelhead (California Trout 2021: 2). Dressler (2021) noted in a recent presentation of results a physiological study that some southern *O. mykiss* populations could persist at higher thermal limits than they currently experience.

If resident and anadromous *O. mykiss* downstream of impassible barriers are included in the CESA listing, both life history forms should be included in evaluations of population viability, not just anadromous returns as is currently required in the federal viability criteria (NMFS 2007; NMFS 2012). Additionally, the distinction or lack thereof between the Southern California DPS and South-Central California Coast DPS should be resolved before accurate DPS-level viability and extinction risk evaluations can be completed.

*Data on abundance and trend have substantial limitations that inhibit our ability to draw strong inference*

Abundance and trend are expressly identified as obligatory information to be included in a Petition. The relative value of this information depends upon whether it is reliable and can be placed into context. For Southern California steelhead, difficulties arise because the scale at





which estimates were generated (there have been no surveys conducted across the range covered by the Petition and inconsistent surveys over time in terms of the watersheds, streams, and reaches covered) and the methods used (including survey types and the spatial and temporal intensity) have all differed over time.

One manifestation of this is variable and disjunct estimation methods leading to the development of the widely used historical runs size estimates in the Santa Ynez, Ventura, and Santa Clara rivers within the DPS. The Santa Ynez River estimate of a historical annual run size of 20,000 anadromous adults is from a California Department of Fish and Game employee estimating a *single* year's run (1944, a very wet year) based on visual comparison to steelhead runs he previously observed on the Eel River, though the years he observed on the Eel River had run sizes of only approximately 13,000 and 14,500 fish (ENTRIX, Inc. 1994). Similarly, for the Ventura River, anadromous returns were historically estimated at a minimum of 4,000 to 5,000 fish based on a 1946 estimate by CDFG employees without a quantitative assessment (Moore 1980). The historical estimate of average annual anadromous adult returns in the Santa Clara River also lacked quantitative assessment; it was based on comparison of local knowledge of habitat conditions to the 1946 estimate of historical run size on the Ventura River (Moore 1980a, as cited in Stoeker and Kelley 2005).

These methods, alone, provide grounds for questioning historical abundance estimates. Steelhead populations are known to fluctuate annually, particularly strongly in the flashy systems of Southern California; estimates of historical annual run sizes based on single observation points and without quantitative assessments may be unsuitable for use in management decisions. In addition, there is strong evidence that some amount of stocking of waters in the range of the Southern California steelhead occurred during the time of the population estimates (Titus et al. 2010). Extensive rescue and relocation of hundreds of thousands of juvenile fish during drying and drought conditions also occurred during this period, particularly in the Santa Ynez River with transplanting to perennial sections and to neighboring watersheds, including the Ventura and Santa Clara (ENTRIX, Inc. 1994; Bowers 2008; Stoeker and Kelley 2005). Historical estimates of abundance in the Petition and elsewhere could well be confounded by the influence of stocked and rescued/transplanted *O. mykiss*.

The uncertainty regarding abundance and trend has implications for conservation and recovery planning efforts, in addition to species status assessment. These include implications with respect to the appropriateness of the Southern California steelhead viability criteria which are incorporated into recovery planning and delisting thresholds. Both when engaged in conservation and recovery planning and when assessing the status of a subpopulation established for regulatory purposes (as opposed to based on biological criteria), it is also important to take into account the inter-relationship of that subpopulation and other *O. mykiss*. This includes those populations in watersheds to the north (in the current South-Central California Coast Steelhead DPS). While NMFS developed recovery numbers requiring a 100 percent anadromous fraction of mean annual population runs sizes established by the agency (Boughton et al. 2007; NMFS 2012), the resident *O. mykiss* in each watershed outnumber anadromous *O. mykiss* greatly and contribute to both viability and long-term persistence of the DPS.



*There are a number of threats to Southern California steelhead and the immediacy of extinction risk is unknown*

Petitioners identify destruction, modification, and fragmentation of native habitat as threats to the Southern California steelhead (California Trout 2021: 11). They go on to explain that the factors contributing to adverse changes to habitat are development of water infrastructure, agriculture, urbanization, and climate change induced events including catastrophic wildland fire and drought. In addition to these factors, in its most recent status review, NMFS has identified poor oceanic conditions as an important stressor on the species (NMFS 2016). In its Recovery Plan, NMFS identified non-native species as an important stressor on the species (NMFS 2012).

Historical stocking of Central Valley *O. mykiss* has resulted in the prevalence of fish of non-native ancestry and the near extirpation of native lineages in a number of water courses or watersheds within the area demarcated by the DPS, particularly in the more southern watersheds (NMFS 2016). This can be perceived as either a threat to the native lineages (for example, NMFS 2012: 4-6, NMFS 2016: 54) or a potentially important contributor to some populations in the DPS (Abadia-Cardoso et al. 2016).

The immediacy of the risk to the persistence of the DPS posed by these threats is debatable. The Southern California steelhead has persisted at relatively stable levels since prior to the federal listing of the DPS. As Petitioners point out, in 1996, CDFW (then CDFG) predicted the impending extinction of the Southern California steelhead within 25 years (California Trout 2021: 14). Twenty-five years later the population of the DPS have persisted. In fact, there are a number of large scale habitat restoration and recovery actions at various phases of planning and implementation, including some the City describes below and others described by water agencies operating in other watersheds within the range of the DPS. As these actions progress through planning and implementation, they can be expected to contribute to the recovery of *O. mykiss* within the range of the DPS.

While stochastic events such as fire, debris flow, and drought may cause local extirpations, data suggest these are temporary and affected areas are repopulated when conditions improve. Both straying of anadromous *O. mykiss* and the existence of resident *O. mykiss*, discussed above, mitigate the effects of such stochastic events on the DPS.

*The Commission should give due consideration to both the pros and cons of listing the Southern California steelhead as it proceeds*

While listing a species and imposing a broad take prohibition is a powerful regulatory tool and can be important to conservation efforts in some circumstances, it is not well-suited to benefit species across the range of circumstances in which this Commission may determine that action is warranted. For example, listing may not be an effective tool where climate change or habitat conversion is the principal limiting factor on a species. This is the case because listing is accompanied by a prohibition on activities that result in direct take of a protected species absent authorization but it does not prohibit habitat degradation or destruction. Listing can also complicate efforts to benefit a species, for example, by imposing additional regulatory hurdles on



efforts to monitor the species or undertake habitat enhancement or restoration efforts. This potential downside of listing is particularly apparent with respect to the Southern California steelhead considering the extensive monitoring, fish passage, and habitat improvement projects at various stages of planning and implementation, including those City projects we have described above. Further, a decision to make the species a candidate for listing could interfere with such projects in light of the potential that they will have incidental impacts on individual *O. mykiss* and the CESA permitting process can be time and resource intensive.

Petitioners suggest that listing the species as endangered is necessary “at the state level to augment the protection provided by the federal listing” (California Trout 2021: 15). They argue this is the case because “NMFS is, in most cases, the only government agency with direct oversight over the condition of the species and its required habitat,” and “[t]his has resulted in protracted legal battles and little option for enforcement” (California Trout 2021: 13). In fact, the federal definition of “take” under the ESA is broader than the state definition of “take” under CESA. As a result, the extent of protection afforded by the federal take prohibition is greater than that afforded by CESA. And NMFS has much more substantial enforcement resources than CDFW. Furthermore, because consultation under section 7 of the ESA is triggered by any action that “may affect” steelhead/designated critical habitat and in circumstances where there is a federal nexus (such as a requirement to obtain a permit from the Army Corps of Engineers under section 404 of the Clean Water Act), NMFS is routinely involved in, and exercises regulatory review over, projects affecting the rivers and streams that are habitat for the DPS.

In addition, the Petitioners’ argument is factually incorrect given the oversight over condition of the species and its habitat exercised by the numerous federal and state regulatory agencies including the Army Corps of Engineers and Environmental Protection Agency under the Clean Water Act, the State Water Resources Control Board and Regional Boards under the Porter-Cologne Water Quality Control Act and other provisions of the California Water Code, the California Coastal Commission under the Coastal Act, and CDFW under the Lake and Streambed Alteration Program. In sum, the federal and state regulatory agencies already have numerous tools in their regulatory toolboxes to address societal activities that have deleterious effects on steelhead and their habitat.



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Friday, December 10, 2021

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Subject: County of Orange and Orange County Flood Control District Comments regarding Petition to List the Southern California Steelhead under the California Endangered Species Act; Fish & Game Commission Meeting December 15–16, 2021

Administrative Services

OC Development Services

OC Facilities Design & Construction Management

OC Facilities Maintenance & CUF

OC Fleet Services

OC Construction

OC Environmental Resources

OC Operations & Maintenance

OC Infrastructure Programs

OC Survey

Dear Director Bonham and Executive Director Miller-Henson:

The County of Orange and Orange County Flood Control District (“OCFCD”) (the County of Orange and OCFCD are collectively referred to herein as the “County”) write to provide input with respect to the Petition to list the Southern California Steelhead (*Oncorhynchus mykiss*) under the California Endangered Species Act (“CESA”). The Petition to list the Steelhead (the “Petition”) was dated June 7, 2021 and received by the Fish and Game Commission (the “Commission”) on July 2, 2021. The County appreciates the opportunity to submit these comments regarding the Commission’s consideration of the Petition. The County understands that the California Department of Fish and Wildlife (“CDFW”) has concluded that the action in the Petition may be warranted, and we request that, prior to reaching a decision on the Petition, the Commission take into account the comments of the County and other similarly situated flood control districts and/or operators of stormwater programs and infrastructure. The County encourages the Commission to undertake a thorough review of the Petition and all additional information submitted by interested parties in order to make a well-informed decision.

OCFCD operates and maintains over 400 miles of flood control channels and water quality infrastructure in a largely urbanized and populous region of Southern California. The County and OCFCD are also permittees under two National Pollutant Discharge Elimination System (“NPDES”) municipal separate storm sewer permits issued by the Santa Ana and San Diego Regional Water Quality Control Boards (“Water Boards”), respectively. The geographic areas potentially impacted by the proposed listing include OCFCD’s flood control network as well as waterways that are subject to NPDES regulation by the Water Boards, and the County has concerns about negative repercussions on flood control and water quality management, as well as concerns that the proposed listing may be at odds with ongoing species and habitat restoration efforts already underway. Due to those concerns, the County urges CDFW to recommend and the Commission to adopt a rule pursuant to Fish & Game Code Section 2084 that limits the impact of the Petition’s proposed listing on essential flood control and water management functions of governmental entities, while still providing the protections under CESA that the Petition seeks. The County would gladly collaborate with CDFW and the Commission to develop just such a 2084 regulation.

**A. Interests of OCFCD and the County.**

OCFCD is a governmental entity created by the Orange County Flood Control District Act responsible for flood control management activities throughout Orange County, and one that regularly collaborates with other governmental and non-governmental entities on projects related to flood control, habitat restoration, and flood-related infrastructure that also involves water management.

OCFCD manages flood protection for the entirety of the County of Orange, including more than 3 million citizens. As part of that work, OCFCD manages, maintains, and is responsible for the improvement of the Santa Ana River Channel, the East Garden Grove-Wintersburg Channel, San Juan Creek Channel, Westminster Channel, Santa Ana-Delhi Channel, Oceanview Channel, Lane Channel, Carbon Creek Channel, Fullerton Creek Channel, Bolsa Chica Channel, Peters Canyon Channel, Huntington Beach and Talbert Channels, and the Laguna Canyon Channel, among others. This includes portions of the following watersheds: San Gabriel River, Anaheim Bay, Santa Ana River, Newport Bay, Aliso Creek, San Juan Creek, San Mateo Creek, and a variety of coastal streams.

OCFCD has been an active partner of both the U.S. Army Corps of Engineers, as well as local governmental agencies and Non-Governmental Organizations on both flood control projects, as well as habitat improvement projects throughout the channels that it manages. OCFCD has been actively engaged in Steelhead habitat improvement efforts within San Juan Creek in cooperation with CalTrout, through CalTrout's efforts to remove barriers to fish passage within the creek.

## **B. Legal Background.**

Section 2070 of the Fish & Game Code<sup>1</sup> provides that the Commission "shall establish a list of endangered species and a list of threatened species." CESA provides that any person can submit a petition to list a species as either endangered or threatened. Once a petition has been submitted, CDFW must evaluate various petition components to determine whether or not the petitioned action may be warranted. (Cal. Code Regs., tit. 14, §670.1, subd. (d)(1).) CDFW must publish its evaluation of the information contained in the petition, and the Commission then reviews CDFW's evaluation and makes a finding as to whether the petitioned action is or is not warranted.

In the event that the Commission determines that a Petition for listing presents sufficient information and that the petitioned action may be warranted, the species that is the subject of the petition immediately becomes a candidate species and is entitled to the protections of CESA. The Commission is "empowered to allow a taking, subject to terms and conditions it prescribes, of any candidate species." (Code, § 2084; see also *Environmental Protection Info. Ctr. v. Dept. of Forestry & Fire Protection* (2005) 37 Cal. Rptr. 3d 31, 60 fn. 24, *reversed in part on other grounds in Environmental Protection Info. Ctr. v. Dept. of Forestry & Fire Protection* (2008) 44 Cal.4th 459.)

The threshold finding for the Commission to determine that a petitioned action "may be warranted" is less burdensome than the Commission's ultimate determination as to whether listing is warranted following a 12-month status review. However, because a "may be warranted" finding triggers the same protections as the ultimate listing determination, it is of utmost importance that CDFW and the Commission carefully consider the information presented in the Petition and ensure that a "may be warranted" finding is well grounded.

## **C. Issues for Consideration Prior to Action on the Petition.**

1. There are Numerous Existing Efforts to Conserve the Species that Should be Considered.

The Southern California Steelhead was initially listed as an endangered Distinct Population Segment ("DPS") pursuant to the Federal Endangered Species Act ("FESA") in 1997. (See 62 Fed. Reg. 43,937(August 18, 1997).)

<sup>1</sup> The Fish & Game Code is referred to throughout this letter as the "Code." All references to the Code or to Code Sections are references to the Fish and Game Code.

Since its initial listing, the National Marine Fisheries Service ("NMFS") has designated critical habitat for the Steelhead (70 Fed. Reg. 52,629 (September 2, 2005)) and adopted a Recovery Plan specific to the Southern California Steelhead DPS. (See U.S. National Marine Fisheries Service, Southwest Region, Southern California steelhead recovery plan (January 2012).) The 2012 Recovery Plan identifies numerous populations that are considered "core populations" of Southern California steelhead. Core 1 populations, or the most critical populations, being located in San Juan Creek, San Mateo Creek, the Santa Margarita River, and San Luis Rey River in the Santa Catalina Gulf Coast biogeographic population group, and the San Gabriel River in the Mojave Rim biogeographic population group. Only one of these Core 1 Populations runs through OCFCD's jurisdiction.

With respect to that single Core 1 population in San Juan Creek, OCFCD has been actively working with CalTrout for years on projects to remove barriers for steelhead and to improve the watershed's habitat. These efforts predate the current Petition and will proceed regardless of the Commission's determination as to whether or not listing may be warranted. This is, however, just one example of the numerous efforts underway throughout Southern California to benefit the Southern California steelhead. All of these efforts take years or even decades to fully permit and implement, and therefore years or decades for their benefit to the species to be fully realized. NMFS acknowledged the length of the time horizon needed to assess the efficacy of these efforts in its 2016 status review for the Southern California steelhead, noting that "the necessary restoration activities will likely require decades." (U.S. National Marine Fisheries Service, West Coast Region, South-Central/Southern California Coast Steelhead Recovery Planning Domain 5-Year Review: Summary and Evaluation of Southern California Coast Steelhead Distinct Population Segment (March 18, 2016) p. 38.)

Other commenters both following the Commission's initial receipt of the Petition, and in response to the publication of CDFW's evaluation of the Petition, have made this same point. Specifically, several commenters make the point that these recovery efforts could qualify as "take" under CESA should the steelhead become a candidate species, thereby hindering recovery efforts. These same commenters also make the critical point that all of these recovery efforts are proceeding absent any listing status for the steelhead under CESA, and should be taken into account, along with the timeframe needed for those efforts to bear fruit, when determining whether the petitioned action may be warranted.

## 2. The Entire Population of Steelhead Should be Considered as Part of the Petition.

The Petition itself frames the population of steelhead that it concerns as all *Oncorhynchus mykiss*, including both the anadromous and resident life histories, below manmade and natural complete barriers to anadromy from the Santa Maria River to the U.S.-Mexico Border. (Petition, pp. 3, 5, 15.) Other commenters have noted that some of the most up to date genetic research indicates that there is no genetic difference between resident *Oncorhynchus mykiss* that live in upstream reaches (i.e., above barriers), and those that display anadromous life histories. (See United Water Conservation District Comment Letter (December 2, 2021) p. 1; see also Ventura Water District Comment Letter (December 2, 2021, Appx. A, pp. 5-6.) The County incorporates the detailed discussion of these considerations by reference here.

The National Marine Fisheries Service is also evaluating whether or not the South-Coast distinct population segment of steelhead is in fact worthy of status as a distinct population segment separate from the Southern California distinct population segment. (U.S. National Marine Fisheries Service, West Coast Region, South-Central/Southern California Coast Steelhead Recovery Planning Domain 5-Year Review: Summary and Evaluation of Southern California Coast Steelhead Distinct Population Segment (March 18, 2016) p. 58 [indicating that a Biological Review Team is evaluating new genetic information regarding various DPS of steelhead to determine whether changes to the DPS boundaries are appropriate].) However, the Petition does not acknowledge the genetic ambiguity of the Southern California population of steelhead. The County urges CDFW and the Commission to consider the growing body of research that indicates a lack of genetic distinction between the



various populations of *Oncorhynchus mykiss*, both those with resident and anadromous life histories, and those above and below barriers to anadromy, and to consider whether it is appropriate to rely on the Southern California DPS geographic boundaries for purposes of the Petition when the federal government is reassessing those very boundaries.

3. The Commission and CDFW Should Clarify What Qualifies as an "Impassable Barrier" for Purposes of the Petition.

While both the Petition and CDFW's evaluation of the Petition refer to populations of *Oncorhynchus mykiss* below barriers to anadromy as the subject of the Petition, neither the Petition nor CDFW's evaluation elaborates on what is considered a barrier to anadromy. Federal agencies have generally indicated that existing dams and other structures are considered barriers to anadromy for purposes of the FESA listing of Southern California steelhead; however, the County requests that the intent of the Petition with respect to whether existing dams and other existing facilities are considered barriers to anadromy be clarified by either the Petitioner or CDFW before the Commission makes a finding as to whether or not the petitioned action is warranted. Clarity on what constitutes a barrier to anadromy is essential to the numerous agencies managing the flood control infrastructure and water supply infrastructure for Southern California should the Commission determine that the petitioned action may be warranted. Furthermore, in the event Petitioner proposes a narrow definition of "impassable barrier" as including only physical in-water structures, then the County urges CDFW and the Commission to adopt a broader definition that includes both physical in-water structures and in-stream conditions which make anadromy unlikely or infeasible. This is because many streams, creeks, washes, and other watercourses in Southern California have been significantly altered in the last 100 years, and it is critical to understand whether the existing dams, required concrete channel bottoms, and other infrastructure are considered barriers to anadromy, as this existing infrastructure renders these areas inhospitable to steelhead.

4. Environmental Conditions at the Subwatershed Level Need to be Studied and Considered in Determining Whether Migration Can be Supported Under Existing Hydrologic Conditions.

The broad geographic scope of the proposed listing envelops several environmentally distinct watersheds and subwatersheds, where current hydrologic conditions may make them unsuitable habitat for steelhead or otherwise unfavorable to anadromy. While the Petition does reference resident populations of steelhead, there is a lack of specific information regarding existing hydrologic and environmental conditions at the watershed and subwatershed level, including factors such as aridification, seasonal variations in flow, whether pollution controls are needed, and the extent of existing and necessary water conservation efforts. The County urges the Commission to consider these factors in determining whether the petitioned action may be warranted. Should the Commission determine that the petitioned action may be warranted, the County urges the Commission to concurrently adopt a 2084 regulation which takes current hydrologic conditions into account and considers the limitations on flow that those hydrologic conditions may cause, which may inherently present barriers to anadromy.

#### D. Conclusion.

The County appreciates the opportunity to comment on the Petition and urges CDFW and the Commission to consider the additional, detailed information that has been provided in the numerous comment letters regarding the Petition. The County joins in the comments of the Orange County Water District, United Water Conservation District, Santa Barbara County Flood Control District, and the Ventura Water District, and urges the Commission to give careful consideration of the additional data presented in those comments when assessing whether the petitioned action may be warranted. Should the Commission find that these considerations are not sufficiently considered in CDFW's evaluation of the Petition, the County respectfully requests that the Commission remand the evaluation back to CDFW to more fully consider both the information presented in the Petition and in the various comment letters regarding the Petition.

Should the Commission determine that the petitioned action may be warranted, the County respectfully requests that CDFW and the Commission collaborate with the various interested and impacted governmental entities whose core functions of water management and flood control (e.g., channel maintenance, channel hardening, vegetation management, etc.) could be adversely impacted to determine whether a Section 2084 Regulation is appropriate and identify appropriate contours of such a regulation. This process will allow the goals of the Petition to be achieved while ensuring that ongoing restoration projects throughout Southern California, as well as essential water management and flood control operations, are not adversely impacted or hindered.

We thank the Commission and CDFW for considering our input and look forward to continued engagement and involvement in the Commission's consideration of the Petition.

Sincerely,



Kevin Onuma, P.E.  
County Engineer  
OC Public Works





## Santa Barbara County Public Works Department

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SCOTT D. MCGOLPIN  
Director

THOMAS D. FAYRAM  
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December 9, 2021

California Fish and Game Commission  
P.O. Box 944209  
Sacramento, CA 94244-2090

Sent via email to [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)

RE: CDFW evaluation report on California Trout petition to list Southern California steelhead as endangered pursuant to the California Endangered Species Act (CESA)

Dear California Fish and Game Commission,

In June 2021, California Trout submitted a petition to the California Fish and Game Commission (Commission) to list Southern California steelhead (*Oncorhynchus mykiss*) as endangered pursuant to the California Endangered Species Act. The Commission then referred the petition to the California Department of Fish and Wildlife (CDFW) for preparation of an evaluation report. The Santa Barbara County Flood Control and Water Conservation District (District) has reviewed the petition and evaluation report and submits the following comments for the Commission to consider:

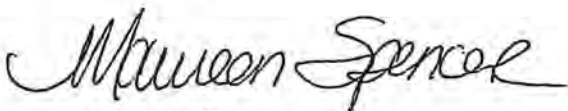
- The District agrees with Orange County Water District, Casitas Municipal Water District, and Cachuma Conservation Release Board's comments letters, that it does not appear that consideration of all relevant information pertaining to the petition has occurred as is required by Fish and Game Code section 2073.5 and Section 670.1 of Title 14 of the California Code of Regulations. The District requests that the Commission remand the evaluation report back to CDFW and a revised report is prepared that evaluates the petition in relation to the public comments received.
- Since Southern California steelhead are a federally listed species with an existing recovery plan, the District is extremely concerned that a listing under the CESA unnecessarily duplicates the federal regulations, doesn't provide any needed additional protection, and instead of the "state ESA listing anticipating helping to move these projects forward into construction to realize their potential in species recovery", as stated by California Trout in the petition, the listing will instead delay projects even more so than already delayed by the federal listing, and add costs without adding any value to the recovery

of the species. California Trout's statement about the benefits of listing under CESA is incorrect, misguided, and not representative of the State's current or anticipated contributions to projects if this species is listed.

- The District has completed several steelhead passage projects on local debris basins and in each case, has coordinated extensively with both the National Marine Fisheries Service (NMFS) and the CDFW throughout the design, construction, and monitoring/maintenance portions of the projects. Federal listing of this species provided all needed regulation and consideration for the protection and recovery of steelhead and their habitat. CDFW's contributions to these projects through the Lake and Streambed Alteration (Section 1600) process resulted in project delays and no added value to the design due to redundant review, staffing shortages and turnover resulting in prolonged non-responsiveness by the agency, and lack of internal coordination between divisions. CDFW doesn't need an additional layer of regulation to protect this species, but rather an overhaul of the implementation of the current regulations and approach/coordination with the NMFS so projects can proceed in a timely manner.
- Fish passage analysis and engineering design is currently underway on two additional debris basin facilities owned by the District. The District is currently coordinating with both the NMFS and CDFW and using both the 2009 Ca. Salmonid Stream Habitat Restoration Manual and the 2011 NOAA Anadromous Salmonid Passage Facility Design Manual to guide the designs. Additional regulation under the CESA will not improve these project designs, or better protect the steelhead, but will result in additional delays. These projects need to be completed to enable the sediment delivery to become reestablished and fish passage realized. These are the actions that will contribute to the recovery of the Southern California Steelhead. Any suggestion that the federal listing of the distinct population segment of Southern California steelhead under the Federal Endangered Species Act needs to be bolstered by state listing is misguided and incorrect. The species does not need additional regulation and green tape. The timeline to assess the efficacy of the federal listing and recovery effort is likely decades due to the time required to plan, construct, and monitor recovery projects to realize their benefits for the species and recovery of the watercourses, especially with many factors beyond human control that cause impacts to the population such as fire, drought, etc.

The District is asking the Commission to carefully consider whether additional regulation, resulting from the listing of the Southern California steelhead under the CESA, is what is needed to protect and recover this species rather than an overhaul of the implementation of the current state regulations and an increase in CDFW staffing to facilitate the construction of the many restoration projects that are in the process of being designed. The District has been concerned about state permitting issues for many years and in February, 2017 was invited to provide testimony at the Little Hoover Commission for their review of state permitting issues. The issues that prompted the Little Hoover Commission to solicit input from agencies throughout California continue to negatively impact the implementation of projects and the recovery of species and habitat. The listing under CESA will undoubtedly create impediments to or delay these upcoming projects and future efforts to improve the watercourses for this species.

Sincerely



Maureen Spencer

Environmental Manager

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# *Santa Ynez River*

## WATER CONSERVATION DISTRICT

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December 10, 2021

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RE: December 15<sup>th</sup>, 2021 Commission Meeting  
Petition to List Southern Steelhead as Endangered

The Santa Ynez River Water Conservation District (SYRWCD) has water supply responsibilities for the Santa Ynez River watershed. In concert with other agencies, including by agreement with CDFW, SYRWCD has participated through its own staff and studies in the 2000 Biological Opinion for steelhead in connection with operation of the Cachuma Project, the SWRCB hearings during 2000-04 that resulted in the 2019 SWRCB Order No. 2019-0148 governing flows for steelhead in the lower Santa Ynez River, ongoing studies and reports pursuant to Order No. 2019-0148, the several Biological Assessments prepared by the US Bureau of Reclamation to protect the steelhead fishery, and the ongoing re-consultation and most recent draft Biological Assessment prepared by Reclamation for the Cachuma Project. This work continues to this day.

We would like to request that this item be removed from the Consent Agenda for the above-referenced meeting of the Fish and Game Commission to allow for questions, comments, and suggestions on the applicable procedures, statutes, and Commission policies.

### **The Commission Should Fully Evaluate Its Policies of Justice, Equity, Diversity, and Inclusion (JEDI) in Relation to the Potential Negative Impacts Arising From a Listing Decision**

The Commission has “expressed a commitment to take action toward creating more inclusive engagement and strive to make the impacts of FGC decisions more equitable.” It is our understanding that the Commission desires to operate under the framework of transparency, accountability, and continuous improvement for justice, equity, diversity, and inclusion for disadvantage communities.

We suggest that the Commission consider taking no further action on the Petition until completion of an evaluation of the negative impacts to disadvantaged communities that will result from potential rules, regulations, directives, and recommendations imposed on water users during

the species candidacy timeframe.

**The Commission Should Specifically Address Negative Impacts on the Human Right to Water Arising from Its Decisions**

California Water Code section 106.3(a) states, in part:

*"It is hereby declared to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water..."*

To, the federal actions arising out of the federal Endangered Species Act listing, and the comments made by CDFW during both the 2000-04 and 2018-19 State Water Resources Control Board (SWRCB) hearings leading to the adoption of Order No. 2019-0148, and the preparation of the Sustainable Groundwater Management Act plans for the Santa Ynez River Valley Basin, have all had a negative impact or potential negative impact on the right to safe, clean, affordable, and accessible water.

Before the Commission takes any further action on the Petition, the Commission should conduct a specific evaluation of adverse impacts on the human right to affordable and accessible water, especially for the communities that are addressed under the Commission's JEDI policies.

**The Commission Should Require an Expanded Discussion of Climate Change to Fully Address the Past, Present, and Future Impacts to Steelhead**

While there is some general discussion of climate change in the November Evaluation, specific past effects and related forecastable future effects are not discussed. There is no dispute that historic climate variations were more severe than they are now. Past cyclical climate extremes may be occurring again, only this time the cycle may be superimposed upon a non-natural climatic change resulting from other causes.

It is not that hard to genetically demonstrate that the incredibly resilient, plastic, and opportunistic steelhead fishery has always migrated up and down coastal California in response to decadal cyclic water conditions in their collective ancestral streams. Now that we are in a prolonged dry period, (which by the way is not unprecedented, unknown, or unexpected), the main fishery has migrated for the most part to the more northern streams.

According to Clemento 2008, the so-called south-central steelhead (not endangered) are genetically and phenotypically identical in every way to the southern steelhead. This is evidence for resilient plasticity of the "southern" or "south" genotype to survive, migrate, and propagate wherever the environmental conditions from Santa Cruz to San Diego are most favorable. The abandonment of nature-caused unsuitable habitat by a cyclical climate-driven migrating species, which has a very large range with a corresponding large population, is not necessarily indicative of endangerment.

We suggest that before accepting the Evaluation and deciding if the listing is warranted, the Commission should direct the preparation of a more robust discussion of the effect climate



change on the entire CDFW defined southern steelhead range from Santa Cruz to San Diego.

**We would like the Commission to consider sanctioning an alternative technical review process (even if informal), that is more cooperative and collaborative and in compliance with existing agreements, especially where disadvantaged communities are signatories.**

We make this suggestion for the following reasons:

- The Evaluation does not consider the principles of Justice, Equity, Diversity, Inclusion.
- The Evaluation is based does not provide for disadvantaged stakeholder participation in the evaluation process, thereby continuing structural discrimination.
- The Evaluation is based does not allow a consideration of State Water Resources Control Board hearings, outcomes, and actions where the competing interests of urban water suppliers, agricultural water users, and the needs of the steelhead fishery are balanced.
- The Evaluation is based does not require a comparison of existing regulations to avoid duplicative, over-reaching, and conflicting rules and procedures.

Absent being informed by further evaluation and information as outlined above, we would all be well advised to allow the existing regulatory regime to work, where the steelhead on the Santa Ynez River are highly regulated under the federal Endangered Species Act and State Water Resources Control Board pursuant to Order No. 2019-0148, rather than create another listing that risks disruption of that regulatory regime and inconsistent regulation of steelhead and which could exacerbate human water supply impacts.

SANTA YNEZ RIVER WATER  
CONSERVATION DISTRICT



Kevin D. Walsh  
General Manager



**CYBERSECURITY FOR SPECIAL DISTRICTS  
AND COUNTY SERVICE AREAS IN SANTA BARBARA COUNTY**

**SUMMARY**

The 2021 Santa Barbara County Grand Jury (Jury) has prepared a report on the subject of cybersecurity for special districts and county service areas following the 2019-20 Santa Barbara County Grand Jury report titled "Cyber-Attacks Threaten Santa Barbara County," which focused on the broader County issues. This report encourages the 53 special districts in Santa Barbara County (County) to review their cyber-systems in order to identify cybersecurity threats. This Jury urges the special districts and service areas to take all necessary measures to protect their operational data and computer systems. This Jury has proposed a list of best practices for Santa Barbara County special districts to consider identifying, protecting, and, if necessary, upgrading their cybersecurity activities to advance the best interests of their consumers.

**INTRODUCTION**

"With but a few lines of well-crafted code, a mobile phone or laptop computer can be convinced to betray its owner's most closely guarded secrets - and continue betraying them for months and even years. The machines are perfect spies. They do not require money or validation or love. Their motives are beyond question, for they have none of their own. They are reliable, dependable, and willing to work extraordinarily long hours. They do not become depressed or drink too much. They do not have spouses who berate them or children who disappoint them. They do not become lonely or frightened. They do not burn out. Obsolescence is their only weakness. More often than not they are discarded merely because something better comes along." Daniel Silva, *The Rembrandt Affair*

There are three types of special districts within Santa Barbara County. One is an Independent Special District, another is a Dependent Special District, and the third is a County Service Area. An Independent Special District has its own board of directors, either elected directly or appointed; they make their decisions on activities and budgets independent of any city or county oversight. A Dependent Special District is actually run by its respective city council or county board of supervisors. County Service Areas (CSA) are different from "Special Districts" in that they are also governed by the County Service Area Law (Cal. Govt. Code §§ 25210 et seq)<sup>1</sup> in addition to Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.<sup>2</sup> There are currently 39 Independent Special Districts, eight Dependent Special Districts, and six Community Service Areas within the County. (See Appendix I, II & III)

Recent press accounts report cybersecurity breaches across the United States.<sup>3</sup> Restoration of these services often requires the payment of ransom and reconstruction costs. The two-day

<sup>1</sup> [California Government Code Section 25210.3 \(2016\)](#)

<sup>2</sup> [www.sbcounty.gov/uploads/LAFCO/Publications/CKH\\_2018.pdf](http://www.sbcounty.gov/uploads/LAFCO/Publications/CKH_2018.pdf)

<sup>3</sup> <https://thehill.com/policy/cybersecurity/576835-agencies-warn-of-cyber-threats-to-water-wastewater-systems>

shutdown of a part of Colonial Pipeline's oil distribution system on the East Coast in early 2021, which reportedly cost the company more than \$2 million dollars in ransom payments, is one example. Costly or potentially even deadly cyber-attacks also impacted, among many other business and government entities, police departments, water distribution systems, a major national meatpacking company, and hospital systems. Health care systems are particularly targeted. California had the highest percentage of attempted health-care system hacks, with 21 percent of the nationwide total.<sup>4</sup>

These intrusions can be very expensive to correct. Even when ransoms are paid, the breached or maliciously encrypted systems must be reconfigured or even rebuilt entirely. Moreover, there remain potential financial liabilities for critical infrastructure businesses like utilities, as well as financial institutions, to their customers. For example, Ally Bank (formerly known as GMAC) presently is the defendant in a class-action lawsuit in Federal Court in New York for its alleged negligence in allowing hackers to breach several of its customer accounts and steal names and passwords.<sup>5</sup>

Unfortunately, as the special district officials and consultants whom the Jury interviewed candidly admitted, no system is foolproof and precautions may vary greatly from district to district. It, therefore, is incumbent upon the special districts to take whatever proactive steps possible to reduce the threats and thereby mitigate the damaging consequences of the intrusions which inevitably will occur despite diligent efforts to prevent them.

## METHODOLOGY

In an effort to assess the readiness of special districts in Santa Barbara County, the Jury interviewed a representative sampling of Santa Barbara County special districts and municipal officials, as well as private industry internet technology and cybersecurity experts. The Jury also reviewed many informative articles, reports, and official publications dealing with the subject of cybersecurity.

There are at least three U.S. agencies that address cybersecurity crime. Special districts are encouraged to access these and strengthen their own websites:

1. U.S. Department of Homeland Security, Cybersecurity and Infrastructure Security Agency (CISA) <https://www.cisa.gov/>
2. U.S. Department of Commerce, National Institute of Standards and Technology (NIST) <https://www.nist.gov/cyberframework>
3. U.S. Department of Justice, Federal Bureau of Investigation, Internet Crime Complaint Center (IC3) <https://www.ic3.gov>

## OBSERVATIONS

While there appear to have been no known successful cyberattacks of special districts within Santa Barbara County, the Jury learned that an extensive number of cyber incursions have been

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<sup>4</sup> <https://www.comparitech.com/blog/information-security/ransomware-attacks-hospitals-data/>

<sup>5</sup> *Medicis v. Ally Bank*, Case No.7:27-CV-06799 (U.S.D.C., So. Dist. N.Y., 2021)

attempted in the United States, often with success. These intrusions severely disrupted governmental and private company operations, costing billions of dollars in ransom payments, system repairs, and additional defensive measures. Following a 2021 White House meeting<sup>6</sup> on the problem and in an effort to meet the challenge, Microsoft announced it is allocating \$150 million for cybersecurity technical services to assist Federal, State, and local government agencies. In addition, it has committed to invest \$20 billion over a period of five years to develop improved cybersecurity programs. Google has committed to spend \$10 billion for that same purpose, and major corporations like Amazon and IBM will be greatly increasing their investment in employee training programs.

### **How Can Special Districts Protect Themselves?**

The Jury has neither the staff nor the technical expertise to analyze the cyber-readiness of the special districts or to suggest specific defenses to cyberattacks. That work should be done by expert consultants and security firms devoted to such activities. The Jury offers a list of “Best Practices” based upon the sources consulted:

#### **BEST PRACTICES**

- Create "strong" passwords and change them often, or at least periodically
- Install and regularly update "encryption" software
- Install and regularly update "firewall" software (intrusion detection systems)
- Update computer systems as necessary
- Install and regularly update virus protection software
- Secure data by limiting access
- Safely dispose of all unwanted documents
- Limit remote internet access to the extent possible
- Limit physical access to system equipment (access cards, ID cards, etc.)
- Wipe data from equipment to be disposed of
- Monitor employee use of all systems
- Periodically test security measures and immediately remediate weaknesses
- Report to the appropriate internal security all malfunctions, anomalies or any other “out-of-ordinary” events no matter how insignificant they may appear to be
- Conduct training for all employees periodically on security policies and procedures, certify attendance, and teach staff how to prevent, detect, contain, and eliminate breaches
- Hire an outside security consulting firm to conduct a "risk analysis" at least annually and consider the possibility of pooling resources with other special districts to hire such expertise

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<sup>6</sup> "Biden Presses CEO'S to Boost Cyber Security," *Wall Street Journal*, August 28, 2021, p.4A.  
2021 Santa Barbara County Grand Jury

- Consider adequate cybersecurity insurance and the possibility of creating or joining an existing insurance pool to reduce premium cost
- Create and securely maintain back-up data separate from the “live” system
- Create a comprehensive Security Policy Manual to centralize information in one place and make it accessible to all staff
- Classify and prioritize all district hardware, software, devices, data, etc. in accordance with their critical nature
- Adopt easy to follow protocols for detecting and reporting known or suspected incursions and explain the exact duties and responsibilities of different staff levels in case an incident occurs. Create and maintain a current incident log designed to immediately document, analyze, and catalog incursions and explain how best to respond
- Immediately eliminate all access to data systems and emails upon an employee’s departure

## **CONCLUSION**

The Jury determined that it is important to keep this critical issue before the public; it now addresses this concern in more general terms to the County’s many special districts and service areas. It is the Jury’s hope that these agencies will become more fully aware of cyber-threats and will take all necessary measures to protect their confidential data.

Like all other government and business entities, special districts and service areas are vulnerable to cyber-attacks. Given its concern over the unfortunate increase in serious intrusions by criminal groups or individuals into data systems maintained by these governmental agencies and major publicly owned companies, the 2021 Santa Barbara County Grand Jury reminds all special districts in the County that they too potentially are targets for such criminal activity.

The Jury has suggested several "Best Practices" that those agencies should consider incorporating into their cyber-security programs. This would help protect them from unwanted intrusions, possible public disclosure of personal information, and having to pay ransoms. Although the Jury assumes that many districts have implemented many of these and other cyber-measures, some may not have done so, or have failed to test in a timely manner and upgrade existing protections to counter the increasingly sophisticated techniques employed by hackers.

Although the Jury did not interview representatives from all special districts, it is hoped they will review and adopt, as appropriate, the “Best Practices” listed in the report for their respective special districts. It is suggested that the districts take such remedial action as may be needed to safeguard their confidential personal, financial, and operational data against cyber-attacks to the greatest extent possible within their ability to do so.



## **FINDINGS and RECOMMENDATIONS**

### **Finding 1**

The Santa Barbara County Board of Supervisors has oversight over all dependent special districts and community service areas and their respective cybersecurity operations.

### **Recommendation 1**

That the Santa Barbara County Board of Supervisors review and adopt, as appropriate, the “Best Practices” listed in the report for its dependent special districts and community service areas.

## **REQUEST FOR RESPONSE**

Pursuant to *California Penal Code Section 933 and 933.05*, the Santa Barbara County Grand Jury requests each entity or individual named below to respond to the enumerated findings and recommendations within the specified statutory time limit:

Responses to Findings shall be either:

- Agree
- Disagree wholly
- Disagree partially with an explanation

Responses to Recommendations shall be one of the following:

- Has been implemented, with brief summary of implementation actions taken
- Will be implemented, with an implementation schedule
- Requires further analysis, with analysis completion date of no more than six months after the issuance of the report
- Will not be implemented, with an explanation of why

### **Santa Barbara County Board of Supervisors – 90 days**

Findings: 1

Recommendation: 1

**Note:** A courtesy copy of this Report is being sent to all special districts within Santa Barbara County.

## **APPENDIX I**

### **Independent Special Districts Within Santa Barbara County**

- Cachuma Resource Conservation District
- Carpinteria Cemetery District
- Carpinteria Sanitary District
- Carpinteria/Summerland Fire Protection District
- Carpinteria Valley Water District
- Casmalia Community Services District
- Cuyama Basin Water District
- Cuyama Community Services District
- Cuyama Valley Recreation and Park District
- Embarcadero Municipal Improvement District
- Goleta Cemetery District
- Goleta Sanitary District
- Goleta Water District
- Goleta West Sanitary District
- Guadalupe Cemetery District
- Isla Vista Recreation and Park District
- Isla Vista Community Services District
- Lompoc Cemetery District
- Lompoc Valley Medical Center (Health Care District)
- Los Alamos Cemetery District
- Los Alamos Community Services District
- Los Olivos Community Services District
- Mission Hills Community Services District
- Montecito Fire Protection District
- Montecito Sanitary District
- Montecito Water District
- Oak Hill Cemetery District
- Mosquito and Vector Management District of Santa Barbara County
- San Antonio Basin Water District
- Santa Barbara County Fire Protection District
- Santa Maria Public Airport District
- Santa Maria Cemetery District
- Santa Maria Valley Water Conservation District
- Santa Rita Hills Community Services District
- Santa Ynez Community Services District
- Santa Ynez River Water Conservation District
- Santa Ynez River Water Conservation District, Improvement District #1
- Summerland Sanitary District
- Vandenberg Village Community Services District

## **APPENDIX II**

### **Dependent Special Districts Within Santa Barbara County**

- Guadalupe Lighting District
- Laguna County Sanitation District
- Mission Canyon Lighting District
- North County Lighting District Santa Barbara County Flood Control & Water Conservation District
- Santa Barbara County Water Agency
- Santa Barbara Metropolitan Transit District

## **APPENDIX III**

### **County Service Areas Within Santa Barbara County**

- County Service Area No. 3 (Goleta Valley)
- County Service Area No. 4 (North Lompoc)
- County Service Area No. 5 (Orcutt)
- County Service Area No. 11 (Carpinteria Valley)
- County Service Area No. 12 (Mission Canyon)
- County Service Area No. 31 (Isla Vista)
- County Service Area No. 32 (Unincorporated police services)
- County Service Area No. 41 (Rancho Santa Rita)





# Monthly Briefing

*A Summary of the Alliance's Recent and Upcoming Activities and Important Water News*

## Infrastructure Bill Delivers Major Victory for Western Water Users

With President Joe Biden's signature on the bipartisan Infrastructure Investment and Jobs Act last month, a national coalition representing thousands of Western farmers, ranchers, businesses, and rural and urban water providers declared a victory for Western water users and called on the Administration to immediately clear the path for projects that will address critical Western water supply needs.

"This is a great victory for Western water users," said Family Farm Alliance Executive Director Dan Keppen. "The Western water provisions included in this legislation represent a once-in-a-generation federal investment that will bolster our aging water infrastructure and keep water flowing to our nation's farms and ranches. It will also improve our ability to provide water supply reliability for cities and the environment in future droughts."

The coalition behind the year-long effort to secure \$8.3 billion in Western water infrastructure provisions includes more than 220 organizations from 15 states that collectively represent \$120 billion in agricultural production—nearly one-third of all agricultural production in the country—and

many of the local and regional public water agencies that supply water to more than 75 million urban, suburban, and rural residents.

Amid the searing drought across the West and another catastrophic wildfire season, the \$8 billion investment included for water infrastructure investments comes at a critical time. Western agricultural interests were appreciative of the bipartisan investment that has been made in new and aging infrastructure, as well as



*President Joe Biden takes part in a signing ceremony for the Infrastructure Investment and Jobs Act on the South Lawn of the White House on Monday. Photo courtesy of AFP via Getty Images.*

water conveyance facilities.

*Continued on Page 2*

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## Bipartisan Infrastructure Bill (Cont'd from Pg. 1)

"Farmers can now look forward to long needed infrastructure enhancements necessary to produce a safe and reliable food supply," California Farm Bureau President Jamie Johansson said.

### House Democrats Reach Agreement

The House passed the \$1.2 trillion infrastructure bill 228-206, sending the measure to President Joe Biden's desk after months of limbo.

"My message to the American people is this: America is moving again and your life is going to change for the better," President Biden said at the signing ceremony on the South Lawn of the White House.

Only 13 House Republicans voted for the bill, alongside all but 6 Democrats.

In order get the vote on the infrastructure package, moderate House Democrats essentially promised progressives they'd vote for the \$1.75 trillion *Build Back Better (BBB)* climate and social spending reconciliation bill once the Congressional Budget Office (CBO) score finalized the total cost of the legislation implementing the Biden Administration's agenda.

Prior to the House vote, the two bills were effectively linked to each other, with House progressives calling for both bills to move together and with assurances the Senate would pass the reconciliation bill. But House progressives finally agreed to the vote on the bipartisan infrastructure package, even without ironclad commitments from moderate Senators to agree to the newly downsized \$1.75 trillion BBB.

The Infrastructure Investment and Jobs Act includes more than \$8 billion for projects that will enhance water supply reliability across the West, including repairing aging dams and canals, building new surface and groundwater storage and conveyance facilities, funding water conservation and recycling projects, and improving watershed and ecosystem management.

Agriculture Secretary Tom Vilsack said the infrastructure investments will connect agriculture and rural communities to more markets and more economic opportunity.

"Upgraded power infrastructure, environmental remediation, and clean and safe drinking water will power and revitalize communities historically left behind," said Secretary Vilsack.

### Biden Administration Begins Work on Implementation

With the President signing the bipartisan infrastructure

package into law, advocates will now turn their attention towards working with the Biden Administration to quickly drive implementation of the Western water provisions.

"Time, like water, is in short supply," said Western Growers President and CEO Dave Puglia. "We cannot let red tape and activist litigation stall or block the many long overdue projects necessary to repair and enhance our aging water infrastructure and develop reliable new sources of water supply."

The Biden Administration quickly announced plans to staff up and expand the federal workforce to manage the record amount of funding allocated in the newly passed bipartisan infrastructure deal. The federal agencies responsible for disbursing the increase in funding are preparing to hire more workers to manage everything from fixing highways to removing lead water service lines and upgrading aging sewers.

President Biden announced the appointment of Mitch

Landrieu, former mayor of New Orleans and Louisiana lieutenant governor, whom he has charged with implementing a historic \$1.2 trillion infrastructure package.

"This Task Force will be committed to break down barriers and drive implementation of infrastructure investments across all levels of government to realize the President's vision of rebuilding our nation's infrastructure and positioning the U.S. to compete and win in the 21st century," the White House said in a prepared statement.

Bureau of Reclamation Commissioner Camille



*Bureau of Reclamation Commissioner Camille Touton says implementing the new infrastructure law is a top priority for Reclamation. Photo source: File Image*

Touton believes this key investment will improve federal stewardship of Reclamation's critical infrastructure and significantly increase the agency's efforts to support its partners, stakeholders, Tribal nations, and communities in the 17 Western states.

"Implementing this law and delivering meaningful results is a top priority for Reclamation," said Commissioner Touton.

According to Commissioner Touton, efforts are already underway across Reclamation as the agency prepares to implement the new law. Reclamation last month established a Program Management Team to lead implementation and develop a Program Management Plan (PMP), which will specifically address how we will request and share data on obligations, expenditures, procurement, regulatory compliance, management of human capital, and plans for celebrating project milestones.

Reclamation will host a series of stakeholder listening sessions this month, prior to finalizing the PMP.

"We're hearing that Reclamation plans on conducting listening session on existing programs (December 10), new programs (December 17) and other matters (January 7)," said Mark Limbaugh, the Alliance's representative in Washington, D.C.

## Reclamation Decides Not to Flood Grand Canyon Due to Drought

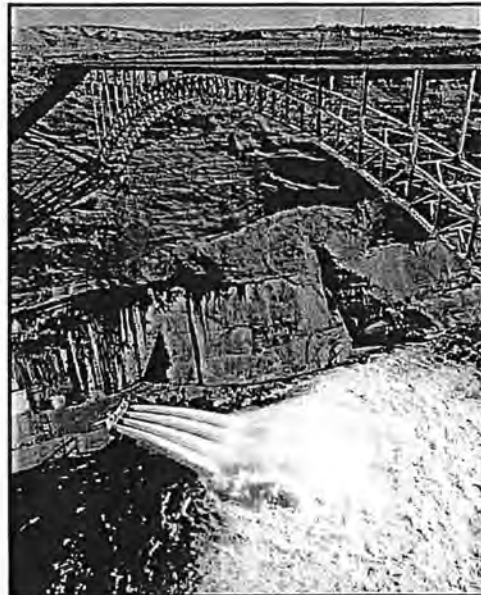
Due to persistent drought in the Colorado River Basin, the Bureau of Reclamation (Reclamation) decided not to increase water flows to create a controlled flood through the Grand Canyon last month as part of a multi-decade experiment to rebuild beaches for campers and sandbars for fish.

Reclamation officials determined that opening the bypass tubes at the Glen Canyon Dam would have reduced the elevation of Lake Powell on the Utah-Arizona border by about 2 feet, an action contrary to those taken over the summer to boost the lake levels by releasing water from upstream reservoirs to ensure that Glen Canyon Dam can continue to generate hydropower during the drought.

The Western Area Power Administration (WAPA), a government agency that markets and transmits wholesale power, is already unable to keep up with demand.

“To make up for the shortfall, (the administration) needs to purchase energy on the wholesale market to meet these obligations,” said Peter Soeth, a spokesman for WAPA.

The controlled floods are supposed to mimic the natural flow of the river before it was dammed to create Lake Powell in the 1960s. The floods have worked as intended, but the results are short-lived. The most recent controlled flood occurred in the fall of 2018. The altered flows don't change the amount of water Reclamation must deliver downstream through Lake Mead to Arizona, Nevada, California under the 1922 Colorado River Compact, and to the country of Mexico under a 1944 international treaty.



*The Bureau of Reclamation said opening the bypass tubes at the Glen Canyon Dam would have reduced the elevation of Lake Powell at a time when it's at historic lows. Photo source: AP/Matt York.*



2022 Annual Conference

*"Those in the Arena"*

*Focusing on those who are on the ground.  
working hard to manage Western water*

**Save the Date:**

**Feb. 24-25, 2022**

**Conference Highlights:**

- Keynote Presentations
- Reclamation Roundtable
- A Look at DC from the Hill
- Derby Dam Fish Screen Tour

**Silver Legacy Resort  
Reno, NV**

**Registration info coming soon  
familyfarmalliance.org**



# House Passes “Build Back Better Act”

After weeks of negotiations, the House on November 19 passed the \$1.85 trillion Build Back Better (BBB) Act (H.R. 5376), by a vote of 220-213, with Rep. Jared Golden (D-ME) being the lone Democrat voting against the measure.

“With the passage of the Build Back Better Act, we, this Democratic Congress, are taking our place in the long and honorable heritage of our democracy with legislation that will be the pillar of health and financial security in America,” House Speaker Nancy Pelosi (D-CALIFORNIA) said in a floor speech before the vote. “It will be historic in forging landmark progress for our nation.”

No Republicans supported the bill.

“When we talk about building back better, we need to realize ‘better’ is a subjective word,” said Rep. Bruce Westerman (R-AR), Ranking Member of the House Natural Resources Committee. “This bill should actually be called ‘Tear It Down,’ because Democrats’ void of leadership, partisanship and incompetent policy proposals are doing a lot more to destroy America than build it.”

Leading up to the House vote, Minority Leader Kevin McCarthy (R-CALIFORNIA) unexpectedly took control of the House floor, speaking for nearly nine hours to derail the vote.

“Anything to do to delay or stop one of the worst pieces of legislation is appreciated by me,” Rep. Byron Donalds (R-Fla.) said of the Minority Leader’s move.

The highlights and the current state of play as the legislation moves forward in the Senate are discussed below.

## House Highlights

Following the release of the full Congressional Budget Office score for the bill, moderate Democrats upheld a promise to vote for the \$1.85 trillion dollar package, which is centered on President Biden’s social and climate agenda. This legislation includes:

- \$555 billion to fight climate change, including \$320 billion in the form of tax credits for companies and consumers who install solar panels, improve the energy efficiency of buildings, and purchase electric vehicles
- \$400 billion for universal pre-K for children ages 3-4.
- \$200 billion for child tax credits, extending the credit through 2022 at the current \$3,000—\$3,600 level
- \$165 billion in healthcare spending, reducing health care premiums under the Affordable Care Act and expanding Medicare coverage
- \$150 billion each to expand affordable home care and for affordable housing

## Senate State of Play

The Senate will continue working on its version of the bill. Major points of contention remain, including: the State and Local Tax (SALT) deduction, paid family and medical leave, drug pricing, and provisions on immigration.

The major players to watch during the negotiations are Sens. Joe Manchin (D-WV), Kyrsten Sinema (D-AZ), and Bernie Sanders (I-VT), all of whom have taken aim at various provisions they want added or removed from the House-passed version of the bill.

Sen. Manchin has objected to the overall price tag, spending in early years paired with offsets in later years, as well as the bill’s four weeks of paid family leave and Medicare hearing coverage. He has expressed worries about inflation and he’s not yet buying the argument from other Democrats that President Biden’s Build Back Better will lower everyday costs.

“They’re very much concerned, inflation has hit them extremely hard,” Senator Manchin said of West Virginia voters. “And it’s taking a toll. And I hear it when I go to the grocery store, or if I go to the gas station. They say, ‘Are you as mad as I am?’ and I say, ‘Absolutely.’”

Sen. Sinema has kept her specific objections largely private but is seen as possible a dealmaker by many Democrats.

Speaker Pelosi downplayed the Democrat divisions remaining between the House and the Senate, saying more than 90 percent of the bill “was written together” and predicting Congress will get it to President Biden’s desk without much trouble.

“I have absolutely no doubt,” she said. “The biggest hurdle was to get the bill there.”

Senate Majority Leader Chuck Schumer (D-NY) has set a Christmas goal for passage of the Build Back Better Act.

“We will act as quickly as possible to get this bill to President Biden’s desk and deliver help for middle-class families,” said Senator Schumer in a statement.

*Roll Call* reports that the Senate cleared a temporary spending bill December 2 that would keep the lights on at federal agencies through Feb. 18, buying 11 more weeks to try to resolve partisan disputes over funding levels and policy riders that have stalled progress on fiscal 2022 appropriations.

The federal debt ceiling still will need to be raised or suspended, as well. Treasury Secretary Janet Yellen has warned Congress that the U.S. faces a risk of default after December 15. There is no current plan for lifting the borrowing cap. The *New York Times* reports that Republicans continue to insist that Democrats must act alone to address the issue, while Democrats have countered that raising the borrowing cap is a shared responsibility given that both political parties have incurred big debts over the last several years.



Sen. Joe Manchin, D-W.Va., waves outside the West Wing of the White House. Photo source: Kevin Lamarque / Reuters

# EPA Proposes Interim 'WOTUS' Rule

The Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) are proposing an interim definition of "waters of the United States" (WOTUS) to provide "stable implementation" of the Clean Water Act (CWA) while the Biden Administration seeks to develop a more durable definition that will avoid policy pendulum swings with changes in administrations.

The proposed rule interprets WOTUS to mean the waters defined by a collection of Corps and EPA regulations referred to as the "1986 regulations," with amendments to reflect the agencies' interpretation of the statutory limits on the scope of WOTUS as informed by Supreme Court decisions, including *Rapanos v. United States*. This is significant because it is not simply a re-codification of the 1986 regulations.

"Rather than putting the old definition back in place and interpreting it in light of the intervening Supreme Court case law, the agencies have proposed to codify those Supreme Court decisions into the regulations," Kevin Minoli, a former EPA acting general counsel and co-author of the EPA-Corps 2008 *Rapanos* Guidance, told *Inside EPA*. "That is a significant change that will get a lot of scrutiny during the public comment period and, eventually, from the courts."

## Intent of the Interim Rule

In the proposed rule, which was signed by EPA Administrator Michael Regan and Acting Assistant Secretary of the Army for Civil Works Jaime A. Pinkham on November 18, EPA and the Corps interpret WOTUS to include: traditional navigable waters, interstate waters, the territorial seas, and their adjacent wetlands; most impoundments of WOTUS; tributaries to traditional navigable waters, interstate waters, the territorial seas, and impoundments that meet either the relatively permanent standard or the significant nexus standard; wetlands adjacent to impoundments and tributaries, that meet either the relatively permanent standard or the significant nexus standard; and "other waters" that meet either the relatively permanent standard or the significant nexus standard.

The agencies say in the proposed rule that recent court decisions have reinforced the need for a stable and certain definition of WOTUS, noting that federal district courts in

both Arizona and New Mexico have vacated the Trump Administration's *Navigable Waters Protection Rule* on WOTUS.

"In recent years, the only constant with WOTUS has been change, creating a whiplash in how to best protect our waters in communities across America," EPA Administrator Michael Regan said Nov. 18. "Through our engagement with stakeholders across the country, we've heard overwhelming calls for a durable definition of WOTUS that protects the environment and that is grounded in the experience of those who steward our waters. Today's action advances our process toward a stronger rule that achieves our shared priorities."



EPA Administrator Michael Regan. Photo source: Environmental Protection Agency

## Reaction from Elected Officials

The proposed rule drew praise from Senate Environment and Public Works Committee (EPW) Chairman Tom Carper (D-DE), who said, "We deserve a WOTUS rule that can stand the test of time and I'm encouraged by the administration's thoughtful approach here."

Senator Carper said the proposed rule "paves the way for EPA and the Army Corps to develop a definition that provides certainty and better protects our nation's precious waters and wetlands, while also supporting economic opportunity and industries that de-

pend on clean water."

But EPW Ranking Member Shelley Moore Capito (R-WV) criticized the proposal, saying it "affirms EPA's intent to create a rule defining WOTUS, which will likely be even more stringent than the Obama administration's 2015 WOTUS Rule."

"Farmers, ranchers, manufacturers, private landowners, and other stakeholders should expect reduced regulatory certainty and a continued lack of transparency in their livelihoods," Capito added.

Western House Republicans were also critical of EPA's move.

"Rural America is committed to clean water, and any step the Biden Administration takes to return to egregious federal overreach like the 2015 WOTUS rule is a disservice to the hardworking men and women who work at the state and local levels to protect and preserve this precious natural resource," said Rep. Dan Newhouse (R-WASHINGTON).

Continued on Page 4



## Senate Confirms President Biden Nominees

The U.S. Senate last month confirmed three key Biden nominees to fill critical leadership roles in federal agencies important to Western water users.

The Senate last month confirmed Hon. Michael Connor, a former Interior Department Deputy Secretary under the Obama Administration, to lead the Army Corps of Engineers (Corps) as the next Assistant Secretary of the Army for Civil Works. The vote was 92 to 5.

Mr. Connor also served as the Commissioner of the Bureau of Reclamation during the Obama Administration. The Family Farm Alliance earlier this year formally supported his nomination in a letter sent to the Senate Environment and Public Works Committee.

"Mr. Connor has a solid track record with our organization," said Alliance President Patrick O'Toole. "He's an excellent communicator and collaborator, he understands the relationship between the Administration and Capitol Hill, and he is results-oriented."

Mr. O'Toole noted that the Alliance was particularly pleased that Mr. Connor attended every Family Farm Alliance annual conference during his eight years with Reclamation and Interior.

"Mike also works collaboratively with other stakeholder groups, where he applies the same balanced and pragmatic problem-solving approach," Mr. O'Toole added.

The Corps will be dealing with issues ranging from infrastructure investments to tackle the impacts of climate change to rewriting Clean Water Act regulations defining which

"waters of the U.S." are jurisdictional under the Act over the next few years.

Also, the Senate confirmed the nomination of Ms. Camille Touton to be the next Commissioner of the Bureau of Reclamation. Ms. Touton has worked in the Obama Administration's Interior Department and on Capitol Hill as a Democratic staffer for both Senate Energy and Natural Resources and House Transportation and Infrastructure Committees.

"We believe Camille Touton will bring the aptitude, capability and temperament to successfully lead the agency into the future," the Alliance wrote in a June 22, 2021 letter to the Senate Energy and Natural Resources Committee.

Over the past decade, Ms. Touton has participated in Alliance annual conferences as a speaker or panelist several times. Last February, she led the discussion on the traditional "Reclamation Roundtable" at the Alliance's first ever "virtual" annual conference.

The Senate last month also confirmed an important member of Agriculture Secretary Tom Vilsack's team at USDA, approving the nomination of Robert Bonnie to be undersecretary for farm production and conservation. Mr. Bonnie is considered to be one of the nation's foremost authorities and leaders on working lands approaches to conservation and incentive-based climate and conservation practices.

"Under his leadership, we will see a renewed focus toward preparing our food and agricultural community to lead the world in climate-smart agricultural practices," said Secretary Vilsack.

## EPA Proposes Interim WOTUS Rule (Continued from Page 5)

### Reaction for Ag Groups

Some agricultural organizations are also not happy with the EPA proposal.

National Corn Growers Association President Chris Edgington says the administration is taking farmers backward by removing a rule that's provided "certainty" for farmers who feed and power America.

"NCGA will continue to work with agencies and advocate for a WOTUS definition that provides farmers with clarity about obligations under the Clean Water Act," Edgington says.

The Family Farm Alliance in August developed formal comments to EPA and the Corps on the matter.

"The Alliance has made engagement on WOTUS – which now spans three presidential administrations- a top priority," said Alliance Executive Director Dan Keppen. "Once again, we developed comments with input from top Western attorneys, our board and Advisory Committee."

During the Trump Administration era, working with a team of Western attorneys and water managers, the Alliance developed detailed comment letters to EPA and the Corps, urging them to repeal the 2015 Clean Water Rule developed by the Obama Administration, and providing guidance as to

how the new rule should look.

Overall, the Trump Administration's *Navigable Waters Protection Rule* was favorably viewed by many Western agricultural interests.

"We thought the Trump rule repeal and replacement was actually a good thing for the West, despite what many media outlets reported," said Mr. Keppen. "Our latest letter reiterates that message and outlines the concerns we will address in the upcoming rulemaking process."

EPA and Corps officials released a *Federal Register* notice asking for input on the potential selection and location of 10 sites for regional roundtables to take input on how various regions are affected by the definition of WOTUS, and to learn about stakeholders' experience, challenges and opportunities under different regulatory regimes. The agencies are inviting stakeholders to organize a targeted set of interested parties and regional representatives to participate in these discrete roundtables.

The regional roundtable "contest" has many in the water world scratching their heads and scrambling to find partners and put together proposals.

"We're working with the Arizona and California state Farm Bureaus to fill slots on two regional roundtable proposals for the West, said Mr. Keppen.

## Alliance President Engages at COP 26 in Scotland

Family Farm Alliance President Patrick O'Toole and wife Sharon were part of a team of American farmers and ranchers who traveled to Glasgow, Scotland last month with the intent of injecting some common sense into global talks regarding agriculture's role in climate change.

The O'Tooles were delegates to the COP26 event in Glasgow.

"COP stands for 'Congress of Parties' and this is the 26th year it has been held," said Sharon O'Toole. "The gathering is sponsored by the United Nations in order to address climate change—both its consequences as well as strategies to slow or reverse the rise in temperatures, severe storms, flooding, effects on health, and loss of wildlife habitat among other consequences."

The O'Tooles shared their experiences through a series of blog posts from the event, which are posted on the Intermountain West Joint Venture website (<https://iwjv.org>).

Mr. O'Toole serves on the board of directors of Solutions from the Land (SfL), an organization which focuses on land-based solutions to global challenges. These ranchers, farmers, foresters, and partners advocate for enabling agricultural landscapes to provide solutions to challenges like food and energy security, sustainable economic development, and environmental improvement. (See [solutionsfromtheland.org](https://solutionsfromtheland.org).)

"SfL's guiding principles for climate action include the fundamental requirement that farmers must be at the center of all discussions and decision-making," said Ernie Shea, SfL President. "There is no 'silver bullet' solution for enhancing the resilience of agriculture. Any solutions provided must be system-wide in their application as growers respond to continuous changes in climate's impacts. Retaining profitability for the producer is a paramount objective of any agreement."

The U.N. Framework Convention on Climate Change established an international environmental treaty to combat "dangerous human interference with the climate system". It was signed by 154 states at the Earth Summit, held in Rio de Janeiro in June 1992. The treaty called for ongoing scientific research and regular meetings, negotiations, and future policy agreements designed to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threat-

ened and to enable economic development to proceed in a sustainable manner.

"These negotiations are seen by many – including U.N. leaders – to be the single most important factor in determining whether humanity suffers the worst consequences of climate change," said Mr. O'Toole.

### Biden Administration Descends Upon Scotland

President Joe Biden during his election campaign said that he would aim to make American agriculture the first in the

world to achieve "net-zero" emissions if elected. His platform advocated for farmers to be able to participate in carbon markets, with the goal of creating new revenue streams.

"Climate change is a top priority of the Biden Administration and the Democrat-controlled Congress," said Alliance Executive Director Dan Keppen.

President Biden sought to restore the United States' role as a major global player on climate change with an address on the opening day of the COP26 summit.

"There's no more time to hang back or sit on the fence or argue amongst our-

selves," President Biden said. "This is the challenge of our collective lifetimes. The existential threat to human existence as we know it."

Secretary of Agriculture Tom Vilsack in Glasgow underscored the U.S. Department of Agriculture's (USDA's) support for President Biden's "whole-of-government" approach to combating climate change and creating jobs and economic growth in the United States. After President Biden joined leaders from the United Arab Emirates in officially launching the Agriculture Innovation Mission for Climate (AIM for Climate) on Nov. 2, Secretary Vilsack participated in numerous events to coalesce support for the landmark initiative.

"This initiative is designed to increase investment in climate-smart agriculture and food system innovation over five years," said Mr. Shea.

Nearly 80 countries and non-government partners have joined in support and AIM for Climate has garnered \$4 billion



*Family Farm Alliance President Patrick O'Toole preaches the truth at COP26 in Glasgow, Scotland. Photo source: Sharon O'Toole*

Continued on Page 8



## Senate Clears Stopgap Government Spending, Averting Shutdown

Congress returned from the Thanksgiving holiday with a Friday, December 3 deadline to pass a stopgap funding bill to keep the federal government open. After significant political posturing, Congress passed a short-term Continuing Resolution (CR) late Thursday night funding the government at enacted FY 2021 levels through February 18, 2022. This also means that adoption of any FY 2022 Community Project Funding/Congressionally Directed Spending requests (i.e., earmarks) that advanced through the legislative process earlier this year in the House and/or Senate will be delayed until February at the earliest.

Continued negotiations between House and Senate Democratic and Republican leaders on all twelve FY 2022 Appropriations bills will now continue into January and February 2022.

"I have said many times that work can only begin if we agree to start FY22 where we finished FY21," said Senate Appropriations Committee Ranking Member Richard Shelby (R-AL). "That means maintaining legacy riders, eliminating poison pills, and getting serious about the funding we are going to provide for our nation's defense. If that doesn't happen, we'll be having this same conversation in February."

## Farmers Engage at COP26 (Continued from Page 7)

in increased investment in climate-smart agriculture and food systems innovation, with the U.S. mobilizing \$1 billion over the next five years.

Secretary Vilsack additionally highlighted USDA's Climate Smart Agriculture and Forestry Partnership Initiative, which he first announced during U.N. Climate Week in September.

"The initiative will connect agricultural producers who are implementing climate-smart practices with retailers, companies and consumers who are demanding low-carbon agricultural commodities," said Mr. O'Toole.

Secretary Vilsack also announced USDA's support of the newly launched Pathways to Dairy Net Zero, an initiative to help accelerate climate action in the global dairy sector, bringing together organizations throughout the dairy supply chain and dairy farms around the world to collectively achieve net zero emissions in the next 30 years.

The Biden administration send a contingent of career staff and lower-level political appointees to accompany the group of Cabinet secretaries attending the international climate talks in Glasgow, Scotland.

EPA Administrator Michael Regan told *Greenwire* that the number of officials going to the conference shows the United States is serious about addressing climate change.

"We're going to be there in full force to demonstrate that it's more than rhetoric, that all of our agencies are there to demonstrate how America will and can lead and demonstrate to the world that we are working as one government," Mr. Regan said in late October, before his departure to Scotland.

Back in the U.S.A., the White House announced it will create a new division of the Office of Science and Technology Policy (OSTP) that will coordinate federal climate change policy.

The Biden administration will appoint Sally Benson, a professor of energy engineering at Stanford University, to head the newly created division, according to *The Washington Post*.

The OSTP Energy Division will be focused on planning the transition to renewable energy and ensuring the U.S. meets its target of reaching net-zero greenhouse gas emissions by 2050.

"Science and technology have done things once thought impossible: making solar energy the cheapest energy and dramatically lowering the cost of wind power and batteries,"

OSTP Director Eric Lander said in a statement. "Now we need to do the same with smart grid technologies, clean hydrogen, fusion power, and more — to make carbon-neutral energy the cheapest energy, so it's always the easy choice — by driving the virtuous cycle of invention and deployment that brings down costs."

### The O'Tooles in Glasgow

While in Glasgow, the Sfl delegation interacted with member state representatives, other farmer organizations and a wide cross-section of business, academic, conservation, environmental, renewable energy and health and nutrition stakeholders. Discussions with these parties focused on pathways to address growing climate change challenges across the globe.

"The European Union and others in Glasgow advocated for a top-down strategy to address global challenges," Mr. O'Toole said. "Our Sfl team argued that farmers must be at the center of all discussions and decision-making. Producers can offer the significant input needed from across a wide range of agricultural interests and organizations that fall outside of typical policymaking structures."

Fossil fuels, especially coal, were the crux of the COP26 negotiations. Oil, gas, and coal provides about 80 percent of all the energy used by human civilization. According to Mr. O'Toole, deforestation was a topic of concern at the talks, but discussion was not as robust as it could have been.

"An emphasis was placed on deforestation, but other than an exhortation to plant trees, attention was not given to the role sound forest management has in sequestering carbon and managing water," he observed.

In the end, the O'Tooles believe the Sfl team of seven was highly effective.

"We communicated with all sorts of representatives including the U.S. Special Presidential Envoy for Climate, John Kerry, to the lone delegate from Tajikistan about the importance of agriculture and forestry, and its role as a solution to climate change," said Sharon O'Toole.

"If the goal of no more warming than 1.5 degrees centigrade has a hope of being met, it will take all sectors," added Pat O'Toole. "The solutions are not simplistic and will take an all-globe effort. The solutions offered by agriculture and forestry practices are and will be key."

**A Big Thank You to Our New and Supporting Members!**

**SEPTEMBER-OCTOBER 2021**

**ADVOCATE (\$5,000 - \$9,999)**

**Wilbur– Ellis (AZ)**

**DEFENDER (\$1000-\$4999)**

**Fresno Irrigation District (CA)  
J.R. Simplot Company (ID)  
Metropolitan Water District of Southern California  
Wonderful Orchards (CA)**

**SUPPORTER (\$250—\$499)**

**Campbell Brothers Farms (CA)  
Imperial Valley Water (CA)  
Brian Werner (CO)**

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**Make your tax-deductible gift to the Alliance today! Grassroots membership is vital to our organization. Thank you in advance for your loyal support.**

**If you have questions, please call our fundraising coordinator, Jane Townsend, at (916)206-7186 OR EMAIL [jane@familyfarmalliance.org](mailto:jane@familyfarmalliance.org)**

**OR EMAIL [jane@familyfarmalliance.org](mailto:jane@familyfarmalliance.org)**



*Protecting Water for Western Irrigated Agriculture*

Contributions can also be mailed directly to:  
Family Farm Alliance  
P.O. Box 1705  
Clearlake Oaks, CA 95423



## Agenda Item 12. - Reports



PUBLIC WORKS DEPARTMENT  
123 E. Anapamu St. • Santa Barbara, CA 93101  
(805) 568-3000 • FAX (805) 568-3019  
[www.countyofsb.org/PWD](http://www.countyofsb.org/PWD)

## PRESS RELEASE NOVEMBER 17, 2021

**Contact:**

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(805) 568-3448

### VIDEO CONTEST CHALLENGES COUNTY HIGH SCHOOL STUDENTS

*Water Wise English and Spanish video submissions are due March 4, 2022*

**(Santa Barbara, Calif.)** – The Santa Barbara County Water Agency is pleased to announce the opening of applications for the 23rd Annual WaterWise High School Video Contest. Every year, students compete to create entertaining and informational 30-second videos that convey the importance of water use efficiency in Santa Barbara County. The contest theme, “*Be Water Wise in Your Garden,*” was selected to highlight the ongoing importance of sustainable outdoor water use, especially in light of the drought in Santa Barbara County.

The contest meets several California State Department of Education Content Standards, including implementing world languages. County Water Agency Manager Matt Young said, “We are pleased to continue this long-standing program and excited to see the amazing videos created by our local high school students.” Up to six videos, three English and three Spanish, may be submitted per school. The winning videos will receive prizes and may have their videos aired on local TV and movie theatres.

While the County Water Agency and water providers arrange for monetary prizes to the winning schools, local private sector sponsors provide awards for the students:

- First Place (English): \$500 provided by Carollo Engineers.
- First Place (Spanish): \$500 provided by La Buena 105.1 FM.
- Second Place: \$250 provided by Geosyntec.
- Third Place: \$150 provided by Ewing Irrigation.
- People’s Choice Award (voted by the public on the WaterWiseSB YouTube Channel): \$500 provided by Dudek.

To be eligible to win prizes, student participants must submit their videos and complete the application packet online by 11:59 p.m. Friday, March 4, 2022. The student winners will be publicly announced in May 2022.

The County Water Agency and local water providers thank our community sponsors for their generous support and look forward to seeing the creative videos that students submit for the contest!

To learn more and to apply for the contest, visit [WaterWiseSB.org/HSVC](http://WaterWiseSB.org/HSVC).



CORRESPONDENCE LIST  
DECEMBER 2021

**Agenda Item 13.**

1. November 18, 2021 - Received CalPERS Circular Letter regarding new employment certification upload functionality in myCalPERS
2. November 18, 2021 - Letter from District to Santa Ynez Band of Chumash Indians regarding refund of unused portion of deposit for fire service and valve installation inspection
3. November 18, 2021 - Letter from District to Bartlett, Pringle & Wolfe, LLP regarding audit confirmation letter for June 30, 2021 and 2020
4. November 19, 2021 - Notice received from Santa Barbara County Clerk of the Board of Supervisors regarding Santa Barbara County Local Agency Formation Commission call for nominations for and notice of election for LAFCO regular special district member - CSDA Annual Meeting on January 24, 2022
5. November 23, 2021 - Letter from District regarding existing water service letter - Grand Avenue - APN 135-075-002
6. November 23, 2021 - Letter from District regarding existing water service letter - Cottonwood Street - APN 137-070-062
7. November 23, 2021 - Notice and Agenda received from Santa Ynez River Water Conservation District for the December 1, 2021 Board of Directors Meeting
8. November 29, 2021 - Letter from District regarding water service requirements - Pine Street - APN 143-143-014
9. December 1, 2021 - Notice and Agenda received from Santa Barbara County Local Agency Formation Commission for the December 9, 2021 Meeting
10. December 1, 2021 - Letter received from Central Coast Water Authority regarding invoices for DWR/CCWA Variable O&M Costs for SYRWCD, ID No.1 and City of Solvang for November 1, 2021 - March 31, 2022
11. December 1, 2021 - Letter from District to City of Solvang regarding DWR/CCWA Variable O&M Invoice for November 1, 2021 - March 31, 2021
12. December 2, 2021 - Letter received from County Clerk, Recorder and Assessor Elections Division regarding Election Redistricting Process
13. December 2, 2021 - Letter from District regarding new service and billing requirements - Alamo Pintado Avenue - APN 135-081-008
14. December 3, 2021 - Agenda received from Santa Ynez Community Services District for the Special Board Meeting of December 8, 2021
15. December 3, 2021 - Notice and Agenda received from the Groundwater Sustainability Agency Eastern Management Area for the December 9, 2021 Special Meeting

16. December 6, 2021 - Letter received from Iron Mountain regarding 2022 Secure shredding services price increase schedule
17. December 6, 2021 - Agenda received from Los Olivos Community Services District for the December 8, 2021 Board of Directors Meeting
18. December 7, 2021 - Transmittal from District to Santa Barbara County Specialty Accounting regarding submittal of the District's June 30, 2021 and 2020 Audited Financial Statements
19. December 9, 2021 - Letter from District regarding Can and Will Serve letter - Pine Street - APN 143-143-014
20. December 9, 2021 - Agenda received from Cachuma Operations and Maintenance Board for the December 13, 2021 Board of Directors meeting
21. December 10, 2021 - Transmittal from District to Bureau of Automotive Repair regarding District's government fleet smog check program
22. December 10, 2021 - Report received from Santa Barbara County Grand Jury regarding Cybersecurity for Special Districts and County Service Areas in Santa Barbara County
23. December 13, 2021 - Agenda received from Santa Ynez Community Services District for the Board of Directors December 15, 2021 Board Meeting