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## State Water Resources Control Board

September 24, 2019

### Notice of Determination

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<b>To:</b> Office of Planning & Research PO Box 3044 1400 Tenth Street, Room 222 Sacramento, CA 95812-3044	<b>From:</b> State Water Resources Control Board Division of Water Rights PO Box 2000 Sacramento, CA 95812-2000 Contact person: Michael Buckman (916) 341-5448
County Clerk County of Sacramento 600 8 <sup>th</sup> Street Sacramento, CA 95814	

**SUBJECT: Filing Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.**

**State Clearinghouse Number:** 199905151

**Project Title:** State Water Resources Control Board Order WR 2019-0148 - Order Amending Permits 11308 and 11310 - 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 in Santa Barbara County

**Project Applicant:** State Water Resources Control Board

**Project Location:** Cachuma Reservoir on the Santa Ynez River in Santa Barbara County (see attached map.)

**Project Description:** Bradbury Dam impounds Cachuma Reservoir on the Santa Ynez River (SYR) in Santa Barbara County. Under Permits 11308 and 11310, the United States Bureau of Reclamation (Reclamation) delivers water from Cachuma Reservoir through the Tecolote Tunnel to the Cachuma Project Member Units (Member Units). The Member Units consist of City of Santa Barbara, Goleta Water District, Montecito Water District and Santa Ynez River Water Conservation District, Improvement District No. 1.

In 1983, Reclamation filed a petition for change in place of use and purpose of use for the Cachuma Project with the State Water Resources Control Board (State Water Board). Reclamation made several amendments to its petition during the period between 1983 to 1997 to expand the existing place of use boundary to include the current service area of the Member Units. The Cachuma Operations and Management Board (COMB) prepared a

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

Negative Declaration for the petition to add 17,506 acres to the place of use and to consolidate the purposes of use for the Cachuma Project. (State Clearinghouse #1998091075). No mitigation measures are identified in the Negative Declaration. COMB adopted the Negative Declaration on November 2, 1998 and filed a Notice of Determination with the State Clearinghouse. Pursuant to California Code of Regulations, title 14, section 15096, subdivision (f), the State Water Board has considered the environmental effects of the change petition as shown in the negative declaration.

On December 8, 2011, the State Water Resources Control Board (State Water Board) released the *Final Environmental Impact Report, Consideration of Modifications to the U.S. Bureau of Reclamation's Water Right Permits 11308 and 11310 (Applications 11331 and 11332) to Protect Public Trust Values and Downstream Water Rights on the Santa Ynez River below Bradbury Dam (Cachuma Reservoir)* (State Clearinghouse # 1999051051) (Final EIR). The Final EIR is comprised of a number of volumes. Volume I consists of responses to public comments received on the three draft EIR's. Volume II is an edited version of the 2011 Second Revised Draft Environmental Impact Report (Draft EIR). Volumes III and IV contain the appendices to the Second Revised Draft EIR. Finally, Volumes V, VI, and VII consist of the 2003 Draft EIR, the 2007 Revised Draft EIR, and the 2011 Second Revised Draft EIR, respectively. On March 27, 2019, the State Water Board issued a supplemental response to comments to address a misunderstanding of previous responses. This supplemental response to comments is part of the FEIR. On September 17, 2019, the State Water Board approved corrections to mathematical errors on FEIR Table 4-25a. The Final EIR was used by the State Water Board to study the changes in the Cachuma Project under six alternatives. In its role as lead agency under the California Environmental Quality Act, (CEQA), the State Water Board relied on this document and the 1998 Negative Declaration prepared by COMB to determine whether the Cachuma Project had impacts to resources within the State Water Board's purview.

The State Water Board was the CEQA lead agency for the Cachuma Project Final Environmental Impact Report (SCH # 1999051051). On September 17, 2019, the State Water Board certified the Cachuma Project Final Environmental Impact Report.

The State Water Board finds Alternative 5C is the environmentally superior alternative for addressing impacts to resources within its purview as the lead agency under CEQA. The Cachuma Project, as amended, will benefit the federally listed endangered anadromous steelhead (*Oncorhynchus mykiss*) below Bradbury Dam through higher flows in the lower SYR in Wet and Above Normal Water Year Types than currently required. Additionally, studies on passage around Bradbury Dam, instream flow, and effects of predation and nonnative species will be conducted by Reclamation to determine the necessary measures to return steelhead to good condition as required by California Department of Fish and Wildlife Code section 5937. In all other Water Year Types, the flows in the lower SYR will be equivalent to the flows required under the 2000 *Biological Opinion U.S. Bureau of Reclamation operation and maintenance of the Cachuma Project on the Santa Ynez River in Santa Barbara County, California (Biological Opinion)*.

Water rights downstream of Bradbury Dam will be protected as a result of the amendments to the Cachuma project. This Order amends Reclamations permits to require implementation of the Biological Opinion flows, a condition of the 2002 Settlement Agreement which resolved disputes between the Member Units and the downstream parties, which are the City of Lompoc and the Santa Ynez River Water Conservation District.

In addition, this Order approves Reclamation's 1995 and 1996 amendments to the 1983 change petition to: 1) expand the existing place of use boundary to include current contract service areas of the Member Units; and 2) consolidate the seven purposes of use which are domestic, incidental recreational use, industrial, irrigation, municipal, salinity control and stock watering. Also, this Order adds fish and wildlife conservation as a purpose of use under Permits 11308 and 11310. Water supply impacts to the Member Units that may result from the project can potentially be eliminated with desalinated water, groundwater and temporary water transfers.

As part of the Mitigation, Monitoring and Reporting Program (MMRP), the project requires Reclamation to continue to implement an Oak Woodland Restoration Plan until Reclamation achieves a 2:1 replacement ratio 20 years after the first Cachuma Reservoir surcharge event to comply with the Biological Opinion. In addition, the Restoration Plan will create new oak woodlands, and enhance existing oak woodlands in the Cachuma Recreation Area without creating conflicts with ongoing and future recreational uses. The Order also requires Reclamation to work diligently to amend its water service contract with Santa Barbara County Water Agency to the extent necessary to require the Member Units to implement the water demand management measures identified as part of the urban water shortage contingency analysis contained in their urban water management plans. To the extent authorized by law, Reclamation will require the Member Units to implement the measures in accordance with the Member Units' urban water management plans, as they may be amended. Also, Reclamation must submit additional information regarding new and conserved water supplies. The project will require Reclamation to report to the State Water Board's Deputy Director of the Division of Water Rights by December 31 of each year regarding the compliance with all permit terms, including the terms requiring that these mitigation measures be implemented.

The Statement of Overriding Considerations finds: 1) the benefits of modifying Reclamation's permits as proposed outweigh the significant unavoidable environmental impacts because there is overwhelming evidence in the record steelhead are not in good condition. The Project will provide the steelhead with additional habitat and lead to an improvement in the condition of the species; and 2) there is not substantial evidence in the record indicating that water supply improvements cannot be implemented. Therefore, the benefits of Alternative 5C outweigh any significant and unavoidable environmental impacts attributable to water supply shortages that may result from this action.

This is to advise that the State Water Board, Division of Water Rights (Lead Agency  Responsible Agency ) has approved the above described project on September 17, 2019 and has made the following determinations regarding the above described project:

1. The project [ will  will not] have a significant effect on the environment.
2.  A Final Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [ were  were not] made a condition of the approval of the project.
4. A statement of Overriding Considerations [ was  was not] adopted for this project.
5. Findings [ were  were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at:

State Water Resources Control Board  
Division of Water Rights  
1001 I Street  
Sacramento, CA 95814



Erik. Ekdahl

Deputy Director, Division of Water Rights  
Title

Date: 09/24/2019

Date Received for filing at OPR \_\_\_\_\_

Governor's Office of Planning & Research

SEP 24 2019

STATE CLEARINGHOUSE

State Water Resources Control Board Order WR 2019-0148 - Amending Water Right Permits 11308 and 11310 (Applications 11331 and 11332) of U.S. Bureau of Reclamation to Protect Public Trust Values and Downstream Water Rights on the Santa Ynez River below Bradbury Dam.

### Project Location Map

