

## **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, September 19, 2023  
1070 Faraday Street, Santa Ynez, CA - Conference Room**

**Notice Regarding Public Participation:** For those who may not attend the meeting 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 “**September 19, 2023 Board Meeting**” in the subject line. Materials received by the District during and prior to the meeting will become part of the post-meeting Board packet materials available to the public and posted on the District’s website.

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. **ADDITIONS OR CORRECTIONS, IF ANY, TO THE AGENDA**
5. **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.
6. **CONSIDERATION OF THE MINUTES OF THE REGULAR MEETING OF AUGUST 15, 2023**
7. **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
8. **MANAGER REPORTS - STATUS, DISCUSSION, AND POSSIBLE BOARD ACTION ON THE FOLLOWING SUBJECTS:**
  - A. **DISTRICT ADMINISTRATION**
    1. Financial Report on Administrative Matters
      - a) Presentation of Monthly Financial Statements – Revenues and Expenses
      - b) Approval of Accounts Payable
9. **REPORT, DISCUSSION, AND POSSIBLE BOARD ACTION ON THE FOLLOWING SUBJECTS:**
  - A. **SUSTAINABLE GROUNDWATER MANAGEMENT ACT**
    1. Eastern Management Area (EMA) Update
  - B. **PROPOSED DRINKING WATER REGULATION – HEXAVALENT CHROMIUM**
    1. Proposed Maximum Contaminant Level (MCL) Issued by the State Water Resources Control Board for Hexavalent Chromium
  - C. **PROPOSED STATEWIDE URBAN WATER CONSERVATION**
    1. Assembly Bill 1572

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

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

**12. REQUESTS FOR ITEMS TO BE INCLUDED ON THE NEXT REGULAR MEETING AGENDA:** Any member of the Board of Trustees may request to place an item on the 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.

**13. NEXT MEETING OF THE BOARD OF TRUSTEES:** The next Regular Meeting of the Board of Trustees is scheduled for **October 17, 2023 at 3:00 p.m.**

**14. CLOSED SESSION:**

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

**B. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION**

[Subdivision (d)(2) of Section 54956.9 of the Government Code – Significant Exposure to Litigation Against the Agency – One Matter]

**C. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION**

[Subdivision (d)(4) of Section 54956.9 of the Government Code – Potential Initiation of Litigation By the Agency – One Matter]

**15. RECONVENE INTO OPEN SESSION**

[Sections 54957.1 and 54957.7 of the Government Code]

**16. 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 et seq., 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 any 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 at 3622 Sagunto Street, Santa Ynez. 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. Questions concerning any of the Agenda items may be directed to the District's General Manager at (805) 688-6015. If a court challenge is brought against any of the Board's decisions related to the Agenda items above, the challenge may be limited to those issues raised by the challenger or someone else during the public meeting or in written correspondence to the District prior to or during the public meeting. In compliance with the Americans with Disabilities Act, any individual needing special assistance to review Agenda materials or participate in this meeting may contact the District Secretary at (805) 688-6015. Notification 72 hours prior to the meeting will best enable the District to make reasonable arrangements to ensure accessibility to this meeting.



SANTA YNEZ RIVER WATER CONSERVATION DISTRICT,  
 IMPROVEMENT DISTRICT NO.1  
AUGUST 15, 2023 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, August 15, 2023, in-person at 1070 Faraday Street and via teleconference.

Trustees Present: Michael Burchardi Jeff Clay  
 Brad Joos Nick Urton

Trustees Absent: Jeff Holzer

Others Present: Paeter Garcia Mary Robel  
 Karen King Eric Tambini  
 Gary Kvistad

1. CALL TO ORDER AND ROLL CALL:

President Clay called the meeting to order at 3:00 p.m., he stated that this was a Regular Meeting of the Board of Trustees. Ms. Robel conducted roll call and reported that four Trustees were present, and that Trustee Holzer was 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. Robel presented the affidavit of posting 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 54953, as well as District Resolution No. 340.

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

There were no additions or corrections to the Agenda.

5. PUBLIC COMMENT:

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

6. CONSIDERATION OF THE MINUTES OF THE REGULAR MEETING OF JULY 18, 2023:

The Regular Meeting Minutes from July 18, 2023 were presented for consideration.

President Clay asked if there were any changes or additions to the Regular Meeting Minutes of July 18, 2023. There were no changes or additions requested.

It was MOVED by Trustee Urton, seconded by Trustee Joos, and carried by a 4-0-0 voice vote, with Trustee Holzer absent, to approve the July 18, 2023 Regular Meeting Minutes as presented.

1 7. CONSENT AGENDA:

2 The Consent Agenda Report was provided in the Board Packet.

3  
4 Mr. Garcia reviewed the Consent Agenda materials for the month of July.

5  
6 It was MOVED by Trustee Burchardi, seconded by Trustee Joos, and carried by a 4-0-0 voice vote,  
7 with Trustee Holzer absent, to approve the Consent Agenda as presented.

8  
9 8. MANAGER REPORTS - STATUS, DISCUSSION, AND POSSIBLE BOARD ACTION ON THE FOLLOWING  
10 SUBJECTS:

11 A. DISTRICT ADMINISTRATION

12 1. Financial Report on Administrative Matters

13 a) Presentation of Monthly Financial Statements – Revenues and Expenses

14 Ms. Robel announced that the Financial Statements were provided to the Board via  
15 email earlier today and were included in the handout materials and posted on the  
16 District’s website in the Board packet materials section for any member of the public  
17 wishing to follow along or receive a copy.

18  
19 Ms. Robel reviewed the Statement of Revenues and Expenses for the month of July.  
20 She explained that the District’s fiscal year 2023/2024 began on July 1<sup>st</sup> and that the  
21 financials reflect the first month of activity for the new fiscal year. She highlighted  
22 various line-items related to revenue and expense transactions that occurred during  
23 the month and also referenced the Fiscal-Year-to-Date Statement of Revenues and  
24 Expenses that provides a budget to actual snapshot for the month of July. Ms. Robel  
25 reported that the District revenues for the month of July exceeded the expenses by  
26 \$244,605.62.

27  
28 b) Approval of Accounts Payable

29 Ms. Robel announced that the Warrant List was provided to the Board via email earlier  
30 today and also were included in the handout materials and posted on the District’s  
31 website in the Board packet materials section for any member of the public wishing to  
32 follow along or receive a copy.

33  
34 The Board reviewed the Warrant List which covered warrants 25313 through 25376 in  
35 the amount of \$586,567.90.

36  
37 It was MOVED by Trustee Joos, seconded by Trustee Urton, and carried by a 4-0-0  
38 voice vote, with Trustee Holzer absent, to approve the Warrant List for July 19, 2023  
39 through August 15, 2023.

40  
41 9. REPORT, DISCUSSION, AND POSSIBLE BOARD ACTION ON THE FOLLOWING SUBJECTS:

42  
43 A. STATE WATER PROJECT SUPPLIES

44 1. Central Coast Water Authority (CCWA) Surplus Water Transfer Program

45 The Board packet included a July 27, 2023, Central Coast Water Authority Memorandum  
46 and Resolution regarding the 2023 Surplus Water Transfer Program.

47  
48 Mr. Garcia discussed the CCWA 2023 Surplus Water Transfer Program, as further set  
49 forth in the Board packet materials. He reported that the program has been developed to  
50 assist CCWA Project participants who may be interested in transferring or selling surplus  
51 SWP supplies in years such as 2023 when above-normal supplies may exceed demand or  
52 otherwise cannot be delivered to participants and may become subject to loss from spill  
53 conditions at San Luis Reservoir. Mr. Garcia explained that CCWA has prepared a

1 Surplus Water Transfer Program Participation Agreement for those participants who are  
2 interested in possible transactions under the program. He explained that participation in  
3 the program is completely voluntary.  
4

5 Mr. Garcia also informed the Board of an incident related to State Water Project deliveries  
6 that occurred on Saturday, August 12<sup>th</sup> at the Department of Water Resources (DWR)  
7 Devil's Den Pumping Plant. He reported that the District received notice from CCWA  
8 staff that an electrical explosion occurred at the Devil's Den pumping plant which  
9 provides State Water supplies to the CCWA Polonio Pass Water Treatment facility. He  
10 explained that the incident terminated deliveries of SWP supplies from CCWA, which  
11 required the District's field crew to immediately transition all water production and  
12 customer deliveries back to local river and groundwater supplies. Mr. Garcia stated that  
13 DWR is working on repair and temporary bypass options to resume deliveries to CCWA,  
14 which will be at reduced capacity until the Devil's Den facility is completely restored. Mr.  
15 Garcia commended the District's supervisors and field team for their seamless and  
16 immediate transition of all three District delivery zones from State Water to local  
17 groundwater, which involves a highly coordinated level of effort and expertise. He stated  
18 that he would provide further information as it becomes available.  
19

## 20 B. SUSTAINABLE GROUNDWATER MANAGEMENT ACT

### 21 1. Eastern Management Area (EMA) Update

22 The Board packet included an August 10, 2023 Special Meeting Agenda, August 4, 2023  
23 Staff Memorandum, April 14, 2023 State Water Resources Control Board Letter, and final  
24 draft letter regarding the Santa Ynez Valley Groundwater Sustainability Plans,  
25 Groundwater Basin No. 3-15.  
26

27 Mr. Garcia reported on the August 10, 2023 Special Meeting of the EMA GSA. He stated  
28 that the main focus of the meeting was to review and approve a response to the State  
29 Water Resources Control Board's April 14, 2023 comment letter regarding the  
30 characterization of subsurface water in the River alluvium above the Lompoc Narrows.  
31 Mr. Garcia reported that the responsive materials were collaboratively prepared by the  
32 member agencies of the three GSAs in the Basin to address various technical, legal, and  
33 policy issues raised by the State Board staff comments. He reported that the EMA GSA  
34 Committee approved sending the responsive materials to the Department of Water  
35 Resources.  
36

## 37 C. PROPOSED DRINKING WATER REGULATION - HEXAVALENT CHROMIUM

### 38 1. Proposed Maximum Contaminant Level (MCL) Issued by the State Water Resources 39 Control Board for Hexavalent Chromium

40 The Board packet included an August 10, 2023 Notice of Comment Period Extension,  
41 SWRCB, DDW August 2, 2023 PowerPoint presentation regarding the Proposed  
42 Hexavalent Chromium Maximum Contaminant Level, and an August 4, 2023 City of  
43 Winters Comment Letter regarding the Draft Environmental Impact Report for Adoption  
44 of a Regulation for the Hexavalent Chromium Maximum Contaminant Level.  
45

46 Mr. Garcia provided a detailed overview of the Board packet materials regarding the State  
47 Water Resources Control Board, Division of Drinking Water proposal to adopt a  
48 Maximum Contaminant Level of 10 parts per billion for Hexavalent Chromium  
49 (Chromium 6) in drinking water, including information that was presented by the State  
50 Board in a public workshop held on August 2, 2023. He noted that the public comment  
51 period on the proposed regulation and related draft Environmental Impact Report has  
52 been extended to August 18, 2023. Mr. Garcia also reported on the public health goal and

1 a new review being conducted by the Office of Environmental Health and Hazard  
2 Assessment, the current state and federal MCLs for Chromium 6 (50 and 100 parts per  
3 billion, respectively) in comparison to the newly proposed standard of 10 parts per billion,  
4 cost estimates published by the State Board for the new MCL, and a CEQA comment letter  
5 submitted by the City of Winters. Various discussion ensued among the Board and staff  
6 regarding financial, infrastructure, operational, and rate setting impacts of the newly  
7 proposed state regulation on ID No.1 and local ratepayers.  
8

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

13 The Board packet included the August 2023 Family Farm Alliance Monthly Briefing.  
14

15 **11. CORRESPONDENCE: GENERAL MANAGER RECOMMENDS FILING OF VARIOUS ITEMS:**

16 The Correspondence List was received by the Board.  
17

18 **12. REQUESTS FOR ITEMS TO BE INCLUDED ON THE NEXT REGULAR MEETING AGENDA:**

19 There were no requests from the Board.  
20

21 **13. NEXT MEETING OF THE BOARD OF TRUSTEES:**

22 President Clay stated that the next Regular Meeting of the Board of Trustees is scheduled for  
23 September 19, 2023 at 3:00 p.m.  
24

25 **14. CLOSED SESSION:**

26 The Board adjourned to closed session at 4:40 p.m.  
27

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

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

30 1. Name of Case: Adjudicatory proceedings pending before the State Water Resources  
31 Control Board regarding Permit 15878 issued on Application 22423 to the City of  
32 Solvang, Petitions for Change, and Related Protests  
33

34 2. Name of Case: Central Coast Water Authority, et al. v. Santa Barbara County Flood  
35 Control and Water Conservation District, et al., Santa Barbara County Superior Court  
36 Case No. 21CV02432  
37

38 **B. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION**

39 [Subdivision (d)(2) of Section 54956.9 of the Government Code - Significant Exposure to  
40 Litigation Against the Agency - One Matter]  
41

42 **C. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION**

43 [Subdivision (d)(4) of Section 54956.9 of the Government Code - Potential Initiation of  
44 Litigation By the Agency - One Matter]  
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46 **15. RECONVENE INTO OPEN SESSION:**

47 [Sections 54957.1 and 54957.7 of the Government Code]  
48

49 The public participation phone line was re-opened and the Board reconvened to open session at  
50 approximately 5:45 p.m.  
51

52 Mr. Garcia announced that the Board met in closed session in accordance with Agenda Items  
53 14.A.1, 14.A.2, 14.B, and 14.C and that there was no reportable action from the closed session.

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16. **ADJOURNMENT:**

Being no further business, it was **MOVED** by Trustee Urton, seconded by Trustee Burchardi, and carried by a 4-0-0 voice vote, with Trustee Holzer absent, to adjourn the meeting at approximately 6:00 p.m.

RESPECTFULLY SUBMITTED,

\_\_\_\_\_  
Mary Robel, Secretary to the Board

ATTEST: \_\_\_\_\_  
Jeff Clay, President

MINUTES PREPARED BY:  
\_\_\_\_\_  
Karen King, Board Administrative Assistant

DRAFT



**BOARD OF TRUSTEES  
SANTA YNEZ RIVER WATER CONSERVATION DISTRICT,  
IMPROVEMENT DISTRICT NO.1  
September 19, 2023**

**Consent Agenda Report**

CA-1. Water Supply and Production Report. Total water production in **August 2023 (474 AF)** was approximately 15 AF lower than total production in **July 2023 (489 AF)**, 19 AF below the most recent 3-year running average (2020-2022) for the month of **August (493 AF)**, and 85 AF less than the most recent 10-year running average (2013-2022) for the month of **August (559 AF)**. Notably, total production in August 2023 was the second lowest August production over the last 10 years, which have ranged from 396 AF (2022) to 719 AF (2013) for the month. Generally speaking, the District's overall demands and total production have been trending well below historic levels for domestic, rural residential, and agricultural water deliveries due to water conservation, changing water use patterns, and private well installations.

For the month of **August 2023, 176 AF** was produced from the Santa Ynez Upland wells, and **110 AF** was produced from the 6.0 cfs well field in the Santa Ynez River alluvium. As reflected in the Monthly Water Deliveries Report from the Central Coast Water Authority (CCWA), the District took approximately **188 AF** of SWP supplies for the month, all of which have been allocated to the District's 2023 Table A allocation. Direct diversions to the County Park and USBR were **2.54 AF**.

The USBR Daily Operations Report for Lake Cachuma in **August** (ending August 31, 2023) recorded the end of month reservoir elevation at **750.15'** with the end of month storage of **184,573 AF**. USBR recorded total precipitation at the lake of **0.25 inches** for the month. SWP deliveries to the reservoir for South Coast entities were **109.1 AF**. Reported reservoir evaporation in **August** was **1,678.8 AF**.

Based on the updated maximum storage capacity of 192,978 AF (previously 193,305 AF), as of **September 11, 2023** Cachuma reservoir was reported at **94.5%** of capacity, with then-current storage of **182,485 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. 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), USBR issued a 70% allocation, equal to 18,000 AF. ID No.1's 10.31% share of that allocation was 1,855 AF. In the Fall of 2022 when reservoir conditions were low, the Cachuma Member Units initially requested an approximate 15% Cachuma Project allocation for federal WY 2022-2023. By letter dated September 30, 2022, USBR issued an initial 0% allocation for WY 2022-2023. **Based on extraordinary rain conditions that filled and spilled the reservoir early this year, in February 2023 USBR issued a revised 100% Project allocation for WY 2022-2023. ID No.1's share of that allocation is 2,651 AF. By letter dated June 30, 2023 the Cachuma Member Units submitted a joint request for another 100% Cachuma allocation for WY 2023-2024. On July 10, 2023 USBR approved that request, which translates to another 2,651 AF for ID No.1.**

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 portion of 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*

As of the end of **December 2022**, a total of approximately **49,653.3 AF** of Cachuma Project water had been released under regulatory requirements for the protection of fish and fish habitat below Bradbury Dam since the year after the 2011 spill. **For the months of January through August 2023, water releases for fishery requirements, spill conditions, and other operational purposes have been made from the Cachuma Project. Reclamation has indicated that it will provide an accounting of those releases.**

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

In 2022, the SWP Table A allocation for SWP Contractors was only 5 percent, which translated to 35 AF for ID No.1's share of Table A supplies through CCWA. As previously reported, by Notice to the SWP Contractors dated December 1, 2022, the California Department of Water Resources (DWR) issued an initial 2023 SWP Table A Allocation of 5 percent, along with a provisional allocation of additional SWP supplies to certain Contractors to ensure the needs for human health and safety. **In response to this year's extraordinary rain events and resulting increases in Lake Oroville storage, DWR incrementally increased the 2023 SWP Table A allocation to 30 percent (January 26, 2023), then 35 percent (February 22, 2023), then 75 percent (March 24, 2023), and then 100 percent (April 20, 2023) for the first time since 2006.** For ID No.1, the increase to 100 percent translates to a current 2023 Table A allocation of 2,200 AF. Of that amount, 700 AF is available to ID No.1 and the remaining 1,500 AF is contracted to the City of Solvang.

As reflected in the August 24, 2023 meeting agenda for the CCWA Board of Directors, CCWA remains engaged in a variety of matters relating to the SWP, including but not limited to: SWP supplies and related SWP operations; the Devil's Den Pumping Plant Emergency Repair Project; the 2023 CCWA Surplus Water Transfer Program; several infrastructure and water quality monitoring efforts; and various administrative matters. CCWA and its member agencies also remain engaged in their pending litigation against the Santa Barbara County Flood Control and Water Conservation District to maintain CCWA sovereignty over important decisions pertaining to SWP supplies. The next regular meeting of the CCWA Board of Directors is currently scheduled for September 28, 2023.





— BUREAU OF —  
RECLAMATION

Historical Archive and Report Database

Lake Cachuma Daily Operations

Run Date: 9/10/2023

August 2023

DAY	STORAGE ACRE-FEET			COMPUTED* INFLOW AF.	CCWA INFLOW AF.	PRECIP ON RES. SURF. AF.	RELEASE - AF.				EVAPORATION		PRECIP INCHES	
	ELEV	IN LAKE	CHANGE				TUNNEL	HILTON CREEK	OUTLET	SPILLWAY	AF.	INCH		
	751.60	188,977												
1	751.54	188,794	-183	30.0	0.0	0.0	64.1	13.8	67.0	0.0	68.1	0.330	0.00	
2	751.49	188,642	-152	47.0	0.0	0.0	64.9	13.8	65.0	0.0	55.7	0.270	0.00	
3	751.43	188,459	-183	14.0	0.0	0.0	65.6	13.8	66.0	0.0	51.6	0.250	0.00	
4	751.39	188,337	-122	77.0	0.0	0.0	54.4	13.8	65.0	0.0	66.0	0.320	0.00	
5	751.33	188,154	-183	17.0	0.0	0.0	73.8	13.8	65.0	0.0	47.4	0.230	0.00	
6	751.29	188,032	-122	71.0	0.0	0.0	65.6	13.8	66.0	0.0	47.4	0.230	0.00	
7	751.24	187,880	-152	52.0	0.0	0.0	63.9	13.7	65.0	0.0	61.8	0.300	0.00	
8	751.19	187,697	-183	21.0	0.0	0.0	65.2	13.7	65.0	0.0	59.7	0.290	0.00	
9	751.13	187,544	-153	54.0	0.0	0.0	66.5	13.7	65.0	0.0	61.7	0.300	0.00	
10	751.09	187,392	-152	30.0	0.0	0.0	63.9	13.8	65.0	0.0	39.0	0.190	0.00	
11	751.05	187,301	-91	88.0	0.0	0.0	62.8	65.0	14.0	0.0	37.0	0.180	0.00	
12	751.00	187,148	-153	28.0	0.0	0.0	43.2	13.7	65.0	0.0	59.5	0.290	0.00	
13	750.96	187,026	-122	57.0	0.0	0.0	35.2	13.7	66.0	0.0	63.6	0.310	0.00	
14	750.93	186,935	-91	83.0	0.0	0.0	36.1	17.7	65.0	0.0	55.4	0.270	0.00	
15	750.88	186,782	-153	27.0	0.0	0.0	45.7	13.7	65.0	0.0	55.4	0.270	0.00	
16	750.84	186,661	-121	64.0	0.0	0.0	43.3	13.7	66.0	0.0	61.5	0.300	0.00	
17	750.79	186,508	-153	32.0	0.0	0.0	44.8	13.7	65.0	0.0	61.5	0.300	0.00	
18	750.76	186,417	-91	69.0	0.0	0.0	42.0	13.7	65.0	0.0	38.9	0.190	0.00	
19	750.71	186,264	-153	19.0	0.0	0.0	35.8	13.7	65.0	0.0	57.3	0.280	0.00	
20	750.65	186,082	-182	6.0	0.0	0.0	38.6	13.7	66.0	0.0	69.5	0.340	0.00	
21	750.70	186,234	152	219.0	0.0	63.2	38.5	13.6	66.0	0.0	12.3	0.060	0.25	
22	750.61	185,960	-274	-125.0	0.0	0.0	21.0	13.6	65.0	0.0	49.1	0.240	0.00	
23	750.57	185,839	-121	31.0	0.0	0.0	39.1	13.7	66.0	0.0	32.7	0.160	0.00	
24	750.53	185,719	-120	44.0	26.7	0.0	41.3	13.6	64.0	0.0	71.5	0.350	0.00	
25	750.50	185,628	-91	52.0	31.2	0.0	45.9	13.6	66.0	0.0	49.0	0.240	0.00	
26	750.43	185,417	-211	-26.0	11.7	0.0	61.8	13.6	66.0	0.0	55.1	0.270	0.00	
27	750.39	185,297	-120	62.0	7.9	0.0	62.0	13.6	65.0	0.0	48.9	0.240	0.00	
28	750.34	185,146	-151	40.0	7.9	0.0	66.6	13.6	66.0	0.0	53.0	0.260	0.00	
29	750.26	184,905	-241	-30.0	7.9	0.0	83.3	65.0	14.0	0.0	57.0	0.280	0.00	
30	750.22	184,784	-121	97.0	7.9	0.0	75.4	13.5	66.0	0.0	71.2	0.350	0.00	
31	750.15	184,573	-211	-3.0	7.9	0.0	76.2	13.6	65.0	0.0	61.0	0.300	0.00	
<b>TOTALS</b>			<b>-4,404</b>	<b>1,247.0</b>	<b>109.1</b>	<b>63.2</b>	<b>1,686.5</b>	<b>531.0</b>	<b>1,925.0</b>	<b>0.0</b>	<b>1,678.8</b>	<b>8.190</b>	<b>0.25</b>	
<b>AVERAGE</b>		<b>186,695</b>												

Comments: \*Computed inflow is the sum of change in storage, releases and evaporation minus precip on the reservoir surface and ccwa inflow.  
Indicated outlet release includes leakage from outlet valves and spillway gates.  
Data based on a 24 hour period ending 0800.



# Santa Barbara County - Flood Control District

130 East Victoria Street, Santa Barbara CA 93101 - 805.568.3440 - www.countyofsb.org/pwd

## Rainfall and Reservoir Summary

Updated 8am: 9/11/2023

Water Year: 2024

Storm Number: NA

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 0day(s)	Month	Year*	% to Date	% of Year*	AI
Buellton (Fire Stn)	233	0.00	0.00	0.00	0.00	0%	0%	
Cachuma Dam (USBR)	332	0.00	0.00	0.01	0.01	11%	0%	
Carpinteria (Fire Stn)	208	0.00	0.00	0.00	0.00	0%	0%	
Cuyama (Fire Stn)	436	0.00	0.00	0.00	0.00	0%	0%	
Figueroa Mtn (USFS Stn)	421	0.00	0.00	0.02	0.02	14%	0%	11.7
Gibraltar Dam (City Facility)	230	0.00	0.00	0.00	0.00	0%	0%	11.7
Goleta (Fire Stn-Los Carneros)	440	0.00	0.00	0.00	0.00	0%	0%	
Lompoc (City Hall)	439	0.00	0.00	0.03	0.03	48%	0%	11.7
Los Alamos (Fire Stn)	204	0.00	0.00	0.00	0.00	0%	0%	
San Marcos Pass (USFS Stn)	212	0.00	0.00	0.19	0.19	128%	1%	
Santa Barbara (County Bldg)	234	0.00	0.00	0.00	0.00	0%	0%	
Santa Maria (City Pub.Works)	380	0.00	0.00	0.00	0.00	0%	0%	
Santa Ynez (Fire Stn /Airport)	218	0.00	0.00	0.00	0.00	0%	0%	
Sisquoc (Fire Stn)	256	0.00	0.00	0.00	0.00	0%	0%	

County-wide percentage of "Normal-to-Date" rainfall : 14%

County-wide percentage of "Normal Water-Year" rainfall : 0%

County-wide percentage of "Normal Water-Year" rainfall calculated assuming no more rain through Aug. 31, 2024 (End of WY2024).

**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 based on Dec 2021 capacity revision)

Click on Site for Real-Time Readings	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	1,391.68	4,693	2,969	63.3%	-213	-213
<u><a href="#">Cachuma Reservoir</a></u>	753.**	749.57	192,978	182,458	94.5%	-1,536	-1,536
<u><a href="#">Jameson Reservoir</a></u>	2,224.00	2,223.26	4,848	4,757	98.1%	-27	-27
<u><a href="#">Twitchell Reservoir</a></u>	651.50	591.99	194,971	47,720	24.5%	-7,712	-7,712

[Previous Rainfall and Reservoir Summaries](#)

California Irrigation Management Information System (CIMIS)

# CIMIS Daily Report

Rendered in ENGLISH Units.

Tuesday, August 1, 2023 - Monday, September 4, 2023

Printed on Tuesday, September 5, 2023

## 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)
8/1/2023	0.22	0.00	671	14.1	84.9	53.1	64.3	96	38	69	53.8	2.4 Y	57.4 Y	81.7
8/2/2023	0.20 R	0.00	648	13.8	78.5	53.5	62.7	90	46	71	53.1	2.4 Y	58.3 Y	81.5
8/3/2023	0.22	0.00	678	13.9	80.7	53.1	64.1	93	42	68	53.3	2.5 Y	60.6 Y	81.2
8/4/2023	0.22	0.00	675	14.3	80.8	50.7	63.6	94	45	71	54.2	2.3 Y	56.4 Y	81.0
8/5/2023	0.22	0.00	670	14.2	82.5	52.1	63.6	97	44	71	54.0	2.5 Y	59.9 Y	80.9
8/6/2023	0.24 R	0.00	676	14.6	91.5	50.7	69.0	98	34	60	54.7	2.3 Y	56.2 Y	80.8
8/7/2023	0.25 R	0.00	693	14.6	96.0	48.4	70.3	93	19	58	54.7	2.4 Y	57.2 Y	81.0
8/8/2023	0.22	0.00	652	15.5	90.1	55.8	69.3	93	31	64	56.4	1.9 R	46.2 R	81.4
8/9/2023	0.17 R	0.00	527	16.4	86.9	56.3	66.5	95	47	74	57.8	1.8 R	43.9 R	81.6
8/10/2023	0.15	0.00	453	17.9	82.1	59.0	67.8	92	58	77	60.3	2.0 R	48.3 R	81.4
8/11/2023	0.22	0.00	637	17.7	84.7	58.4	69.9	91	46	71	60.0	2.5 Y	59.5 Y	81.2
8/12/2023	0.22	0.00	633	16.5	88.3	55.8	69.0	93	43	68	58.0	2.2 R	52.9 R	81.4
8/13/2023	0.22 R	0.00	638	17.0	91.9	54.5	70.3	95	40	67	58.9	2.2 R	52.2 R	81.5
8/14/2023	0.22 R	0.00	640	17.8	93.3	57.2	70.9	97	38	69	60.2	2.4 Y	56.9 Y	81.7
8/15/2023	0.23 R	0.00	627	16.6	96.1	51.3	70.6	98	32	65	58.2	2.4 Y	57.8 Y	81.9
8/16/2023	0.23	0.00	655	17.1	94.0	56.4	71.0	98	33	66	59.1	2.4 Y	56.8 Y	82.1
8/17/2023	0.22	0.00	637	17.4	90.9	57.9	69.7	97	41	70	59.6	2.6 Y	61.6 Y	82.3
8/18/2023	0.21	0.00	617	15.7	92.1	53.6	69.4	93	28	64	56.6	2.3 Y	55.5 Y	82.4
8/19/2023	0.21 R	0.00	592	14.7	85.7	50.1	66.3	97	36	66	54.8	2.6 Y	61.7 Y	82.3
8/20/2023	0.08	0.02	277	19.6 Y	88.7	55.9	69.5	93	41	80 Y	62.9 Y	1.4 R	33.1 R	82.0
8/21/2023	0.19 R	0.00	569	17.8	80.6	58.5	70.3 H	93 H	52 H	70	60.1	3.4	81.0	81.3
8/22/2023	0.21	0.00	638	16.5	88.1	52.9	68.6	95	42	69	58.1	2.1 R	50.5 R	81.1
8/23/2023	0.21 R	0.00	607	17.3	91.5	53.5	68.6	97	39	72	59.4	2.0 R	48.9 R	81.2
8/24/2023	0.19	0.00	588	17.3	86.7	58.0	68.9	94	43	72	59.4	2.1 R	49.3 R	81.4
8/25/2023	0.21	0.00	646	15.8	88.7	56.6	69.3	94	35	65	56.9	2.1 R	50.1 R	81.6
8/26/2023	0.20	0.00	614	15.7	88.3	52.0	66.3	95	37	71	56.7	1.9 R	46.7 R	81.8
8/27/2023	0.21	0.00	608	15.6	97.6	51.9	70.4	98	24	61	56.5	1.9 R	46.8 R	81.7
8/28/2023	0.22 R	0.00	606	13.9	99.4	47.0	70.2	95	24	55	53.4	2.2 R	53.2 R	81.7
8/29/2023	0.20 R	0.00	583	13.7	94.3	45.6	66.5	95	30	62	53.0	1.8 R	43.8 R	81.6
8/30/2023	0.23 R	0.00	618	12.6	102.2 Y	44.6	70.9	94	18	49	50.7	1.8 R	43.2 R	81.5
8/31/2023	0.21 R	0.00	598	13.6	90.8	46.7	65.7	96	33	63	52.8	2.4 Y	57.7 Y	81.6
Tots/Avgs	6.45	0.02	612	15.8	89.3	53.3	68.2	95	37	67	56.7	2.2	53.7	81.5

## 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)
9/1/2023	0.16	0.00	497	16.6	82.1	54.6	66.9	95	51	74	58.2	2.6 Y	62.3 Y	81.4
9/2/2023	0.04	0.00	139	18.1	74.9	62.7 Y	67.7	85	65	78	60.6	3.0	71.5	81.2
9/3/2023	0.12	0.00	395	16.0	77.2	54.7	66.7	92	53	72	57.3	2.3 Y	54.4 Y	80.2
9/4/2023	0.19	0.00	585	15.4	84.3	55.7	66.4	92	43	70	56.2	2.3 Y	56.0 Y	79.8
Tots/Avgs	0.51	0.00	404	16.5	79.6	56.9	66.9	91	53	74	58.1	2.6	61.1	80.7



**CENTRAL COAST WATER AUTHORITY**  
**MEMORANDUM**

**TO:** Ray Stokes, Executive Director  
Dessi Mladenova, Controller

**FROM:** Christine Forsyth, Administrative Assistant

**SUBJECT:** Monthly Water Deliveries

September 11, 2023

According to the CCWA revenue meters at each turnout, the following deliveries were made during the month of August 2023:

<u>Project Participant</u>	<u>Delivery Amount (acre-feet)</u>
Chorro .....	106.07
López.....	82.09
Shandon.....	0.00
Guadalupe.....	30.49
Santa Maria.....	307.00
Golden State Water Co.....	0.00
Vandenberg.....	137.54
Buellton .....	15.92
Solvang .....	51.77
Santa Ynez ID#1 .....	187.76
Bradbury.....	118.03
<b>TOTAL .....</b>	<b>1,036.67</b>

In order to reconcile these deliveries with the DWR revenue meter, which read 1,037 acre-feet, the following delivery amounts should be used for billing purposes:

<u>Project Participant</u>	<u>Delivery Amount (acre-feet)</u>
Chorro .....	106
López .....	82
Shandon.....	0
Guadalupe.....	30
Santa Maria .....	278*
Golden State Water Co .....	29*
Vandenberg .....	138
Buellton .....	16
Solvang .....	52
Santa Ynez ID#1 .....	188
Bradbury .....	118
<b>TOTAL .....</b>	<b>1,037</b>

\*Golden State Water Company delivered 29 acre-feet into its system through the Santa Maria turnout. This delivery is recorded by providing a credit of 29 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	<u>0</u>
<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	0
Goleta	0
La Cumbre	111
Montecito	0
Morehart	7
Santa Barbara	0
Raytheon	<u>0</u>
<b>TOTAL</b>	<b>118</b>

cc: Tom Bunosky, GWD  
Mike Babb, 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  
City of Guadalupe  
Robert MacDonald, Carpinteria Valley WD  
Mike Alvarado, La Cumbre Mutual WC  
Pernell Rush, Vandenberg SFB  
Nick Turner, Montecito WD  
Jose Acosta, 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



A Special Meeting of the  
**BOARD OF DIRECTORS  
OF THE  
CENTRAL COAST WATER AUTHORITY**

will be held at 9:00 a.m., on Thursday, August 24, 2022  
at 255 Industrial Way, Buellton, California  
and

Rincon Room, 1021 Anacapa Street, Santa Barbara, California

Members of the public may participate by video call or telephone via  
URL: <https://meetings.ringcentral.com/j/1454207060>  
or by dialing (623) 404-9000 and entering access Code/Meeting ID: 1454207060 #

Eric Friedman  
Chairman

Jeff Clay  
Vice Chairman

Ray A. Stokes  
Executive Director

Brownstein Hyatt  
Farber Schreck  
General Counsel

*Member Agencies*

City of Buellton

Carpinteria Valley  
Water District

City of Guadalupe

City of Santa Barbara

City of Santa Maria

Goleta Water District

Montecito Water District

Santa Ynez River Water  
Conservation District,  
Improvement District #1

*Associate Member*

La Cumbre Mutual  
Water Company

Public Comment on agenda items may occur via video call or telephonically, or by submission to the Board Secretary via email at [lhw@ccwa.com](mailto:lhw@ccwa.com) no later than 8:00 a.m. on the day of the meeting. In your email, please specify (1) the meeting date and agenda item (number and title) on which you are providing a comment and (2) that you would like your comment read into the record during the meeting. If you would like your comment read into the record during the meeting (as either general public comment or on a specific agenda item), please limit your comments to no more than 250 words.

Every effort will be made to read comments into the record, but some comments may not be read due to time limitations. Please also note that if you submit a written comment and do not specify that you would like this comment read into the record during the meeting, your comment will be forwarded to Board members for their consideration.

Pursuant to Government Code section 54957.5, non-exempt public records that relate to open session agenda items and are distributed to a majority of the Board less than seventy-two (72) hours prior to the meeting will be available on the CCWA internet web site, accessible at <https://www.ccwa.com>.

**I. Call to Order and Roll Call**

**II. Public Comment – (Any member of the public may address the Board relating to any matter within the Board’s jurisdiction. Individual Speakers may be limited to five minutes; all speakers to a total of fifteen minutes.)**

**III. Executive Director’s Report**

- A. Devil’s Den Pumping Plant Emergency Repair Project  
*Staff Recommendation: For Information Only.*
- \* B. Request for Approval for the Use of Appropriated Contingency for Sludge Removal System Spare Parts at the Water Treatment Plant  
Anticipated Expenditure \$68,680  
*Staff Recommendation: Authorize the Executive Director to utilize funds from the appropriated contingency budget as described in the Board Report.*
- \* C. Procurement of Three Filter-to-Waste Vertical Turbine Pumps Equalization Basin Pump Replacement Project,  
Anticipated Expenditure \$134,885.84  
*Staff Recommendation: Authorize the Executive Director to procure the three pumps described in the Board Report in the amount of \$134,885.84.*
- \* D. Procurement of a Gas Chromatograph/Mass Spectrometer MIB and Geosmin Analyzer Project  
Anticipated Expenditure \$180,844.91  
*Staff Recommendation: Authorize the Executive Director to procure the instrument described in the Board Report in the amount of \$180,844.91.*

**IV. Reports from Board Members for Information Only**

**V. Items for Next Regular Meeting Agenda**

**VI. Date of Next Regular Meeting: September 28, 2023**

**VII. Adjournment**

255 Industrial Way  
Buellton, CA 93427  
(805) 688-2292  
Fax (805) 686-4700  
[www.ccwa.com](http://www.ccwa.com)

\* Indicates attachment of document to original agenda packet.

# 2023 State Water Project Table A Allocation Increased to 100 Percent

Dismiss

(/increase-in-state-water-project-2023-allocation-to-100-percent)



## Central Coast Water Authority

(<https://www.ccwa.com/>)

[Contact Us \(/contact-us\)](/contact-us)

### THIS ITEM APPEARS ON

[BOARD MEETINGS \(/BOARD-MEETINGS\)](/board-meetings)

SEP  
**28**  
2023

## Board Meeting

will be held at 9:00 a.m., on Thursday, September 28, 2023

at 255 Industrial Way, Buellton, California 93427

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255 INDUSTRIAL WAY, BUELLTON CA 93427

TELEPHONE (805) 688-2292

[EMPLOYEE PORTAL \(HTTPS://CCWAPORTAL.SPECIALDISTRICT.ORG/#/\)](https://ccwaportal.specialdistrict.org/#/)

[PRIVACY POLICY \(/PRIVACY-POLICY\)](/privacy-policy)

[TRANSPARENCY \(TRANSPARENCY.HTML\)](transparency.html)

POWERED BY STREAMLINE ([HTTP://WWW.GETSTREAMLINE.COM/](http://www.getstreamline.com/)) | SIGN IN ([HTTPS://WWW.CCWA.COM/USERS/SIGN\\_IN?DESTINATION=%2F2023-09-28-BOARD-MEETING](https://www.ccwa.com/users/sign_in?destination=%2F2023-09-28-board-meeting))



**SANTA YNEZ WATER GROUP**

17772 17<sup>th</sup> STREET, SUITE 107  
TUSTIN, CA 92780

March 3, 2023

Eastern Management Area GSA  
c/o J. Brett Marymee, Chair  
P.O. Box 719  
Santa Ynez, CA 93460

Re: Governance of the Eastern Management Area GSA

Chair Marymee:

The purpose of this letter is to express the interests of the Santa Ynez Water Group (Group)<sup>1</sup> to the Eastern Management Area Groundwater Sustainability Agency (EMA GSA) regarding the future governance of the EMA GSA.

In August 2022, as the EMA GSA, the Central Management Area GSA, and the Western Management Area GSA (collectively, the GSAs) were discussing restructuring their governance, the Group asked that the GSAs dedicate a position on each of their ultimate governing bodies (or governing body) to an agricultural landowner who relies on groundwater from within the Santa Ynez River Valley Groundwater Basin (Basin). Since then, the Group has had several meetings with various GSA representatives regarding this matter, including representatives of the EMA GSA.

We now understand that the EMA GSA will create a new governing body, separate from the other two GSAs, that will include at least one voting position dedicated to an agricultural landowner who relies on groundwater from within the EMA GSA's boundary, as the Group requested. We appreciate the EMA GSA's decision to ensure that agricultural landowners have a seat at the decision-making table as we all move forward with implementing the Sustainable Groundwater Management Act in the Basin. Now, the EMA GSA is considering how many members should make up this new governing body.

We ask that the governing body be made up of five voting members and follow a "one member, one vote" approach, as follows:

- (1) One representative from the County of Santa Barbara.
- (2) One representative from the Santa Ynez River Water Conservation District.
- (3) One representative from the Santa Ynez River Water Conservation District Improvement District No. 1.
- (4) One representative from the City of Solvang.
- (5) One representative who is an agricultural landowner who relies on groundwater from within the EMA GSA's boundary.<sup>2</sup>

---

<sup>1</sup> Enclosed with this letter is a list of the Group's current membership.

<sup>2</sup> Also enclosed is the Group's August 2022 letter which details how the EMA GSA may select this agricultural landowner position.



Eastern Management Area GSA

February 9, 2023

Page 2 of 2

This structure will ensure meaningful representation of all affected parties within the EMA GSA's boundary. To do otherwise would risk automatically picking winners and losers and, potentially, the Basin, as a whole. For example, if the EMA GSA were to consider a proportional membership approach, whereby each party listed above (or a larger set of members) is allocated different voting percentages, the EMA GSA would dilute the votes of some board members. And, more than likely than not, the agricultural landowner position would effectively be made a super minority. In contrast, the proposed one member, one vote approach gives each constituency equal voting power to ensure equitable solutions for the EMA GSA and the Basin, as a whole.

We would be happy to discuss this matter further with you and EMA GSA leadership. If you have any questions, please do not hesitate to contact me by phone at 714-742-1444 or by e-mail at [doug@circlevision.com](mailto:doug@circlevision.com).

Respectfully,

DocuSigned by:  
*Douglas Circle*  
C4727FCAE6944A1...

Douglas Circle, President

**Santa Ynez Water Group**

As of : 3/3/23

Acres	Crop Type	GSA Area
792	Vine	EMA
100	Horse - Vine	EMA
21	Vine	EMA
58	Vine	EMA
55	Vine	EMA
10	Vine	EMA
335	Vine	EMA
200	Row crop	EMA
6300	Pasture, range	EMA
21.3	Vine	EMA
67	Row crop	EMA
14	Vine	EMA
187	Horse	EMA
175	Vine	EMA
178	Vine	EMA
36.5	Vine	EMA
14.06	Vine	EMA
32	Vine	EMA
15	Vine	EMA
600	Vine	EMA
<b>9210.86</b>		
23	Vine	CMA
200	Vine	CMA
161	Vine	CMA
30	Horse	CMA
50	Vine	CMA
150	Horse - Vine	CMA
500	Vine	CMA
<b>1114</b>		
33	Vine	WMA
40	Vine	WMA
1338.6	Row crop	WMA
40	Vine	WMA
44	Vine	WMA
2000	Row crop	WMA
53	Vine	WMA
<b>3548.6</b>		

Subtotal of Acres:  
**13873.46**

Acres of Vines:  
**3500.86**

Acres of Row crop:  
**3605.6**

Acres of Horses:  
**467**

Acres of Pasture:  
**6300**

**\*\*Additional acres represented by Coastal Vineyard Care Associates**

<b>Acres</b>	<b>Crop Type</b>	<b>GSA Area</b>
40.42	Vine	EMA
11.21	Vine	EMA
7.07	Vine	EMA
43.94	Vine	EMA
36.32	Vine	EMA
31.99	Vine	EMA
11.76	Vine	EMA
204.78	Vine	EMA
91.43	Vine	EMA
18.04	Vine	EMA
1.87	Vine	EMA
45.43	Vine	EMA
97.63	Vine	EMA
14.6	Vine	EMA
116.48	Vine	EMA
326.09	Vine	EMA
26.14	Vine	EMA
14.74	Vine	EMA
33.96	Vine	EMA
19.58	Vine	EMA
59.18	Vine	EMA
18.58	Vine	EMA
3	Vine	EMA
6.82	Vine	EMA
81.57	Vine	EMA
22.57	Vine	EMA
18.95	Vine	EMA
33.45	Vine	EMA
18.06	Vine	EMA
26.03	Vine	EMA
22.3	Vine	EMA
200	Vine	EMA
84.95	Vine	EMA
9.78	Vine	EMA
8.04	Vine	EMA
5.87	Vine	EMA
16.83	Vine	EMA
18.76	Vine	EMA
12.17	Vine	EMA
12.36	Vine	EMA
5.72	Vine	EMA
13.65	Vine	EMA
7.24	Vine	EMA

Acres	Crop Type	GSA Area
11.12	Vine	EMA
26.63	Vine	EMA
1.38	Vine	EMA
172.37	Vine	EMA
23.56	Vine	EMA
1	Vine	EMA
70.51	Vine	EMA
15	Vine	EMA
26.92	Vine	EMA
2.78	Vine	EMA
2.84	Vine	EMA
14.06	Vine	EMA
79.23	Vine	EMA
3.1	Vine	EMA
128.46	Vine	EMA
<b>2478.32</b>		

Acres	Crop Type	GSA Area
25.12	Vine	CMA
12.81	Vine	CMA
10.15	Vine	CMA
<b>48.08</b>		

Acres	Crop Type	GSA Area
6	Vine	WMA
23.93	Vine	WMA
60.82	Vine	WMA
29.53	Vine	WMA
12.13	Vine	WMA
1	Vine	WMA
97.31	Vine	WMA
212.79	Vine	WMA
133.03	Vine	WMA
50.81	Vine	WMA
2.97	Vine	WMA
20.77	Vine	WMA
236.37	Vine	WMA
92.12	Vine	WMA
4.65	Vine	WMA
97.87	Vine	WMA
4.5	Vine	WMA
6.63	Vine	WMA
15.26	Vine	WMA
225.93	Vine	WMA
38.54	Vine	WMA
<b>1372.96</b>		

**Total Additional Acreage:  
3899.36**

**Santa Ynez Water Group**

**Grand Total Acres**

17,772.82

**Total EMA Acres**

11,689.18

**Total CMA Acres**

1,162.08

**Total WMA Acres**

4,921.56



# Santa Barbara County Farm Bureau

Affiliated with the California Farm Bureau Federation and the American Farm Bureau Federation

April 5, 2023

Brett Marymee, Chairman EMA GSA  
Art Hibbits, Chairman CMA GSA  
Chris Brooks, Chairman WMA GSA

c/o William (Bill) Buelow  
Santa Ynez River Water Conservation District  
3669 Sagunto St. Suite 101  
Santa Ynez, CA 93460

Re: GSA Committee Agricultural Representation

Gentlemen,

The Santa Barbara County Farm Bureau, a nonprofit California corporation representing approximately 500 agricultural and associate members in Santa Barbara County, is concerned with the lack of agricultural representation on all 3 GSA committees representing the Santa Ynez River Water Basin.

Our members grow a wide variety of crops along with livestock operations within the basin that rely on groundwater that is integral to their operations and the local economy. Our farmers lead in adoption of low volume irrigation methods, such as drip, subsurface and micro irrigation systems.

It is estimated that in a wet year with above average precipitation, agriculture uses 30% of the available groundwater for irrigation, while in a dry year that share could increase to 50%.

Given agriculture's vested interest in maintaining a sustainable water supply in the Santa Ynez River Basin, we believe it is imperative that a representative from agriculture serves on each of the three current GSA Committees, with all members utilizing an equal voting structure. We understand the Santa Ynez Water Group has been actively involved in this process to date and would support candidates vetted by them to serve on the 3 GSA committees.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sheldon Bosio'.

Sheldon Bosio, President.  
Santa Barbara County Farm Bureau

**From:** Allison Laslett  
**To:** wateragency@coshpw.net; Brett Marymee; Art Hibbits; cbrooke@wvcsd.org; Bill Buelow; ngarcia@syrvwd.org; elizabeth.orona@cityofsolvang.com  
**Cc:** Gina Ross; doug@cirdevision.com  
**Subject:** GSA Committee Agricultural Representation  
**Date:** Monday, April 24, 2023 9:54:56 AM  
**Attachments:** cid:clip\_image002.png

---

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April 24, 2023

Brett Marymee, Chairman, EMA GSA  
Art Hibbits, Chairman, CMA GSA  
Chris Brooks, Chairman, WMA GSA  
Paeter Garcia, General Manager, SYRWCD  
Elizabeth Orona, Council Person for City of Solvang  
Matt Young, Santa Barbara County Water Agency Manager  
William (Bill) Buelow, Manager, SYRCD/GSA  
Santa Ynez River Water Conservation District  
3669 Sagunto St. Suite 101  
Santa Ynez, CA 93460

RE: GSA Committee Agricultural Representation

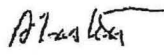
Dear All,

The Santa Barbara Vintners is a 501(c)6 California nonprofit corporation. We are the trade association for the wine industry of Santa Barbara County, representing approximately 140 grape growers, vintners, and associate members. Our industry farms over 17,000 acres of winegrapes and has an estimated \$1.7B economic impact in our county. We are concerned with the lack of agricultural representation on all 3 GSA committees representing the Santa Ynez River Water Basin.

Our members rely on groundwater that is integral to their operations and the local economy. Our winegrape growers lead in adoption of low volume irrigation methods, such as drip, subsurface and micro irrigation systems, and dry farm as much as possible. However, it is estimated that in a wet year with above average precipitation, agriculture uses 30% of the available groundwater for irrigation, while in a dry year that share could increase to 50%.

Given agriculture's vested interest in maintaining a sustainable water supply in the Santa Ynez River Basin, we believe it is imperative that a representative from agriculture serves on each of the three current GSA Committees, with all members using an equal voting structure. We understand the Santa Ynez Water Group has been actively involved in this process to date and would support candidates vetted by them to serve on the three GSA committees.

Sincerely,



Alison Laslett, CEO  
Santa Barbara Vintners





May 3, 2023

Brett Marymee, Chairman EMA GSA  
Art Hibbits, Chairman CMA GSA  
Chris Brookes, Chairman WMA GSA

c/o William (Bill) Buelow  
Santa Ynez River Water Conservation District  
3669 Sagunto St. Suite 101  
Santa Ynez, CA 93460

Re: GSA Committee Agricultural representation

Dear Gentlemen,

The Santa Barbara County Cattlemen's Association, a nonprofit California corporation representing approximately 125 agricultural and associated members in Santa Barbara County, is concerned with the lack of agricultural representation on all 3 GSA committees representing the Santa Ynez River Water Basin. Members of the Cattlemen's Association currently own and/or manage nearly 360,000 acres of grazing land in the County.

Ranching has been an integral part of Santa Barbara County's community since the first Spanish, and later, Mexican Land Grants. Many of these Land Grants have been handed down from generation to generation, continuing the ranching heritage.

Ranchlands are vital to the bucolic atmosphere that is greatly cherished by all who those who both live and visit our County. Agriculture feeds our local economy. "Open space, wildlife corridors, carbon sinks" – all exist because of our Santa Barbara County ranches. Groundwater has always been essential to our livestock operations. Landowner overlying water rights are critical for our ranches to continue. Ranchers know the importance of sustainable land stewardship.

Given agriculture's vested interest in maintaining a sustainable water supply in the Santa Ynez River Basin, we believe it is imperative that a representative from agriculture serves on each of the three current, and future GSA Committees, with all members utilizing an equal voting structure.

We understand the Santa Ynez Water Group (SYWG) has been actively involved in this process to date and we support candidates vetted by SYWG to serve on the 3 GSA committees.

Sincerely,

Billy King, Jr.

Santa Barbara County Cattlemen's Association

## Paeter Garcia

---

**From:** Doug Circle <Doug@circlevision.com>  
**Sent:** Thursday, September 7, 2023 2:56 PM  
**To:** Brett Marymee; bjoos@syrwcd.com; jhartmann@countyofsb.org; Elizabeth Orona; Matt Young; Bill Buelow; Paeter Garcia; kwalsh@syrwcd.com; Steve Jordan; mDietenhofer@countyofsb.org  
**Cc:** Kevin Merrill (kmerrill@mesavineyard.com); mary heyden; Ben Merz; Wagner, Al; Alex Dominguez  
**Subject:** SYWG Letter to the EMA GSA  
**Attachments:** SYWG\_EMA GSA Letter 09.07.2023.pdf

All,

Please see attached letter.

Thank you,

Stay Healthy, Hungry, Humble, and Hopeful!

Douglas R. Circle  
President / CEO  
Circle Vision, LLC  
17772 17th Street, Suite 107  
Tustin, CA 92780  
T 714.630.0299  
D 657.444.5317  
F 714.630.2399  
C 714.742.1444  
doug@circlevision.com

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# SANTA YNEZ WATER GROUP

3942 ROBLAR AVE  
SANTA YNEZ, CA 93460

September 7, 2023

J. Brett Marymee, Chair  
Eastern Management Area GSA  
P.O. Box 719  
Santa Ynez, CA 93460

Re: Governance of the Eastern Management Area GSA

Dear Mr. Marymee:

First and foremost, the Santa Ynez Water Group (Group) thanks you for your leadership during the August meeting of the Board of Directors (Board) of the Eastern Management Area Groundwater Sustainability Agency (EMA GSA) regarding the discussion on the future governance of the Santa Ynez River Valley Groundwater Basin (Basin). During that discussion, the Group offered to provide the Board with additional information regarding the Group's request for an agricultural landowner representative position on the EMA's ultimate governing body, specifically regarding how that agricultural representative would be selected. The purpose of this letter is to provide the Board with that information.

## *Allocation of Voting Power*

Before we can discuss how the agricultural representative position should be selected, we must discuss the issue of voting power. As discussed during the August Board meeting, the primary outstanding issue prohibiting the EMA GSA member agencies from finalizing a new governance structure is the issue of voting power. Currently, the EMA GSA Board is made up of one voting member and one alternate member of each EMA GSA member agency. (MOU, § 3(a).) Voting, however, is weighted as follows: the County Water Agency has five votes, the SYRWCD has three votes, ID No. 1 has two votes, and the City of Solvang has one vote. (MOU, § 3(b).) The Group proposes a similar voting structure with a slight adjustment to account for the new agricultural landowner representative.

The Group proposes that the agricultural landowner representative receive three votes. Effectively, the County Water Agency would give up two votes and the SYRWCD would give up one vote to account for this new position. All other member agency votes would remain the same. Specifically, the Group proposes the following:

**Formation of the Board of Directors.** The GSA shall be governed by a Board of Directors ("Board"). The Board shall consist of five directors consisting of representatives from each of the Members identified in Article "X" ("Member Directors") and an Agricultural Stakeholder Director, representative of agricultural interests in the Basin ("Stakeholder Directors"), as follows:

# SANTA YNEZ WATER GROUP

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SANTA YNEZ, CA 93460

- (a) One director representing the City of Solvang;
- (b) One director representing the Santa Ynez River Water Conservation Improvement District No. 1;
- (c) One director representing the Santa Ynez River Water Conservation District;
- (d) One director representing the County of Santa Barbara; and
- (e) One Agricultural Stakeholder Director.

**Director Votes.** Voting by the Board shall be weighted as follows:

- (a) The City of Solvang: the Director shall have one vote.
- (b) The Santa Ynez River Water Conservation Improvement District No. 1: the Director shall have two votes.
- (c) The Santa Ynez River Water Conservation District: the Director shall have two votes.
- (d) The County of Santa Barbara: the Director shall have three votes.
- (e) The Agricultural Stakeholder Director: the Director shall have three votes.

<b>PARTY</b>	<b># OF DIRECTORS</b>	<b># OF VOTES</b>	<b>TOTAL</b>
County Water Agency	1	3 votes	24%
Ag Landowner	1	3 votes	24%
SYRWCD	1	2 votes	20%
ID No. 1	1	2 votes	20%
City of Solvang	1	1 vote	12%
<b>TOTAL</b>	<b>5</b>	<b>11</b>	<b>100%</b>

The Group tried to respect the existing voting structure as much as possible in proposing these revisions. Nonetheless, the Group believes the revisions made are justified. In the EMA GSA alone, the Group's members represent nearly 12,000 acres of irrigated lands and approximately 65% of the groundwater use. Accordingly, the Group's members will likely pay a majority of any future GSA fees and assessments, the proceeds of which will ultimately go to general EMA GSA administration and management actions and projects that will benefit all stakeholders in the Basin, urban and agricultural, alike.

# SANTA YNEZ WATER GROUP

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SANTA YNEZ, CA 93460

The Group is aware that certain members of the EMA GSA are interested in pursuing a "one member, one vote" voting structure. While the Group appreciates the considerations behind this structure, the Group is concerned that such a structure would not accurately represent stakeholders' interest in the Basin. Further, the Group's voting power would be greatly diminished, if not otherwise relegated to being merely advisory. Instead, the Group recommends that representation and voting power reflect a more proportionate voting structure.

## *Process to Select Agricultural Representative*

During the August Board meeting, it was suggested that the agricultural landowner representative be selected by a vote of the agricultural landowners within the EMA GSA's boundaries. While not immediately opposed to the suggestion, the Group has concerns regarding the logistics and legality of conducting such an election. The Group would like to discuss this matter further to better understand the current proposal. In the meantime, the Group recommends that it provide the ultimate governing body with an applicant for the agricultural representative position and, pursuant to its sole judgment, the ultimate governing body appoint that individual until an election can held and a duly elected agricultural representative can succeed this interim agricultural representative.

This recommendation and appointment process is not foreign to GSAs. For example, the Board of Directors of the Mound Basin Groundwater Sustainability Agency consists of five positions. One of those positions is dedicated to an "Agricultural Stakeholder Director." (Mound Basin GSA Joint Powers Agreement, Section 6.1.2.) This director position is limited to an individual who:

"(a) Own[s]. . . land overlying the Basin (at least partially) that is utilized for a commercial agricultural business that produces groundwater from the Basin for its agricultural operation; or

(b) Operate[s] a commercial agricultural business that itself produces groundwater from the Basin for its agricultural operations on land overlying the Basin and be an approved stakeholder representative by that property's owner."

*(Ibid.)*

This "Agricultural Stakeholder Director" is selected unanimously by the other directors from a list of individuals submitted by the Mound Basin Agricultural Water Group (MBAWG), an entity like the Group, or the local county farm bureau if the MBAWG is unwilling or unable to nominate a potential director. (*Id.* at § 6.3.4.) And, if the other directors are unable to unanimously agree on any of the nominated candidates, then those directors can request that MBAWG bring back to the Board another list of candidates. (*Ibid.*) The Group recommends a similar selection process for the immediate placement of an interim agricultural representative on the ultimate governing body. The Group is happy to work with the EMA GSA and the ultimate governing body on the development of an equitable election process to elect the successor agricultural representative.

## SANTA YNEZ WATER GROUP

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SANTA YNEZ, CA 93460

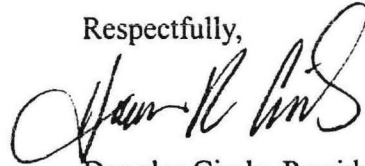
### *Next Steps*

We are again enclosing *draft* language that the EMA GSA can use a foundation for its ultimate governing document. This draft language includes (i) the make-up of EMA GSA membership; (ii) the make-up of the board of directors, including qualifications; (iii) the appointment process for members of the board of directors, including the agricultural landowner representative; and (iv) allocation of voting power. The Group requests a meeting with EMA GSA

leadership to further discuss our proposal and the *draft* language, enclosed. Additionally, the Group requests a copy of the draft joint powers agreement mentioned during the August Board meeting.

If you have any questions, please do not hesitate to contact me by phone at 714-742-1444 or by e-mail at [doug@circlevision.com](mailto:doug@circlevision.com).

Respectfully,



Douglas Circle, President

## Paeter Garcia

---

**From:** Doug Circle <Doug@circlevision.com>  
**Sent:** Thursday, September 7, 2023 3:06 PM  
**To:** Brett Marymee; jhartmann@countyofsb.org; Elizabeth Orona; Matt Young; Bill Buelow; Paeter Garcia; kwalsh@syrwcd.com; Steve Jordan; mDietenhofer@countyofsb.org; bjoos@srwd.org  
**Cc:** Kevin Merrill (kmerrill@mesavineyard.com); mary heyden; Ben Merz; Wagner, Al; Alex Dominguez  
**Subject:** Re: SYWG Letter to the EMA GSA  
**Attachments:** Draft Language RE Governance of EMA GSA (4947144.3)18.pdf

All,

Please see additional attachment.

Stay Healthy, Hungry, Humble, and Hopeful!

Douglas R. Circle  
President / CEO  
Circle Vision, LLC  
17772 17th Street, Suite 107  
Tustin, CA 92780  
T 714.630.0299  
D 657.444.5317  
F 714.630.2399  
C 714.742.1444  
doug@circlevision.com

---

**From:** Doug Circle  
**Sent:** Thursday, September 7, 2023 2:56 PM  
**To:** Brett Marymee <bmarymee@syrwcd.com>; bjoos@syrwcd.com <bjoos@syrwcd.com>; jhartmann@countyofsb.org <jhartmann@countyofsb.org>; Elizabeth Orona <elizabeth.orona@cityofsolvang.com>; Matt Young <wateragency@cosbpw.net>; Bill Buelow <bbuelow@syrwcd.com>; Paeter Garcia <pgarcia@syrwd.org>; Kevin Walsh <kwalsh@syrwcd.com>; Steve Jordan <sjordan@utech.net>; mDietenhofer@countyofsb.org <mDietenhofer@countyofsb.org>  
**Cc:** Kevin Merrill (kmerrill@mesavineyard.com) <kmerrill@mesavineyard.com>; mary heyden <marysneedles@yahoo.com>; Ben Merz <Ben@coastalvineyardcare.com>; Wagner, Al <awagner@foleyfamilyfarms.com>; Alex Dominguez <ADominguez@kleinlaw.com>  
**Subject:** SYWG Letter to the EMA GSA

All,

Please see attached letter.

Thank you,

Stay Healthy, Hungry, Humble, and Hopeful!

Douglas R. Circle  
President / CEO  
Circle Vision, LLC  
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DRAFT LANGAUGE RE: GOVERNANCE OF EMA GSA

**ARTICLE "X"**  
**MEMBERSHIP**

**1.1 Members.** The Members of the GSA shall be:

- (a) The City of Solvang;
- (b) The Santa Ynez River Water Conservation Improvement District No. 1;
- (c) The Santa Ynez River Water Conservation District; and
- (d) The County of Santa Barbara.

**1.2 New Members.** Any local agency, as defined by SGMA, that is not a Member as of the Effective Date of this Agreement may become a Member upon all the following:

- (a) Approval of the Board of Directors.
- (b) Amendment of this Agreement.
- (c) Payment of a pro rata share of all previously incurred costs that the Board of Directors determines have resulted in benefit to the local agency and are appropriate for assessment on the local agency.

**ARTICLE "Y"**  
**BOARD OF DIRECTORS**

**2.1 Formation of the Board of Directors.** The GSA shall be governed by a Board of Directors ("Board"). The Board shall consist of five directors consisting of representatives from each of the Members identified in Article "X" ("Member Directors") and one Agricultural Stakeholder Directors, representative of agricultural interests in the Basin ("Stakeholder Director"), as follows:

- (a) One director representing the City of Solvang;
- (b) One director representing the Santa Ynez River Water Conservation Improvement District No. 1;
- (c) One director representing the Santa Ynez River Water Conservation District;
- (d) One director representing the County of Santa Barbara; and
- (e) One Agricultural Stakeholder Director.

## DRAFT LANGUAGE RE: GOVERNANCE OF EMA GSA

### 2.2 Qualifications.

- (a) **Member Directors.** The Member Directors shall be elected officials serving on the Member's governing body.
- (b) **Agricultural Stakeholder Director.** The Agricultural Stakeholder Director need not be a member of the Santa Ynez Water Group or any other group dedicated to agriculture within the GSA's boundaries. The Agricultural Stakeholder Director shall satisfy either or both of the following qualifications:
  - (i) Own, as an individual, shareholder, trustee, limited liability company, or manager, or as a member of any other owner entity, land overlying that portion of the Basin underlying the GSA's boundaries (at least partially) that is utilized for a commercial agricultural business that produces groundwater from the Basin for its agricultural operation; or
  - (ii) Operate a commercial agricultural business that itself produces groundwater from the Basin for its agricultural operations on land overlying that portion of the Basin underlying the GSA's boundaries and be an approved stakeholder representative by that property's owner.

### 2.3 Appointment of Directors.

**2.3.1 Appointment of Member Directors.** The Member Directors shall be appointed to the Board by their respective governing body via resolution or minute order and shall serve at the pleasure of the governing body of the Member that appointed him/her. No individual Member Director may be removed except by the vote of the governing body of the Member that appointed him/her.

Members shall submit any changes in Member Director or Alternate Director positions to the Board by providing a copy of the executed resolution or minute order.

**2.3.2 Appointment of Agricultural Stakeholder Director.** The Board shall appoint the Agricultural Stakeholder Director as follows:

- (i) Upon written request of the Board, the Santa Ynez Water Group, or another group dedicated to agriculture within the GSA's boundaries if the Santa Ynez Water Group is unwilling or unable, will submit one or more qualified nominees for the Agricultural Stakeholder Director position.
- (ii) At the first scheduled meeting of the Board, the Member Directors will consider and unanimously select one of the nominees submitted by the Santa Ynez Water Group, or other group, as mentioned in subsection (i) immediately above. In the absence of a unanimous vote of approval and appointment by the Member Directors, the Member Directors may request different nominations of the submitting entity.

## DRAFT LANGAUGE RE: GOVERNANCE OF EMA GSA

The Agricultural Director shall serve for a term of two years but may be reappointed for multiple terms so long as that Agricultural Director is nominated by the Santa Ynez Water Group or other group dedicated to agriculture within the GSA's boundaries and unanimously approved and appointed by the Member Directors.

**2.4 Alternate Directors.** Each Director shall have one Alternate to act as a substitute Director for that Director. All Alternates shall be appointed in the same manner as set forth in Section 2.3. Alternate Directors shall not vote or participate in any deliberations of the Board unless appearing as a substitute for a Director due to absence or conflict of interest. If the Director is not present, or if the Director has a conflict of interest which precludes participation by the Director in any decision-making process of the Board, the Alternate Director appointed to act in his/her place shall assume all rights of the Director, and shall have the authority to act in his/her absence, including casting votes on matters before the Board. A Member's Alternate Director shall be an elected official or member of management of the Member.

**2.5 Vacancies.** Upon the vacancy of a Member Director, that Member's Alternate Director shall serve as Director until the Member appoints a new Member Director as set forth in Article 2.3.1. Upon the vacancy of the Agricultural Stakeholder Director, the Board shall follow the appointment process set forth in Section 2.3.2.

**2.6 Duties of the Board of Directors.** The business and affairs of the GSA, and all its powers, including without limitation all powers set forth in this Agreement, are reserved to and shall be exercised by and through the Board, except as may be expressly delegated to the Executive Director or others pursuant to this Agreement, Bylaws, GSP, or by specific action of the Board.

**2.7 Director Compensation.** No Director shall be compensated by the GSA for preparation for or attendance at meetings of the Board or meetings of any committee created by the Board. Nothing in this Article is intended to prohibit a Member from compensating its representatives on the Board or on a committee for attending such meetings.

### ARTICLE "Z" VOTING

**3.1 Quorum.** A quorum of any meeting of the Board shall consist of a majority of the Directors. In the absence of a quorum, any meeting of the Directors may be adjourned by a vote of the simple majority of Directors present, but no other business may be transacted.

**3.2 Director Votes.** Voting by the Board shall be weighted as follows:

- (a) The City of Solvang: the Director shall have one vote.
- (b) The Santa Ynez River Water Conservation Improvement District No. 1: the Director shall have two votes.
- (c) The Santa Ynez River Water Conservation District: the Director shall have two votes.

DRAFT LANGAUGE RE: GOVERNANCE OF EMA GSA

- (d) The County of Santa Barbara: the Director shall have three votes.
- (e) The Agricultural Stakeholder Director: the Director shall have three votes.

**3.3 Decisions of the Board.**

- (a) **Majority Approval.** Except as otherwise specified in this Agreement, all decisions of the Board shall require the affirmative vote of more than 50% of the weighted vote total in accordance with Article 3.2, provided that if a Director is disqualified from voting on a matter before the Board because of a conflict of interest and no Alternate Director is present in the Director's place or if the Alternate Director is also disqualified because of a conflict of interest, that Director shall be excluded from the calculation of the total number of Directors that constitute a majority.
- (b) **Supermajority Approval.** Notwithstanding the foregoing, 75% of the weighted vote total in accordance with Article 3.2 shall be required to approve any of the following:
  - (i) the annual budget; (ii) the GSP for the Basin and any substantive amendment thereto;
  - (iii) any stipulation to resolve litigation; (iv) addition of new Members pursuant to Article 1.2; or (v) establishment and levying any fee, charge or assessment; (vi) adoption or amendment of Bylaws.

## Paeter Garcia

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**From:** Brett Stroud <bstroud@youngwooldridge.com>  
**Sent:** Tuesday, September 12, 2023 12:25 PM  
**To:** Alex Dominguez; Steve Torigiani  
**Cc:** mcyoung@countyofsb.org; Paeter Garcia; MattV@cannoncorp.us; RandyM@cityofsolvang.com; Hartley, Johannah; DFleishman@rwglaw.com; Steve Anderson; Bill Buelow  
**Subject:** Santa Ynez EMA JPA (Draft)  
**Attachments:** SGMA - Draft EMA JPA Agreement (September 2023).docx

Alex,

I have instructions from the staff of the member agencies of the EMA to provide you with the attached draft of the EMA JPA. They are interested in receiving input from your client, the Santa Ynez Water Group. I am copying the EMA staff: Matt Young of the County Water Agency, Bill Buelow of the Parent District, Paeter Garcia or ID No. 1, and Matt van der Linden and Randy Murphy of Solvang. I am also copying the attorneys for the other members: Johannah Hartley of the County Counsel's office, David Fleishman for Solvang, and Steve Anderson for ID No.1.

Best,  
Brett

**BRETT A. STROUD**  
**YOUNG WOOLDRIDGE, LLP**  
1800 30th St., Fourth Floor  
Bakersfield, CA 93301  
Tel. (661) 327-9661 | Fax (661) 327-1087  
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9/2023 DRAFT  
**JOINT EXERCISE OF POWERS AGREEMENT  
SANTA YNEZ RIVER VALLEY BASIN EASTERN MANAGEMENT AREA  
GROUNDWATER SUSTAINABILITY AGENCY**

This Joint Exercise of Powers Agreement ("Agreement") is made and entered into by and between the City of Solvang ("Solvang"); the Santa Barbara County Water Agency ("Santa Barbara"); the Santa Ynez River Water Conservation District ("SYRWCD"); and the Santa Ynez River Water Conservation District, Improvement District No.1 ("ID No.1"), also each referred to individually as "Member" and collectively as "Members," for the purposes of forming a joint powers agency to serve as the Groundwater Sustainability Agency for the Eastern Management Area of the Santa Ynez River Valley Groundwater Basin. This joint powers agency shall hereinafter be known as the Santa Ynez River Valley Groundwater Basin Eastern Management Area Groundwater Sustainability Agency ("EMA GSA" or "GSA").

**RECITALS**

A. WHEREAS, the Sustainable Groundwater Management Act of 2014 ("SGMA"), including but not limited to Water Code section 10720 et seq., requires the formation of groundwater sustainability agencies by June 30, 2017 to manage medium and high priority groundwater basins throughout the state through the adoption and implementation of groundwater sustainability plans ("GSPs"), where GSPs for high and medium priority basins that are not subject to conditions of critical overdraft must be adopted by January 31, 2022; and

B. WHEREAS, the Santa Ynez River Valley Groundwater Basin (also referred to as the "Santa Ynez Groundwater Basin" or "Basin"), as identified and defined by the California Department of Water Resources ("DWR") in Bulletin 118 (as Basin 3-15), has been designated by DWR as a medium priority basin; and

C. WHEREAS, Bulletin 118 describes the Basin as being in three portions, that being the eastern, central, and western. The western portion consists of the Lompoc Plain, Lompoc Terrace, and Lompoc Uplands; the central portion consists of the Buellton Uplands, and the eastern portion consists of the Santa Ynez Uplands. For the purpose of implementing SGMA, each portion of the Basin as described by DWR has been designated as a separate "Management Area" as authorized by SGMA, where the three Management Areas cover the entire Basin defined by Bulletin 118; and

D. WHEREAS, the map attached hereto as Exhibit A depicts the boundaries of the three Management Areas of the Basin; and

E. WHEREAS, in 2016, the local public agencies eligible to form a GSA or GSAs in the Basin determined that a separate GSA would be formed for each Management Area of the Basin (see Memorandum of Understanding for Implementation of the Sustainable Groundwater Management Act in the Santa Ynez River Valley

Groundwater Basin, dated May 23, 2016); and

F. WHEREAS, effective April 27, 2017 the Members entered into a "Memorandum of Agreement for Formation of a Groundwater Sustainability Agency for the Eastern Management Area in the Santa Ynez Valley Groundwater Basin under the Sustainable Groundwater Management Act" ("2017 MOA"), which established the Members as the participating agencies of the EMA GSA created by the 2017 MOA; and

G. WHEREAS, pursuant to separate Memoranda of Understanding, the local public agencies in the Western Management Area ("WMA") and the Central Management Area ("CMA") of the Basin, respectively, formed a WMA GSA and a CMA GSA in the Basin; and

H. WHEREAS, effective February 26, 2020, the local public agencies participating in the EMA GSA, the WMA GSA, and the CMA GSA entered into the Intra-Basin Administrative Agreement for Implementation of the Sustainable Groundwater Management Act in the Santa Ynez River Valley Groundwater Basin; and

I. WHEREAS, in accordance with Water Code section 10727.6 and California Code of Regulations, title 23, section 357.4, the EMA GSA, the WMA GSA, and the CMA GSA entered into the Santa Ynez River Valley Groundwater Basin Coordination Agreement, effective January 1, 2022; and

J. WHEREAS, the EMA GSA formed under the 2017 MOA has already developed, adopted, and submitted a Groundwater Sustainability Plan ("GSP") for the EMA to DWR as required by SGMA; and

K. WHEREAS, each of the Members is duly organized and existing under the laws of the State of California and is a local agency qualified to become or form a GSA under SGMA for the Eastern Management Area of the Basin; and

L. WHEREAS, pursuant to SGMA, specifically Water Code section 10723.6, and the Joint Exercise of Powers Act, Government Code section 6500 et seq., the Members are authorized to create a joint powers agency to jointly exercise any power common to the Members together with such powers as are expressly set forth in the Joint Exercise of Powers Act and in SGMA upon successfully becoming a GSA for the Eastern Management Area of the Santa Ynez River Valley Groundwater Basin; and

M. WHEREAS, the Members are interested in reforming the existing EMA GSA established under the 2017 MOU as a separate entity under the Joint Exercise of Powers Act in order to implement the EMA GSP under SGMA; and

N. WHEREAS, in accordance with Water Code section 10723(b), the Members have held a joint or individual public hearing(s) regarding entering into this Agreement; and

O. WHEREAS, pursuant to this Agreement the Members desire to create a joint powers authority to sustainably manage the Eastern Management Area of the Santa



Ynez River Valley Groundwater Basin as required by SGMA.

**NOW, THEREFORE**, in consideration of the terms, conditions, and covenants contained herein, the Members hereby agree as follows:

#### **ARTICLE 1 INCORPORATION OF RECITALS**

1.1 The foregoing recitals are true and correct and are incorporated herein by reference.

#### **ARTICLE 2 DEFINITIONS**

The following terms shall have the following meanings for purposes of this Agreement:

2.1 "Agreement" means this Joint Exercise of Powers Agreement forming the Santa Ynez River Valley Groundwater Basin Eastern Management Area Groundwater Sustainability Agency.

2.2 "Basin" means the Santa Ynez River Valley Groundwater Basin, as identified and defined by DWR in Bulletin 118 (as Basin 3-15) as of the Effective Date of this Agreement or as modified pursuant to Water Code section 10722.2.

2.3 "Bulletin 118" means DWR's report entitled "California Groundwater: Bulletin 118" updated in 2016 and 2020, and as it may be subsequently updated or revised in accordance with Water Code section 12924.

2.4 "Board of Directors" or "Board" means the governing body of the EMA GSA as established by Article 7 of this Agreement.

2.5 "EMA" means the Eastern Management Area of the Basin, as defined and depicted in the GSP for the EMA, as may be amended from time to time pursuant to SGMA.

2.6 "EMA GSA" or "GSA" means the Santa Ynez River Valley Groundwater Basin Eastern Management Area Groundwater Sustainability Agency, formed as a separate joint powers authority through this Agreement.

2.7 "Director(s)" and "Alternate Director(s)" means a Director or Alternate Director appointed by a Member or appointed by the Directors representing the Members

pursuant to Articles 7.2 and 7.3 of this Agreement.

2.8 "DWR" means the California Department of Water Resources.

2.9 "GSP" means a Groundwater Sustainability Plan, as defined by SGMA in Water Code section 10727 et seq.

2.10 "Joint Exercise of Powers Act" means Government Code section 6500 et seq., as may be amended from time to time.

2.11 "Member" or "Members" means an entity or the entities authorized by SGMA and other applicable law to participate in the EMA GSA as formed by this Agreement and included in Article 6.1 of this Agreement, or any entity that becomes a new Member of the EMA GSA pursuant to Article 6.2 of this Agreement.

2.12 "Officer(s)" means the Chair, Vice Chair, Secretary, or Treasurer of the EMA GSA to be appointed by the Board of Directors pursuant to Article 8.2 of this Agreement.

2.13 "SGMA" means the Sustainable Groundwater Management Act, including but not limited to Water Code section 10720 et seq., as SGMA may be amended from time to time.

2.14 "State" means the State of California.

### ARTICLE 3 CREATION OF THE GSA

3.1 Creation of a Joint Powers Agency. There is hereby created pursuant to the Joint Exercise of Powers Act and SGMA a joint powers agency, which will be a public entity separate from the Members to this Agreement, and shall be known as the Santa Ynez River Valley Groundwater Basin Eastern Management Area Groundwater Sustainability Agency ("EMA GSA" or "GSA"). The boundaries of the EMA GSA shall be coterminous with the boundaries of the EMA portion of the Basin as established by the EMA GSP and depicted in Exhibit A, which may be amended from time to time pursuant to SGMA.

3.2 Notices. Within 30 days after the Effective Date of this Agreement, and after any amendment hereto, Santa Barbara, on behalf of the EMA GSA, or the GSA, shall cause a notice of this Agreement or amendment to be prepared and filed with the office of the California Secretary of State containing the information required by Government Code section 6503.5. Within 30 days after the Effective Date of this Agreement, Santa Barbara, on behalf of the EMA GSA, shall cause a statement of the information concerning the GSA, required by Government Code section 53051, to be filed with the office of the California Secretary of State and with the County Clerk for the County of Santa Barbara, setting forth the facts required to be stated pursuant to Government Code section 53051(a). Within 30 days after the Effective Date of this Agreement, Santa

Barbara, on behalf of the EMA GSA, shall inform DWR of the Members' decision and intent to undertake sustainable groundwater management within the EMA in accordance with Water Code section 10723.8.

3.3 Purpose of the GSA. The purpose of the EMA GSA is to implement and comply with SGMA in the EMA portion of the Santa Ynez River Valley Groundwater Basin by serving as the EMA's groundwater sustainability agency, implementing the GSP for the EMA, and coordinating with the WMA GSA and CMA GSA in sustainably managing the Basin pursuant to SGMA.

#### ARTICLE 4 TERM

4.1 This Agreement shall become effective on the last date on which all of the Members listed in Article 6.1 sign this Agreement ("Effective Date"), after which notices shall be filed in accordance with Article 3.2. This Agreement shall remain in effect until terminated pursuant to the provisions of Article 16 of this Agreement.

#### ARTICLE 5 POWERS

5.1 [The EMA GSA shall possess the power in its own name to exercise any and all common powers of its Members reasonably necessary for the GSA to implement the purposes of SGMA, and for no other purpose, together with such other powers as are expressly set forth in the Joint Exercise of Powers Act and in SGMA subject to the limitations set forth therein.

Commented [C1]: Attorneys to review.

5.2 [For purposes of Government Code section 6509 and Water Code section 10730.6(d), the powers of the EMA GSA shall be exercised subject to the restrictions upon the manner of exercising such powers as are imposed on Santa Barbara, and in the event of the withdrawal of Santa Barbara as a Member under this Agreement, then the manner of exercising the GSA's powers shall be exercised subject to those restrictions imposed on Solvang.]

Commented [C2]: Subject to further research and discussion.

**ARTICLE 6  
MEMBERSHIP**

6.1 Members. The Members of the EMA GSA, as long as they have not withdrawn from this Agreement pursuant to Article 16, shall be:

- (a) City of Solvang;
- (b) Santa Barbara County Water Agency;
- (c) Santa Ynez River Water Conservation District; and
- (d) Santa Ynez River Water Conservation District, Improvement District No.1.

6.2 New Members. Any entity authorized by SGMA and other applicable law to participate in the EMA GSA, that is not a Member on the Effective Date of this Agreement, may become a Member upon all of the following:

- (a) The approval of the Board of Directors as specified in Article 12.3;
- (b) Amendment of the Agreement in accordance with Article 18.2; and
- (c) Payment by the new Member of a pro rata share of all previously incurred costs that the Board of Directors determines have resulted in benefit to the new Member, and are appropriate for assessment on the new Member.

**ARTICLE 7  
BOARD OF DIRECTORS**

7.1 Formation of the Board of Directors. The EMA GSA shall be governed by a Board of Directors ("Board"). Directors of the Board shall consist of one representative from each of the Members identified in Article 6.1, and one representative appointed by the Directors representing the Members, as follows:

- (a) One Director representing Solvang;
- (b) One Director representing Santa Barbara;
- (c) One Director representing SYRWCD;
- (d) One Director representing ID No.1; and
- (e) One Director, appointed in accordance with Article 7.2 by the Directors listed in (a)-(d) above, representing the agricultural interests of the Members.

Commented [C3]: Subject to discussion.

7.2 Appointment of Directors. Directors of the Board shall be appointed as follows:

- (a) The Director representing Solvang shall be appointed by resolution of Solvang's City Council.
- (b) The Director representing Santa Barbara shall be appointed by resolution of Santa Barbara's Board of Directors.
- (c) The Director representing SYRWCD shall be appointed by resolution of SYRWCD's Board of Directors.
- (d) The Director representing ID No.1 shall be appointed by resolution of ID No.1's Board of Trustees.
- (e) The Director listed in Article 7.1(e) shall be appointed by resolution of the EMA GSA, where the recruitment process and appointment decision for said Director shall be undertaken solely through direction and action by the Directors representing the Members as listed in Article 7.1(a)-(d). Said appointment decision shall be subject to the voting requirements of Article 11.3(b).

Commented [C4]: Subject to discussion.

OR ALTERNATIVE MECHANISM FOR APPOINTING THE AGRICULTURAL REPRESENTATIVE.

Commented [C5]: Subject to discussion.

Each Director representing a Member shall be an elected official of the appointing Member.

7.3 Alternate Directors. Each Director shall have one Alternate to act as a substitute Director for that Director. All Alternates shall be appointed in the same manner as set forth in Article 7.2. Alternate Directors shall not vote or participate in any deliberations of the Board unless appearing as a substitute for a Director due to absence or conflict of interest. If a Director is not present, or if a Director has a conflict of interest which precludes participation by the Director in any decision-making process of the Board, the Alternate Director appointed to act in his/her place shall assume all roles of the Director, and shall have the authority to act on behalf of the absent Director, including but not limited to participating in open session and closed session deliberations and casting votes on matters before the Board. An Alternate Director representing a Member shall be an elected official or member of management of the appointing Member.

Commented [C6]: Attorneys to review and provide input.

Consider expressly invoking Brown Act provision that allows public agency Members and their alternates to share closed session info with each other and their home public agency board/council (in closed session). May not be permissible for non-Member Director and Alternate. Sources for discussion:

82 Ops. Cal. Atty. Gen. 29 (1999)  
Gov. Code, § 54956.96

7.4 Requirements. Each Director and Alternate Director shall be appointed by resolution as set forth in Article 7.2. Directors and Alternate Directors representing a Member shall serve at the pleasure of the governing body of the appointing Member. No individual Director or Alternate representing a Member may be removed except by the vote of the governing body of the Member that appointed him/her. The term of a non-Member Director or non-Member Alternate appointed in accordance with Article 7.2(e) shall be \_\_\_\_ ( ) year(s), and such Director or Alternate may serve any number of consecutive terms upon re-appointment in accordance with Article 7.2(e); provided,

however, that any non-Member Director or non-Member Alternate may be removed from his/her position at any time prior to the expiration of his/her then-current annual term based on a decision by the Directors representing the Members, where said removal decision shall be subject to the voting requirements of Article 11.3(b).

Commented [C7]: Subject to discussion.

7.5 Vacancies. Upon the vacancy of a Director, the Alternate Director shall serve as Director until a new Director is appointed as set forth in Article 7.2. Upon the vacancy of an Alternate, a new Alternate shall be appointed as set forth in Articles 7.2 and 7.3. A Member shall submit any changes in its Director or Alternate Director positions to the Board by providing a copy of its executed resolution.

7.6 Duties of the Board of Directors. The business and affairs of the EMA GSA, and all of its powers, including without limitation all powers set forth in Article 5, are reserved to and shall be exercised by and through the Board of Directors, except as may be expressly delegated to the Executive Director or other(s) pursuant to this Agreement, Bylaws of the GSA, the EMA GSP, or by specific action of the Board of Directors.

7.7 Director and Alternate Compensation. No Director or Alternate shall be compensated by the EMA GSA in connection with any meetings or other activities undertaken as a representative of the GSA. Nothing in this Article is intended to prohibit a Member from compensating its Director or Alternate for compensable activities undertaken as a Director or Alternate of the GSA Board.

## ARTICLE 8 OFFICERS

8.1 Officers. Officers of the EMA GSA shall be a Chair, Vice Chair, Secretary, and Treasurer. Additional officers may be appointed by the Board as it deems necessary.

- (a) Chair. The Chair shall preside at all meetings of the Board of Directors and shall be a member of the Board.
- (b) Vice Chair. The Vice Chair shall exercise all powers of the Chair in the Chair's absence or inability to act, and shall be a member of the Board.
- (c) Secretary. The Secretary shall keep minutes of meetings of the Board of Directors and shall perform other duties and responsibilities as properly delegated by the Board. The Secretary may, but need not, be a member of the Board.
- (d) Treasurer. The Treasurer shall perform such duties and responsibilities specified in Government Code sections 6505.5 and 6505.6. The Treasurer may, but need not, be a member of the Board.

8.2 Appointment of Officers. Officers shall be appointed annually by, and serve at the pleasure of, the Board of Directors. Officers shall be appointed by resolution of the Board at the first Board meeting, and thereafter at the first Board meeting following

January 1st of each year. The Director from \_\_\_\_\_ shall be designated as the Chair pro tem to preside at the first meeting of the Board until a Chair is appointed by resolution of the Board. An Officer may serve for multiple consecutive terms, with no term limit. Any Officer may resign at any time upon written notice to the Board, and may be removed and replaced by a decision of the Board in accordance with Article 11.3(a). Notwithstanding the foregoing, the Treasurer shall be appointed in the manner specified in Government Code sections 6505.5 and 6505.6.

8.3 Principal Office. The principal office of the EMA GSA shall be established by the Board of Directors, and may thereafter be changed by the Board.

## ARTICLE 9 EXECUTIVE DIRECTOR & STAFF

9.1 Hiring. The Board may hire an Executive Director of the EMA GSA, as well as any other needed staff, consultant(s), and legal counsel, who may be hired as an employee of the GSA or by contract with the GSA. The Executive Director and Legal Counsel shall not be an officer, employee, or representative of any of the Members or Directors.

Commented [CC8]: Subject to discussion.

9.2 Compensation. The Executive Director, staff, consultants, and legal counsel's compensation shall be determined by the Board.

9.3 Duties. The Executive Director, staff, consultant and legal counsel shall serve at the pleasure of the Board. The Executive Director shall be responsible to the Board for the property and efficient administration of the GSA. The Executive Director shall have the powers designated by the Board, and otherwise as set forth in the GSA Bylaws.

10.4 Termination. The Executive Director shall serve until his/her resignation or until the Board terminates the Executive Director's employment or contract.

**ARTICLE 10  
GSA DIRECTOR MEETINGS**

10.1 Initial Meeting. The initial meeting of the EMA GSA Board of Directors shall be called by the Chair pro tem and held within the boundaries of the EMA, within sixty (60) days of the Effective Date of this Agreement.

10.2 Time and Place. The Board of Directors shall meet at least quarterly, at a date, time, and place set by the Board, and at such other dates, times, and places as may be determined by the Board.

10.3 Special Meetings. Special meetings of the Board of Directors may be called by the Chair or by a simple majority of Directors, in accordance with the Ralph M. Brown Act (Government Code section 54950 et seq.).

10.4 Conduct. All meetings of the Board of Directors, including special meetings, and any meetings involving teleconferencing to the extent allowed by law, shall be noticed, held, and conducted in accordance with the Ralph M. Brown Act (Government Code section 54950 et seq.).

10.5 Local Conflict of Interest Code. The Board of Directors shall adopt a local conflict of interest code pursuant to the provisions of the Political Reform Act of 1974 (Government Code section 81000 et seq.).



**ARTICLE 11  
VOTING**

11.1 Quorum. A quorum of any meeting of the Board of Directors shall consist of a majority of the Directors. In the absence of a quorum, any meeting of the Directors may be adjourned by a vote of the simple majority of Directors present, but no other business may be transacted.

11.2 Director Votes. Voting by the Board of Directors shall be made on the basis of one vote for each Director as follows:

- (a) The Director representing Solvang shall have \_\_\_ vote(s);
- (b) The Director representing Santa Barbara shall have \_\_\_ vote(s);
- (c) The Director representing SYRWCD shall have \_\_\_ vote(s);
- (d) The Director representing ID No.1 shall have \_\_\_ vote(s);
- (e) The non-Member Director appointed in accordance with Article 7.2 shall have \_\_\_ vote(s);
- (f) The Director of any new Member added to the EMA GSA in accordance with Article 6.2 shall have \_\_\_ vote(s).

A Director, or an Alternate Director when acting in the absence of a Director, may vote on all matters of GSA business unless disqualified.

11.3 Decisions of the Board.

- (a) Majority Approval. Except as otherwise specified in this Agreement, all decisions of the Board of Directors shall require the affirmative vote of more than 50 percent of the vote total in accordance with Article 11.2, provided that if a Director is disqualified from voting on a matter before the Board because of a conflict of interest and no Alternate Director is present in the Director's place, or if the Alternate Director is also disqualified because of a conflict of interest, that Director shall be excluded from the calculation of the total number of Directors that constitute a majority.
- (b) Supermajority Approval. Notwithstanding the foregoing, a minimum 75 percent vote total in accordance with Article 11.2 shall be required to approve any of the following: (i) the annual budget; (ii) any substantive amendment to the EMA GSP ; (iii) any decision to resolve litigation; (iv) addition of new Members pursuant to Article 6.2; (v) establishment and levying of any fee, charge, or assessment; (vi) adoption or amendment of the GSA Bylaws; (vii) selection of any

Commented [C9]: Subject to discussion.

consultant to conduct work for the EMA GSA; or (viii) appointment of a non-Member Director or non-Member Alternate in accordance with Article 7.2, or removal of a non-Member Director or non-Member Alternate in accordance with Article 7.4, where only Directors representing Members are authorized to cast a vote for said appointment or removal decisions.

Commented [C10]: Subject to discussion.

## ARTICLE 12 BYLAWS

13.1 The Board of Directors may approve and amend, as needed, Bylaws for the EMA GSA.

## ARTICLE 13 ACCOUNTING PRACTICES

13.1 General. The Board of Directors shall establish and maintain such funds and accounts as may be required by generally accepted public agency accounting practices. The EMA GSA shall maintain strict accountability of all funds and a report of all receipts and disbursements of the GSA. The GSA shall hire an independent auditor to audit its funds and accounts as required by law.

13.2 Fiscal Year. Unless the Board of Directors decides otherwise, the fiscal year for the EMA GSA shall run from July 1<sup>st</sup> to June 30<sup>th</sup>.

## ARTICLE 14 BUDGET AND EXPENSES

14.1 Budget. The Board of Directors shall adopt an annual budget for the EMA GSA.

14.2 GSA Funding and Contributions.

Commented [C11]: Subject to discussion.

- (a) For the purpose of funding the expenses and ongoing operations of the EMA GSA, the Board of Directors shall maintain a funding account in connection with the annual budget process.
- (b) The EMA GSA may endeavor to pursue and apply for grants and/or loans to fund a portion of the cost of implementing the EMA GSP as the Board may direct.
- (c) The Board of Directors may undertake activities to fund the EMA GSA and implement the EMA GSP as provided in SGMA; may accept voluntary contributions from Members or other persons or entities that

are not subject to reimbursement by the GSA; may accept voluntary contributions from Members or other persons or entities that are to be reimbursed by the GSA; and/or may pursue funding through any other means allowable by law, including but not limited to fees and/or charges.

14.3 Return of Contributions. In accordance with Government Code section 6512.1, repayment or return to the Members of all or any part of any contributions made by Members may be directed by the Board of Directors at such time and upon such terms as the Board of Directors may decide; provided that (1) any repayment or return of contributions shall be made in proportion to the contributions paid by each Member to the GSA, and (2) any capital contribution paid by a Member voluntarily and without obligation to make such capital contribution, and which contribution is subject to reimbursement by the GSA, shall be returned to the contributing Member, together with accrued interest at the annual rate published as the yield of the Local Agency Investment Fund administered by the California State Treasurer, before any other return of contributions to Members or other persons or entities is made by the GSA. The GSA shall hold title to all funds and property acquired by the GSA during the term of this Agreement.

Commented [C12]: Subject to discussion.

14.4 Issuance of Indebtedness. The GSA may issue bonds, notes, or other forms of indebtedness, provided such issuance is approved at a meeting of the Board of Directors by supermajority vote in accordance with Article 11.2.

## ARTICLE 15 LIABILITIES

15.1 Liability. In accordance with Government Code section 6507 and 6508.1, the debts, liabilities, and obligations of the EMA GSA shall be the debts, liabilities, and obligations of the GSA alone, and not of any of the Members individually or jointly, except as otherwise specified by law.

Commented [C13]: Attorneys to review.

15.2 Indemnity. The EMA GSA, and those persons, agencies, consultants, entities, and instrumentalities used by it to perform the functions authorized by this Agreement, SGMA, and other applicable law, whether by contract, employment, or otherwise shall be exclusively liable for any and all injuries, costs, expenses, claims, suits, actions, proceedings, losses, liabilities, damages, judgments, or other obligations of whatever kind arising from or related to activities of the GSA. The GSA agrees to indemnify, defend, and hold harmless each Member, each non-Member Director and Alternate, and their respective governing boards, officers, officials, representatives, agents, and employees from and against any and all claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses, liabilities, damages, judgments, expenses, costs, including but not limited to attorney's fees, consultant' fees, and expert fees, and/or other obligations of whatever kind arising from

or related or attributable to the GSA or this Agreement ("Claims").

In addition to the foregoing, funds of the EMA GSA may be used to defend, indemnify, and hold harmless the GSA, each Member, each Director and Alternate Director, and any officers, officials, agents, or employees of the GSA for their actions taken within the course and scope of their duties while acting on behalf of the GSA against any such Claims.

The Members do not intend hereby to be obligated either jointly or severally for any Claims or any other debts, liabilities, or obligations of the GSA, except as may be specifically provided for in Government Code section 895.2. Provided, however, if any Member(s) of the GSA are, under such applicable law, held liable for the acts or omissions of the GSA, such parties shall be entitled to contribution from the other Members so that after said contributions each Member shall bear an equal share of such liability.

Commented [C14]: Attorneys to review and provide input, including liability share for non-Member constituency.

15.3 Insurance. The EMA GSA shall/may procure appropriate policies of insurance providing coverage to the GSA and its Directors, Alternate Directors, officers, officials, agents, and employees for general liability, errors and omissions, property, workers compensation, and any other coverage the Board deems appropriate. Such policies shall, to the extent practicable, name the Members as additional insureds.

Commented [C15]: Attorneys to review.

## ARTICLE 16 WITHDRAWAL OF MEMBERS

16.1 Unilateral Withdrawal. Any Member may unilaterally withdraw from this Agreement without causing or requiring termination of this Agreement, effective upon thirty (30) days written notice to the Board of Directors and all other Members.

Commented [C16]: Notice period subject to discussion.

16.2 Termination of Agreement and GSA. This Agreement and the EMA GSA established under this Agreement may be terminated by unanimous written consent of all Members, except during the outstanding term of any EMA GSA indebtedness.

16.3 Effect of Withdrawal or Termination. Upon termination of this Agreement or unilateral withdrawal, a Member shall remain obligated to pay its share of all liabilities and obligations of the EMA GSA required of the Member pursuant to terms of this Agreement, but only to the extent that the liabilities and obligations were incurred or accrued prior to the Member's written notice of withdrawal, and only to the extent that the liabilities and obligations are the individual Member's liabilities and obligations as opposed to the liabilities and obligation of the GSA in accordance with Article 15. After providing notice of withdraw in accordance with Article 16.1, a withdrawing Member shall have no right to participate in the business and affairs of the GSA, except through public participation. Provided, however, that nothing contained in this Article 16.3 shall be construed as affecting a withdrawing Member's right to reimbursement or return of capital from the GSA in accordance with Article 14 or any agreement between the GSA and the withdrawing Member. Provided further, that notwithstanding the foregoing, nothing contained in this Article 16.3 shall be construed as prohibiting a Member that has withdrawn from the GSA

to become a separate groundwater sustainability agency within its jurisdiction in accordance with SGMA. Nothing in this section shall be construed as obligating the EMA GSA to consent to formation or designation of another GSA for any portion of the Basin.

16.4 Return of Contribution. Upon termination of this Agreement, and to the extent a successor public entity is established which will carry on the functions of the EMA GSA and assume its assets, the assets of the GSA shall be transferred to the successor public entity. If there is no successor public entity which will carry on the functions of the GSA, then, subject to the requirements of Article 14, any surplus capital on-hand shall be returned to the Members in proportion to their contributions made and the Board of Directors shall first offer any property, works, rights, and interests of the GSA for sale to the Members on terms and conditions determined by the Board of Directors. If any property, works, rights, and interests of the GSA remain after first being offered for sale to the Members, the Board of Directors shall then offer the property, works, rights, and interests of the GSA for sale to any non-Member for good and adequate consideration. Subject to the requirements of Article 14, the net proceeds from any such sales shall be distributed among the Members in proportion to their contributions made.

#### ARTICLE 17 MISCELLANEOUS PROVISIONS

17.1 Notices. Notices to a Member shall be sufficient if delivered to the clerk or secretary of the respective Member's governing board and addressed to the Member at the address noted on the signature page or at such other address or to such other person that the Member may designate in accordance with this Article. Delivery may be accomplished by personal delivery or with postage prepaid by first class mail, registered or certified mail, or express courier.

17.2 Amendments to Agreement. This Agreement may be amended or modified at any time only by subsequent written agreement approved and executed by all of the Members.

17.3 Agreement Complete. This Agreement constitutes the full and complete agreement of the Members with respect to the matters set forth by this Agreement. This Agreement supersedes all prior agreements and understandings, whether in writing or oral, related to the subject matter of this Agreement. In regards to the April 27, 2017 "Memorandum of Agreement for Formation of a Groundwater Sustainability Agency for the Eastern Management Area in the Santa Ynez Valley Groundwater Basin under the Sustainable Groundwater Management Act" ("2017 MOA"), as soon as DWR accepts this Agreement and the EMA GSA formed hereunder as the governing GSA for the Eastern Management Area of the Basin, then this Agreement will supersede the 2017 MOA in its entirety and this Agreement and the EMA GSA formed hereunder will assume all activities as the governing GSA for the Eastern Management Area of the Basin, except as otherwise provided in Article 16.3.

Commented [C17]: Attorneys to review.

17.4 Severability. Should any part, term, or provision of this Agreement be

decided by a court of competent jurisdiction to be illegal or in conflict with any applicable federal law or any law of the State of California, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining parts, terms, or provisions hereof shall not be affected thereby, provided however, that if the remaining parts, terms, or provisions do not comply with the Joint Exercise of Powers Act, this Agreement shall terminate.

17.5 Withdrawal by Operation of Law. Should the participation of any Member to this Agreement be decided by a court of competent jurisdiction to be illegal or in excess of that Member's authority or in conflict with any law, resulting in the withdrawal of such Member from this Agreement, the validity of this Agreement as to the remaining Members shall not be affected thereby.

17.6 Assignment. The rights and duties of the Members may not be assigned or delegated without the written consent of all other Members. Any attempt to assign or delegate such rights or duties in contravention of this Agreement shall be null and void.

17.7 Binding on Successors. Subject to Article 17.6, this Agreement shall inure to the benefit of, and be binding upon, the successor of any Member.

17.8 Dispute Resolution. In the event that any dispute arises among the Members relating to this Agreement, the Members shall attempt in good faith to resolve the controversy through informal means. If the Members cannot agree upon a resolution of the controversy, the dispute may be submitted to mediation prior to commencement of any legal action, if agreed to by all Members. The mediation shall be no more than a full day (unless agreed otherwise among the Members) and the cost of mediation shall be paid in equal proportion among the Members.

**Commented [C18]:** Subject to further discussion regarding the type(s) of disputes being covered and "Members" involved in a dispute.

17.9 Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original and together shall constitute one and the same instrument.

17.10 Singular Includes Plural. Whenever used in this Agreement, the singular form of any term includes the plural form and the plural form includes the singular form.

**Commented [C19]:** Review and confirm this is the intent with respect to use of "Member" and "Members" in various parts of this Agreement.

17.11 Member Authorization. The governing bodies of the Members have each authorized execution of this Agreement and all signatories to this Agreement warrant and represent that they have the power and authority to enter into this Agreement in the

names, titles, and capacities stated herein and on behalf of the respective Members.

18.12 No Third Party Beneficiary. Except as expressly set forth herein, this Agreement is not intended to benefit any person or entity not a party hereto.

**IN WITNESS WHEREOF**, the Members have executed this Agreement to be effective on the date executed by the last Member as set forth in Article 4.1.

**ATTEST:**  
Clerk of the City

**CITY OF SOLVANG:**

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Mayor, City Council

Date: \_\_\_\_\_

Address:

**ATTEST:**  
Clerk of the Board

**Santa Ynez River Water  
Conservation District:**

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chair, Board of Directors

Date: \_\_\_\_\_

Address:

**ATTEST:**  
Clerk of the Board

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

By: \_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
President, Board of Trustees

Date: \_\_\_\_\_

Address:

**ATTEST:**  
Mona Miyasato  
County Executive Officer  
Clerk of the Board, Ex Officio Clerk of  
the Santa Barbara County Water Agency

**SANTA BARBARA COUNTY  
WATER AGENCY:**

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chair, Board of Directors

Date: \_\_\_\_\_

Address:

**RECOMMENDED FOR APPROVAL:**  
Santa Barbara County Water Agency

**APPROVED AS TO FORM:**  
Risk Management

By: \_\_\_\_\_  
Department Head

By: \_\_\_\_\_  
Risk Management

**APPROVED AS TO FORM:**  
Rachel Van Mullem  
County Counsel

**APPROVED AS TO ACCOUNTING  
FORM:**  
Betsy Schafer  
Auditor-Controller

By: \_\_\_\_\_  
Deputy County Counsel

By: \_\_\_\_\_  
Deputy





# Santa Ynez River Valley Groundwater Basin

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SEP  
**28**  
2023

## EMA GSA Committee Regular Meeting, 6:30 pm

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3669 SAGUNTO ST, SUITE 101 (MAIL: P.O. BOX 719), SANTA YNEZ CA 93460  
TELEPHONE (805) 693-1156


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# Hexavalent Chromium MCL (SWRCB-DDW-21-003)

Hexavalent Chromium MCL Announcements and Information

## Information and Documentation Pertaining to This Regulatory Proposal

### Status of Proposal

This rulemaking is in progress.

- A hearing was held on August 2, 2023
  - A video recording of the hearing is available
- Written comments are due **August 18, 2023**

Proposed MCL: **10 ppb** (0.010 mg/L)

Proposed DLR: **0.1 ppb** (0.0001 mg/L)

This MCL includes a compliance schedule based on water system size and requirements to submit compliance plans and operations plans under certain conditions. See the rulemaking documentation below for details.

Inquiries regarding the contents of these regulations may be directed to Bethany Robinson (Bethany.Robinson@waterboards.ca.gov) and Melissa Hall (Melissa.Hall@waterboards.ca.gov).

## Rulemaking Documentation

### 45-Day Comment Period Documentation

- Notice of Proposed Rulemaking
  - [English](#) | [Spanish](#)

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- ISOR Attachment 2: Standardized Regulatory Impact Assessment and Cost Estimating Methodology (updated)
- ISOR Attachment 3: Other Chemicals Above the PHG
- ISOR Attachment 4: DLR Surveys Summary
- ISOR Attachment 5: Cost Estimates for Individual Sources

## Final Documentation

- TBD

## Complete Rulemaking Documentation Files

## CEQA Documentation


- Draft Environmental Impact Report
  - Appendix A
  - Appendix B
  - Appendix C
  - Appendix D
  - Appendix E
- Notice of Availability of Draft Environmental Impact Report
- Notice of Completion of Draft Environmental Impact Report

## Peer Review Documents

- Peer Review Request
- Peer Review
  - Reviewer 1
  - Reviewer 2
  - Reviewer 3
- Peer Review Response

## History of Rulemaking Proceedings

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- [Approved by Office of Administrative Law: TBD](#)
- [Filed with the Secretary of State: TBD](#)
- [Effective Date: TBD](#)

## Sections Affected

California Code of Regulations: Title 22 Sections: 64415, 64431, 64432, 64447.2, 64465, and 64481.

(Page last updated 08/25/2023)

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The California Water Boards include the State Water Resources Control Board and nine Regional Boards

The State Water Board is one of six environmental entities operating under the authority of the California Environmental Protection Agency

CalEPA | ARB | CalRecycle | DPR | DTSC | OEHHA | **SWRCB**



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

August 18, 2023

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

**RE: Joint Comment Letter regarding Proposed Hexavalent Chromium Maximum Contaminant Level and Initial Statement of Reasons**

Dear Ms. Tyler:

The Association of California Water Agencies (ACWA), the California Municipal Utilities Association (CMUA), the California-Nevada Section, American Water Works Association (CA-NV AWWA), and the California Water Association (CWA) appreciate the opportunity to submit joint written comments to the State Water Resources Control Board (State Water Board) regarding the proposed Adoption of a Regulation for the Hexavalent Chromium Maximum Contaminant Level (proposed Cr(VI) MCL) of 10 parts per billion (ppb). ACWA represents over 460 local public water agencies that supply water for domestic, agricultural, and industrial uses to over 90% of California's population. CMUA represents over 50 public water agencies that deliver water to over 75% of California. CA-NV AWWA's membership in California includes some 470 utilities and approximately 4,700 individual water professionals. CWA is the statewide association representing the interests of 94 drinking water utilities subject to the jurisdiction of the California Public Utilities Commission. Our associations' members collectively are entrusted with the responsibility of supplying the public with safe and reliable drinking water. Ensuring the safety of these supplies by meeting or exceeding all relevant state and federal standards is the highest priority of these agencies.

We appreciate the State Water Board's Division of Drinking Water (DDW) staff's ongoing consideration of our comments on the proposed Cr(VI) MCL. We want to continue to participate in the State Water Board's efforts to develop and implement the proposed Cr(VI) MCL. We remain concerned about the potential impacts that public water systems (PWS) of all sizes will face in compliance with the proposed Cr(VI) MCL. We



strongly encourage further consideration of economic and technical issues in the development of the proposed Cr(VI) MCL as the final standard will have significant impacts on many PWS and their customers. We provide the following comments for the State Water Board, in response to the proposed Cr(VI) MCL and associated Initial Statement of Reasons (ISOR):

**Comment 1- Extend the compliance timeline to give PWS additional time, if needed.**

We appreciate the State Water Board's development of a proposed compliance period. Although a staggered compliance period seems to acknowledge the work that PWS must undertake to comply with drinking water standards, the proposed compliance timeline is insufficient and will be infeasible for most PWS to meet. As stated in a previous comment letter<sup>1</sup>, the proposed compliance period (between 2 and 4 years) presents challenges for PWS of all sizes seeking to install Best Available Technologies (BAT) or alternatives as identified in the State Water Board's compliance cost estimates. Comparatively, the Federal Safe Drinking Water Act allows a period of up to 5 years for PWS to install capital facilities needed to comply with new federal drinking water MCLs.<sup>2</sup>

The compliance period in the proposed Cr(VI) MCL should be considered a base period for which PWS should strive to comply with the proposed Cr(VI) MCL, but the realities of planning, designing, funding, installing, and permitting new capital facilities need to be considered and flexibility to do so provided. PWS are hard-pressed to complete the planning and design of treatment technologies, let alone allocate the funding necessary to build and install treatment. In some cases, PWS will need to do additional work beyond the planning and design of treatment technologies to comply with the proposed Cr(VI) MCL. For example, if a PWS has several impacted wells located in congested housing areas or areas that cannot be easily accessed to install the necessary treatment, there is no adequate physical space available for wellhead treatment. Instead, the PWS will need to consider alternative options such as planning for more expensive off-site treatment options, identifying new sources of water, which involves locating, permitting, and funding new wells, or undergoing the process to increase the space around the impacted wells (such as eminent domain) to install treatment technologies at the wellhead. Further compounding the issue is that many of these impacted wells may be located in disadvantaged communities already facing financial challenges to the operation of their water systems. Additionally, PWS budget processes often involve

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<sup>1</sup> ACWA and CMUA Comment Letter regarding Administrative Documents of a Regulation for the Hexavalent Chromium Maximum Contaminant Level submitted April 29, 2022

<sup>2</sup> Under the previous Hexavalent Chromium MCL, the State Water Board, using authority granted under SB 385 (Statutes of 2014), approved water system compliance plans that allowed up to 5 years to install capital facilities at the earliest feasible date to comply with the proposed MCL. Many of these plans included the same treatment facilities that will be needed to meet the proposed MCL. Considering the supply chain and manufacturing challenges that water systems now must manage it would be unreasonable to think these capital facilities could be installed in less time than it would have required to meet the MCL adopted in 2014.

years of planning, especially for larger agencies that plan for infrastructure improvements and developments nearly 5 years in advance. If PWS are seeking state or federal funds to cover the anticipated costs, the timeline for compliance would be extended even more. Absent the physical and financial ability to reach compliance, other factors not entirely in PWS control can also delay compliance, such as environmental review, permitting constraints, supply chain delays for necessary materials, and public influence.

Therefore, we request that the State Water Board authorize additional time (matching the 5 years allotted) for compliance that PWS may use to meet compliance if the PWS can show that it is working in good faith to meet or exceed the proposed Cr(VI) MCL.

**Comment 2- Funding availability to assist with compliance needs to be clearly identified and ensured for PWS to comply with the proposed Cr(VI) MCL.**

Our associations share affordability concerns for PWS to comply with the proposed Cr(VI) MCL. The State Water Board needs to further discuss and develop solutions to assist all PWS, and especially smaller PWS, who will be more challenged to shoulder compliance costs. Throughout the ISOR, State Water Board references how small a percentage of State Revolving Fund budget will be needed to satisfy compliance costs with the proposed Cr(VI) MCL<sup>3</sup>. However, State Water Board notes that funds are not guaranteed and acknowledges that funding applications are “likely to be for larger amounts” to cover the capital costs for new treatment systems, which cannot be spread evenly over a 20-year project lifespan<sup>4</sup>, and that funding will likely be constrained in the years leading up to compliance for PWS when it is most needed to finance projects<sup>5</sup>. The recently published ISOR Errata<sup>6</sup> acknowledges that previous cost of compliance estimates were understated, and cost of compliance with the proposed Cr(VI) MCL will actually be \$73 million per year. This revelation further justifies the need to assess funding availability. The Legislative Analyst’s Office forecasts that California will face budget shortages amounting to ~\$22 billion through 2027 which may impact future funding for PWS to comply with the proposed Cr(VI) MCL<sup>7</sup>, and the Congressional

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<sup>3</sup> The ISOR states that if financial assistance was needed to cover the entire cost of compliance for all systems with increased monthly household costs higher than \$30, a medium or high affordability burden, and listed on the HR2W list, then the total annual cost would be \$6,135,521, which it claims is “less than 1% of the available state grant funding available for the 2022-23 State Fiscal Year.

<sup>4</sup> Within the ISOR, the State Water Board estimates total capital costs for the subject systems at \$407 million, and the total demand for grant funding in any single year would be much larger than the SWRCB’s \$6,135,521 annualized estimate and would represent a much larger percentage of the total grant funding available in any given fiscal cycle.

<sup>5</sup> At the July 18, 2023 State Water Board Meeting, the 2021 Drinking Water and Wastewater General Fund was slashed by \$200 million to account for budget shortfalls<sup>5</sup>, including \$50 million from Drinking Water General Fund.

<sup>6</sup> ISOR Errata published July 31, 2023 states that annual cost of compliance with the proposed MCL will be \$73 million, whereas previously the estimate was \$6,059,037.

<sup>7</sup> Legislative Analyst’s Office Report on 2023-24 Budget forecasts budget shortfalls.

Budget Office projects budget shortfalls (which California relies upon to supplement state funding) through 2033<sup>8</sup>. Federal government support for State Revolving Funds has also been reduced, and unless this trend is dramatically reversed it will result in higher demands for a smaller pool of money.

For these reasons, we urge the State Water Board to identify additional funding for PWS to comply with the proposed Cr(VI) MCL. The State Water Board should incorporate spikes in demand for funding and funding shortages to comply with the proposed Cr(VI) MCL in its economic analysis and consider solutions to assist PWS who will be more challenged to shoulder compliance costs associated with the proposed Cr(VI) MCL.

**Comment 3- Confirm economic feasibility of the proposed Cr(VI) MCL ahead of adoption.**

Comment 3A- Clarify consideration of capital and operating costs associated with Cr(VI) MCL compliance.

We are concerned that the ISOR does not fully capture the cost of compliance for the proposed Cr(VI) MCL. It is unclear if the State Water Board considered capital cost expenditures, in addition to operations and maintenance costs, in analyses used to determine that 10 ppb is an economically feasible MCL. The California Health and Safety Code requires that the aggregate cost of compliance be considered in developing MCLs.<sup>9</sup> Identifying where capital costs are already accounted for, or adding estimates of capital costs, is essential to fully account for the costs that PWS will be subject to while implementing the proposed Cr(VI) MCL.

Therefore, we request that staff add estimated capital costs to figures into the ISOR, or more clearly identify where capital costs were already considered.

Comment 3B- Revisit estimated cost impacts of compliance for small PWS.

We encourage the State Water Board to more clearly frame monthly household cost increases on small PWS that will bear higher costs to comply with the proposed Cr(VI) MCL. Small PWS, some in disadvantaged communities and severely disadvantaged communities, will likely be passing the cost of compliance on to customers at a much higher rate than the \$4.75 per person (\$30 per household) per year average that is put forth in the ISOR<sup>10</sup>. The ISOR acknowledges that the figure of \$4.75 per person per year spreads the total compliance cost across the entire state population but must clearly

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<sup>8</sup> Congressional Budget Office Report projects budget shortfalls from 2023-2033.

<sup>9</sup> California Health and Safety Code, Section 116365 (b) requires that "for the purposes of determining economic feasibility..., the state board must consider the costs of compliance to public water systems, customers, and other affected parties with the proposed primary drinking water standard, including the cost per customer and aggregate cost of compliance, using best available technology."

<sup>10</sup> Proposed MCL ISOR Page 42

state that the cost of compliance will be much higher for households in affected PWS. The ISOR does not say how this would be manageable for low-income or fixed-income households. The Community Water Systems Alliance provided a presentation at the August 2, 2023 Cr(VI) MCL public hearing<sup>11</sup> recommending better measures of household affordability that are readily available, and that point to a much greater affordability challenge also for households in larger PWS than estimated in the ISOR. This affordability challenge affects all PWS and it is important to consider since the proposed Cr(VI) MCL is one of many MCLs that the State Water Board intends to propose in 2023<sup>12</sup> that may yield additional costs on impacted communities that already struggle to pay household expenses for drinking water.

Therefore, we strongly recommend revising the ISOR analysis justifying economic feasibility of the proposed Cr(VI) MCL to focus more on the realistic costs to be incurred by all affected PWS, removing the statement that households statewide will experience an average increase of \$4.75 per person per month, and sharpening the affordability impact analysis to more accurately characterize the experience of households that will be more acutely affected by compliance with the proposed Cr(VI) MCL. More clearly depicting the reality of cost increases for affected households can help provide an understanding of where, and how much, additional funding is needed to offset the costs that will be borne by PWS.

**Comment 4- Further review usability of listed BATs and treatment methods to comply with the proposed Cr(VI) MCL.**

Comment 4A- Further assess if Reduction/Coagulation/Filtration is cost feasible and a reasonable option for small PWS.

We encourage the State Water Board to further examine the usability of Reduction/Coagulation/Filtration (RCF) as a BAT for PWS ahead of adopting the proposed Cr(VI) MCL. As written, the ISOR assumes that 98% of PWS would be able to use RCF treatment. This assumption runs counter to the experience to date, in which PWS have primarily relied on ion exchange treatment, which has different capital and operating costs. In practice, ion exchange treatment has been the treatment technology more typically applied by PWS currently treating for Cr(VI) removal and to sources with a flow of greater than 500 gallons per minute. One significant limitation to RCF treatment is the need for direct access to a sanitary sewer system that can handle the treatment residuals generated. The ISOR assumes that all but 11 impacted PWS will apply RCF treatment as the preferred treatment technology for attaining compliance with the proposed Cr(VI) MCL, which directly affects the state's estimated cost impact because ion exchange is more expensive than RCF.

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<sup>11</sup> Presentation by Dr. Tim Worley on behalf of the Community Water Systems Alliance.

<sup>12</sup> State Water Board [2023 Strategic Work Plan](#) proposes 7 MCLs for Board adoption.

Based on these facts, we recommend 1) further review to determine if RCF is in fact usable by small PWS and 2) revisiting cost assumptions surrounding use of RCF and ion exchange to characterize costs that consider more frequent selection of ion exchange as the preferred treatment method.

Comment 4B- Point of Use/Point of Entry should also be further evaluated as an alternative treatment method for usability by small PWS.

We reiterate the need for further discussion to determine feasibility of Point of Use/Point of Entry (POU/POE) treatment due to affordability considerations, and potential supply chain issues following adoption of the proposed Cr(VI) MCL. We acknowledge that it is likely only the smallest PWS are eligible, or likely to consider POU/POE to comply with the proposed Cr(VI) MCL, but we remain concerned that this option may be infeasible to implement for a few reasons. First, impacted PWS customers may not want a POU/POE device installed at their homes. Second, this approach is limited to three years, with an uncertainty about extending it more permanently. Third, any systems with customers that refuse POU/POE would be deemed out of compliance and would need to install centralized treatment which may not be feasible for those PWS. The state requirement for PWS to discontinue water service to customers that are unwilling to accept a POU/POE system is counter to the goal of providing safe and affordable drinking water to all Californians guaranteed under the Human Right to Water. Lastly, as noted in the State Water Board's November 2022 POU/POE Report, there is no POU/POE standard for California regulatory levels for Cr(VI).<sup>13</sup>

Therefore, we recommend further evaluation to determine if offering POU/POE is viable, or if further consideration of alternatives is needed, especially in light of equity concerns.<sup>14</sup>

Comment 4C- Further consideration of alternative treatment methods is needed.

We encourage consideration of more affordable alternative treatment methods for implementation alongside the proposed BATs and streamlining the adoption of proven alternatives as acceptable BATs. For example, the State Water Board has acknowledged that there may be certain conditions under which PWS can use stannous chloride for reduction of Cr(VI) to the trivalent form which offers a more affordable means of

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<sup>13</sup> POU/POE Report at pp. 17, 49, 50, 72, 83. The POU/POE Report is available at: <https://www.waterboards.ca.gov/safer/docs/2022/draft-2022-pou-poe-report.pdf>.

<sup>14</sup> The State Water Board's POU/POE Report noted that "it is generally recognized that POU/POE is a less sustainable water treatment alternative and is typically utilized where other options are not economically or technically feasible. Therefore, the State Water Board seeks to ensure that programmatic decisions regarding the use and funding of POU/POE devices in California foster environmental justice rather than unintentionally exacerbate existing socio-economic and racial inequities." Executive Summary, POU/POE Report.



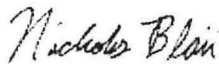
meeting regulatory compliance. Stannous chloride treatment has proven to be reliable and effective under specific conditions, and may allow compliance with this rule more cost effectively and feasibly for many PWS.

Given the opportunity that stannous chloride provides, we believe that other alternative treatment techniques may exist and should be considered as viable alternative treatment methods following additional evaluation.

### Conclusion

We appreciate the State Water Board's consideration of these comments, and we are ready to assist DDW in the development and implementation of a feasible Cr(VI) MCL. If you have any questions regarding these comments, please contact us at [NickB@acwa.com](mailto:NickB@acwa.com) or (916) 669-2377, Andrea Abergel at [aabergel@cmua.org](mailto:aabergel@cmua.org) or (916) 841-4060, Sue Mosburg at [smosburg@ca-nv-awwa.org](mailto:smosburg@ca-nv-awwa.org) or (909)-291-2108, and Jennifer Capitolo at [jcapitolo@calwaterassn.com](mailto:jcapitolo@calwaterassn.com) or 916-402-1155.

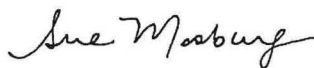
Sincerely,



Nick Blair  
State Relations Advocate II  
Association of California Water Agencies



Andrea Abergel  
Manager of Water Policy  
California Municipal Utilities Association



Sue Mosburg  
Executive Director  
California-Nevada Section, AWWA



Jennifer Capitolo  
Executive Director  
California Water Association

cc: The Honorable Joaquin Esquivel, Chair, State Water Resources Control Board  
The Honorable Dorene D'Adamo, Vice Chair, State Water Resources Control Board  
The Honorable Laurel Firestone, State Water Resources Control Board  
The Honorable Sean Maguire, State Water Resources Control Board  
The Honorable Nichole Morgan, 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



August 4, 2023

**COPY**  
mailed 7/31/23

VIA E-MAIL AND U.S. MAIL

Courtney Tyler, Clerk to the Board  
State Water Resources Control Board  
P.O. Box 100, Sacramento, CA 95812-2000  
[commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

**Re: Comment Letter re Draft Environmental Impact Report For Adoption of a Regulation for the Hexavalent Chromium Maximum Contaminant Level**

Dear Courtney Tyler,

The City of Winters ("City") submits these written comments in response to the State Water Resources Control Board's ("State Water Board") Notice of Availability 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"). The City hopes that its written comments will help the State Water Board fully analyze, mitigate, and avoid the potential environmental impacts of the Project in compliance with the California Environmental Quality Act (Pub. Resources Code, § 21000, et seq.: "CEQA").

The EIR analyzes a proposed primary drinking water standard for chromium-6 that includes a MCL of 10 micrograms per liter (ug/L) or parts per billion (ppb) (the "Project"). The City has serious concerns about both the proposed MCL of 10 ppb and the adequacy of the EIR prepared for the proposed Project. The City is a responsible agency for the proposed Project, as the City operates its own public water system, and the City will be required to comply with the new MCL if adopted as proposed. (State CEQA Guidelines, § 15381.)

The MCL would significantly impact the City, its ratepayers, and the environment. Given the potential impacts of the MCL, the City appreciates the State Water Board's commitment to prepare an EIR for the Project. The City believes, however, that significant revisions are necessary to the EIR in order to bring it into compliance with CEQA.

The City additionally urges the State Water Board to refrain from certifying the EIR or from approving the Project until the Office of Environmental Health Hazard Assessment ("OEHHA") completes its pending revision to its public health goal ("PHG") for chromium-6. Given the centrality of OEHHA's PHG to the EIR, and in particular to the EIR's analysis of alternatives to the Project, the City believes that the State Water Board cannot comply with CEQA

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“An EIR is an ‘environmental alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” (*Ibid.*) “The EIR is also intended to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.” (*Ibid.*) Because the EIR must be certified or rejected by public officials, it is a document of accountability.” (*Ibid.*) “If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees.” (*Ibid.*) The EIR thus “protects not only the environment, but also informed self-government.” (*Ibid.*)

In light of the above-referenced policies, “[w]hen determining whether an EIR’s discussion of potentially significant effects is sufficient, the ultimate inquiry is whether the EIR includes enough detail to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.” (*Save Our Capitol! v. Department of General Services* (2023) 87 Cal.App.5th 655, 670, quoting *Laurel Heights, supra*, 47 Cal.3d at p. 405.)

The EIR here fails to comply with CEQA because it does not include enough detail to enable the public to understand and to consider meaningfully the Project’s potential impacts on the environment. (*Save Our Capitol!, supra*, 87 Cal.App.5th at p. 670.) An EIR is intended to serve as an “environmental alarm bell,” but the EIR here sounds more like the boy who cried “wolf!” The EIR finds that the proposed Project will result in a wide range of significant and unavoidable impacts to the environment, but it also declares that this finding may simply be a false alarm—that there isn’t necessarily anything to be worried about. The EIR provides the public with mixed messages, in effect declaring: “The Project could result in environmental disaster. Or maybe everything will be fine. We just don’t know.”

The EIR recognizes that its analysis is not premised on a strong factual foundation. For example, the EIR provides:

- “Because it would be speculative to assume the type, size, and location of potential compliance projects, as well as the type of resources impacted, this EIR cannot quantify the impacts associated with the implementation of any specific project, but does recognize the potential for such impacts, and identifies potential mitigation that could be implemented at site-specific projects to avoid such impacts.” (EIR, p. S-3.)
- “[E]ven where a source of drinking water is known to be contaminated with hexavalent chromium based on data collected under the prior regulation, it would be speculative to guess the location of a future compliance project to address that contamination.” (EIR, p. 2-7.)

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project's potentially significant impact on the environment; and (4) analyze the extent to which that mitigation will reduce the potentially significant impact. (*Id.* at pp. 655-658; see also Pub. Resources Code, § 21100(b).)

The EIR fails to meet any of the above criteria. For example, in its analysis of whether the proposed Project could violate any air quality standard or contribute substantially to an existing or projected air quality violation, the EIR provides no factual analysis. Instead, the EIR refers the public to its roughly one-page analysis of whether the proposed Project would conflict with or obstruct implementation of any applicable air quality plan. (EIR, p. 6-9.) The EIR's analysis of whether the proposed Project would conflict with or obstruct implementation of the applicable air quality plan, however, is not based on, and does not reference, any threshold of significance. (See EIR, pp. 6-7 through 6-9.)

Without any threshold of significance to guide its significance determination, the EIR does not and cannot include any factual analysis demonstrating whether the proposed Project will exceed any threshold of significance. Moreover, while the EIR proposes mitigation measures, it does not analyze whether and to what extent this mitigation could reduce the potentially significant impact. The EIR ultimately concludes that the proposed Project may result in a significant and unavoidable air quality impact, but this conclusion is based on conjecture, not facts. (*King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814 , 838 [public agency violates CEQA and abuses its discretion when its determination is not supported by substantial evidence]; see also Pub. Resources Code, § 21168.5.)

In sum, the EIR violates CEQA by failing to measure the proposed Project's potential impacts against any threshold of significance, and by further failing to quantitatively analyze whether the mitigation measures identified could reduce the proposed Project's potential impacts to a level of less than significant. The EIR is littered with conclusions of "significant and unavoidable impacts," but the EIR fails to disclose the "analytic route" taken to reach these conclusions. (*Lotus, supra*, 223 Cal.App.4th at p. 654.)

**4. 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 decisionmakers and the public generally of the significant environmental effects of the Project, identify possible ways to mitigate 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"].)

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The above-referenced impacts do not appear to be analyzed in the EIR. The City urges the State Water Board to recirculate the EIR to analyze and mitigate these impacts in order to comply with CEQA.

5. The EIR fails to analyze or mitigate the Project's potential to force water agencies to shift from groundwater to surface water and the potential environmental impacts that may result from this shift.

A lead agency fails to comply with CEQA when its EIR does "not discuss the impact of new surface water diversions, enforceable measures to mitigate those impacts, or the remaining unmitigated impacts." (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 444 [Supreme Court held that lead agency's failure to properly analyze project's impacts on surface water violated CEQA]; see also *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 664 [lead agency violated CEQA where it "fail[ed] to adequately analyze impacts to surface water"].)

In response to the Notice of Preparation ("NOP") of the EIR, many public agencies commented that the proposed Project would cause water agencies to shift from groundwater usage to surface water usage. (See EIR, Appendix B [NOP Comment Letters].) CEQA requires the EIR to analyze the potential environmental impacts of this reasonably foreseeable shift (including impacts relating to decreased in-stream flows and adverse impacts to fish and wildlife), and to mitigate the impacts of this shift. (See Pub. Resources Code, § 21159(a).)

The EIR identifies "switching to surface water" as a reasonably foreseeable means of complying with the proposed MCL. (See, 7-7-g., EIR, pp. S-3, 1-1, 2-7 through 2-8, 2-15 [recognizing water agencies may "increase their reliance on surface water and reduce or cease using the groundwater supply contaminated by hexavalent chromium"].) The EIR, however, fails to analyze any potential environmental impacts that may result from this increased reliance on surface water. The EIR does not analyze the Project's potential impact to result in decreased in-stream flows, nor does it analyze potential adverse impacts to fish and wildlife that may result from increased reliance on surface water.

While the EIR recognizes that increased reliance on surface water is a reasonably foreseeable means of complying with the proposed MCL, the EIR fails to analyze any of the potential direct, or reasonably foreseeable indirect, impacts to the environment that may result as a result of this action. This renders the EIR fatally flawed under CEQA, and the EIR must therefore be revised and recirculated to address this issue. (See, e.g., *Vineyard Area Citizens for Responsible Growth, Inc.*, *supra*, 40 Cal.4th at p. 444.)

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determining whether the physical change is significant”].) The State Water Board, however, has not discussed how it could provide funding, grants, or subsidies to responsible agencies to mitigate potential impacts to the environment. State funding is the linchpin to achieve an economically feasible MCL. Without a specific and enforceable commitment from the State Board on funding, the economic feasibility analysis and the EIR are deficient.

Again, the State Water Board has not committed to any mitigation at all. The EIR must be revised so that the State Water Board itself commits to mitigation so that the burden of the State Water Board’s proposed Project does not fall squarely on the responsible agencies required to implement the Project. (State CEQA Guidelines, § 15126.4(a)(1)(B).) The State Water Board has an integral part to play in mitigating the impacts of its Project. By not taking responsibility to mitigate impacts that it can control, the State Water Board violates CEQA.

Second, while the EIR sets forth mitigation measures as to nearly every impact, the EIR does not specify any specific performance standards for any of the identified mitigation measures. (State CEQA Guidelines, § 15126.4(a)(1)(B).) Nor does the EIR explain why or how implementation of the mitigation measures will substantially lessen the Project’s significant and unavoidable impact. The EIR identifies a significant and unavoidable impact, and identifies mitigation measures, but fails to analyze or explain the relationship between the mitigation measures and the significant and unavoidable impact. This defect infects the discussion in nearly every section of the EIR.

Third, and related to the point above, the EIR does not identify the types of potential actions that can feasibly achieve the performance standard. (State CEQA Guidelines, § 15126.4(a)(1)(B).) Again, this is because the EIR simply does not identify any performance standards. As a result, the EIR does not explain to what extent or how the mitigation measures will substantially reduce impacts. This defect is fatal to the adequacy of the EIR.

**7. The EIR fails to properly analyze the proposed Project’s cumulative impacts.**

A proper analysis of a project’s cumulative impacts is a “vital informational function” of CEQA. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1214.) “[A] cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts.” (*Ibid.*; State CEQA Guidelines, § 15130(a).) More specifically, the “cumulative impact from several project projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects.” (*Bakersfield Citizens for Local Control, supra*, 124 Cal.App.4th at p. 1214.) “Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.” (*Ibid.*; State CEQA Guidelines, § 15355(b).)

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Finally, the State Water Board has an obligation to not only analyze the cumulative impacts of the Project taken together with past, present, and probable future MCLs for other contaminants, but also an obligation to mitigate those impacts. (*Joy Road Area Forest & Watershed Assn. v. California Department of Forestry & Fire Protection* (2006) 142 Cal.App.4th 656, 676.) “A cumulative impact analysis which understates information concerning the severity and significance of cumulative impacts impedes meaningful public discussion and skews the decisionmaker’s perspective concerning the environmental consequences of the project, the necessity for mitigation measures, and the appropriateness of project approval.” (*Ibid.*) Accordingly, the City urges the State Water Board to analyze the Project’s cumulative impacts, and to commit to mitigation measures that would reduce cumulative impacts to a level of less than significant. (State CEQA Guidelines, § 15126.4(a)(1)(B).) In particular, the City urges the State Water Board to adopt and implement a sustainable regulatory program that pairs each MCL with specific, dedicated funding programs sufficient to implement and mitigate the impacts of each MCL.

**8. The EIR fails to properly analyze alternatives to the proposed Project.**

“It is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which substantially lessen the significant environmental effects of such projects.” (Pub. Resources Code, § 21002.) Accordingly, “CEQA requires an EIR to identify feasible alternatives that could avoid or substantially lessen the project’s significant environmental effects.” (*Save Our Capitol!*, *supra*, 87 Cal.App.5th at p. 702; Pub. Resources Code, §§ 21002, 21100(b)(4).) Indeed, courts have explained that one of an EIR’s “major functions” is to “ensure that all reasonable alternatives to proposed projects are thoroughly assessed.” (*Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 565.)

As part of this analysis, an EIR must “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).) The range of alternatives must provide “enough of a variation to allow informed decisionmaking.” (*Save Our Capitol!*, *supra*, 87 Cal.App.5th at p. 703.)

An EIR violates CEQA when the alternatives analyzed therein “do not contribute to a reasonable range of alternatives that fostered informed public participation and decision-making.” (*Save Our Capitol!*, *supra*, 87 Cal.App.5th at p. 703.) This occurs when an EIR does not consider any alternative that would feasibly attain most of the project’s objectives while also lessening the project’s significant impacts on the environment. (*Ibid.*) Accordingly, a public agency violates CEQA when it defines its project objectives so narrowly that it “preclude[s] any alternative other

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Accordingly, “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.” (*Ibid.*)

A key component of the project description is the “statement of the objectives sought by the proposed project.” (State CEQA Guidelines, § 15124(b); *Washoe Meadows, supra*, 17 Cal.App.5th at p. 287.)

Here, however, the EIR does not provide an accurate and stable statement of the proposed Project’s objectives. The key project objective emphasized in the EIR is to “comply[] with the statutory mandate to adopt a primary drinking water standard for hexavalent chromium, as required by Health and Safety Code section 116365.5.” (EIR, p. 25-4.) The EIR rejects all alternatives to the proposed MCL of 10 ppb on the basis that “the State Water Board is legally required to adopt a primary drinking water standard that is as close as feasible to the corresponding public health goal” (‘PHG’) established by OEHHA as required by Health and Safety Code section 116365.” (EIR, p. 26-7.) But, as discussed below, it is unclear what OEHHA’s PHG for chromium-6 will be when the Project is proposed to go into effect two to four years from now.

In July 2011, OEHHA established a 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 EIR’s range of alternatives are fully health protective.

OEHHA’s PHG for chromium-6 of 0.02 ppb is subject to imminent change. In October 2016, OEHHA announced that substantial new information warrants a review of the chromium-6 PHG, which to date has not been performed. More recently, in March 2023, OEHHA announced that it would be “completing the update” of the chromium-6 PHG that it had initiated in 2016.

OEHHA’s potential revision of its PHG for chromium-6 has significant CEQA ramifications. Again, the EIR eliminates all project alternatives on the basis that the State Water Board must adopt a drinking water standard for chromium-6 “that is as close as feasible to [OEHHA’s] corresponding public health goal” of .02 ppb that is technologically and economically feasible. (See EIR, p. 26-7; see also Health & Safety Code, § 116365(a)-(b).)

The EIR further provides that the project will not go into effect—i.e., that water agencies need not take actions to comply with the MCL—until between two and four years after the State Water Board certifies the EIR and adopts its chromium-6 MCL. (EIR, p. S-1.) This is problematic because in the next two to four years OEHHA could revise its PHG for chromium-6 significantly upward based on new information. This is not unrealistic, as the Environmental Protection

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EIR must be revised to address the deficiencies raised herein. The revised EIR must then be recirculated to the public pursuant to State CEQA Guidelines section 15088.5.

**11. Conclusion.**

The City 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 the City's input.

Sincerely,

Kathleen Salguero Trepa, City Manager

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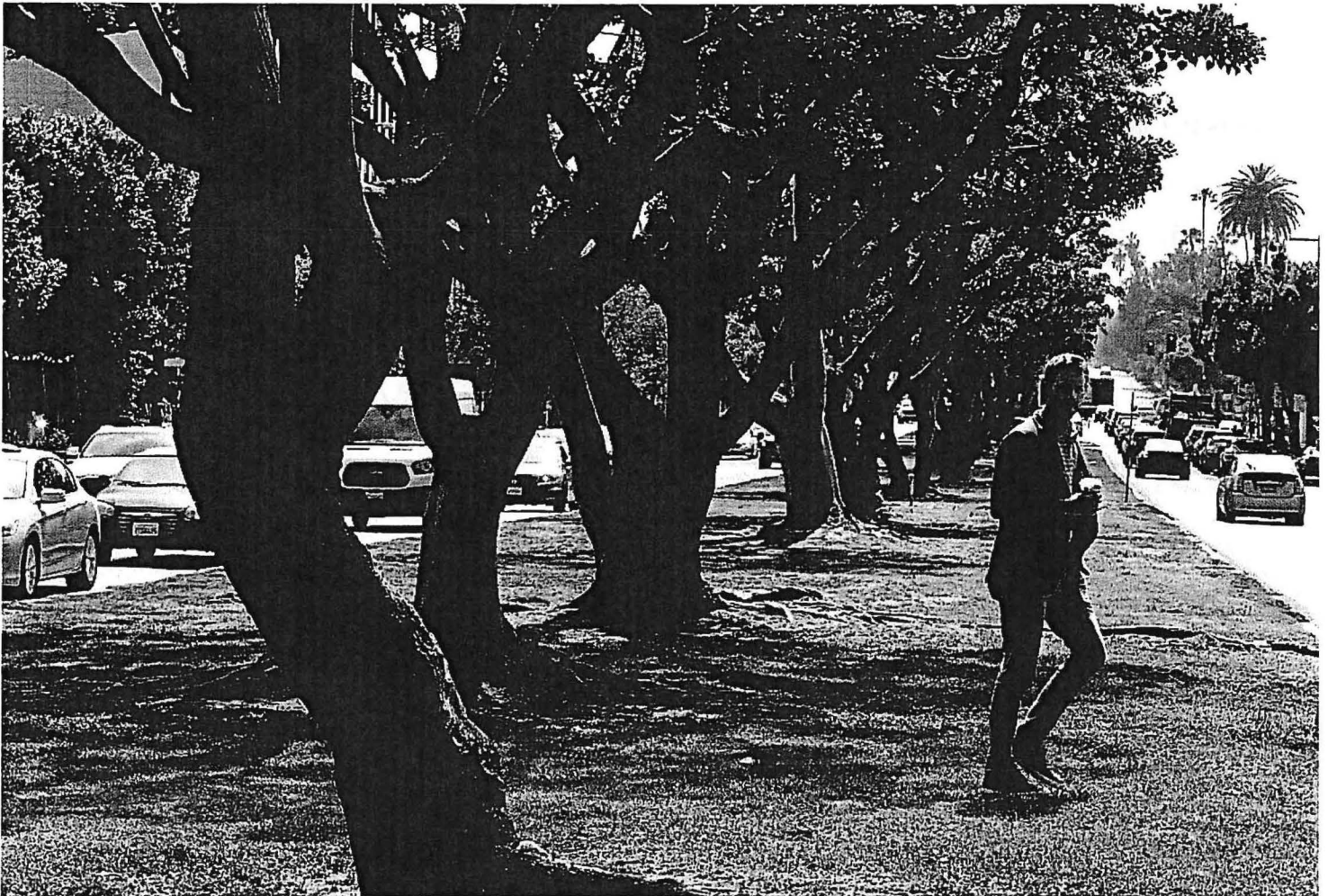
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CLIMATE & ENVIRONMENT

# California is moving to outlaw watering some grass that's purely decorative



A pedestrian crosses a median as traffic passes along San Vicente Blvd. in Brentwood in May 2022. California legislators passed a water-saving bill banning the use of drinking water on decorative grass outside businesses and along streets. (Genaro Molina/Los Angeles Times)

BY IAN JAMES | STAFF WRITER

SEPT. 13, 2023 3 AM PT

Outdoor watering accounts for roughly half of total water use in Southern California's cities and suburbs, and a large portion of that water is sprayed from sprinklers to keep grass green.



Under a bill passed by state legislators this week, California will soon outlaw using drinking water for some of those vast expanses of grass — the purely decorative patches of green that are mowed but never walked on or used for recreation.

Grass covers an estimated 218,000 acres in the Metropolitan Water District of Southern California's six-county area. Nearly a quarter of that, or up to 51,000 acres, is categorized as "nonfunctional" turf — the sort of grass that fills spaces along roads and sidewalks, in front of businesses, and around parking lots.

This unused grass covers an area roughly 12 times the size of Griffith Park. By eliminating this grass and replacing it with landscaping that fits Southern California's arid climate, the district estimates the region could reduce total water use by nearly 10%.

"That will make a big dent in the water that's currently wasted on outdoor water use," said Adán Ortega Jr., chair of the MWD board.



WORLD & NATION

**Facing Colorado River shortage, 30 urban suppliers pledge to target decorative grass**

Nov. 17, 2022

Ortega said the legislation is overdue.

"Wasteful outdoor irrigation is a major challenge to our ability to adapt to climate change," Ortega said.

The bill was passed by the state Senate in a 28-10 vote Monday and is now awaiting Gov. Gavin Newsom's signature.

The legislation prohibits using drinking water for purely decorative grass along roads, in medians and outside businesses and in common areas of homeowners associations.

The bill, [AB 1572](#), was introduced by Assemblymember Laura Friedman (D-Glendale). It outlaws the use of potable water for nonfunctional grass at commercial, industrial, municipal and institutional properties.

The ban will take effect in phases between 2027 and 2031. The legislation includes exceptions for grass in sports fields, parks, cemeteries, areas used for activities, and other “community spaces.” Also exempt are areas where grass is irrigated with recycled water.

“It’s a no-brainer. It’s grass that you look at but never use for anything,” Friedman said. “It means moving to things like natives and drought-resistant plants, which by the way look gorgeous.”

Friedman said that at her home, for example, she ditched nonnative ivy years ago and now has a flourishing native garden with poppies, lupines, fragrant salvias and oak trees.

While the legislation outlaws purely decorative grass in most common areas of homeowners associations, it won’t affect residential lawns.

Grass outside apartment complexes, which originally was included in the bill, was removed from the legislation after some city officials and managers of water agencies raised concerns about how they would enforce the restrictions, and about the costs for low-income communities.



CALIFORNIA

**California bans watering ‘nonfunctional’ grass in some areas, strengthening drought rules**

May 24, 2022

The legislation will make permanent a measure that California water regulators adopted last year during the drought — and readopted for another year in May — banning the use of drinking water to irrigate nonfunctional grass at businesses and institutions that isn't used for recreational or other community activities.

In adopting the water-saving measure, California is following Nevada's lead. The Nevada Legislature in 2021 passed a law that bans watering purely decorative grass along streets, on medians, at homeowners associations, apartment complexes, businesses and other properties starting in 2027.

The bill is an important step in working toward California's water goals, said Heather Cooley, director of research for the Pacific Institute, a water think tank in Oakland.

“As we're facing climate change, as we're facing continued growth, we have to be smarter about how we use water,” Cooley said. “And so taking out these grass areas that no one is using is really a smart move to prepare our communities for the more variable and uncertain climate that we are now facing.”

She said the legislation also will help cities move toward the state's planned conservation targets, which in the coming years will require urban suppliers to have water budgets and begin achieving efficiency standards.

The push to use less water on grass in cities and suburbs has been driven partly by the chronic shortages on the shrinking Colorado River, where reservoirs have reached low levels in recent years, prompting negotiations on plans for reducing water use. Leaders of water agencies have also been discussing ways of achieving water savings in agriculture, which consumes roughly 80% of the river's water, a large portion of it for alfalfa and other cattle-feed crops.

In cities across the West, areas with unused grass have become a major target for urban water managers as they look for ways to quickly and permanently reduce water use. Some officials have been talking about nonfunctional turf so much that they abbreviate it with the acronym “NFT.”

The efforts to move away from grass also reflect a shift in aesthetics and values, linked to growing scarcity and simple economics. Where once it might have seemed acceptable to line suburban streets with lush landscapes reminiscent of English estates, there is now widespread agreement that it doesn’t make sense for cities to pump water long distances and treat it to drinking water standards — only to spray it on grass that serves no real purpose.



CLIMATE & ENVIRONMENT

**With California expected to lose 10% of its water within 20 years, Newsom calls for urgent action**

Aug. 11, 2022

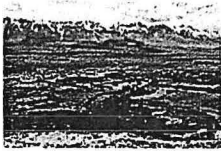
Last year, the leaders of 30 water agencies that supply cities from Denver to San Diego signed an agreement setting a goal of removing 30% of the existing nonfunctional grass — and replacing it with “drought- and climate-resilient landscaping,” while also maintaining trees.

Conservation advocates have touted various benefits: eliminating unneeded grass not only saves valuable water and reduces delivery costs, but also cuts down on the energy used to pump and treat water.

The bill’s timeline will outlaw using potable water for nonfunctional grass at many properties owned by local governments starting in 2027, followed by commercial and industrial properties starting in 2028, and common areas of homeowners associations in 2029.

The legislation allows local agencies in disadvantaged communities additional time beyond 2031 if necessary to secure state funds to pay for replacing turf with low-water-use landscaping. It also offers flexibility for special circumstances, saying the State Water Resources Control Board may postpone a deadline for up to three years in the event of “economic hardship, critical business need, and potential impacts to human health or safety.”

After several revisions, the bill was supported by the Association of California Water Agencies, which represents about 460 public water suppliers.



CLIMATE & ENVIRONMENT

**Sweeping California water conservation rules could force big cuts in some areas**

Sept. 7, 2023

Cash rebates are available in Southern California and other parts of the state to help property owners with the costs of taking out grass and putting in landscaping that uses less water.

The MWD has a turf replacement program that pays a base rebate of \$2 per square-foot of grass removed and replaced with water-efficient landscaping. The rebate is available to homeowners as well as businesses and other property owners. Some of the MWD’s 26 member agencies, including cities and other water suppliers, offer additional rebates, in many cases \$1 but in some areas up to \$3 per square-foot of lawn removed.

In June, the MWD received a state grant to increase the district’s base rebate to \$3 for commercial, industrial and institutional properties, said Rebecca Kimitch, a spokesperson for the agency. Officials expect to make the higher rebates available starting later this year, and are also seeking funds from the federal government to support its rebates for grass removal.

According to the district, the rebates paid out to date have already led to the removal of more than 4,500 acres of grass, saving enough water to supply more than 60,000 average homes.

Studies commissioned by the district have found that for every 100 homes where customers took out grass using a rebate, an additional 132 nearby homeowners were inspired to get rid of their lawns without receiving a rebate — something the district’s managers have called “the halo effect.”

Last year, the district’s board passed a resolution urging cities and water agencies across Southern California to enact local ordinances prohibiting the use of potable water for nonfunctional grass outside businesses and along roads, as well as in new home construction.

“There’s a huge opportunity there,” said Adel Hagekhalil, MWD’s general manager. “If it’s not being used by somebody, it’s just wasting water. And water is so valuable.”

Another bill introduced by Friedman, AB 1573, would have prohibited nonfunctional grass at new or renovated non-residential developments, and would have required more native plants for those properties. Friedman said the measure was intended to help the state’s struggling ecosystems and give a boost to butterflies and other pollinators.

But amendments adopted in the Senate Appropriations Committee would have weakened the measures, including by allowing nonnative plants. And Friedman responded by shelving the legislation.

Another bill, SB 676, which the Assembly passed on Tuesday, empowers cities and counties to ban or restrict the installation of artificial turf on residential properties — something they were prevented from doing under previous legislation that was adopted in 2015.

Supporters of the bill, which was introduced by Sen. Ben Allen (D-Santa Monica), said artificial turf poses significant environmental problems. They pointed to [research](#) showing that microplastics from artificial turf end up washing into streams and the ocean, and that harmful [PFAS chemicals](#) have also been found in artificial turf.

The measure changes the law to specify that cities and counties may not prohibit the installation of drought-tolerant landscaping “using living plant material,” but may outlaw artificial turf.

Another approved bill, [AB 1423](#), bans the manufacturing and sale of artificial turf containing PFAS chemicals. That bill is also awaiting the governor’s signature.



Ian James

Ian James is a reporter who focuses on water in California and the West. Before joining the Los Angeles Times in 2021, he was an environment reporter at the Arizona Republic and the Desert Sun. He previously worked for the Associated Press as a correspondent in the Caribbean and as bureau chief in Venezuela. He is originally from California.





## AB-1572 Potable water: nonfunctional turf. (2023-2024)

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AMENDED IN SENATE SEPTEMBER 05, 2023

AMENDED IN SENATE AUGUST 16, 2023

AMENDED IN SENATE JULY 10, 2023

AMENDED IN SENATE JUNE 19, 2023

AMENDED IN ASSEMBLY MAY 18, 2023

AMENDED IN ASSEMBLY APRIL 20, 2023

AMENDED IN ASSEMBLY APRIL 11, 2023

CALIFORNIA LEGISLATURE—2023–2024 REGULAR SESSION

**ASSEMBLY BILL**

**NO. 1572**

**Introduced by Assembly Member Friedman  
(Coauthor: Senator Stern)**

**February 17, 2023**

An act to amend Sections 10540, 10608.12, and 10608.22 of, to add Section 110 to, and to add Chapter 2.5 (commencing with Section 10608.14) to Part 2.55 of Division 6 of, the Water Code, relating to water.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1572, as amended, Friedman. Potable water: nonfunctional turf.

(1) Existing law establishes various state water policies, including the policy that the use of water for domestic purposes is the highest use of water.

This bill would make legislative findings and declarations concerning water use, including that the use of potable water to irrigate nonfunctional turf is wasteful and incompatible with state policy relating to climate change, water conservation, and reduced reliance on the Sacramento-San Joaquin Delta ecosystem. The bill would direct all appropriate state agencies to encourage and support the elimination of irrigation of nonfunctional turf with potable water.

(2) Existing law, the Integrated Regional Water Management Planning Act, authorizes a regional water management group to prepare and adopt an integrated regional water management plan in accordance with



specified requirements, including, among other things, the identification and consideration of the water-related needs of disadvantaged communities in the area within the boundaries of the plan.

This bill would additionally require an integrated regional water management plan to address the identification and consideration of the water-related needs of owners and occupants of affordable housing, including the removal and replacement of nonfunctional turf.

(3) Existing law provides various findings and declarations of the Legislature related to sustainable water use and demand reduction. Existing law imposes various water use reduction requirements that apply to urban retail water suppliers, including a requirement that the state achieve a 20% reduction in urban per capita water use by December 31, 2020.

This bill would prohibit the use of potable water, as defined, for the irrigation of nonfunctional turf located on commercial, industrial, and institutional properties, other than a cemetery, and on properties of homeowners' associations, common interest developments, and community service organizations or similar entities, as specified. The bill would authorize the State Water Resources Control Board to create a form for compliance certification and would require owners of covered properties to certify their compliance, as specified. The bill would authorize a public water system, city, county, or city and county to enforce these provisions, as specified. The bill would require the Governor's Office of Business and Economic Development to support small and minority-owned businesses that provide services that advance compliance with these provisions.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

### **SECTION 1.** Section 110 is added to the Water Code, to read:

**110.** (a) The Legislature hereby finds and declares all of the following:

(1) The use of potable water to irrigate nonfunctional turf is wasteful and incompatible with state policy relating to climate change, water conservation, and reduced reliance on the Sacramento-San Joaquin Delta ecosystem.

(2) The Governor reported in August 2022 that climate change will bring significant enduring reductions in California's water supply and that the state must take steps to respond to this reality.

(3) The State of Nevada enacted AB 356 in 2021 to prohibit the use of Colorado River water to irrigate nonfunctional turf on all properties except single-family residences by January 1, 2027.

(b) It is the intent of the Legislature that the irrigation of grasses for agricultural production shall not be limited by requirements to eliminate the use of potable water to irrigate nonfunctional turf.

(c) The Legislature hereby directs all appropriate state agencies to encourage and support the elimination of irrigation of nonfunctional turf with potable water.

### **SEC. 2.** Section 10540 of the Water Code is amended to read:

**10540.** (a) A regional water management group may prepare and adopt an integrated regional water management plan in accordance with this part.

(b) A regional water management group may coordinate its planning activities to address or incorporate all or part of any of the following actions of its members into its plan:

(1) Groundwater management planning pursuant to Part 2.75 (commencing with Section 10750), groundwater sustainability planning pursuant to Part 2.74 (commencing with Section 10720), or other specific groundwater management authority.

(2) Urban water management planning pursuant to Part 2.6 (commencing with Section 10610).

(3) The preparation of a water supply assessment required pursuant to Part 2.10 (commencing with Section 10910).

(4) Agricultural water management planning pursuant to Part 2.8 (commencing with Section 10800).

(5) City and county general planning pursuant to Section 65350 of the Government Code.

(6) Stormwater resource planning that is undertaken pursuant to Part 2.3 (commencing with Section 10560).

(7) Other water resource management planning, including flood protection, watershed management planning, and multipurpose program planning.

(c) At a minimum, all plans shall address all of the following:

(1) Protection and improvement of water supply reliability, including identification of feasible agricultural and urban water use efficiency strategies.

(2) Identification and consideration of the drinking water quality of communities within the area of the plan.

(3) Protection and improvement of water quality within the area of the plan, consistent with the relevant basin plan.

(4) Identification of any significant threats to groundwater resources from overdrafting.

(5) Protection, restoration, and improvement of stewardship of aquatic, riparian, and watershed resources within the region.

(6) Protection of groundwater resources from contamination.

(7) Identification and consideration of the water-related needs of disadvantaged communities and owners and occupants of affordable housing, including the removal and replacement of nonfunctional turf, as defined in Section 10608.12, in the area within the boundaries of the plan.

(d) This section does not obligate a local agency to fund the implementation of any project or program.

**SEC. 3.** Section 10608.12 of the Water Code is amended to read:

**10608.12.** Unless the context otherwise requires, the following definitions govern the construction of this part:

(a) "Affordable housing" has the same meaning as defined in Section 34191.30 of the Health and Safety Code.

(b) "Agricultural water supplier" means a water supplier, either publicly or privately owned, providing water to 10,000 or more irrigated acres, excluding recycled water. "Agricultural water supplier" includes a supplier or contractor for water, regardless of the basis of right, that distributes or sells water for ultimate resale to customers. "Agricultural water supplier" does not include the department.

(c) "Base daily per capita water use" means any of the following:

(1) The urban retail water supplier's estimate of its average gross water use, reported in gallons per capita per day and calculated over a continuous 10-year period ending no earlier than December 31, 2004, and no later than December 31, 2010.

(2) For an urban retail water supplier that meets at least 10 percent of its 2008 measured retail water demand through recycled water that is delivered within the service area of an urban retail water supplier or its urban wholesale water supplier, the urban retail water supplier may extend the calculation described in paragraph (1) up to an additional five years to a maximum of a continuous 15-year period ending no earlier than December 31, 2004, and no later than December 31, 2010.

(3) For the purposes of Section 10608.22, the urban retail water supplier's estimate of its average gross water use, reported in gallons per capita per day and calculated over a continuous five-year period ending no earlier than December 31, 2007, and no later than December 31, 2010.

(d) "Baseline commercial, industrial, and institutional water use" means an urban retail water supplier's base daily per capita water use for commercial, industrial, and institutional users.

(e) "CII water use" means water used by commercial water users, industrial water users, institutional water users, and large landscape water users.

(f) "Commercial water user" means a water user that provides or distributes a product or service.

(g) "Common area" means that portion of a ~~multifamily residential property~~ or common interest development or of a property owned or managed by a homeowners' association or a community service organization or similar entity that is not assigned or allocated to the exclusive use of the occupants of an individual dwelling unit within the property.

- (h) "Common interest development" has the same meaning as in Section 4100 of the Civil Code.
- (i) "Community service organization or similar entity" has the same meaning as in Section 4110 of the Civil Code.
- (j) "Community space" means an area designated by a property owner or a governmental agency to accommodate human foot traffic for civic, ceremonial, or other community events or social gatherings.
- (k) "Compliance daily per capita water use" means the gross water use during the final year of the reporting period, reported in gallons per capita per day.
- (l) "Disadvantaged community" means a community with an annual median household income that is less than 80 percent of the statewide annual median household income.
- (m) "Functional turf" means a ground cover surface of turf located in a recreational use area or community space. Turf enclosed by fencing or other barriers to permanently preclude human access for recreation or assembly is not functional turf.
- (n) "Gross water use" means the total volume of water, whether treated or untreated, entering the distribution system of an urban retail water supplier, excluding all of the following:
- (1) Recycled water that is delivered within the service area of an urban retail water supplier or its urban wholesale water supplier.
  - (2) The net volume of water that the urban retail water supplier places into long-term storage.
  - (3) The volume of water the urban retail water supplier conveys for use by another urban water supplier.
  - (4) The volume of water delivered for agricultural use, except as otherwise provided in subdivision (f) of Section 10608.24.
- (o) "Homeowners' association" means an "association" as defined in Section 4080 of the Civil Code.
- (p) "Industrial water user" means a water user that is primarily a manufacturer or processor of materials as defined by the North American Industry Classification System code sectors 31 to 33, inclusive, or an entity that is a water user primarily engaged in research and development.
- (q) "Institutional water user" means a water user dedicated to public service. This type of user includes, among other users, higher education institutions, schools, courts, churches, hospitals, government facilities, and nonprofit research institutions.
- (r) "Interim urban water use target" means the midpoint between the urban retail water supplier's base daily per capita water use and the urban retail water supplier's urban water use target for 2020.
- (s) "Large landscape" means a nonresidential landscape as described in the performance measures for CII water use adopted pursuant to Section 10609.10.
- (t) "Locally cost effective" means that the present value of the local benefits of implementing an agricultural efficiency water management practice is greater than or equal to the present value of the local cost of implementing that measure.
- ~~(u) "Multifamily residential property" means a property that includes a building containing more than four dwelling units.~~
- ~~(v)~~
- (u) "Nonfunctional turf" means any turf that is not functional turf, and includes turf located within street rights-of-way and parking lots.
- ~~(w)~~
- (v) "Performance measures" means actions to be taken by urban retail water suppliers that will result in increased water use efficiency by CII water users. Performance measures may include, but are not limited to, educating CII water users on best management practices, conducting water use audits, and preparing water management plans. Performance measures do not include process water.

~~(x)~~

(w) "Potable reuse" means direct potable reuse, indirect potable reuse for groundwater recharge, and reservoir water augmentation as those terms are defined in Section 13561.

~~(y)~~

(x) "Potable water" means water that is suitable for human consumption.

~~(z)~~

(y) "Process water" means water used by industrial water users for producing a product or product content or water used for research and development. Process water includes, but is not limited to, continuous manufacturing processes, and water used for testing, cleaning, and maintaining equipment. Water used to cool machinery or buildings used in the manufacturing process or necessary to maintain product quality or chemical characteristics for product manufacturing or control rooms, data centers, laboratories, clean rooms, and other industrial facility units that are integral to the manufacturing or research and development process is process water. Water used in the manufacturing process that is necessary for complying with local, state, and federal health and safety laws, and is not incidental water, is process water. Process water does not mean incidental water uses.

~~(aa)~~

(z) "Public water system" has the same meaning as defined in Section 116275 of the Health and Safety Code.

~~(ab)~~

(aa) "Recreational use area" means an area designated by a property owner or a governmental agency to accommodate human foot traffic for recreation, including, but not limited to, sports fields, golf courses, playgrounds, picnic grounds, or pet exercise areas. This recreation may be either formal or informal.

~~(ac)~~

(ab) "Recycled water" means recycled water, as defined in subdivision (n) of Section 13050.

~~(ad)~~

(ac) "Regional water resources management" means sources of supply resulting from watershed-based planning for sustainable local water reliability or any of the following alternative sources of water:

- (1) The capture and reuse of stormwater or rainwater.
- (2) The use of recycled water.
- (3) The desalination of brackish groundwater.
- (4) The conjunctive use of surface water and groundwater in a manner that is consistent with the safe yield of the groundwater basin.

~~(ae)~~

(ad) "Reporting period" means the years for which an urban retail water supplier reports compliance with the urban water use targets.

~~(af)~~

(ae) "Turf" has the same meaning as defined in Section 491 of Title 23 of the California Code of Regulations.

~~(ag)~~

(af) "Urban retail water supplier" means a water supplier, either publicly or privately owned, that directly provides potable municipal water to more than 3,000 end users or that supplies more than 3,000 acre-feet of potable water annually at retail for municipal purposes.

~~(ah)~~

(ag) "Urban water supplier" has the same meaning as defined in Section 10617.

~~(ai)~~

(ah) "Urban water use objective" means an estimate of aggregate efficient water use for the previous year based on adopted water use efficiency standards and local service area characteristics for that year, as described in Section 10609.20.

~~(aj)~~

(ai) "Urban water use target" means the urban retail water supplier's targeted future daily per capita water use.

~~(ak)~~

(aj) "Urban wholesale water supplier" means a water supplier, either publicly or privately owned, that provides more than 3,000 acre-feet of water annually at wholesale for potable municipal purposes.

**SEC. 4.** Chapter 2.5 (commencing with Section 10608.14) is added to Part 2.55 of Division 6 of the Water Code, to read:

**CHAPTER 2.5. Nonfunctional Turf**

**10608.14.** (a) The use of potable water for the irrigation of nonfunctional turf located on commercial, industrial, and institutional properties, other than a cemetery, and on properties of homeowners' associations, common interest developments, and community service organizations or similar entities is prohibited as of the following dates:

(1) All properties owned by the Department of General Services, beginning January 1, 2027.

(2) All properties owned by local governments, local or regional public agencies, and public water systems, except those specified in paragraph (5), beginning January 1, 2027.

(3) All other institutional properties and all commercial and industrial properties, beginning January 1, 2028.

(4) All common areas of properties of homeowners' associations, common interest developments, and community service organizations or similar entities, beginning January 1, 2029.

(5) All properties owned by local governments, local public agencies, and public water systems in a disadvantaged community, beginning January 1, 2031, or the date upon which a state funding source is made available to fund conversion of nonfunctional turf on these properties to climate-appropriate landscapes, whichever is later.

(b) Notwithstanding subdivision (a), the use of potable water is not prohibited by this section to the extent necessary to ensure the health of trees and other perennial nonturf plantings, or to the extent necessary to address an immediate health and safety need.

(c) The board may, upon a showing of good cause for reasons including economic hardship, critical business need, and potential impacts to human health or safety, postpone a compliance deadline in subdivision (a) by up to three years for certain persons, institutions, and businesses, and may create a form to be used for compliance certification to the board by property owners.

(d) Public water systems shall, by no later than January 1, 2027, revise their regulations, ordinances, or policies governing water service to include the requirements of subdivisions (a) and (b), as revised by the board pursuant to subdivision (c), and shall communicate the requirements to their customers on or before that date.

(e) (1) An owner of commercial, industrial, or institutional property with more than 5,000 square feet of irrigated area other than a cemetery shall certify to the board, commencing June 30, 2030, and every three years thereafter through 2039, that their property is in compliance with the requirements of this chapter.

(2) An owner of a property with more than 5,000 square feet of irrigated common area that is a homeowners' association, common interest development, or community service organization or similar entity shall certify to the board, commencing June 30, 2031, and every three years thereafter through 2040, that their property is in compliance with the requirements of this chapter.

(f) Noncompliance by a person or entity with this chapter or regulations adopted thereunder shall be subject to civil liability and penalties set forth in Section 1846, or to civil liability and penalties imposed by an urban retail water supplier pursuant to a locally adopted ordinance or policy.

(g) (1) A public water system, city, county, or city and county may enforce the provisions of this chapter.

(2) To avoid duplication of enforcement, any entity identified in paragraph (1) that is not a retail public water system shall notify the retail public water system 30 days prior to enforcement of the provisions of this chapter against a property served by such system.

(3) Nothing in paragraph (2) shall preclude enforcement by any entity identified in paragraph (1) once adequate notice is given.

(h) The department shall, when using funds appropriated for water conservation for turf replacement, prioritize financial assistance for nonfunctional turf replacement to public water systems serving disadvantaged communities and to owners of affordable housing.

(i) The department shall utilize the [saveourwater.com](http://saveourwater.com) internet website and outreach campaign to provide information and resources on converting nonfunctional turf to native vegetation.

(j) The Governor's Office of Business and Economic Development shall support small and minority-owned businesses that provide services that advance compliance with this chapter.

**SEC. 5.** Section 10608.22 of the Water Code is amended to read:

**10608.22.** Notwithstanding the method adopted by an urban retail water supplier pursuant to Section 10608.20, an urban retail water supplier's per capita daily water use reduction shall be no less than 5 percent of base daily per capita water use as defined in paragraph (3) of subdivision (c) of Section 10608.12. This section does not apply to an urban retail water supplier with a base daily per capita water use at or below 100 gallons per capita per day.



# Monthly Briefing

*A Summary of the Alliance's Recent and Upcoming Activities and Important Water News*

## 2023 Farmer Lobbyists to Visit D.C. this Month *On the Hill, C.R. Viewed to Finalize Approps, '23 Farm Bill*

The Family Farm Alliance 2023 Farmer Lobbyists will descend on Washington, D.C. later this month, just as Congress will be scrambling to reach agreement on Fiscal Year 2024 federal spending and avoid a government shutdown.

"This year's farmer lobbyist trip will once again present a unique opportunity for Alliance members to share with Members of Congress and the Biden Administration the important issues that impact Western irrigated agriculture," said Mark Limbaugh with The Ferguson Group, the Alliance's representative in Washington.

Congress late last month left D.C. for August recess. The Senate returns to Washington on September 5th and the House on September 12th.

### Appropriations Challenges

House and Senate FY 2024 appropriations bills have moved through their respective committees but a gap of more than \$100 billion that will make bicameral talks espe-

cially challenging ahead of the September 30 deadline to avoid a government shutdown. The difference might get even bigger if House conservatives are successful in adding

even more spending cuts into the House bills.

According to a recent report in *The Hill*, the conservative Freedom Caucus said its members will oppose any spending measure that does not address three policy areas: The border, the "weaponization" of the Department of Justice and FBI, and "woke" policies in the military.

"As Congress continues to work to pass appropriations bills, we must rein in the

reckless inflationary spending, and the out-of-control federal bureaucracy it funds, crushing the American people," the official Freedom Caucus position said. "We remain committed to restoring the true FY 2022 topline spending level of \$1.471 trillion without the use of gimmicks or reallocated rescissions to return the bureaucracy to its pre-COVID size while allowing for adequate defense funding."



*The 2022 Family Farm Alliance farmer lobbyists, following a Western drought briefing at the Capitol Hill Visitor's Center in Washington, D.C., September 29, 2022.*

*Continued on Page 2*

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**2023 Farmer Lobbyist Fly-in to D.C. (Cont'd from Pg. 1)**

The House is scheduled to return on September 12, and will have a full schedule for the month, including passing the remaining 11 annual appropriations bills and reconciling differences with the Senate over the course of just 12 planned workdays that month.

Barring an almost impossible task of passing all 12 bills and conferencing the huge spending differences between the House and Senate, a stopgap continuing resolution (CR) will need to be enacted to keep the government open after the end of the fiscal year on September 30.

Speaker Kevin McCarthy (R-Calif.) has already said he intends to pass a stopgap measure to keep the government funded through early December as the Sept. 30 deadline approaches.

**Implications for the 2023 Farm Bill**

House Republicans failed to hold a vote before their August recess on the House Agriculture-FDA appropriations bill as conservatives pushed for more cuts. Members of the Freedom Caucus are still demanding steep cuts to the ag portions of the bill, not just nutrition programs.

The Freedom Caucus' insistence on cutting farm programs is likely a bad sign for the farm bill — as those demands are nearly certain to resurface.

The farm bill is an omnibus, multiyear law that is typically renewed about every five years.

"All signs point to a short-term extension for several Farm Bill-related provisions from the 2018 Farm Bill covering numerous food and nutrition policies and programs," said Mr. Limbaugh.

Like government funding, the Farm Bill expires on September 30, 2023, creating a critical time crunch for lawmakers, who have yet to release draft text of the legislation. Given the delays from the debt ceiling and appropriations negotiations, lawmakers have yet to release the draft text of the Farm Bill legislation in both chambers.

Leaders in the House and Senate, Rep. G.T. Thompson (R-Penn.) and Sen. Debbie Stabenow (D-Mich.) have mentioned their desire to share draft legislation soon.

Congress will still deliver a farm bill but it won't be in

September, Senate Minority Leader Mitch McConnell (R-KY) recently told the Kentucky Farm Bureau. Senate Agriculture Chairwoman Stabenow has shifted the time horizon for a finished bill ready for the president's signature to December without flatly declaring the Sept. 30 deadline moot, according to *Roll Call*.

"The committee is continuing to work toward a bipartisan bill that can be signed into law by the end of the calendar year," Senator Stabenow has said, according to the committee. "It is not uncommon for Congress to pass the September 30th deadline without passing an extension of the Farm Bill."

This is what happened in 2018, when Congress did not pass an extension, and the Farm Bill was signed into law in December.

Key topics of debate between Democrats and Republicans include SNAP (food stamp assistance) and funding levels for climate change and rural energy programs.


**Good Timing for This Year's Fly-in**

This year's Alliance fly-in to D.C. is scheduled for the week of September 25. Farmer lobbyists from eight Western states will engage directly with high-level Biden Administration officials, Congressional Members and committee staff, and gain insight into what lawmakers and policymakers are saying about the issues impacting Western irrigated agriculture. The farmer lobbyists will engage in about thirty meetings in a 2 ½ day period across Capitol Hill and with agency leaders downtown.

Key topics of discussion with Congressional agriculture and water committees will focus on water legislation, agency implementation of the Bipartisan Infrastructure Law (BIL) and Inflation Reduction Act (IRA), and the 2023 Farm Bill.

Biden Administration department and agency meetings will focus on BIL and IRA progress, Colorado River post-2026 operating guidelines, and Western forest health matters.

"We have more farmer lobbyists going back this year than ever before," said Alliance Executive Director Dan Keppen. "The timing of our arrival couldn't be better."



**Eastern Washington Family Farm Alliance Tour**  
 Tour of Columbia River Project and Yakima Basin Agriculture Industry  
 Fundraising Dinner  
 September 11-13, 2023

**Tri-tip & lamb BBQ dinner prepared by the Washington State Cattle Feeders Association**

**September 13, 2023  
 5:30 p.m. - 9:30 p.m.**

**For more information:  
 Go to <https://www.familyfarmalliance.org>**





## Comment Period Closes on Service’s Proposed ESA Rule Revisions Alliance Letter Outlines Concerns, Reiterates Support for 2020 Rule

The Biden Administration’s U.S. Fish and Wildlife Service (“FWS”) and National Marine Fisheries Service (collectively, “the Services”) on August 21 closed the comment period on three proposed rules related to implementation of the Endangered Species Act (“ESA”).

The Family Farm Alliance and other organizations representing individuals and businesses impacted by federal agency implementation of the ESA submitted formal comments expressing concerns to the Services on the proposed rule.

“All three proposed rules essentially roll back rules from the previous administration that our organization strongly supported,” said Alliance Executive Director Dan Keppen. “We maintain the position of support that we placed behind the substance and process used to finalize the 2020 ESA rules that have been rescinded and rewritten.”

In general terms, one of the three proposed rules seeks to revise regulations regarding interagency consultation, including broadening the scope of the Services’ conditioning authority. Another would reinstate a blanket protection for threatened species managed by FWS. The third intends to clarify any “misconceptions” created by the Trump administration when it removed language in 2019 referencing economic impacts within the context of the classification process.

### Food Producers at Risk from ESA-driven Litigation

The Biden Administration agreed to rewrite the three ESA rules in response to a lawsuit filed by Earthjustice on behalf of the Center for Biological Diversity (CBD), Defenders of Wildlife, the Sierra Club, the Natural Resources Defense Council, and other litigious environmental organizations. Some of these same groups recently launched “mass mail” campaigns, making it easier for participants to quickly send canned comments to the federal government. CBD announced it and other environmental organizations had gathered more than 165,000 commenters.

“(T)he American people overwhelmingly support stronger protections for our most endangered animals and plants”, Stephanie Kurose, senior endangered species policy specialist at the Center for Biological Diversity, told *Greenwire*.

Sadly, some of these same environmental groups have greatly abused the original intent of environmental statutes like the ESA, in order to find procedural flaws in agency actions, sue the government, and sometimes receive millions of federal taxpayer dollars in attorney fees for settling or winning these cases which in turn, allows them to continue litigating against the government.

“Unfortunately, it’s not just the federal government who “loses” in these situations,” said Mr. Keppen. “Also harmed are thousands of family farmers and ranchers whose primary source of water needed to produce food is provided by these projects. ESA-driven litigation has created tremendous hardship for food producers in California’s Central Valley, the Klamath Basin, and Oregon’s Deschutes Basin.”

The Alliance has consistently and strongly supported efforts to reform the ESA and its implementing regulations –

like the effort initiated by the Trump Administration - to provide clearer direction to the agencies in applying and enforcing the law.

The Alliance in November 2021 developed a detailed comment letter to the Services that reaffirmed the support the organization placed behind the substance and process used to finalize the 2020 ESA rules that were rescinded by the current administration.

“This time around, we developed another comment letter that leans heavily on three very detailed letters prepared by the National Endangered Species Act Coalition,” said Mr. Keppen. “We also restate our support for the rules promulgated by the previous administration.”

The Alliance’s comment letter can be viewed at [Regulations.gov](https://www.regulations.gov) by using the following tracking numbers:

- Regulations Pertaining to Endangered and Threatened Wildlife and Plants - Comment Tracking Number III-1w4p-1gfg
- Interagency Cooperation - Comment Tracking Number III-20qh-scv9
- Endangered and Threatened Species: Listing and Designating Critical Habitat – Comment Tracking Number III-29j4-7x6x

December of this year will mark the 50<sup>th</sup> Anniversary of the ESA.

### The Staggering Cost of Recovering Listed Species

Starting around May 19 – Endangered Species Day - the Biden Administration and Republicans on Capitol Hill have been advancing differing ESA initiatives.

For example, the Western Congressional Caucus – now comprised of 100 GOP Members of Congress, and the second largest caucus on Capitol Hill – used “Species Week” last May as an opportunity to highlight how environmental litigants have used the ESA to harm Western rural communities dependent on natural resources. The Caucus launched a series of op-eds, staff briefings, and podcasts, calling for new ways to implement the 50-year-old Act.

The Biden Administration Department of the Interior used Endangered Species Day as an opportunity to announce a \$62.5 million investment from the Inflation Reduction Act (IRA) to help plan for endangered species recovery efforts that will be implemented over the next several years intended to benefit more than 300 species currently listed under the ESA.

“This infusion of IRA funding will allow us to hire additional biologists so we can ensure recovery plans are in place to provide the roadmaps for on-the-ground implementation actions that are necessary to recover species and remove them from the ESA,” said FWS Director Martha Williams at the time. “America’s fish, wildlife and plant resources belong to

*Continued on Page 4*

## Alliance Welcomes A New Board Member: Jim Yahn from Colorado

The Family Farm Alliance last month in a special board meeting unanimously supported the appointment of Jim Yahn, the General Manager of the North Sterling Irrigation District, to be the second Alliance board member from Colorado.

“Jim comes from the South Platte country, with statewide experience, and a strong passion to protect agriculture,” said Don Schwindt, who has represented Colorado on the Alliance board since the organization’s inception. “I am pleased with the board’s decision.”

Mr. Yahn and his wife Tracy farm and ranch in their spare time and are the parents of two grown children, Hannah and Austin.

Mr. Yahn has been the manager of the North Sterling and Prewitt Reservoirs for over 27 years. He is responsible for overseeing the diversion and distribution of water to over 350 farmers. Together the reservoirs are a source of irrigation water for approximately 70,000 acres.

“I’ve been involved in Colorado water for years and this has given me the opportunity to tell the story of irrigated agriculture to a wide variety of audiences in Colorado,” said Mr. Yahn.

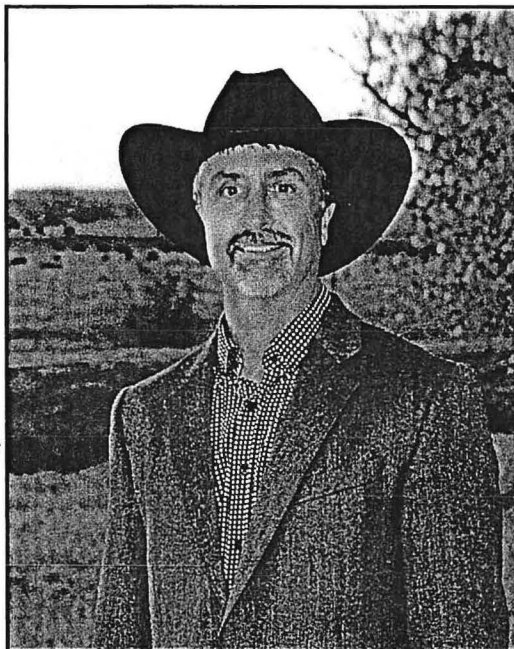
Mr. Yahn is a registered professional engineer, receiving his B.S. in Agricultural Engineering from Colorado State Uni-

versity. Prior to his employment with the North Sterling and Prewitt he worked as a private consulting engineer in Fort Collins for 5 years. He is a native of Colorado growing up on a family ranch, which used water from the North Sterling Reservoir System.

“Through my involvement in Colorado water, I have also had the opportunity to listen to representatives of Family Farm Alliance speak at conferences from time to time,” he said. “During those times, I was always impressed with the knowledge, relevance, and ability of Alliance leaders to articulate the issues facing agricultural producers and help the audience better understand irrigated agriculture.”

In June of 2016, Mr. Yahn was appointed by the Governor to the Colorado Water Conservation Board to serve as the South Platte Director. He was reappointed in April of 2018 and is the past Chairman of the Board. Mr. Yahn has been a member of the South Platte Basin Roundtable since its inception in 2005, served as chair from 2009 – 2012, and currently serves as the roundtable’s representative to the Interbasin Compact Committee.

“Being asked to serve on the board is an honor and I look forward to listening to and learning from everyone involved in the Family Farm Alliance organization and doing whatever I can to continue to protect the culture and livelihood of those involved in irrigated agriculture in the West,” he said.



*Jim Yahn (COLORADO), the Family Farm Alliance’s newest board member.*

## The Staggering Cost of Recovering Listed Species (Cont’d from Pg 3)

all of us, and ensuring the recovery of threatened and endangered species is a shared responsibility.”

However, in recent months, the cost to actually recover those listed species is catching the attention of Western GOP Members of Congress.

A draft FWS recovery plan shows that it could cost \$2.8 billion over the next 40 years to save the federally protected Oregon spotted frog and remove it from the list of threatened species.



*The \$2.8 billion frog. Oregon Spotted Frog, listed as “threatened” under the ESA. Photo source: USFWS*

Species with other high recovery plan costs include 44 Hawaiian island species (\$6.5 billion), the red wolf (\$256 million), and the Colorado pikeminnow (\$179 million).

“It is absolutely possible to question the cost of the ESA without questioning the need to protect species,” said House Water, Wildlife and Fisheries Subcommittee Chairman Cliff Bentz (R-OREGON) at a July 18 hearing.

“Cost does matter,” said Chairman Bentz. “Money isn’t free.”

## Alliance Applauds Senate Introduction of Healthy Watersheds Act *Bill Will Increase Flexibility & Reduce Red Tape in Watershed Program*

The Family Farm Alliance and other agricultural and conservation organizations are publicly thanking U.S. Senators Michael Bennet (D-COLORADO), Deb Fischer (R-NEBRASKA) and Jeff Merkley (D-OREGON) for introducing S.2636, the Healthy Watersheds and Healthy Communities Act, legislation that will help American agriculture and communities become more resilient to drought and flooding by improving the Natural Resources Conservation Service’s (NRCS) Watershed and Flood Prevention Operations program (also known as “PL-566”).

“PL-566 has a strong track record of helping farmers, ranchers and local water management agencies with efforts to modernize water systems across the West,” said Dan Keppen, Executive Director of the Family Farm Alliance.

“S. 2636 further improves the PL-566 planning and construction process and strengthens local control, which will ensure that the program is utilized in the most efficient manner possible in each state. We thank Senator Bennet and his staff for their leadership and initiative on this bill, and we’re grateful to Senators Fischer and Merkley for stepping up as co-sponsors on this important bipartisan legislation.”

The Alliance earlier this summer joined agriculture and conservation organizations that are a part of the Western Agriculture Conservation Coalition in sending a letter to the leadership of the Senate Agriculture Committee supporting the legislation.

“The PL-566 program is an important tool to help state, local, and Tribal governments and local water managers restore the health of our watersheds – but we need to do more to ensure this program works for the American West,” said Senator Bennet. “Our bill will cut red tape and help get federal assistance to watershed projects in Colorado. By investing in the health of our watersheds, we can make our communities more resilient to drought, flooding, and climate change.”

As the American West faces severe drought and more frequent flooding, farmers, ranchers, and communities are turning to the PL-566 program to mitigate the effects of these natural disasters through watershed improvement projects. However, as demand for this program grows, inadequate funding and burdensome red tape keeps applicants from ac-

cessing its full benefits.

Western users especially face a harder time accessing the program as a result of its structure and eligibility requirements.

“Nebraska is home to 33 Watershed and Flood Prevention Operations projects, which are critical to providing locally-led conservation solutions to protect Nebraska’s natural resources,” said Senator Fischer. “We’re introducing this legislation to build on the success of the program and boost efficiency. Our bill would also bring planning and oversight closer to the local level and into the hands of those who know the land best.”

The bipartisan legislation would streamline the planning and administration processes to enable more watershed-wide projects, shift decision-making to local NRCS staff, expand program eligibility, and allow federal funding to count toward state and local match requirements. The bill also prioritizes projects with multiple conservation and public benefits and makes drought resilience an explicit purpose of the program.

“The P.L. 566 program is an effective modernization tool for irrigation systems to conserve water—keeping farms in operation during droughts while also protecting habitat for wildlife,” said Senator Merkley,

who revitalized this program when he served as Ranking Member of the Agriculture Appropriations Subcommittee. “Oregonians’ ingenuity with this program has supported projects that benefit both farmers and wildlife, and this legislation would expand this model and enable rural communities in the West to better mitigate the devastating impacts of drought.”

The Alliance’s support for S. 2636 was noted in Senator Bennet’s press release and an August 21 article in *Greenwire*, “Bennet bill would add drought mitigation to flood program”.

The list of bill supporters also includes the Almond Alliance, California Agricultural Irrigation Association, California Farm Bureau, Colorado Farm Bureau, Environmental Defense Fund, Farmers Conservation Alliance, Irrigation Association, Oregon Water Resources Congress, the Freshwater Trust, The Nature Conservancy, Trout Unlimited, Western Growers, and the Wyoming Stockgrowers Association.



*Alliance board member Marc Thalacker (C) tours an irrigation modernization project at Three Sisters Irrigation District in Central Oregon. Photo courtesy of Natural Resources Conservation Service.*



## Alliance Prepares to Develop Comments on New NEPA Rule

The Family Farm Alliance will go back to the drawing board again and prepare formal comments this month on the long-awaited Phase 2 National Environmental Policy Act (NEPA) rule released in last July by the White House Council on Environmental Quality (CEQ).

The “Bipartisan Permitting Reform Implementation Rule” would codify NEPA reforms included in recent debt-ceiling legislation as well as to ensure inclusions of Biden Administration priorities on climate change and environmental justice (EJ).

“These reforms to federal environmental reviews will deliver better decisions, faster permitting, and more community input and local buy-in,” said Brenda Mallory, CEQ chairwoman, in a statement. “This rule is a key element of President Biden’s permitting reform agenda that will help us speed the build-out of our clean energy future while reducing pollution and harms in communities that have been left out and left behind for far too long.”

Corporate environmental organizations applauded the proposal, while Republicans on Capitol Hill and others in the commerce sector have raised concerns.

### Reaction from the Environmental Community

Large corporate environmental organizations praised the proposal, which they believe undoes Trump-era attacks on bedrock environmental protection.

“Those who wish to weaken our environmental protections on behalf of corporate polluters present a false choice between environmental justice and meeting our energy needs,” said Sierra Club Executive Director Ben Jealous. “The truth is through this commonsense reform, we can bring abundant clean energy resources online without sacrificing communities or rubber stamping more fossil fuels.”

Friends of the Earth (FOE) applauded CEQ for formalizing the federal government’s assessment of environmental justice and climate change impacts but expressed disappointment that the rule’s language attempts to create additional flexibility for NEPA “work-arounds, loopholes, and exceptions.”

“We strongly urge CEQ to rethink these pitfalls, which could undermine the strength and significance of our bedrock environmental law and everything it protects,” said Hallie Templeton, Legal Director for FOE.

### Response from Hill Republicans and Industry

Hill Republicans who fought to include permitting reform provisions in the Fiscal Responsibility Act (FRA) signed into law earlier this summer believe the CEQ rule is a step in the wrong direction.

“While CEQ claims to focus on much-needed NEPA reforms, their actual proposed rule ignores the will of Congress expressed in the FRA in many instances and instead opens future projects up to new litigation and extended delays,” said House Committee on Natural Resources Chairman Bruce Westerman (R-Ark.). “Dishonest deals are part of the playbook of this administration, and you can be certain House Republicans won’t stand idly by while the CEQ prioritizes their political agenda instead of the struggling Americans who can hardly afford to keep their lights on.”

Sen. Kevin Cramer (R-NORTH DAKOTA) told *Greenwire* that the Biden administration’s proposal will “make it easier than ever for their environmental activist friends to tie up and drag out expensive litigation.”

“I am sick and tired of the double speak and sneaky back-door attempts to regulate fossil fuels out of existence and add bureaucratic hurdles to everyone who needs a permit,” he said.

Many industry representatives also criticized the White House’s plans.

Marty Durbin, U.S. Chamber of Commerce senior vice president of policy said the proposed rule “does include some permit streamlining measures required by the debt ceiling agreement, it also contains provisions that would further delay project approvals for nearly \$2 trillion in public investments.”

### New Climate and EJ Assessment Requirements

The newly proposed climate and EJ assessment requirements depart from long-standing approaches that required federal agencies to assess adverse effects that have a sufficiently close causal connection to a proposed action. The new provisions also would require agencies to mitigate such potential effects.

CEQ provides very few details in the proposed rule about how their new measures that allow agencies to adopt “innovative approaches” under NEPA will work, while also eliminating Trump-era rule language that required project critics to detail concerns during the comment phase if they later sought to challenge a NEPA approval.

As for new CEs, the proposal requires a lot more documentation, including for mitigation commitments and inventories of each agency’s CEs. Further, it says mitigation -- either in a CE or in a “mitigated Finding of No Significant Impact” -- will require follow-up and additional requirements if the mitigation effort fails.

NEPA experts believe the public engagement requirements in the proposed rule are key because they are a dramatic shift from “public participation” to requiring agencies “to truly engage with” affected communities, particularly EJ ones.

NEPA imposes a procedural requirement that does not mandate outcomes, only informed decision making. Despite its procedural nature, NEPA is one of the primary mechanisms for project opponents to challenge projects and is the most litigated federal statute.

“Given the history of NEPA litigation, and the significant changes in the Proposed Rule, it is likely that these changes will open new pathways for litigation and require courts to interpret the changes before providing regulatory certainty,” said Alliance Executive Director Dan Keppen. “We’ll work on developing a letter to CEQ to get our concerns on the record.”

### Family Farm Alliance Reaction and Engagement

The Family Farm Alliance supported the NEPA streamlining provisions contained in the FRA and also developed extensive formal comments in support of the NEPA rules prepared by the Trump Administration.

Alliance leaders are concerned

*Continued on Page 7*

*Page 6*

## Alliance Adds “Seasoned Pro” to Contractor Team

Todd Ungerecht, a Westerner who served 25 years working with Congress and the executive branch, joins the Family Farm Alliance’s contractor team this month. The Alliance board of directors earlier this summer unanimously approved a contract with Mr. Ungerecht, who will assist the Alliance with policy and communications work.

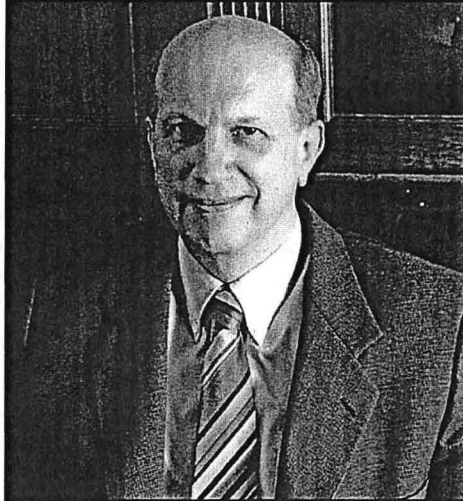
“We are truly fortunate to have a seasoned professional like Todd Ungerecht join our team of contractors here at the Alliance,” said Pat O’Toole, Alliance president. “We’ve worked with him for over a decade when he was in D.C., and we’re lucky to have him on board with us, now that he’s back in the West.”

Mr. Ungerecht was born and raised in Pasco (WASHINGTON) and received his B.A. and J.D. degrees from Gonzaga University. He and his family relocated to Idaho in 2018 from the Washington, D.C. metropolitan area, following a combined 25 years’ experience in the federal legislative and executive branches.

“I’m looking forward to supporting the Alliance board of directors and contractor team to continue building and strengthening the valuable relationships and services this amazing organization provides to its agriculture and resources members,” said Mr. Ungerecht.

Mr. Ungerecht formed his own consulting and small private practice in Boise in 2021. Prior to that, he served in a

number of key legislative roles on Capitol Hill, including Deputy Staff Director of the Committee on Natural Resources in the U.S. House of Representatives under former Chairman Rob Bishop, and Senior Counsel to Chairman Doc Hastings, Committee on Natural Resources.



*Todd Ungerecht (IDAHO) begins working for the Alliance this month.*

Photo source: Northwest Power & Conservation Council

While on the Committee, he supervised and helped organize more than 100 congressional hearings, including many field hearings, and wrote or edited hundreds of press statements on a variety of natural resources subjects, including the Endangered Species Act (ESA), water, power, energy, minerals, federal lands, parks, Native American and oversight issues.

During his years on Capitol Hill, Mr. Ungerecht helped move the ball forward on many important legislative initiatives, including co-coordinating the ESA Congressional Working Group in 2013.

He also worked as the Legislative Director for former Idaho Governor Butch Otter when he was a Member of Congress and was a legislative assistant to former U.S. Senator Slade Gorton (R-WA).

“As a former senior congressional staff member, I know firsthand how influential and effective the Family Farm Alliance continues to be in advancing critical policy priorities for western agriculture and resources,” said Mr. Ungerecht. “I am honored for this opportunity to join in the Alliance’s efforts and am looking forward to working with Dan Keppen, the board and contractors.”

## NEPA Comments Due Later This Month (Cont’d from Pg 6)

about provisions in the newly proposed by CEQ that toughen mitigation mandates by encouraging agencies to select “environmentally preferable alternatives,” strengthen consideration of projects’ potential climate change and EJ effects, require agencies to use new science, and more.

“Such measures seem to be at odds with other provisions in the rule that aim to codify statutory changes that Congress and the Biden Administration agreed to in the FRA,” said Mark Limbaugh with The Ferguson Group, the Alliance’s representative in Washington, D.C. “These include allowing project sponsors to prepare environmental impact statements, setting deadlines and page limits on reviews and allowing project sponsors to sue over missed deadlines.”

The debt ceiling legislation also allows agencies to create categorical exclusions (CE) from any NEPA review in planning documents rather than as a separate action and authorizes agencies to adopt each other’s CEs.

“Based on our initial review, we fear the proposed new mitigation, assessment, and other mandates may drive new litigation opportunities and further delay project approvals,”

said Mr. Limbaugh.

NEPA experts say the new requirements mark a significant change from prior NEPA rules, particularly for mitigation. In the past, cooperating agencies were able to suggest potential mitigation measures if they objected or expressed concern about a project’s effects. Instead, the phase 2 proposal “directs cooperating agencies to specify mitigation measures in all circumstances.” And CEQ directs the agencies to make all mitigation enforceable “with accompanying monitoring and compliance plans, whenever agencies consider such mitigation in their analysis of the reasonably foreseeable environmental effects of an action.”

“These are just a few of the concerns we have heard and read about,” said Mr. Keppen. “We’re encouraging our members to let us know if they have concerns of their own, which we’ll keep in mind as we continue to delve into this proposed rule.”

CEQ will take comments on the proposal through September 29, 2023.

## Hydrology Contributes to Improved Colorado River Operations

The Bureau of Reclamation (Reclamation) last month announced that improved hydrology and ongoing conservation efforts had significantly improved Lake Mead storage, justifying relaxed operating conditions for water users dependent upon the Colorado River.

These operating conditions, which are based on existing agreements under the 2007 guidelines and lower basin Drought Contingency Plans, will be in effect until the near-term guidelines from the Supplemental Environmental Impact Statement (SEIS) are finalized. Reclamation is currently analyzing the consensus-based Lower Division States proposed alternative for the SEIS.

“The above-average precipitation this year was a welcome relief, and coupled with our hard work for system conservation, we have the time to focus on the long-term sustainability solutions needed in the Colorado River Basin,” said Reclamation Commissioner Camille Calimlim Touton. “However, Lake Powell and Lake Mead – the two largest reservoirs in the United States and the two largest storage units in the Colorado River system – remain at historically low levels.”

Based on projections in the 24-Month Study, Lake Powell will operate in a Mid-Elevation Release Tier with a 7.48 million acre-feet release in water year 2024.

Consistent with existing agreements, Lake Mead will operate in a Level 1 Shortage Condition – an improvement from the Level 2 Shortage Condition announced last year – with required shortages by Arizona and Nevada, coupled with Lower Basin Drought Contingency Plan water savings contributions.

Mexico’s water delivery will be reduced consistent with Minute 323.

Lake Mead’s release in 2023 is projected to be the lowest in 30 years, approximately one and half million acre-feet lower than an average normal year, reflecting extensive, ongoing conservation efforts in the Lower Basin states, funded in part by the Infrastructure Investment and Jobs Act (IIJA) and the Inflation Reduction Act (IRA), massive spending bills signed into law in the past two years.

Investments in system conservation and improved hydrology this year have provided an opportunity to recover some reservoir storage, according to Reclamation. At the same time, the Colorado River system continues to face low elevations, with Lake Powell and Lake Mead at a combined storage of 36%.

“We have a smaller river; we need to learn to live with a smaller river,” Brenda Burman, general manager of the Central Arizona Project and former Bureau of Reclamation commissioner, told CNN last month. “We all need to be looking ahead to the ways we can live with less water.”

### The Development of Near- and Long-Term Guidelines

Reclamation is simultaneously developing both near- and long-term guidelines for Lake Powell and Lake Mead operations. The supplemental SEIS in progress focuses on near-term actions, which would be applicable from 2024 through 2026 based on potential changes to limited sections of the 2007 Interim Guidelines. Reclamation temporarily withdrew the SEIS so it could fully analyze the consensus-based Lower

Division States proposed alternative and will publish an updated draft SEIS for public review and comment with the consensus-based proposal as an action alternative later this year.

In addition to several agreements that have already been finalized, a consensus-based proposal – agreed upon by the three Lower Basin states earlier this year – commits to measures to conserve at least 3 million-acre-feet (maf) of system water through the end of 2026, when the current operating guidelines are set to expire.

The long-term guidelines, informally referred to as Post 2026 Operations, will revisit the 2007 Interim Guidelines in full, as well as other operating agreements that expire in 2026, including Drought Contingency Plans and Minute 323. In June, Reclamation initiated the formal process to develop the long-term operating guidelines.

The Post-2026 Operational Guidelines will replace the 2007 Guidelines and will determine how the two reservoirs are operated into the future. The 2007 Guidelines have proven insufficient to sustainably manage both reservoirs in the face of prolonged drought due to climate change and ongoing Lower Basin overuse.

Becky Mitchell, Colorado’s representative on the Upper Colorado River Commission (UCRC), last month publicly shared a letter she wrote on behalf of the State of Colorado to the Department of Interior regarding future Lake Powell and Lake Mead operating guidelines. The UCRC includes one Commissioner from each of the Upper Colorado River Basin states (Colorado, New Mexico, Utah, Wyoming) who work together on interstate collaboration for the Colorado River.

“Future operations should respond to actual hydrology of the Colorado River; otherwise, we will watch downstream water users drain the reservoirs again and again,” Commissioner Mitchell said. “I cannot overstate our significant interests in protecting, conserving, and managing our namesake river.”

### 2024 Operations of Lake Powell and Lake Mead

Until the updated near-term guidelines are finalized once the supplemental SEIS is complete, Reclamation will continue to implement the plans developed over the past two decades that lay out detailed operational rules for these critical Colorado River reservoirs through 2026.

### Interior Meets with 30 Tribes

In August 2022, a group of 14 tribes in the Colorado River basin asked for a greater voice in ongoing negotiations about water conservation. In a letter to the Department of the Interior, those tribes wrote that they are not being adequately consulted as states ponder a plan to save an unprecedented amount of water amid this historic drought.

“We should not have to remind you — but we will again — that as our trustee, you must protect our rights, our assets, and people in addition to any action you take on behalf of the sys-

*Continued on Page 9*

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## Interior Meets with 30 Colo. River Tribes (Cont'd from Pg 8)

tem," the letter read.

Interior last year said the process of developing new rules to replace the 2007 guidelines would involve "robust collaboration" between the seven states, tribes, other stakeholders and Mexico.

Interior established the first-ever Federal-Tribal-State partnership to "promote equitable information-sharing and discussion" among the sovereign governments in the Colorado River Basin. All 30 Colorado River Basin Tribal Nations and the seven U.S. basin states were invited to participate in this new group.

The group met for the first time last month with Deputy Secretary Tommy Beaudreau, Commissioner Touton, and other Department leaders.

"Today is an important day in the Colorado River Basin," Deputy Secretary Beaudreau and Commissioner Touton tweeted from the August 10 meeting, "...part of our commitment to meaningful Tribal engagement during the post-2026 process."

### Recent Infrastructure Investments in the Basin

Through the IJA, Reclamation is investing a total of \$8.3 billion over five years for water infrastructure projects, including water purification and reuse, water storage and conveyance, desalination and dam safety.

The IRA invests an additional \$4.6 billion to address the historic drought.

"The Biden-Harris administration is committed to bringing every tool and every resource to bear to as we work with states, Tribes, and communities throughout the West to find long-term solutions in the face of climate change and the sustained drought it is creating," said Deputy Secretary Tommy Beaudreau. "As we look toward the next decade of Colorado River guidelines and strategies, we are simultaneously making smart investments now that will make our path forward stronger and more sustainable."

To date, Interior has announced the following investments for Colorado River Basin states, which will yield hundreds of thousands of acre-feet of water savings each year once these projects are complete:

- \$281 million for 21 water recycling projects that are expected to increase annual water capacity by 127,000 acre-feet annually
- Up to \$233 million in water conservation funding for the Gila River Indian Community, including \$83 million for a water pipeline project and an additional \$50 million from the Inflation Reduction Act through the Lower Colorado River Basin System Conservation and Efficiency Program, which will also provide similar investments in 2024 and 2025
- Over \$73 million for infrastructure repairs on water delivery systems, \$19.3 million in fiscal year 2022 and another \$54 million in April
- \$71 million for 32 drought resiliency projects to expand access to water through groundwater storage, rainwater harvesting, aquifer recharge and water treatment
- \$20 million in new small surface and groundwater storage investments
- Eight new System Conservation Implementation Agreements in Arizona that will commit water entities in the Tucson and Phoenix metro areas to conserve up to 140,000-acre feet of water in Lake Mead in 2023, and up to 393,000-acre feet through 2025.

Interior last month announced \$50 million over the next

five years to improve key water infrastructure and enhance drought-related data collection across the Upper Colorado River Basin. Reclamation is making an initial \$8.7 million investment in fiscal year 2023 to support drought mitigation efforts in Colorado, New Mexico, Utah and Wyoming that will help ensure compliance with interstate water compact obligations, maintain the ability to generate hydro-power at Glen Canyon Dam, and minimize adverse effects to resources and infrastructure in the Upper Basin.

The initial \$8.7 million will purchase and place 12

new eddy covariance stations. Reclamation will locate the stations throughout the basin to measure evapotranspiration, a key measurement for determining consumptive water use.

This funding helps further Drought Contingency Planning activities in the Upper Colorado River Basin and is consistent



*All 30 Colorado River Basin Tribal Nations and representatives from the 7 Basin States met for the first time last month in a meeting led by Interior Dep't Deputy Secretary Tommy Beaudreau and Reclamation Commissioner Camille Touton.*

Photo Source: Department of Interior

## Recent Colo. River Infrastructure Spending (Cont'd from Pg 9)

with the obligations of the Secretary under the Colorado River Drought Contingency Plan Authorization Act (P.L. 116-14) and related agreements.

### Colorado River Developments on Capitol Hill

Colorado Sen. Michael Bennet (D) in late July introduced the "Colorado River Salinity Control Fix Act," to amend the 1974 law that ensures water quality on the 1,450-mile waterway. The measure is co-sponsored by Wyoming Republican Sens. John Barasso and Cynthia Lummis, California Democratic Sens. Dianne Feinstein and Alex Padilla, Utah Republican Sen. Mitt Romney and Arizona independent Sen. Kyrsten Sinema.

"This bill supports ongoing efforts to keep water from the Colorado River safe for communities, farmers and ranchers, and water users throughout the entire Basin. I look forward to working with my colleagues to pass this bipartisan legislation." Senator Bennet said in a statement to *E&E News*.

Under the program, Reclamation receives appropriations for the full cost of a project, such as lining canals or improving agricultural irrigation, and the state or local water agency then repays its share of the cost.

Western Senators are expected to press to incorporate the measure into the farm bill.

of the food supply chain, making dairy and meat production possible.

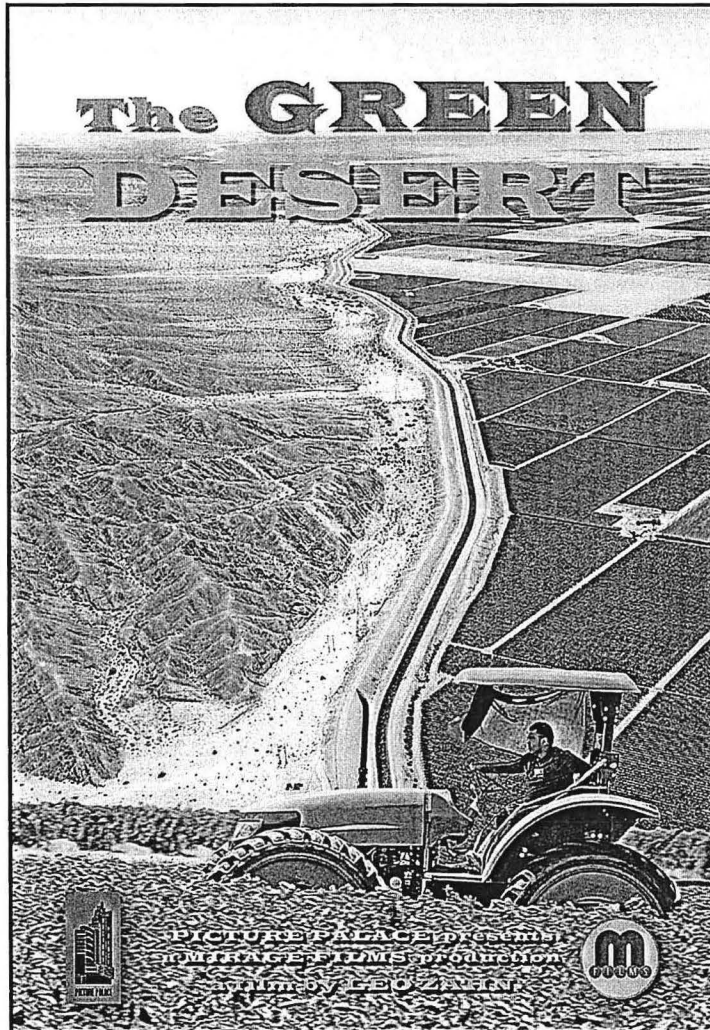
Agriculture in this region depends on Colorado River water delivered from the All-American Canal. Yet it's a system on the brink of catastrophe. The effects of climate change and a twenty-year drought have brought its reservoirs nearly to dead pool. States battle for their fair share of precious river water amidst constant cries for cutbacks.

"The Green Desert" documents how, in the face of unprecedented scarcity, these desert valleys are in a race to conserve and innovate.

Principal photography of "The Green Desert" began in May 2022 in the Coachella Valley and was completed in April 2023 in Imperial Valley. The film's producers say that 99% of contemporary footage was filmed exclusively for this project and took more than 50 shoot days to acquire.

Film Director Leo Zahn is co-producer of the 1983 Dick Shawn cult comedy "Good-Bye Cruel World" and Director of the 2-hr pilot for RTL "Cobra 11" TV series now in its 20th season in 12 countries. He is also the Director/cinematographer of 500+ national and international TV commercials for major clients such as Bailey's Irish Cream, Philips, P&G, Mars, Mattel and Hasbro. He directed the documentaries "Desert Maverick" (2016), "Sinatra in Palm Springs" (2018) and "Iconicity" (2020)

Footage was shot in the Coachella Valley, Imperial Valley, and around Lake Mead (Nevada) and Lake Powell



### "The Green Desert" Debuts in Imperial

A Colorado River documentary featuring interviews with Family Farm Alliance President Patrick O'Toole premiered last month in Imperial, California.

"The Green Desert" presents a dazzling kaleidoscope of vineyards, date ranches, and bell pepper farms in the Coachella Valley near the Salton Sea and the desert valleys of Imperial and Coachella, which produce 90% of the winter vegetables consumed in the US. The alfalfa it grows is the bedrock

(Arizona).

The interview with Mr. O'Toole was filmed in Reno (NEVADA) during the 2023 Family Farm Alliance annual conference. JB Hamby (board of directors, Imperial Irrigation District), Pat Mulroy (former general manager of the Southern Nevada Water Authority) and several local producers are also featured in the film.

Mr. O'Toole gets the final word in as the closing credits hit the screen.

"What we have to do is find sustainability and balance," he says as the film closes.



## Reclamation Announces Nearly \$200 M in Funding Opportunities

The Bureau of Reclamation (Reclamation) last month announced up to \$195 million in funding opportunities to develop a more resilient water supply, support cooperative watershed management and safeguard aquatic ecosystems.

The funds come primarily from the Bipartisan Infrastructure Law's (BIL's) WaterSMART program, as well as from the Inflation Reduction Act (IRA) and annual appropriations.

"These investments from the President's Investing in America agenda will give our partners an opportunity to increase water management flexibility, build climate resilience and provide restored habitat for fish and wildlife," said Reclamation Commissioner Camille Calimlim Touton. "Water supply resilience and flexibility is essential as we work to make Western communities more resilient to the impacts of drought and climate change."

Through the BIL, Reclamation is investing a total of \$8.3 billion over five years for water infrastructure projects, including water purification and reuse, water storage and conveyance, desalination and dam safety.

The IRA is investing an additional \$4.6 billion to address the historic drought.

The Family Farm Alliance helped lead nation-wide coalitions in support of Congressional action to advance both initiatives in the past two years.

"New water infrastructure will help keep water flowing to our nation's farms and ranches," Family Farm Alliance Executive Director Dan Keppen said. "It will also improve our ability to provide water supply reliability for cities and the environment in future droughts."

Reclamation is implementing an overall \$1 billion investment from the BIL for WaterSMART grants to provide financial assistance to water managers to help conserve and use water more efficiently, implement renewable energy projects, investigate and develop water marketing strategies, mitigate conflict risk in areas at a high risk of future water conflict, and accomplish other benefits that contribute to sustainability in the West.

Reclamation is opening three funding opportunities for drought resilience, planning and design and cooperative watershed management and extending an opportunity for aquatic ecosystem projects.

### Drought Resilience Projects

Reclamation is making up to \$55 million available in drought resiliency funding to develop projects that can increase water management flexibility.

Projects under this funding opportunity are divided into four task areas aimed at infrastructure improvements, groundwater recovery, decision support tools, modeling and measurement and domestic water supply projects for Tribes or disadvantaged communities.

Applicant eligibility and the required non-federal cost-share vary by task area.

### Planning and Design Projects

Up to \$35 million will be made available by Reclamation for planning and design grants to support water management improvements.

This includes funding for water strategy grants to conduct planning and project design activities to improve water supplies and create comprehensive drought contingency plans.

Applicant eligibility and the required non-federal cost-share vary by task area.

### Cooperative Watershed Management Projects

Reclamation is offering up to \$40 million in Bipartisan Infrastructure Law funding for collaborative watershed projects under the WaterSMART Cooperative Watershed Management Program.

Through this funding opportunity, which has two application periods for funding from this fiscal year and next fiscal year, Reclamation is promoting water reliability and cooperation between stakeholders to reduce conflict, facilitate solutions to complex water issues and stretch limited water supplies.

This grant will fund establishment of new watershed groups or expansion of existing watershed groups, restoration planning and project design for watershed management projects.

This program provides support for local watershed groups to plan and design projects to improve watershed health, benefiting multiple water uses.

For more information on the Program visit Reclamation's Cooperative Watershed Management Projects webpage.

### Aquatic Ecosystems Projects

Reclamation is making an additional \$65 million available for projects to restore and protect aquatic ecosystems through a second application period open until January 24, 2024.

Funding from this opportunity is part of a total \$95 million to support the study, design and construction of ecosystem restoration projects that restore cleaner, colder and more available water to ecosystems with benefits for fisheries, wildlife and aquatic habitat and improved fish passage.

Study and design projects are eligible for between \$500,000 and \$2 million, and construction projects can receive between \$3 million and \$20 million.

A non-federal cost share of at least 35% is required. Applications submitted by the close of the first application period on June 1, 2023, are now under review.

Learn more about this and other funding opportunities at Reclamation's WaterSMART webpage.

*Help us Celebrate!*



*Friday, October 20, 2023*

*8:30 AM to 2:00 PM*

*6113 S Dean Road  
Buckeye, Arizona*



A Big Thank You to Our New and Supporting Members!

**JULY-AUGUST 2023**

**CHAMPION (\$10,000 and Above)**

**WASHINGTON STATE POTATO COMMISSION**

**ADVOCATE (\$5,000 - \$9,999)**

San Luis Canal Co (CA) Washington State Water Resources Association  
Water District #1 (ID) Wellton-Mohawk Irrigation District (AZ)

**DEFENDER (\$1,000-\$4,999)**

Association of California Water Agencies Borba Farms Partners (CA)  
Ferguson Farming LLC (CA) Kennewick ID (WA) Kings River Conservation District (CA)  
Klamath Drainage District (OR) Loren Booth (CA) Madera ID (CA)  
Maricopa Water District (AZ) Palo Verde ID (CA)  
Paloma Irrigation & Drainage District (AZ) Patterson ID (CA)  
Tulare Lake Basin Water Storage District (CA) Wonderful Orchards (CA)

**PARTNER (\$500-\$999)**

Arnold ID (OR) Benson Farms LLC (CA) Bingham Ground Water District (ID)  
County of Siskiyou (CA) Gering-Fort Laramie ID (NE) Glide Water District (CA)  
Heart Mountain ID (WY) Kanawha Water District (CA)  
Ochoco ID (OR) O'Neill Ag (CA) Rubicon Water (CO)  
Uncompahgre Valley Water Users (CO)

**SUPPORTER (\$250—\$499)**

North Fremont Canal Systems (ID) Aquatic Resources Consulting Scientists (CA)  
Arizona Cotton Growers Assn. Brian Werner (CO) Campbell Brothers Farms (CA)  
Mark Deutschman (MN) Mark Hansen (WA) Mick & Leslie James (AZ)  
Milk Producers Council (CA) Trinchera Water Conservancy District (CO)  
University of Arizona

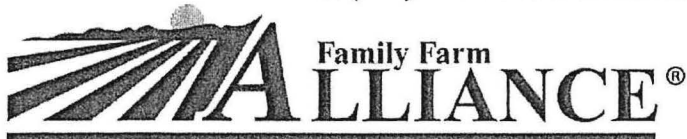
**DONOR SUPPORT**

**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)*



*Protecting Water for Western Irrigated Agriculture*

Contributions can also be mailed directly to:  
Family Farm Alliance  
P.O. Box 1705  
Clearlake Oaks, CA 95423



CORRESPONDENCE LIST  
SEPTEMBER 2023

**Agenda Item 11**

1. August 19, 2023 – Notice and Agenda received from Eastern Management Area of Groundwater Sustainability Agency for the August 24, 2023 Regular Board Meeting
2. August 20, 2023 – Notice and Agenda received from the Los Olivos Community Services District for the August 24, 2023 Regular Meeting
3. August 21, 2023 – Letter sent to twelve customers regarding backflow testing reminder
4. August 21, 2023 – Letter sent to one customer regarding past due balance
5. August 22, 2023 – Can and Will serve letter for APN 141-360-008
6. August 23, 2023 – Can and Will Serve letter for APN 137-081-047
7. August 24, 2023 – Existing Water Service/Can and Will serve letter for APN 135-172-014
8. August 24, 2023 – Notice and Agenda received from Cachuma Operations and Maintenance Board for the August 28, 2023 Regular Board Meeting
9. August 25, 2023 – Letter received from Central Coast Water Authority regarding ID No.1 and City of Solvang invoices for October 1, 2023 to December 31, 2023 DWR and CCWA Variable O&M Costs
10. August 28, 2023 – Public Records Act request received from American Transparency
11. August 28, 2023 – Public Records Act request received from Transparent California
12. August 29, 2023 – Notice and Agenda received from the Santa Ynez River Water Conservation District for the September 6, 2023 Regular Board of Directors Meeting
13. August 31, 2023 – Letter and Invoice received from Santa Barbara County Office of the Auditor-Controller regarding the Local Agency Formation Commission (LAFCO) FY 2023-2024 LAFCO Budget
14. August 31, 2023 – Notice and Agenda received from the Los Olivos Community Services District for the September 4, 2023 Meeting
15. August 31, 2023 – Letter from District to Customer regarding unauthorized use on Private Fire Protection Service Meter
16. September 4, 2023 – Notice and Agenda received from the Los Olivos Community Services District for the September 7, 2023 Technical Sub-Committee Meeting
17. September 5, 2023 – Response sent to Santa Barbara County Transportation Division's Request for Information from Utility Company (Countywide Pavement Rehabilitation Project) regarding District infrastructure/facilities
18. September 6, 2023 – Letter received from Santa Barbara County Planning and Development regarding Notice of Filming at 125 N. Refugio Road

19. September 6, 2023 - Letter received from Cachuma Operation & Maintenance Board regarding Payment of Entitlement Obligation – Water Year 2023-2024 – 1<sup>st</sup> Period (10/1/2023-4/1/2024)
20. September 6, 2023 - Letter received from Cachuma Operation & Maintenance Board regarding 22<sup>nd</sup> Annual Bradbury SOD Act Repayment Invoice
21. September 6, 2023 – District response letter to Public Records Act sent to American Transparency
22. September 6, 2023 – District response letter to Public Records Act sent to Transparent California
23. September 7, 2023 – Letter from District to 13 customers regarding backflow testing requirement
24. September 11, 2023 – Notice and Agenda received from the Los Olivos Community Services District for the September 13, 2023 Regular and Special Meeting of the Board of Directors
25. September 12, 2023 – Letter from District sent to three customers regarding past due balances