

# Grand Jury Report

An aerial photograph of Lake Cachuma, a large reservoir in Santa Barbara County, California. The lake is surrounded by rugged, brownish mountains and a winding river. The water is a deep blue, contrasting with the dry, brownish terrain. The sky is clear and blue.

**Lake Cachuma, Protecting A Valuable  
Resource, You Can't Drink Paper Water**

**Santa Barbara County Board of Supervisors  
July 12, 2016**

## Report summary

- Published May 19, 2016
- The 2015-16 Santa Barbara County Grand Jury issued Report as Santa Barbara County endures the 5<sup>th</sup> year of drought and its impacts on Lake Cachuma
- The Board of Supervisors is named as a responder to Findings 1-6 and 8, as well as Recommendations 1-4, 5a, 5b, 6, 8a, and 8b.
- The Response to the Findings and Recommendations can be found on Attachment A

## Finding 1: Recommendation 1

- **Finding #1:** “Siltation is continuing to decrease the storage capacity and the safe yield of Lake Cachuma”.  
The Board agrees with the finding.
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- **Recommendation #1:** “That the safe yield from Lake Cachuma be recalculated and used in the new master contract”.

The recommendation has not yet been implemented but will be implemented in the future.

With the current contract expiring in 2020, it is expected that a Safe Yield analysis and report will be completed in time for a new master contract.

## Finding 2: Recommendation 2

- **Finding #2:** Downstream water rights are protected in the Contract and must be considered when calculating the safe yield.

The Board agrees with the finding.

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- **Recommendation #2:** That the new contract must continue to emphasize the importance of downstream water rights and be used in the calculations of the safe yield.

The recommendation has not yet been implemented but will be implemented in the future, when the Contract is negotiated.

## Finding 3: Recommendation 3a

- **Finding #3:** “...the Contract was written prior to the 2000 National Marine Fisheries Service Opinion and does not include the requirement to release water under the Endangered Species Act”.

The Board agrees with the finding.

- ~~**Recommendation #3a:** “...the new master contract between the USBR and the County include the required water releases for the protection of fish habitat”.~~

~~The recommendation will not be implemented because it is not warranted or is not reasonable.~~

Protection of fisheries is governed by the Federal Endangered Species Act which is implemented by the USBR.

## Recommendation 3b

- **Recommendation #3b**: "...that the new master contract between the United States Bureau of Reclamation and the Santa Barbara County Water Agency add language to include the amount of water that will be required to be released by the new Biological Opinion from the National Marine Fisheries Services when it is released.

The recommendation requires further analysis.

It will be considered in the future, when the Contract is negotiated.

## Finding 4: Recommendation 4

- **Finding #4:** “The 2011-2016 drought is far worse than the "design drought" Contract Between the US and the County”.

The Board agrees with the finding.

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- **Recommendation #4:** “...the new master contract calculate new water entitlements for member units using the current 2011-2016 drought as its "design drought".

The recommendation has not yet been implemented but will be implemented in the future.

Will be implemented when data is available to determine if the current drought is in fact more severe than the previous period.

## Finding 5

- **Finding #5:** “The Contract extending from 1995 to 2020 is too long a period and includes no review and revision clauses to recalculate the "safe yield" of the Cachuma Project.

The Board partially disagrees with this finding.

Contracts are often costly and time consuming to renegotiate for shorter periods of time, the BOS agrees that if a new contract is executed it should include a mandatory recalculation of the safe yield and update the annual water allocation plan accordingly.



## Recommendations 5a & 5b

- **Recommendation #5a:** “the term of the new contract be less than 25 years in length”.

The recommendation will not be implemented because it is not warranted or is not reasonable.

The contract at 25 years allows supply changes within that period to accommodate evaluation of the safe yield.

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- **Recommendation #5b:** “The new contract...include periodic mandatory review and revision clauses every 5 or 6 years to recalculate the safe yield”.

The recommendation has not yet been implemented but will be implemented in the future.

When the Contract is negotiated this term can be negotiated, subject to USBR approval.

## Finding 6: Recommendation 6

- **Finding #6:** “Safe yield” from Lake Cachuma in the current Contract is based on a static volume per year. The Board agrees with the finding.

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- **Recommendation #6:** “the new master contract...include a new safe yield in Year One after Lake Cachuma spills, and, in subsequent years, use a sliding scale or specify mandatory reductions.”

The recommendation requires further analysis.

Input from the water users is important in this discussion. The Water Agency is requesting direction from the BOS to contact USBR to begin discussing the process of negotiating a new master contract.

## Finding 8: Recommendation 8a

- **Finding #8:** “Conservation policies and drought declarations differ from one member unit to another”.  
The Board agrees with the finding.

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- **Recommendation #8a:** “That member units, in conjunction with the County, create consistent policies and procedures that govern conservation efforts and that these are documented in the subcontracts between the County Water Agency and the member units.”

The recommendation will not be implemented because it is not warranted or is not reasonable.

Member units are separate legal entities governed by entity specific members whose goals and policies may not be the same as other member units.

## Recommendation 8b

- **Recommendation #8b**: “That the policies and procedures in Recommendation 8a be announced to the community by all member units at the same time.”

The recommendation will not be implemented because it is not warranted or is not reasonable.

Each of the member units is a separate legal entity governed by entity specific members whose goals and policies may not be the same as other member units. In addition, each entity has its own water supply portfolio that may demand differing actions.

## **Recommended Actions:**

- a) Consider and Adopt responses (Attachment A) to the FY 2015-16 Grand Jury report entitled *Lake Cachuma, Protecting a Valuable Resource, You Can't Drink Paper Water* (Attachment B);**
- b) Authorize the Chair to sign a response letter and forward the responses to the Presiding Judge of the Superior Court (Attachment A); and**
- c) Determine pursuant to CEQA Guidelines 15378(b)(4) that the above actions are not a project subject to CEQA review, because it is a government fiscal activity that does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.**