

# SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
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**Agenda Number:**  
**Prepared on:** 10/15/02  
**Department Name:** County Administrator  
**Department No.:** 012  
**Agenda Date:** 10/22/02  
**Placement:** Administrative  
**Estimate Time:**  
**Continued Item:** NO  
**If Yes, date from:**

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**TO:** Board of Supervisors

**FROM:** Michael F. Brown, County Administrator  
Terri Maus, Director of Parks

**STAFF CONTACT:** Jim Laponis, Deputy County Administrator  
568-3400

**SUBJECT:** Lake Cachuma - Federal Legislation and Potential Action re: Privatization and Lake Surcharge

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## Recommendations:

That the Board of Supervisors:

- A. Receive this report on the potential impacts to Lake Cachuma of (1) Federal Legislation (HR 5460 Calvert, copy attached) which could result in privatization of the lake as well as of other Federal land and recreation areas; and, (2) The impacts of the potential surcharge of Lake Cachuma by the Bureau of Reclamation which would raise the water level by three feet.
- B. Confirm staff's direction to the County's Federal Legislative Advocate (Waterman & Associates) to advocate the insertion of language into HR 5460 limiting privatization of public lands to instances where no bonafide public body is interested in administering the land.

## Alignment with Board Strategic Plan:

The recommendations are primarily aligned with Goal No. 1: An Efficient Government Able to Respond Effectively to the Needs of the Community.

## Executive Summary and Discussion:

The County's lease with the Bureau of Reclamation to manage the Lake Cachuma Recreation Area expires in January 2003. However, staff recently became aware of HR 5460 (Calvert) legislation intended to reauthorize and amend the Federal Water Project Recreation Act. The legislation sets forth the ability for private entities rather than only public bodies to provide for management of public lands. This concept presents issues for the long term continued management and maintenance of Lake Cachuma and other like areas.

In order to address the issue in a timely manner, staff authorized (at no dollar cost to the County) Waterman & Associates to determine the genesis and intent of the legislation. Based upon initial conversations with the author's (Congressman's Calvert) staff it was determined that the bill was intended to ensure that lands currently held by public agencies would not go into abandonment if such public agencies could no longer provide for their management. In such instances, a private entity would then have the ability to bid for and assume management and oversight. This intent, however, is not sufficiently reflected in the wording of the bill. Since HR 5460 was on a "fast track" to be passed before the end of this legislative session, Waterman & Associates requested an amendment to the bill which clarifies that private entities would be able to provide for management of public lands only if there is a lack of bonafide interest by public bodies. To date the House Resource Committee has accepted the language and it is now under consideration by the Senate Energy and Natural Resource Committee.

Failure to obtain the clarifying language compromises negotiations regarding the County's long-term lease with the Bureau for Lake Cachuma recreational facilities. Waterman & Associates has been in frequent contact with Congressman Gallegly's office as well as Congressman Calvert's and Senator Feinstein's offices on this matter as they serve respectively on the House and Senate Natural Resources Committees. The County Parks Department has been in contact with Congresswoman Capps' staff to ensure they are briefed on the overall Lake Cachuma issue and concerns about the potential impacts of HR 5460 at the local level.

While the proposed legislation is the most pressing issue related to Lake Cachuma at this time, staff is continuing to work with the Bureau of Reclamation on the renewal of the lease set to expire in January of 2003 as well as address the potential impacts of the Bureau's requirement to enhance the steelhead trout habitat.

In order to comply with the requirement to enhance trout habitat, the Bureau is likely to surcharge the lake raising its level three feet to provide additional flow for the steelhead. This potential surcharge places the County's recreational and support facilities at Lake Cachuma in jeopardy. Approximately \$12 million in recreation and support facilities would need to be removed and replaced. These facilities include the existing boat launch, docks, storage area; water treatment plant and two lift stations. In addition, a variety of oak trees of various types would be inundated and require mitigation.

The Bureau of Reclamation has interpreted the existing lease agreement to require that the County be responsible for all costs associated with facility replacement. However, County Counsel has refuted their position indicating that there is no mention of how this type of issue is to be addressed within the existing lease agreement. Staff is proactively pursuing a variety of avenues to secure funding from grant resources as well as continuing to work with other agencies to appropriately share in the overall costs in the implementation of the potential surcharge.

### **Mandates and Service Levels:**

There are no mandates requiring the County to influence Federal Legislation.

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**Fiscal and Facilities Impacts:**

There are no fiscal impacts associated with the recommended legislative advocacy as Waterman & Associates are acting on the Cachuma matter relative to HR 5460 at no additional cost to the County.

Attachment

cc: Diana Waterman, Waterman & Associates  
Lori Norton, Administrative Analyst  
Zandra Cholmondeley, Administrative Analyst