

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, May 17, 2022**

In-Person - 1070 Faraday Street, Santa Ynez, CA - Conference Room

OR

VIA TELECONFERENCE

TELECONFERENCE PHONE NUMBER: 1-669-900-9128

MEETING ID: 929 0039 9487#

PARTICIPANT ID No.: 180175#

MEETING PASSCODE: 180175#

Important Notice Regarding Public Participation in This Meeting: For those who may not attend the meeting in person or via teleconference 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. All submittals should indicate “**May 17, 2022 Board Meeting**” in the subject line. Public comments and materials received by the District will become part of the post-meeting Board packet materials available to the public and posted on the District’s website. In the interest of clear reception and efficient administration of the meeting, all persons participating via teleconference are respectfully requested to mute their voices after dialing-in and at all times unless speaking.

1. **CALL TO ORDER AND ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **REPORT BY THE SECRETARY TO THE BOARD REGARDING COMPLIANCE WITH THE REQUIREMENTS FOR POSTING OF THE NOTICE AND AGENDA**
4. **CONSIDERATION OF RESOLUTION NO. 819 - A Resolution of the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1 Authorizing Remote Teleconference Meetings Under the Ralph M. Brown Act in Accordance with AB 361**
5. **ADDITIONS OR CORRECTIONS, IF ANY, TO THE AGENDA**
6. **PUBLIC COMMENT** - Any member of the public may address the Board relating to any non-agenda matter within the District’s jurisdiction. The total time for all public participation shall not exceed fifteen (15) minutes and the time allotted for each individual shall not exceed three (3) minutes. The District is not responsible for the content or accuracy of statements made by members of the public. No action will be taken by the Board on any public comment item.
7. **CONSIDERATION OF THE MINUTES OF THE REGULAR MEETING OF APRIL 19, 2022**
8. **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
9. **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
 2. Fiscal Year 2022/2023 Preliminary Budget

3. Setting the Appropriation Limit for the 2022/2023 Fiscal Year - Article XIII B (Proposition 13)
 - a) California Department of Finance Calculations for 2022/2023 Appropriation Limitations and Authorization to Post Notice and make Public the 2022/2023 Appropriation Limitation Calculation
 - b) Review of Draft Resolutions to be presented for adoption at the June 21, 2022 Board Meeting
 1. Draft Resolution No. XXX: A Resolution of the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1 Establishing the Appropriation Limit for Fiscal Year 2022-2023 Pursuant to Article XIII B of the California Constitution
 2. Draft Resolution No. XXX: A Resolution of the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1 Adopting the Final Budget for Fiscal Year 2022-2023 and Requesting an Assessment Levy Required to Collect \$875,000
4. Office Pavement Replacement Project
 - a) Notice of Completion

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

A. SUSTAINABLE GROUNDWATER MANAGEMENT ACT

1. Eastern Management Area Update

B. CALIFORNIA DROUGHT CONDITIONS

1. Update Regarding Statewide Drought Conditions

C. CENTRAL COAST WATER AUTHORITY

1. Update Regarding CCWA's Temporary Warren Act Contract for the Cachuma Project

11. 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

12. CORRESPONDENCE: GENERAL MANAGER RECOMMENDS FILING OF VARIOUS ITEMS

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

14. NEXT MEETING OF THE BOARD OF TRUSTEES: The next Regular Meeting of the Board of Trustees is scheduled for **June 21, 2022 at 3:00 p.m.**

15. CLOSED SESSION:

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

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

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

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

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

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

16. RECONVENE INTO OPEN SESSION

[Sections 54957.1 and 54957.7 of the Government Code]

17. ADJOURNMENT

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

RESOLUTION NO. 819

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

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

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

WHEREAS, on March 4, 2020, Governor Gavin Newsom issued a Proclamation of a State of Emergency for the COVID-19 pandemic, which state of emergency has not been rescinded; the County Health Officer for the County of Santa Barbara has issued numerous Health Orders regarding health and safety requirements and protocols since the beginning of and throughout the COVID-19 pandemic, including recent Health Officer Order No. 2022-10.1, effective February 16, 2022, which incorporates guidance issued on February 7, 2022 by the California Department of Public Health (CDPH) requiring unvaccinated persons to wear masks in all indoor public settings, requires universal masking in only specified settings, and recommends continued indoor masking when the risk of COVID-19 transmission is high; and

WHEREAS, on February 28, 2022, CDPH issued updated Guidance for the Use of Face Masks which provides, among other things, that effective March 1, 2022, the requirement that unvaccinated individuals mask in indoor public settings will move to a strong recommendation that all persons, regardless of vaccine status, continue indoor masking, and that universal making shall remain required in specified high-risk settings, and that after March 11, 2022, the universal masking requirement for K-12 and Childcare settings will terminate, and that CDPH strongly recommends that individuals in these settings continue to mask in indoor settings when the universal making requirement lifts; and

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

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

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

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

1. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
2. The District may conduct its meeting to allow remote teleconference participation in the manner authorized by AB 361, specifically including Government Code Section 54953(e).
3. This Resolution shall take effect immediately upon its adoption and shall remain in effect for up to thirty (30) days as provided in Government Code section 54953(e)(3).

WE, THE UNDERSIGNED, being the duly qualified President and Secretary, respectively, of the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1, do hereby certify that the above and foregoing Resolution was duly and regularly adopted and passed by the Board of Trustees of said District at a Regular meeting held on May 17, 2022 by the following roll call vote:

ATTEST:

Mary Martone, Secretary to the Board of Trustees

SANTA YNEZ RIVER WATER CONSERVATION DISTRICT
 IMPROVEMENT DISTRICT NO. 1
APRIL 19, 2022 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, April 19, 2022 in-person at 1070 Faraday Street and via teleconference.

Trustees Present: Jeff Clay Michael Burchardi
 Brad Joos Lori Parker

Trustees Absent: Jeff Holzer

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

1. CALL TO ORDER AND ROLL CALL:

President Clay called the meeting to order at 3:00 p.m., he stated this was a Regular Meeting of the Board of Trustees. Ms. Martone conducted roll call and reported that four Trustees were present, and 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. Martone presented the affidavit of posting of the Agenda, along with a true copy of the Agenda for this meeting. She reported that the Agenda was posted in accordance with the California Government Code commencing at Section 54953, as well as District Resolution No. 340. The affidavit was filed as evidence of the posting of the Agenda items contained therein.

4. CONSIDERATION OF RESOLUTION NO. 818: A Resolution of the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1 Authorizing Remote Teleconference Meetings Under the Ralph M. Brown Act in Accordance with AB 361

Mr. Garcia presented Resolution No. 818 and explained that the pursuant to amendments to the Brown Act (Assembly Bill 361), public agencies are authorized to conduct remote meetings via video/teleconference during the COVID-19 pandemic, provided certain conditions exist and findings are made. He stated that in order for the Board to continue to meet under the provisions of AB 361, either remotely or under a hybrid approach of remote and in-person attendance, the Board is required to review and reconsider its determinations at least every 30 days. Mr. Garcia reported that because the State of California remains in a declared state of emergency related to the COVID-19 pandemic, approval of Resolution No. 818 would allow the Board to hold meetings under the provisions of AB 361.

No public comment was provided.

It was **MOVED** by Trustee Parker, seconded by Trustee Burchardi, to adopt Resolution No. 818, a Resolution of the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement No.1 Authorizing Remote Teleconference Meetings Under the Ralph M. Brown Act in Accordance with AB 361.

DRAFT

1 The Resolution was adopted and carried by the following 4-0-0 roll call vote:
2

3 **AYES, Trustees:** Michael Burchardi
4 Jeff Clay
5 Brad Joos
6 Lori Parker
7

8 **NOES, Trustees:** None

9 **ABSTAIN, Trustees:** None

10 **ABSENT, Trustees:** Jeff Holzer
11

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

13 There were no additions or corrections to the Agenda.
14

15 6. **PUBLIC COMMENT:**

16 President Clay welcomed any members of the public participating remotely and offered time for
17 members of the public to speak and address the Board on matters not on the agenda. There was
18 no public comment. Mr. Garcia reported that no written comments were submitted to the District
19 for the meeting.
20

21 7. **CORONAVIRUS (COVID-19) UPDATE:**

22 A. **General Manager's Report**

23 Mr. Garcia reported there have been no new or updated directives or guidance from the
24 federal, state, or local health officials regarding COVID-19 restrictions. He stated that
25 maintaining a healthy work environment and healthy workforce remains a high priority for
26 the District.
27

28 8. **CONSIDERATION OF THE MINUTES OF THE REGULAR MEETING OF MARCH 15, 2022:**

29 The Regular Meeting Minutes from March 15, 2022 were presented for consideration.
30

31 President Clay asked if there were any changes or additions to the Regular Meeting Minutes of
32 March 15, 2022 as presented. No changes or additions were requested.
33

34 It was **MOVED** by Trustee Joos, seconded by Trustee Parker, and carried by a 4-0-0 voice vote,
35 with Trustee Holzer absent, to approve the March 15, 2022 Minutes as presented.
36

37 9. **CONSENT AGENDA:**

38 The Consent Agenda Report was provided in the Board packet.
39

40 Mr. Garcia reviewed the Consent Agenda materials for the month of April.
41

42 It was **MOVED** by Trustee Parker, seconded by Trustee Joos, and carried by a 4-0-0 voice vote,
43 with Trustee Holzer absent, to approve the Consent Agenda.
44

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

47 A. **DISTRICT ADMINISTRATION:**

48 1. **Financial Report on Administrative Matters**

49 a) **Presentation of Monthly Financial Statements - Revenues and Expenses**

50 Ms. Martone announced that the Financial Statements were emailed to the Board
51 members earlier that afternoon and posted on the District's website in the Board
52 packet materials for any members of the public wishing to follow along or receive a
53 copy.
54

1 Ms. Martone reviewed the Statement of Revenues and Expenses for the month of
2 April. She highlighted various line-items related to revenue and expense transactions
3 that occurred during the month and also referenced the Fiscal Year to Date Statement
4 of Revenues and Expenses that provides a budget to actual snapshot from July to
5 March. Ms. Martone reported that the District revenues exceeded the expenses by
6 \$64,921.17 and the year-to-date net income is \$2,082,251.40.

7
8 b) Approval of Accounts Payable

9 Ms. Martone announced that the Warrant List was emailed to the Board members this
10 afternoon and posted on the District's website in the Board packet materials for any
11 member of the public wishing to follow along or receive a copy.

12
13 The Board reviewed the Warrant List which covered warrants 24405 through 24470 in
14 the amount of \$479,515.46.

15
16 It was MOVED by Trustee Burchardi, seconded by Trustee Joos, and carried by a 4-0-
17 0 voice vote, with Trustee Holzer absent, to approve the Warrant List for March 16,
18 2022 through April 19, 2022.

19
20 **11. REPORT, DISCUSSION, AND POSSIBLE BOARD ACTION ON THE FOLLOWING SUBJECTS:**

21
22 **A. SUSTAINABLE GROUNDWATER MANAGEMENT ACT**

23 1. Eastern Management Area Update

24 The Board packet included a March 24, 2022 Notice and Agenda for the Special Meeting
25 of the Eastern Management Area (EMA) Groundwater Sustainability Agency (GSA).

26
27 Mr. Garcia reported on the topics discussed at the March 24, 2022 meeting of the EMA
28 GSA. He stated that the First Annual Report for the EMA was presented to the EMA GSA
29 and was approved and adopted. He stated that the Annual Report was submitted to the
30 Department of Water Resources by the due date of April 1, 2022. Mr. Garcia indicated
31 that discussions continue related to future governance, projects and management actions,
32 and funding. He reported that the next regular meeting of the GSA EMA will be held on
33 May 26, 2022.

34
35 **B. CALIFORNIA DROUGHT CONDITIONS**

36 1. Update Regarding Statewide Drought Conditions

37 The Board packet included the Department of Water Resources (DWR) Current Reservoir
38 Conditions; ACWA and DWR information relating to State Water Project Table A
39 Allocation; Governor of California's Executive Order N-7-22; recent news articles relating
40 to State Water Allocation; and a March 2022 Cloudseeding Report prepared by North
41 American Weather Consultants, Inc.

42
43 Mr. Garcia reviewed the Board packet materials, including current and historical
44 conditions of the major reservoirs in California as published by the Department of Water
45 Resources (DWR). He reported that DWR issued a notice to the State Water Project
46 Contractors announcing that the 2022 State Water Project Table A Allocation has been
47 decreased from 15% to 5%. Mr. Garcia also discussed the March 28, 2022 news release
48 regarding Governor Newsom's Executive Order N-7-22 that declares a drought
49 emergency and calls on local water suppliers to activate drought contingency plans and
50 orders the State Water Resources Water Board to consider a temporary ban on watering
51 of decorative grass around commercial, industrial and institutional buildings. He
52 explained that the Executive Order imposes unprecedented conditions on how counties
53 and cities process applications for groundwater wells in high and medium priority basins,

1 including the need to obtain a specific verification from the applicable Groundwater
2 Sustainability Agency.
3

4 **C. CENTRAL COAST WATER AUTHORITY 2022 SUPPLEMENTAL WATER PURCHASE PROGRAM**

5 1. Update Regarding District Involvement in CCWA's 2022 Supplemental Water Purchase
6 Program on Behalf of the City of Solvang
7

8 Mr. Garcia reported that he has continued to coordinate with the City of Solvang to pursue
9 supplemental water for the City through CCWA's Supplemental Water Purchase
10 Program. He reported that given the recent reduction in the State Water Project allocation
11 to 5% and continuing dry conditions, there is not a lot of water available to purchase at
12 this time.
13

14 **D. HEXAVALENT CHROMIUM MAXIMUM CONTAMINANT LEVEL**

15 1. Update Regarding State Water Resources Control Board Proposed Hexavalent Chromium
16 MCL of 10 Parts Per Billion
17

18 Mr. Garcia stated that on March 22, 2022 the State Water Resources Control Board
19 (SWRCB) released a draft drinking water standard for hexavalent chromium (Chromium-
20 6), proposing a maximum contaminant level (MCL) of ten parts per billion (ppb). He
21 referred to the Board packet materials which discussed the history of the State Board's
22 previous adoption of a 10 ppb standard in 2014, which was invalidated by a trial court
23 decision in 2017 on the basis that the SWRCB did not adequately consider the economic
24 feasibility of complying with the MCL. Mr. Garcia stated that the SWRCB held public
25 workshops on April 5th and 7th regarding the proposed Chromium 6 MCL. He indicated
26 that written comments on the draft MCL are due by April 29, 2022. Mr. Garcia stated a
27 new MCL is expected to go into effect sometime in early 2024, if adopted by the SWRCB.
28 He reported that the draft MCL proposes to give water systems, depending on their size,
29 a compliance period that ranges from two to four years. Mr. Garcia stated the water
30 agencies throughout the state that would be affected by the MCL are developing cost
31 estimates to comply with a 10 ppb standard, and those estimates show that compliance
32 costs would be much higher than what the SWRCB has indicated. He reported that
33 detailed comment letters are being prepared by ACWA and the California Municipal
34 Utilities Association, the Coachella Valley Water District, and others.
35

36 **E. 2022 WATER RATES STUDY**

37 1. Update Regarding District's 2022 5-Year Water Rates Study

38 Mr. Garcia reported that management has been working with Bartle Wells & Associates,
39 the District's water rate consultant, to begin the process of developing a new 5-year Water
40 Rate Study. He stated that a teleconference was held on March 31, 2022 among
41 management, the water rate consultant, and the District's Water Rates Ad Hoc
42 Committee, consisting of Trustees Joos and Burchardi. Mr. Garcia summarized the
43 meeting topics that were discussed. He stated that management and the Ad Hoc
44 Committee will continue working with the rate consultant and provide further
45 information to the Board as it becomes available.
46

47 **12. CLAIM AGAINST DISTRICT BY SANTA BARBARA COUNTY FLOOD CONTROL AND WATER**
48 **CONSERVATION DISTRICT PURSUANT TO GOVT. CODE SECTION 905**

49 1. Consideration and Action on Claim Against the District
50

51 Mr. Garcia recommended that the Board continue this item until after closed session.
52 Consensus of the Board was to continue the item until after the closed session discussion.

1 **13. REPORTS BY THE BOARD MEMBERS OR STAFF, QUESTIONS OF STAFF, STATUS REPORTS,**
2 **ANNOUNCEMENTS, COMMITTEE REPORTS, AND OTHER MATTERS AND/OR COMMUNICATIONS**
3 **NOT REQUIRING BOARD ACTION:**
4

5 The Board packet included an April 13, 2022 Los Olivos Community Services District Agenda,
6 April 8, 2021 Santa Barbara County LAFCO Transmittal of Proposed Fiscal Year 2022-2023
7 LAFCO Budget, April 2022 Aquapulse Notice of increased costs for sodium hypochlorite and fuel
8 surcharge, and the April 2022 Family Farm Alliance Monthly Briefing.
9

10 **14. CORRESPONDENCE: GENERAL MANAGER RECOMMENDS FILING OF VARIOUS ITEMS:**

11 The Correspondence List was received by the Board.
12

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

14 There were no requests from the Board.
15

16 **16. NEXT MEETING OF THE BOARD OF TRUSTEES:**

17 President Clay stated the next Regular Meeting of the Board of Trustees is scheduled for May 17,
18 2022 at 3:00 p.m.
19

20 **17. CLOSED SESSION:**

21 The Board adjourned to closed session at 4:54 p.m.
22

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

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

- 25 1. Name of Case: Adjudicatory proceedings pending before the State Water Resources
26 Control Board regarding Permit 15878 issued on Application 22423 to the City of
27 Solvang, Petitions for Change, and Related Protests
28
- 29 2. Name of Case: Central Coast Water Authority, et al. v. Santa Barbara County Flood
30 Control and Water Conservation District, et al., Santa Barbara County Superior Court
31 Case No. 21CV02432
32

33 **18. RECONVENE INTO OPEN SESSION:**

34 [Sections 54957.1 and 54957.7 of the Government Code]
35

36 The public participation phone line was re-opened, and the Board reconvened to open session
37 at approximately 5:35 p.m.
38

39 Mr. Garcia announced that the Board met in closed session concerning Agenda Items 17.A.1
40 and 17.A.2 and that there was no reportable action from closed session.
41

42 **12. CLAIM AGAINST DISTRICT BY SANTA BARBARA COUNTY FLOOD CONTROL AND WATER**
43 **CONSERVATION DISTRICT PURSUANT TO GOVT. CODE SECTION 905**

44 **1. Consideration and Action on Claim Against the District**
45

46 District legal counsel Gary Kvistad summarized the Government Code section 905 claim dated
47 March 30, 2022 against the District by the Santa Barbara County Flood Control and Water
48 Conservation District. Following his summary of the claim, Mr. Kvistad recommended that the
49 District Reject the claim, and tender the claim to the Central Coast Water Authority.

1 It was **MOVED** by Trustee Clay, seconded by Trustee Parker, and carried by a 3-0-0 voice vote,
2 with Trustees Holzer and Burchardi absent, to reject the Government Code section 905 claim
3 dated March 30, 2022 against the District by the Santa Barbara County Flood Control and Water
4 Conservation District.

5
6 It was **MOVED** by Trustee Clay, seconded by Trustee Parker, and carried by a 3-0-0 voice vote,
7 with Trustees Holzer and Burchardi absent, to tender the Government Code section 905 claim
8 dated March 30, 2022 against the District by the Santa Barbara County Flood Control and Water
9 Conservation District to the Central Coast Water Authority.

10
11 **19. ADJOURNMENT:**

12 Being no further business, it was **MOVED** by Trustee Joos, seconded by Trustee Clay, and carried
13 by a 3-0-0 voice vote, with Trustees Holzer and Burchardi absent, to adjourn the meeting at
14 approximately 5:50 p.m.

15
16 **RESPECTFULLY SUBMITTED,**

17
18
19
20 _____
21 Mary Martone, Secretary to the Board

22
23
24 **ATTEST:** _____
25 Jeff Clay, President

26
27
28 **MINUTES PREPARED BY:**

29
30
31
32 _____
33 Karen King, Board Administrative Assistant

**BOARD OF TRUSTEES
SANTA YNEZ RIVER WATER CONSERVATION DISTRICT,
IMPROVEMENT DISTRICT NO.1
May 17, 2022**

Consent Agenda Report

CA-1. Water Supply and Production Report. Total water production in **April 2022 (323 AF)** was 38 AF greater than total production in March (285 AF), notably higher than the most recent 3-year running average (2019-2021) for the month of **April (253 AF)**, and on par the most recent 10-year running average (2012-2021) for the month of **April (339 AF)**. Generally, 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. **However, for the past several months exceptionally dry conditions (record-setting) have caused demands and total production to be higher than the most recent 3-year average.**

For the month of **April**, approximately **149 AF** was produced from the Santa Ynez Upland wells, and approximately **174 AF** was produced from the 4.0 cfs and 6.0 cfs Santa Ynez River well fields. As reflected in the Monthly Water Deliveries Report from the Central Coast Water Authority (CCWA), the District did not request or take delivery of any SWP supplies for the month. Direct diversions to the County Park and USBR were **1.86 AF**.

The USBR Daily Operations Report for Lake Cachuma in **April** (ending April 30, 2022) recorded the end of month lake elevation at **709.10'** with the end of month storage of **87,575 AF**. USBR recorded total precipitation at the lake of **0.25 inches in April**. For the month, reservoir storage was supplemented with **448.5 AF** of SWP deliveries for South Coast entities. Reservoir evaporation in **April** was **745.1 AF**.

Based on the maximum storage of 193,305 AF, Cachuma reservoir currently (as of **May 13, 2022**) is at approximately **44.2%** of capacity, with current storage of **88,094 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), the Cachuma Member Units jointly requested an allocation of approximately 83% of the Project's annual operational yield of 25,714 AF. By letter dated September 24, 2021, USBR issued a 70% allocation decision for WY 2021-2022, which equates to 18,000. ID No.1's 10.31% share of this allocation amounts to 1,855 AF (current water year balance is approximately 1,727 AF). In addition to its 2021-2022 allocation, ID No.1 currently holds approximately 2,301 AF of previous years carryover water in the reservoir, subject to evaporation.**

Water releases for the protection of fish and aquatic habitat are made from Cachuma reservoir to the lower Santa Ynez River pursuant to the 2000 Biological Opinion issued by the National Marine Fisheries Service (NMFS) and the 2019 Water Rights Order (WR 2019-0148) issued by the State Water Resources Control Board (SWRCB). These releases are made to Hilton Creek and to the stilling basin 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

For the month of April, water releases for fish were approximately 61 AF to Hilton Creek and approximately 444.0 AF to the outlet works for a total of 505 AF. As of the end of April 2022, a total of approximately 46,076.4 AF of Cachuma Project water has been released under regulatory requirements for the protection of fish and fish habitat below Bradbury Dam since the year after the last spill in 2011.

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

As previously reported, on January 20, 2022, the California Department of Water Resources (DWR) issued a Notice to SWP Contractors that the 2022 SWP Table A allocation has been increased from 0 percent to 15 percent.¹ That increased allocation translated to 105 AF for ID No.1's 2022 share of Table A supplies through CCWA. **However, by Notice to SWP Contractors dated March 18, 2022, DWR has reduced the Table A allocation from 15 percent down to 5 percent. This decreased allocation equates to 35 AF for ID No.1's share of Table A supplies through CCWA.** The District also holds approximately 181 AF of prior years' carryover in San Luis Reservoir.

As indicated in the April 28, 2022 meeting agenda for the CCWA Board of Directors (attached), CCWA is currently addressing a variety of matters relating to the SWP, including but not limited to: SWP supplies and ongoing drought conditions; SWP operations; the 2022 Supplemental Water Purchase Program; preparation of the CCWA fiscal year 2022/2023 budget; renewal of the CCWA Warren Act Contract for Cachuma Reservoir; and pending litigation against the Santa Barbara County Flood Control and Water Conservation District. The next meeting of the CCWA Board of Directors is scheduled for May 26, 2022.

¹ By way of background, on December 1, 2021, DWR issued an Initial 2022 SWP Table A allocation stating that DWR would be allocating 2022 SWP available supplies on a basis that ensures the SWP Contractors can meet their outstanding minimum human health and safety demands for water. According to DWR, that initial "Health and Safety" allocation was to be based on minimum unmet water demands for domestic supply, fire protection, and sanitation needs during the year, which the SWRCB has established as not more than 55 gallons per capita per day. Because no CCWA agencies identified unmet health and safety demands, DWR's December 2021 Notice translated to an Initial 0 percent Table A allocation for CCWA and its participants.

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

APRIL 2022

LAKE CACHUMA DAILY OPERATIONS

RUN DATE: May 1, 2022

DAY	ELEV	STORAGE		COMPUTED* INFLOW AF.	CCWA INFLOW AF.	PRECIP ON RES. SURF. AF.	RELEASE - AF.				EVAP		PRECIP INCHES	
		IN LAKE	CHANGE				TUNNEL	HILTON CREEK	OUTLET	SPILLWAY	AF.	INCH		
	710.26	89,684												
1	710.25	89,666	-18	27.7	10.6	.0	26.9	2.2	15.0	.0	12.2	.100	.00	
2	710.22	89,611	-55	-1.6	12.5	.0	28.3	2.1	16.0	.0	19.5	.160	.00	
3	710.21	89,593	-18	25.8	12.4	.0	19.5	2.2	15.0	.0	19.5	.160	.00	
4	710.19	89,538	-55	-6.0	12.4	.0	26.0	2.1	15.0	.0	18.3	.150	.00	
5	710.17	89,520	-18	42.2	11.8	.0	29.3	2.1	15.0	.0	25.6	.210	.00	
6	710.13	89,446	-74	2.5	12.4	.0	37.7	2.1	15.0	.0	34.1	.280	.00	
7	710.10	89,391	-55	19.1	12.4	.0	41.3	2.2	15.0	.0	28.0	.230	.00	
8	710.09	89,355	-36	42.4	12.5	.0	40.9	2.1	15.0	.0	32.9	.270	.00	
9	710.04	89,282	-73	15.8	12.3	.0	52.3	2.1	15.0	.0	31.7	.260	.00	
10	710.01	89,227	-55	20.0	12.3	.0	49.6	2.0	15.0	.0	20.7	.170	.00	
11	709.95	89,117	-110	-22.5	12.3	.0	54.9	2.1	16.0	.0	26.8	.220	.00	
12	709.87	88,970	-147	-65.1	12.3	.0	54.0	2.1	15.0	.0	23.1	.190	.00	
13	709.84	88,915	-55	42.0	12.3	.0	63.1	2.1	15.0	.0	29.1	.240	.00	
14	709.79	88,824	-91	16.8	12.2	.0	76.3	2.0	15.0	.0	26.7	.220	.00	
15	709.74	88,732	-92	16.1	12.2	.0	81.4	2.1	15.0	.0	21.8	.180	.00	
16	709.69	88,641	-91	13.6	12.2	.0	76.8	2.0	15.0	.0	23.0	.190	.00	
17	709.64	88,549	-92	7.3	12.2	3.0	79.3	2.0	15.0	.0	18.2	.150	.02	
18	709.60	88,477	-72	24.6	12.2	.0	68.8	2.0	15.0	.0	23.0	.190	.00	
19	709.56	88,405	-72	25.3	12.2	.0	63.5	2.0	15.0	.0	29.0	.240	.00	
20	709.51	88,314	-91	-4.6	12.2	.0	63.5	2.0	15.0	.0	18.1	.150	.00	
21	709.47	88,242	-72	22.2	12.2	.0	62.9	1.9	15.0	.0	26.6	.220	.00	
22	709.44	88,188	-54	-10.1	22.7	34.7	68.6	2.0	15.0	.0	15.7	.130	.23	
23	709.40	88,116	-72	12.0	22.7	.0	67.8	2.0	14.0	.0	22.9	.190	.00	
24	709.37	88,062	-54	32.1	22.8	.0	66.4	2.0	14.0	.0	26.5	.220	.00	
25	709.34	88,008	-54	21.6	22.8	.0	47.5	1.9	14.0	.0	35.0	.290	.00	
26	709.31	87,953	-55	35.1	22.8	.0	64.5	1.9	14.0	.0	32.5	.270	.00	
27	709.26	87,863	-90	-5.1	21.5	.0	67.6	1.9	14.0	.0	22.9	.190	.00	
28	709.21	87,773	-90	2.5	22.7	.0	73.9	2.0	14.0	.0	25.3	.210	.00	
29	709.15	87,665	-108	2.8	17.3	.0	82.2	1.9	14.0	.0	30.0	.250	.00	
30	709.10	87,575	-90	14.4	17.1	.0	79.2	1.9	14.0	.0	26.4	.220	.00	
TOTAL (AF)			-2,109	368.9	448.5	37.7	1,714.0	61.0	444.0	.0	745.1	6.150	.25	
(AVG)		88,701												

COMMENTS:

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

DATA BASED ON 24-HOUR PERIOD ENDING 0800.

INDICATED OUTLETS RELEASE INCLUDE ANY LEAKAGE AROUND GATES.



Santa Barbara County - Flood Control District

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

Rainfall and Reservoir Summary

Updated 8am: 5/13/2022

Water Year: 2022

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 Oday(s)	Month	Year*	% to Date	% of Year*	AI
Buellton (Fire Stn)	233	0.00	0.00	0.00	9.10	56%	55%	
Cachuma Dam (USBR)	332	0.00	0.00	0.00	12.92	66%	65%	
Carpinteria (Fire Stn)	208	0.00	0.00	0.00	9.90	59%	57%	
Cuyama (Fire Stn)	436	0.00	0.00	0.00	4.48	61%	58%	
Figueroa Mtn. (USFS Stn)	421	0.00	0.00	0.00	13.15	63%	61%	9.7
Gibraltar Dam (City Facility)	230	0.00	0.00	0.00	17.68	68%	67%	8.3
Goleta (Fire Stn-Los Cameros)	440	0.00	0.00	0.00	11.66	65%	63%	
Lompoc (City Hall)	439	0.00	0.00	0.00	10.11	71%	69%	9.7
Los Alamos (Fire Stn)	204	0.00	0.00	0.00	9.28	62%	61%	
San Marcos Pass (USFS Stn)	212	0.00	0.00	0.00	26.70	81%	79%	
Santa Barbara (County Bldg)	234	0.00	0.00	0.00	13.31	74%	72%	
Santa Maria (City Pub.Works)	380	0.00	0.00	0.00	7.95	61%	60%	
Santa Ynez (Fire Stn /Airport)	218	0.00	0.00	0.00	10.12	65%	64%	
Sisquoc (Fire Stn)	256	0.00	0.00	0.00	7.49	51%	50%	

County-wide percentage of "Normal-to-Date" rainfall : **64%**

County-wide percentage of "Normal Water-Year" rainfall : **63%**

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

AI (Antecedent Index / Soil Wetness)
 6.0 and below = Wet (min. = 2.5)
 6.1 - 9.0 = Moderate
 9.1 and above = Dry (max. = 12.5)

Reservoirs

Reservoir Elevations referenced to NGVD-29.
 **Cachuma is full and subject to spilling at elevation 750 ft. However, the lake is surcharged to 753 ft. for fish release water. (Cachuma water storage is based on Dec 2013 capacity revision)

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>Gibraltar Reservoir</u>	1,400.00	1,389.93	4,693	2,641	56.3%	-35	2,367
<u>Cachuma Reservoir</u>	753.**	708.43	192,978	85,368	44.2%	-1,104	-13,902
<u>Jameson Reservoir</u>	2,224.00	2,209.42	4,848	3,205	66.1%	-30	120
<u>Twitchell Reservoir</u>	651.50	NA	194,971	NA		NA	NA

[Previous Rainfall and Reservoir Summaries](#)



CENTRAL COAST WATER AUTHORITY

MEMORANDUM

TO: Ray Stokes, Executive Director
Dessi Mladenova, Controller

May 3, 2022

FROM: Christine Forsyth, Administrative Assistant

SUBJECT: Monthly Water Deliveries

According to the CCWA revenue meters at each turnout, the following deliveries were made during the month of April 2022:

<u>Project Participant</u>	<u>Delivery Amount (acre-feet)</u>
Chorro	170.50
López.....	190.64
Shandon.....	0.00
Guadalupe.....	0.95
Santa Maria.....	0.00
Golden State Water Co.....	0.40
Vandenberg.....	0.00
Buellton	2.09
Solvang	42.36
Santa Ynez ID#1	0.00
Bradbury.....	<u>452.84</u>
TOTAL	859.78

In order to reconcile these deliveries with the DWR revenue meter, which read 880 acre-feet, the following delivery amounts should be used for billing purposes:

<u>Project Participant</u>	<u>Delivery Amount (acre-feet)</u>
Chorro	179
López	200
Shandon.....	0
Guadalupe.....	1
Santa Maria	0*
Golden State Water Co	1*
Vandenberg	0
Buellton	2
Solvang	44
Santa Ynez ID#1	0
Bradbury	<u>453</u>
TOTAL	880

*Golden State Water Company received 1 acre-feet through the Santa Maria turnout. Since Santa Maria did not take delivery of any water in April, this delivery will be accounted for as an internal transfer and will be reflected in the Water Delivery Status Report. Santa Maria's available balance will increase by 1 acre-feet and the Golden State Water Company will be charged 1 acre-foot.

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

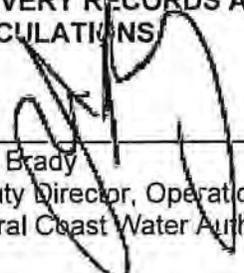
<u>Project Participant</u>	<u>Exchange Amount (acre-feet)</u>
Goleta	0
Santa Barbara	0
Montecito	0
Carpinteria	<u>0</u>
TOTAL	0

Bradbury Deliveries into Lake Cachuma are allocated as follows:

<u>Project Participant</u>	<u>Delivery Amount (acre-feet)</u>
Carpinteria	0
Goleta	308
La Cumbre	35
Montecito	0
Morehart	10
Santa Barbara	100
Raytheon	<u>0</u>
TOTAL	453

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
Shannon Sweeney, City of Guadalupe
Robert MacDonald, Carpinteria Valley WD
Mike Alvarado, La Cumbre Mutual WC
Pernell Rush, Vandenberg AFB
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 Meeting of the

REVISED



BOARD OF DIRECTORS OF THE CENTRAL COAST WATER AUTHORITY

will be held at 9:00 a.m., on Thursday, April 28, 2022 at 255 Industrial Way, Buellton, California 93427 and Montecito Water District Board Room 583 San Ysidro Road, Montecito, CA 93108

Members of the public may participate by video call or telephone via URL: https://v.ringcentral.com/join/861734831 or by dialing (650) 419-1505 and entering access Code/Meeting ID: 861734831 #

- Eric Friedman Chairman
Ed Andrisek 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 lfw@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. CLOSED SESSION
A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
C. CLOSED SESSION: CONFERENCE WITH REAL PROPERTY NEGOTIATORS
D. Public Employee Performance Evaluation - Government Code Section 54957
E. Conference with Labor Negotiator - Government Code Section 54957.6

Agenda Item II, the Closed Session, is anticipated to take 1.5 hour. The remainder of the Meeting will start no earlier than 10:30 am.

- III. Return to Open Session
IV. 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.)

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

* Indicates attachment of document to original agenda packet.
Indicated enclosure of document with agenda packet.

Continued
[Signature]
#49552_2

V. Consent Calendar

- * A. Minutes of the March 24, 2022 Regular Meeting
- * B. Bills
- * C. Controller's Report
- * D. Operations Report
Staff Recommendation: Approve the Consent Calendar

VI. Executive Director's Report

- A. CCWA Employee Recognition of Darin Dargatz for 25 Years of Service
Staff Recommendation: Informational item only.
- B. Water Supply Situation Report
Staff Recommendation: Informational item only.
- * C. 2022 Supplemental Water Purchase Program: Casitas Municipal Water District Transfer
 1. Resolution No. 22-03: A Resolution Of The Board Of Directors Of The Central Coast Water Authority Approving The 2022 Purchase Of Supplemental State Water Project Water Supplies From Casitas Municipal Water District
Staff Recommendation: Adopt Resolution No. 22-03 Approving The 2022 Purchase of Supplemental State Water Project Water Supplies From Casitas Municipal Water District
- * D. Temporary Warren Act Contract between CCWA and United States Bureau of Reclamation
Staff Recommendation: Informational item only.
- E. Personnel Committee
 - * 1. CCWA 2022 Employee Salary and Benefits Survey Results
Staff Recommendation: Accept the "2022 Total Compensation Study Report" and approve the changes to the employee compensation and benefits as outlined in the Staff Report and changes to CCWA Personnel Policy Manual to reflect benefit changes.
 - * 2. 2022 Review of Personnel Policy Manual
Staff Recommendation: Approve the proposed changes to the Personnel Policy Manual as outlined in Personnel Counsel's memo dated April 5, 2022.
 - 3. CCWA Board Consideration of Executive Director and Deputy Director Compensation Adjustments
Staff Recommendation: Consider matter
- ◆ F. Finance Committee
 1. FY 2021/22 Third Quarter Investment Report
Staff Recommendation: Approve the Third Quarter FY 2021/22 Investment Report.
 2. Annual Review of the CCWA Investment Policy
Staff Recommendation: Consider matter and direct no changes to the existing CCWA Investment Policy.
- * G. Request for Approval for the Use of Appropriated Contingency in the Amount of \$21,281 for Chloramination Dosing Trailer
Staff Recommendation: Authorize the Executive Director to utilize funds from the appropriated contingency budget in the amount of \$21,281 to fund the Chloramination Dosing Trailer.
- * H. Adoption of Final CCWA FY 2022/23 Budget
Staff Recommendation: Adopt Final CCWA FY 2022/23 Budget
- I. State Water Contractors Update
Staff Recommendation: Informational item only.
- * J. Legislative Report
Staff Recommendation: Informational item only.

VII. Reports from Board Members for Information Only

VIII. Items for Next Regular Meeting Agenda

IX. Date of Next Regular Meeting: May 26, 2022

X. Adjournment

022-state-water-project-table-a-allocation-decrease-from-15-to-5-percent)



Central Coast Water Authority

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Board Meeting

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**SANTA YNEZ RIVER WATER CONSERVATION DISTRICT,
IMPROVEMENT DISTRICT NO.1**



**PRELIMINARY BUDGET
FY 2022/2023**



BOARD OF TRUSTEES

Jeff Holzer
Division 1

Jeff Clay - President
Division 2

Lori Parker
Division 3

Michael Burchardi
Division 4

Brad Joos - Vice President
Trustee-At-Large

This Budget was prepared under the direction of:

Paeter Garcia, General Manager

Mary Martone, Assistant General Manager/Secretary to the Board

STAFF CONTRIBUTORS

Eric Tambini, Water Resources Manager

Joe Come', Operations & Maintenance Superintendent

MISSION STATEMENT

To provide the residential and agricultural customers in the Santa Ynez River Water Conservation District, Improvement District No.1 service area with reasonably priced, reliable, high quality water supply, and efficient and economical public services.

DISTRICT OVERVIEW, STRUCTURE AND STAFFING

The Santa Ynez River Water Conservation District, Improvement District No.1 (District) was formed in 1959 under the Water Conservation District Law of 1931, Division 21, Section 74000 et seq. of the California Water Code (the Act) for the purpose of furnishing water and related water supply services within the District's boundaries. The District has operated continuously since 1959.

Located in the central portion of Santa Barbara County, the District serves the communities of Santa Ynez, Los Olivos, Ballard, the Santa Ynez Band of Chumash Indians, and the City of Solvang (limited basis). With a service area population of approximately 7,022 (excluding the City of Solvang), the District currently provides water directly to approximately 2,624 municipal and industrial customers (including domestic/residential, commercial, institutional, rural residential, and fire service) and approximately 97 agricultural customers. The District encompasses an area of approximately 10,850 acres (including approximately 1,300 acres within Solvang).

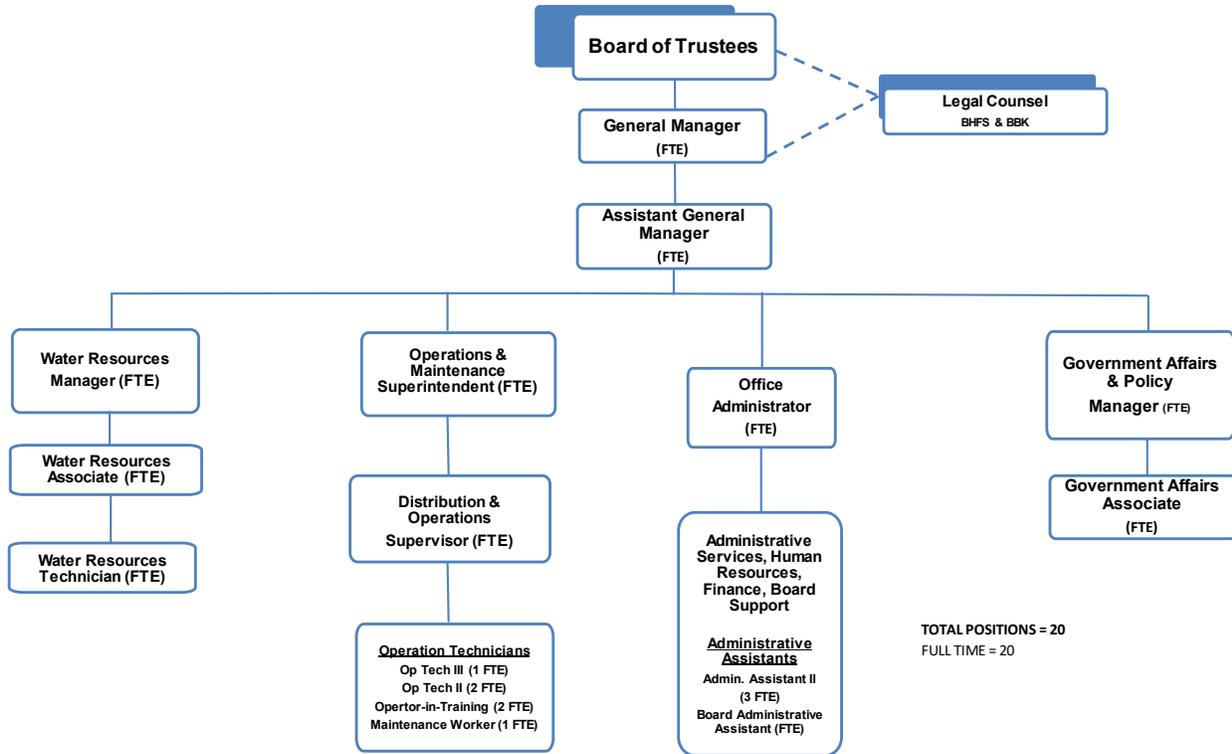
The District obtains its water supplies from the Cachuma Project/State Water Exchange, direct diversions from the Cachuma Project (as needed), contractual deliveries from the State Water Project as a member agency of the Central Coast Water Authority, production from the Santa Ynez Uplands Groundwater Basin, and diversions from the Santa Ynez River alluvium. The District's major activities include acquisition, construction, operation, and maintenance of works and facilities for the development and use of water resources and water rights, including without limitation, works and facilities to divert, store, pump, treat, deliver, and sell water for reasonable and beneficial uses by the District's domestic and agricultural accounts.

Operational Information

- District Pipelines (in miles) = 92
- Number of Booster Pump Stations = 5 with 11 pumps
- Number of Active Wells = 19
- SWP/ID No.1 Turnout = 5 pumps
- Number of water storage reservoirs/tanks = 4 with a total capacity of 16.7 million gallons
- Current number of approved, funded full-time equivalent (FTE) positions = 20

ORGANIZATION CHART

FISCAL YEAR 2022/2023



EXECUTIVE SUMMARY

FISCAL YEAR 2022/23

BUDGET PROCESS

The District's fiscal year budget is one of the most important documents prepared by management for the Board of Trustees. The financial accounts and line items reflected in this document and the FY 2022/23 Preliminary Budget describe the annual fiscal year budget beginning July 1, 2022 and ending on June 30, 2023.

The development and adoption of the District's annual budget is based on projected revenues and expenditures, as well as identified projects and programs which provides the financial foundation for District activities. The budget serves as a roadmap for ensuring reasonable costs and predictable customer rates. The budget blends advanced revenue forecasting and effective expenditure management with the infrastructure investment needed to deliver safe, reliable, cost-effective, and sustainable water supplies to the communities served by the District.

Through the process of planning and preparing the budget, management compared the 2016 Water Rate Study results with the prior year financial conditions and year-end estimated outcomes, then forecasted the funding needs of the District in order to continue to provide high levels of water service, meet regulatory requirements, and comply with applicable financial obligations throughout the fiscal year and beyond.

To determine the annual operating budget and capital costs necessary to provide water service, the General Manager and Assistant General Manager work with the Water Resources Manager and the Operations & Maintenance Superintendent to identify and prioritize estimated operating expenditures and capital improvement projects. Once a Preliminary Budget is prepared, it is presented to the Board of Trustees at a public meeting to provide the opportunity for questions, modifications, and direction to staff to finalize the budget for Board approval at a subsequent public meeting. The Final Budget provides a necessary foundation for the District's administrative, operations, and maintenance programs, debt service obligations, and other financial commitments and service objectives for the coming year.

REPORTING BASIS

The District utilizes the accrual basis for budgeting purposes and for accounting and financial reporting. The accrual method recognizes revenues and expenses in the period in which they are earned and incurred. The accrual method is the Generally Accepted Accounting Principal (GAAP) for financial reporting.

The District reports its activities as an enterprise fund. This method of reporting is used to account for operations that are financed and administered in a manner similar to a private business enterprise. The costs of providing water and services to customers on a continuing basis (including replacement of existing assets) should be financed or recovered primarily through user charges and the costs are borne by the customers who are receiving the benefit of the assets.

The FY 2022/23 Preliminary Budget was developed from the Uniform System of Accounts for Water Utilities which includes a set of tables providing details for revenue and expenditure categories of the District. **The tables contained in this Report are intended to be reviewed in connection with the FY 2022/23 Preliminary Budget document.** The

accounting for the budget is supported by the QuickBooks accounting system which is verified annually by an independent audit performed by Bartlett, Pringle & Wolf. The budget tables show categories of the operating revenues as compared to operating expenditures along with debt service and special studies expenditures, including but not limited to compliance with various state and federal regulatory requirements applicable to fisheries protection in the Lower Santa Ynez River, compliance with water rights orders issued by the State Water Resources Control Board, and implementation of contractual requirements. The District's operating expenses and Capital Improvement Project program are to be fully funded by operating revenues, and as necessary and appropriate from reserve funds. The Capital Improvement Project expenditures can be funded by a combination of operating revenues and reserves.

BUDGET AND RESERVE FUND BACKGROUND

The District's 2016 Water Rate Study, inclusive of the approved Water Rate Schedule, was adopted by the District's Board of Trustees on December 13, 2016 and became effective on February 1, 2017. The Water Rate Study and Schedule provide the foundation for incrementally increased revenues over a five-year period. Rates were developed to meet operating expenses, debt service obligations, capital improvement projects (partially), and other planned expenditures. The Water Rate Study also includes a Reserves analysis and a plan for adding to the District's reserve funds over the same five-year period to allow for recovery of reserve deficits that occurred over the previous six-year period. The last rate adjustment pursuant to the Water Rate Schedule went into effect on July 1, 2021 and remains in effect for the FY 2022/23 budget cycle. The FY 2022/23 Preliminary Budget proposes to fully fund all expense categories, including Operations and Maintenance (O&M), General and Administrative (G&A), Debt Service, Other Expenses and Special Studies, and Capital Improvement Project program costs, leaving a net balance of \$279,031 which will be added to the District's reserves.

Below are the past fiscal year and the most current fiscal quarter-end Reserve balances based on actual accounting and audit information.

Table 1

RESERVE BALANCES

	June 30, 2021	March 31, 2022¹
<u>BOARD RESERVED</u>		
Debt Repayment Obligation	\$619,153	\$1,960,529 ²
Repair & Replacement	\$2,817,609	\$4,353,712
Plant Expansion	\$4,100,041	\$5,636,144
Subtotal	\$3,963,101	\$11,950,385
<u>RESTRICTED RESERVE</u>		
Dev. Fee; SY Septic	\$109,212	\$109,212
State Water Project Reserve ³	\$3,000,000	\$3,000,000

1. Amounts reflected in this column represent the reserve balance at 9-months of current FY 2021/22. The year-end reserve amount will change at June 30, 2022 to reflect a balance based on actual accounting for projects and debt service expenditures.
2. This amount represents a Debt Payment Obligation reserve balance at 9-months of current FY 2021/22. The year-end reserve amount in this category will change at June 20, 2022 to reflect payments for the 2004A Bond payable on June 1, the SWP payment due on June 1, and the USBR Safety of Dams Repayment Contract payment.
3. One year set aside payment established to guarantee ID No.1's contractual debt obligation in the event of a default by the City of Solvang.

BUDGET IN DETAIL

The specific revenue and expenditure categories of the budget account for the adopted water rates and revenues, prior year audit data, and financial account information. The categories are displayed using actual 9-month revenue and expenditure data from the current fiscal year, and are also projected to show the fiscal year-end figures (June 30, 2022). This information is used as part of the evaluation to develop the FY 2022/23 Preliminary Budget.

The FY 2022/23 Preliminary Budget of \$12,315,275 reflects an overall 10% decrease compared to the projected June 30, 2022 year-end results, but is 4.5% less than the financial projections adopted as part of the 2016 Water Rate Study. As noted above, the FY 2022/23 Preliminary Budget assumes that water rates remain static based upon the last rate increase that went into effect July 1, 2021. The water rates are applied to forecasted water sales and meter charges in FY 2022/23 based on actual sales and charges in the current and prior fiscal years. The budget also assumes no increase in the \$875,000 Special Assessment / Ad Valorem Tax, even though the authorized limit for FY 2022/23 is \$2,300,918. Other factors such as capital facilities charges and interest income are integral parts of the forecast. The information below shows that budgeted revenues will meet projected operating expenditures and debt service obligations, and result in a projected net revenue balance of \$3,459,348. This revenue balance will fund the Other Expenses and Special Studies categories as further detailed in the Preliminary Budget, leaving a balance of \$2,675,848 in net operating revenues, which will fully fund the proposed \$2,396,817 Capital Improvement Projects (CIP) Program for FY 2022/23, leaving a net balance of \$279,031 which will contribute to the District's reserves.

SUMMARY OF REVENUES

The District operates according to cost of service, with revenues derived primarily from water sales, the special tax assessment, fixed monthly service charges, and other water services. For the FY 2022/23 Preliminary Budget, the total operating revenues are projected at \$12,315,275 including the SWP revenue of \$2,240,562 from the City of Solvang. Actual projected total revenues are \$10,074,713 without the SWP pass-through payment. Table 2 below summarizes the distribution of the District's projected revenue sources for FY 2022/23.

Table 2

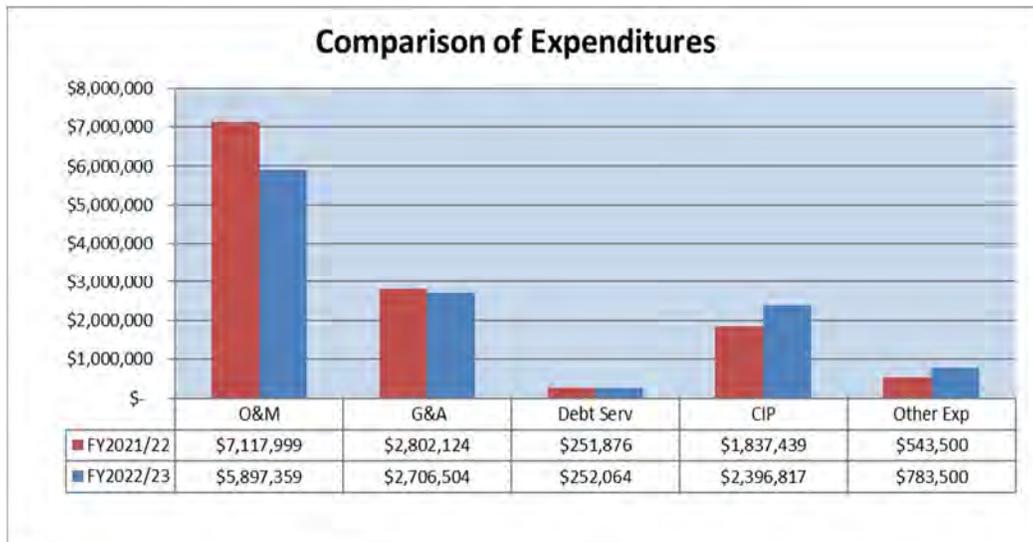


SUMMARY OF EXPENDITURES

Based on the FY 2022/23 Preliminary Budget, the District's projected water sales and other operating revenues, including the FY 2022/23 special tax assessment, will fully fund the overall operating expenditures, including all categories of Operation & Maintenance, General & Administrative, and Debt Service, and result in a net revenue balance of \$3,459,348. This net

balance of operating revenues is proposed to fund the District's Other Expenses and Special Studies categories as further detailed in the Preliminary Budget. Thereafter, a net revenue balance of \$2,675,848 is proposed to fully fund the District's FY 2022/23 CIP program. Table 3 below shows all expenditure categories for FY 2022/23 in comparison to the previous fiscal year.

Table 3

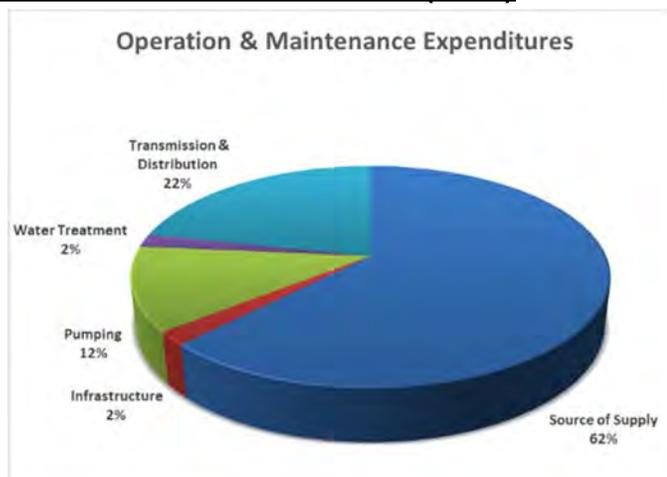


EXPENDITURES - OPERATION AND MAINTENANCE (O&M)

The overall budget for O&M expenditures for FY 2022/23 is 20% (\$1,220,640) less than last year's FY 2021/22 budget, with the Source of Supply category having the single largest decrease. This is directly attributable to the California Department of Water Resources (DWR) charges for State Water Project (SWP) deliveries being reduced by \$654,333 for ID No.1 and \$691,321 for the City of Solvang's passthrough expenses for the year. The reductions are a result of reduced costs in the Transportation Minimum expense, Water System Revenue Bond, and Transportation Capital expenses. Additionally, the United States Bureau of Reclamation (USBR) charges for Cachuma Project supplies reflect a \$32,780 reduction in the coming fiscal year. Other categories of Pumping, Water Treatment, and Transmission & Distribution all realized slight increases based upon inflationary and vendor increases. Table 4 below illustrates the distribution of costs for the O&M expense categories.

Table 4

EXPENDITURES - GENERAL AND ADMINISTRATION (G&A)



The overall budget for G&A expenditures for FY 2022/23 is 3.5% (\$95,619) less than last year's FY 2021/22 budget. The decrease is primarily due to the removal of the Other Post-Employment Benefits (OPEB) line-item #21001 which was \$235,000 in FY 2021/22. Through discussion with the District's auditors, the decision was made to remove this line-item from the forecasted budget due to the fact that there is no direct "cash" transaction that occurs with reference to this line-item. The OPEB amount is calculated by a third-party actuarial consultant as required and recorded as part of the District's annual audit process. Once the liability is determined, it is added to the District's Balance Sheet for reporting purposes.

Other administrative expenses, including payroll taxes, office maintenance, office supplies, and miscellaneous service contracts are projected to increase slightly due to inflationary and vendor cost increases related to the current economic climate. Notably, the slight increases are partially offset by reductions in health and dental expenses as estimated by ACWA JPIA for calendar year 2023 and removal of beneficiaries from the plan (adult dependents).

The proposed District-wide salaries reflect a slight increase due to a proposed 5.4% Cost of Living Adjustment (COLA) and merit increases in accordance with the District's adopted Personnel Policy and Salary Schedule. The COLA is consistent with industry standards and the District's past practice, and is based upon the Consumer Price Index (CPI) nine-month calculation data (July-March). The COLA adjustment is obtained by averaging the prior nine-month indexes for all urban wage earners and clerical workers and comparing that average to the previous nine-month averaged data for the Los Angeles-Long Beach-Anaheim area of California. Table 5 below illustrates the distribution of costs for the G&A expense categories.

Table 5



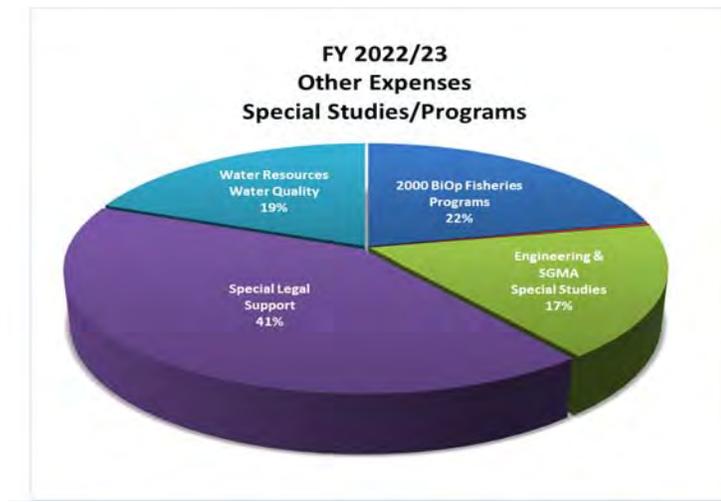
DEBT SERVICE

The District's Debt Service accounts for FY 2022/23 include (1) the USBR Safety of Dams repayment (principal and interest) which remains constant for the 50-year term at \$26,976 per year, and (2) the Series 2004A Bond repayment (principal and interest) of \$225,088, which represents the final payment in accordance with the Bond repayment terms. As detailed above, the FY 2022/23 operating revenues, inclusive of the special tax assessment, are projected to fully fund the District's operating expenses plus debt service.

OTHER EXPENSES

For FY 2022/23, the budgeted amount of \$783,000 in the Other Expenses category will be funded by the net revenue balance of \$3,459,348. The FY 2022/23 budget for Other Expenses is \$240,000 higher than what was budgeted in FY 2021/22, which is primarily due to estimated Special Legal costs associated with the current litigation matter involving the Central Coast Water Authority and the Santa Barbara County Flood Control and Water Conservation District. As fully detailed in the 2022/23 Preliminary Budget, the cost categories are projected to shift in several ways, which reflect ongoing work related to the 2019 State Water Resource Control Board Order and related studies for the Cachuma Project, the ongoing federal Endangered Species Act Section 7 re-consultation process for the Cachuma Project, ongoing water right proceedings in the Lower Santa Ynez River, an updated District-wide water system study, and the Sustainable Groundwater Management Act, among other matters. Table 6 below illustrates the distribution of costs for the Other Expenses and Special Studies categories.

Table 6



CAPITAL IMPROVEMENT PROJECTS (CIP)

Infrastructure planning and investment is critical to the ongoing reliability of the District’s water production and distribution system. In years past, the District’s CIP program was seriously compromised by shortfalls in operating revenues caused by outdated water rates and a multi-year suspension on the levy of a special tax assessment. Those shortfalls required incremental drawdowns of District reserves simply to meet annual operating expenses and debt service. Consequently, monies were not available to fund the CIP program, and needed capital improvements to the District’s aging water system were deferred.

On the other hand, when operating revenues are healthy and able to meet and exceed operating expenses, net revenues are available to fund the District’s Debt Service and Other Expenses (including Special Studies) and then contribute to building reserves and/or funding the CIP program. In FY 2018/19, revenues began to stabilize, allowing for net revenues to be added to reserves for capital improvements. In FY 2021/22, the District was able to budget for important infrastructure investments. While many of those CIP projects were undertaken and completed, several of them were suspended or delayed due to the COVID-19 pandemic and related orders and restrictions issued by federal, state, and local authorities, as well as production halts and shipping delays for various parts and materials. Those capital projects that were unable to be completed during FY 2021/22 have been rolled forward into the FY 2022/23 Preliminary Budget.

For FY 2022/23, a total of \$2,396,817 is budgeted for the CIP program. This amount is \$559,378 more than the \$1,837,439 CIP budget in FY 2021/22, where nearly half of the increase is attributable to purchasing the remaining meters to complete the District's systemwide meter replacement program. Of particular note, the entire CIP program for FY 2022/23 will be funded from the District's net revenues of \$2,675,848 (after funding Other Expenses and Special Studies) and will not require funding from District reserves. The CIP items include projects needed for replacements, betterments, upgrades, and repairs of the District water supply, production, and distribution system. Projects that were not completed during FY 2021/22 are identified as "Rollforward Projects" below.

Account 900332 (\$125,000) – Water Treatment Plant/Building (Rollforward Project) – This account was originally budgeted to include a combination steel building to house a water treatment and control system for the District's office wells, along with a garage bay for District equipment and needed expansion and upgrade of field crew quarters. Preliminary architectural and engineering design work has been completed. The budgeted amount for FY 2022/23 has been reduced from the prior fiscal year, which will be directed to design modifications to incorporate a District-designated Board Room, finalizing the building design, and initial permitting costs and processing.

900333 (\$285,000) – Cr6 Blending Station/Facilities (Rollforward Project) – With the resurgence of a new Cr6 water quality standard (10 ppb MCL) that is expected to be re-adopted by the State Water Resources Control Board in the coming fiscal year. Funds are budgeted for engineering and design of treatment and distribution facilities to comply with the new regulation.

900372 (\$65,750) – Office Computers, Furniture & Equipment - This account includes replacement of the District's main network server which is at the end of its lifecycle. The server replacement cost includes the purchase of equipment and programming by the District's IT vendor (\$21,050).

Additional funds are included for security controls that will be implemented to reduce cybersecurity risks, which include the migration to 365 exchange that will provide an umbrella that houses several software components and necessary equipment. This project consists of the purchase of equipment, software, and programming by the District's IT vendor (\$14,700).

The remaining funds (\$30,000) will be utilized for the initial phase of implementing a Laserfiche Enterprise Document Management System. Since the District's formation, the District continues to maintain much of its documentation in original form. Limited space has become a factor in meeting document storage needs, and a Laserfiche Document Management System will modernize the business operations of the District and provide more efficiency for searching, locating, and storing documents.

900318 (\$710,000) – Meter Replacement/Utility Billing – The Districtwide meter replacement program began in FY 2019/20. This multi-phase replacement program consists of purchasing and installing new meters to replace existing ones that have been in service for approximately 20 years and have diminished capabilities to provide accurate accounting of water use. Phase 1, which began mid-year FY 2019/20, resulted in a total of 292 meters being replaced, along with the purchase of necessary hand-held devices for meter reading. Phase 2 was intended to commence at the beginning of FY 2020/21, but was delayed due to COVID-19. During FY 2021/22, a total of 981 meters were budgeted for and installation and will be completed by June 30, 2022. The FY 2022/23 Preliminary Budget amount (\$710,000) will complete Phase 3 of the meter replacement program.

900371 (\$61,250) – Office Building/Shop Improvements (Rollforward Project) – This account includes construction modifications to the existing staff room at the District office to create a semi-private office space for the Office Administrator position, as well as minor renovations to the office kitchen to upgrade counter tops, cabinets, electrical outlets, and fixtures that have been in place since the 1960s. Both modifications/upgrades are estimated at a total cost of \$56,250. The remaining \$5,000 will be utilized for upgrades to the shop area, including additional shelving for tools and equipment, workbenches, and related work stationing for the field crew.

900376 (\$20,000) – Communication/Telemetry Equipment (SCADA) – This account includes \$20,000 to add Well No.15 to the SCADA monitoring network. The project will include on-site telemetry equipment (e.g., radio, controller, and other appurtenances), and programming of the on-site controller, as well as integration into and programming of the newly upgraded SCADA system.

900181 (\$1,000) – ESRI CAD-GIS – This account includes \$1,000 for equipment needs and/or software upgrades necessary to continue operation of the District’s GIS system that is used to update the District’s atlas.

900378 (\$10,000) – Major Tools, Shop & Garage Equipment – Funds will be used as needed for the purchase and/or replacement of major tools and equipment during the fiscal year.

900350 (\$332,781) – Upland Wells (Partial Rollforward Project) – Funds will be used to upgrade the electrical panels at Well Nos. 7, 25, and 28 for a total of \$182,781. The work associated with these three well sites are Rollforward Projects from FY 2021/22 due to lengthy fabrication time extending over 50 weeks which caused significant parts and materials delays. The current electrical panels at each site are substantially obsolete and pose potential safety hazards. The panel components need to be improved to current day standards which will improve efficiency and operational safety. Funds to complete this task include design work, construction drawings, specifications, arch flash analyses, and installation work for Well Nos. 7 and 25. Costs for the Well No. 28 electrical panel will include preliminary design work, construction drawings, bid support from a licensed electrical engineer, and a materials purchase deposit. Installation work for Well No. 28 will be budgeted in the next fiscal year.

New project work under this line-item (\$150,000) includes costs for pump and motor replacements at Well Nos. 15 and 24.

900106 (\$60,000) – Rehabilitate/Replace/New Transmission Mains/Laterals/Valves (Partial Rollforward Project) – Funds will be used for the replacement of mainline valves that are broken or inoperable at seven locations, as well as valve insertions at various locations within the District (\$28,000). This was budgeted last fiscal year 2021/22; however, all work was not completed due to various circumstances including materials shipping delays and workload prioritization.

Additionally, \$23,700 will be utilized for engineering services to develop plans, specifications, and surveying to relocate the District’s water line located on the old Highway 154 bridge spanning Alamo Pintado Creek. The need for this project is due to Caltrans’ removal and replacement of the old Highway 154 bridge (now used as a pedestrian bridge). The construction portion of the project will be included in the next fiscal year budget.

The remaining \$8,300 will be utilized for any mainline breaks or mainline reconfiguration that may occur or be necessary during the fiscal year.

900170 (\$96,522) – 6 CFS Well Field (Rollforward Project) – Funds (\$66,522) will be used to upgrade the electrical panels at the 6 CFS well field. The current electrical panels are substantially obsolete and pose potential safety hazards. The panel components need to be improved to current day standards which will improve efficiency and operational safety. This is a Rollforward Project from FY 2021/22 due to lengthy fabrication time extending over 50 weeks which caused significant parts and materials delays. Funds to complete this task include preliminary design work, construction drawings, bid support from a licensed electrical engineer, and a materials purchase deposit. Construction will be budgeted in the next fiscal year.

This account also includes \$30,000 for the replacement of a pump and motor at the 6 CFS well field.

900335 (\$5,000) – SWP Pump Station/Pipeline - This account includes funds for the needed replacement of valves and mechanical equipment at the Mesa Verde Pump Station to ensure reliable deliveries of SWP entitlement and Cachuma exchange water.

900373 (\$47,000) – Fleet Vehicle Replacement (Rollforward Project) – This account includes funds for the purchase of one replacement fleet vehicle (field truck). This vehicle will replace an existing 2004 model with approximately 152,000 miles. The Board awarded the bid for the vehicle purchase in October of 2021 and the order was placed that same month. To date, the vehicle has not been received due to factory shut downs. The vehicle is due to be received sometime in FY 2022/23.

900171 (\$102,313) – 4 CFS Well Field (Partial Rollforward Project) – This account includes \$22,000 for roof repairs to a wooden vault and installation of a new drain line. This project is required to maintain the integrity of the well. New project work under this line-item (\$30,000) includes the cost for a pump and motor replacement at the 4 CFS well field.

The remaining \$50,313 will be used to complete the installation of a manual transfer switch for emergency generator use at the 4 CFS well field. Additionally, a voltage monitor will be installed within the existing electrical panels due to voltage fluctuations delivered by PG&E at this location. Estimated contractor costs include all materials and labor (\$46,976). Electrical engineer time for bidding support, submittal review, and construction support is estimated at \$5,425.

900195 (\$50,313) – Refugio 2 Booster Pump Station – Funds will be utilized to complete the installation of a manual transfer switch for emergency generator use at the Refugio 2 Booster Pump Station site. Additionally, a voltage monitor will be installed within the existing electrical panels due to voltage fluctuations delivered by PG&E at this location. Estimated contractor costs include all materials and labor (\$46,976). Electrical Engineer time for bidding support, submittal review, and construction support is estimated at \$5,425.

900196 (\$174,573) – Alamo Pintado Booster Pump Station (Partial Rollforward Project) – Funds from this account will be used to upgrade the electrical panel, add a manual transfer switch, and complete an arch flash analysis at the Alamo Pintado Booster Pump Station, which is substantially obsolete and poses a potential safety hazard. The current electrical panel and components need to be improved to current day standards which will improve efficiency and operational safety. Part of the work associated with this project is a Rollforward Project from FY 2021/22 due to lengthy materials fabrication and delivery times estimated between 15 and 25 weeks.

900197 (\$63,793) – Refugio 3 Booster Pump Station (Rollforward Project) – Funds from this account will be used to upgrade the electrical panel at the Refugio 3 Booster Pump Station, which is substantially obsolete and poses a potential safety hazard. The current electrical panel and components need to be improved to current day standards which will improve efficiency and operational safety. Lengthy materials fabrication and delivery times are estimated between 25 and 35 weeks.

900198 (\$76,522) – Meadowlark Booster Pump Station (Partial Rollforward Project) – Funds from this account will be used for two different projects. The first project is the construction of an open sided metal roof pole barn structure to house the District's large equipment, trailers, and materials to mitigate weather damage currently being incurred for lack of protective cover. Approximately \$10,000 in materials and supplies is anticipated to be spent on this project. The construction work will be completed by the District's field team.

The remaining \$66,522 will be used to upgrade the electrical panels at the Meadowlark Booster Pump Station. The current electrical panels are substantially obsolete and pose potential safety hazards. The panel components need to be improved to current day standards which will improve efficiency and operational safety. This project is a Rollforward Project from FY 2021/22 due to lengthy fabrication time extending over 50 weeks which caused significant parts and materials delays. Funds to complete this task include preliminary design work, construction drawings, bid support from a licensed electrical engineer, and a materials purchase deposit. Construction will be budgeted in the next fiscal year.

900102 (\$110,000) – Zone 1, 2, 3 Reservoir – Funds for this project will be used for cleaning, inspection, and repair work at the 3.2-million-gallon concrete water storage tank (Zone 3 Reservoir). Work will include clean-out and resealing floor joints, preparing and recoating the 12" inlet over-flow piping, crack sealing for columns and column footings, and waterproofing of footings and columns as needed.

If additional CIP expenditures are needed, funding will come from the Repair and Replace and/or Plant Expansion Reserves. If such funding is not sufficient or undesirable, the projects will be deferred or re-prioritized.

FY 2022/23 PRELIMINARY BUDGET CONCLUSION

The FY 2022/23 Preliminary Budget revenues of **\$12,315,275** are projected to be sufficient to meet total O&M expenses, G&A expenses, and Debt Service obligations of **\$8,855,927** with a net revenue balance of **\$3,459,348**. This net revenue balance of \$3,459,348 will be used to fund the \$783,500 of Other Expenses (including Special Studies) for necessary engineering, design, legal, and consulting work to maintain protection and preservation of the District's water rights and to ensure compliance with various regulatory orders and requirements applicable to the District's rights and water supply portfolio, including but not limited to state-mandated water quality standards and fishery protections applicable to the Cachuma Project in accordance with State Water Resources Control Board Orders and the federal Endangered Species Act. The remaining net revenue balance of **\$2,675,848** will be used to fully fund the District's FY 2022/23 CIP program as detailed above in the amount of **\$2,396,817**. The remaining net revenue balance of **\$279,031** will be added to the District's Reserves.

RECOMMENDATION

That the Board of Trustees review the Fiscal Year 2022/23 Preliminary Budget and provide desired comment or direction to management for potential revisions. Approval of the FY 2022/23 Final Budget by Resolution will be recommended and considered for action by the Board at the June 21, 2022 Board of Trustees meeting.



Santa Ynez River Water Conservation District, Improvement District No.1
PRELIMINARY BUDGET FY 2022-23

REVENUE Account No.	Service & Sales	FY 21/22		FY 21/22		Projected Revenues		Preliminary Budget		Variance from	
		Budget	9-Month Revenues	FY 21/22	6/30/2022 Year-End	FY 22/23	2021/22 Budget				
601000	Agriculture Water Sales & Meter Charges	\$ 1,347,767	\$ 932,695	\$ 1,313,034	\$ 1,344,337	\$ (3,430)					
602000	Domestic Water Sales & Meter Charges	\$ 4,637,998	\$ 3,696,309	\$ 5,012,074	\$ 4,631,353	\$ (6,645)					
602100	Rural Res/Lmt'd Ag Sales & Meter Charges	\$ 2,465,761	\$ 1,955,669	\$ 2,686,889	\$ 2,458,811	\$ (6,950)					
602200	Cachuma Park Water Sales	\$ 19,575	\$ 10,933	\$ 15,307	\$ 19,575	\$ -					
606000	Water Sales to City of Solvang	\$ 168,222	\$ 52,744	\$ 66,531	\$ 279,725	\$ 111,503					
608000	Water Sales - On-Demand	\$ 40,622	\$ 11,004	\$ 14,689	\$ 36,018	\$ (4,604)					
611500	Fire Service Charges	\$ 122,258	\$ 92,879	\$ 125,430	\$ 111,719	\$ (10,539)					
604000	Temporary Water Sales	\$ 6,725	\$ 16,372	\$ 21,350	\$ 20,175	\$ 13,450					
	Subtotal Water Sales	\$ 8,808,928	\$ 6,768,605	\$ 9,255,305	\$ 8,901,713	\$ 92,785					
611100	New Services Fees	\$ 40,000	\$ 21,300	\$ 46,387	\$ 40,000	\$ -					
611200	Activation/Reconnection Fees	\$ 20,000	\$ 12,600	\$ 15,120	\$ 20,000	\$ -					
611900	New Fire Service Fees	\$ 3,000	\$ 6,080	\$ 6,080	\$ 8,000	\$ 5,000					
612400	Penalties	\$ 20,000	\$ 45,197	\$ 48,361	\$ 35,000	\$ 15,000					
	Subtotal Service	\$ 83,000	\$ 85,177	\$ 115,947	\$ 103,000	\$ 20,000					
	Assessments, Fees & Other Revenue										
627000-627200	Special Assessment	\$ 875,000	\$ 530,362	\$ 943,398	\$ 875,000	\$ -					
628000-630300	Interest Income	\$ 75,000	\$ 19,052	\$ 44,968	\$ 55,000	\$ (20,000)					
625200	Application Fees/Special Services	\$ 10,000	\$ 10,975	\$ 12,975	\$ 13,000	\$ 3,000					
611600	Capital Facilities Charges	\$ 70,000	\$ 61,825	\$ 83,748	\$ 70,000	\$ -					
620006	Reimbursed Field Labor	\$ 2,500	\$ 27,287	\$ 30,016	\$ 15,000	\$ 12,500					
620008	Reimbursed Admin. Labor	\$ 1,500	\$ 4,536	\$ 4,990	\$ 5,000	\$ 3,500					
624000	Other Misc Revenues	\$ 35,000	\$ 36,356	\$ 48,716	\$ 35,000	\$ -					
634100	Insurance Claims	\$ 2,000	\$ -	\$ -	\$ 2,000	\$ -					
890100	Solvang SWP Payment	\$ 2,931,883	\$ 3,035,510	\$ 3,035,510	\$ 2,240,562	\$ (691,321)					
	Subtotal Assessment & Fees	\$ 4,002,883	\$ 3,725,903	\$ 4,204,321	\$ 3,310,562	\$ (692,321)					
	TOTAL	\$ 12,894,811	\$ 10,579,685	\$ 13,575,573	\$ 12,315,275	\$ (579,536)					

EXPENDITURES OPERATIONS & MAINTENANCE

Account No.	Source of Supply	FY 21/22 Budget	FY 21/22 9-Month Expenditures	Projected Expenditures 6/30/22 Year-End	Preliminary Budget FY 22/23	Variance from 2021/22 Budget
703000	Cachuma Project (USBR) Water Purchase	\$ 287,282	\$ 135,064	\$ 228,040	\$ 254,502	\$ (32,780)
703200	Cachuma Project Renewal/Environmental Fund	\$ 22,700	\$ 22,700	\$ 22,700	\$ 16,055	\$ (6,645)
704000	State Water Charge- District Payment	\$ 1,745,823	\$ 1,176,746	\$ 1,568,996	\$ 1,091,490	\$ (654,333)
860000	State Water Project - City of Solvang pymt	\$ 2,931,883	\$ 3,035,510	\$ 3,035,510	\$ 2,240,562	\$ (691,321)
705000	Ground Water Charges	\$ 40,000	\$ 17,601	\$ 43,801	\$ 47,000	\$ 7,000
706000	Cloudseeding Program	\$ 500	\$ 7,003	\$ 7,003	\$ 5,000	\$ 4,500
707000	River Well Field Licenses (4.Ocfs , 6.Ocfs, Gallery)	\$ 15,000	\$ 17,582	\$ 17,582	\$ 18,000	\$ 3,000
	Subtotal S. of S.	\$ 5,043,188	\$ 4,412,206	\$ 4,923,632	\$ 3,672,609	\$ (1,370,579)
	Infrastructure					
711000	Maintenance of Wells	\$ 50,000	\$ 6,362	\$ 7,000	\$ 50,000	\$ -
712000	Maintenance of Mains	\$ 45,000	\$ 16,992	\$ 25,000	\$ 45,000	\$ -
713000	Maintenance of Reservoirs	\$ 28,000	\$ 7,045	\$ 17,045	\$ 15,000	\$ (13,000)
714000	Maintenance of Structures	\$ 5,000	\$ 1,876	\$ 2,376	\$ 5,000	\$ -
	Subtotal Infrastructure	\$ 128,000	\$ 32,275	\$ 51,421	\$ 115,000	\$ (13,000)
	Pumping					
726000	Pumping Expense - Power	\$ 689,687	\$ 459,692	\$ 676,692	\$ 710,000	\$ 20,313
730000	Maintenance of Pump Structures/Stations	\$ 15,400	\$ 5,034	\$ 12,434	\$ 10,000	\$ (5,400)
732000	Maintenance of Equipment	\$ 1,500	\$ 569	\$ 711	\$ 1,500	\$ -
	Subtotal Pumping	\$ 706,587	\$ 455,295	\$ 689,837	\$ 721,500	\$ 14,913
	Water Treatment					
744000	Chemicals	\$ 35,000	\$ 43,142	\$ 68,562	\$ 84,732	\$ 49,732
748000	Maintenance of Treatment Structures & Equipment	\$ 3,000	\$ 1,190	\$ 1,488	\$ 3,000	\$ -
748100	Water Treatment/Sampling/Monitoring Equipment	\$ 11,000	\$ 2,671	\$ 6,353	\$ 10,000	\$ (1,000)
749000	Water Analysis	\$ 14,000	\$ 9,680	\$ 12,100	\$ 14,000	\$ -
	Subtotal W.T.	\$ 63,000	\$ 56,683	\$ 88,502	\$ 111,732	\$ 48,732
	Transmission & Distribution					
751000	Field Service Labor	\$ 621,287	\$ 438,602	\$ 603,602	\$ 686,278	\$ 64,991
775000	PERS - Retirement	\$ 137,613	\$ 121,038	\$ 141,493	\$ 179,486	\$ 41,873
775400	ACWA - Health Benefits	\$ 225,956	\$ 151,830	\$ 206,514	\$ 213,853	\$ (12,104)
775200	ACWA - Delta Dental	\$ 8,714	\$ 6,794	\$ 8,777	\$ 9,215	\$ 501
775300	ACWA - Vision	\$ 1,652	\$ 1,221	\$ 1,581	\$ 1,660	\$ 8
799500	Uniforms	\$ 16,000	\$ 13,221	\$ 17,721	\$ 18,000	\$ 2,000
752000	Work Materials & Supplies	\$ 10,000	\$ 4,596	\$ 7,596	\$ 10,000	\$ -
752100	Safety Equipment	\$ 3,000	\$ 2,327	\$ 2,909	\$ 3,000	\$ -
753000	SCADA Maintenance	\$ 14,000	\$ 6,247	\$ 9,371	\$ 10,500	\$ (3,500)
754000	Small Tools	\$ 15,500	\$ 10,633	\$ 13,633	\$ 10,000	\$ (5,500)
754100	Small Tool Repair	\$ 1,500	\$ 15	\$ 515	\$ 1,500	\$ -
755000	Transportation (Vehicle Maintenance/Fuel)	\$ 65,000	\$ 45,764	\$ 69,840	\$ 70,000	\$ 5,000
756000	Meter Service (New)	\$ 20,000	\$ 14,023	\$ 21,035	\$ 20,000	\$ -
756100	Meter and Service Repair	\$ 12,000	\$ 11,192	\$ 13,990	\$ 15,000	\$ 3,000
757000	Road Contracts	\$ 1,500	\$ 58	\$ 1,911	\$ 2,500	\$ 1,000
758100	Meter Reading System (Sensus) (Neptune)	\$ 8,400	\$ 7,545	\$ 7,545	\$ 8,400	\$ -
759000	Maintenance of Structures and Improvements	\$ 5,000	\$ 3,757	\$ 4,657	\$ 5,000	\$ -
760000	Fire Hydrants Maintenance	\$ 2,000	\$ 1,354	\$ 1,693	\$ 2,000	\$ -
761000	Back Flow Devices Testing	\$ 100	\$ 5	\$ 105	\$ 125	\$ 25
762000	Backhoe/Generators Maintenance	\$ 8,000	\$ 6,901	\$ 10,640	\$ 10,000	\$ 2,000
	Subtotal T. & D.	\$ 1,177,223	\$ 847,125	\$ 1,145,129	\$ 1,276,518	\$ 99,295
	TOTAL	\$ 7,117,999	\$ 5,813,583	\$ 6,898,521	\$ 5,897,359	\$ (1,220,640)

EXPENDITURES G&A		FY 21/22 Budget	FY 21/22 9-Month Expenditures	Projected Expenditures 6/30/2022 Year-End	Preliminary Budget FY 22/23	Variance from 2021/22 Budget
General & Administrative						
772000	State Unemp. Claims	\$ -	\$ -	\$ -	\$ -	\$ -
773000	Elections	\$ -	\$ -	\$ -	\$ 20,000	\$ 20,000
6560	Payroll Expenses	\$ 1,200	\$ 856	\$ 988	\$ 1,200	\$ -
774000	ACWA Workers Comp Ins	\$ 32,000	\$ 16,786	\$ 22,381	\$ 27,000	\$ (5,000)
775000	PERS - Retirement	\$ 234,681	\$ 182,431	\$ 212,949	\$ 248,989	\$ 14,309
775400	ACWA - Health Benefits	\$ 316,769	\$ 181,503	\$ 240,375	\$ 299,354	\$ (17,416)
775200	ACWA - Delta Dental	\$ 11,640	\$ 6,843	\$ 9,189	\$ 11,218	\$ (422)
775300	ACWA - Vision	\$ 2,268	\$ 1,494	\$ 2,010	\$ 2,283	\$ 15
777100	Management & Administrative Salaries	\$ 1,335,049	\$ 832,601	\$ 1,111,163	\$ 1,403,360	\$ 68,311
21001	Other Post Employment Benefits	\$ 235,692	\$ 176,769	\$ 235,692	\$ -	\$ (235,692)
778000	Education, Training & Travel	\$ 20,000	\$ 3,060	\$ 3,825	\$ 20,000	\$ -
779000	Dues & Subscription	\$ 34,000	\$ 28,203	\$ 30,676	\$ 34,000	\$ -
780000	Office Maintenance	\$ 12,000	\$ 9,410	\$ 14,410	\$ 12,000	\$ -
799525	Gardening Service	\$ 2,900	\$ 2,160	\$ 2,880	\$ 3,000	\$ 100
781000	Office Supplies	\$ 15,500	\$ 10,059	\$ 13,580	\$ 15,500	\$ -
781100	Computer Supplies, Software, Training	\$ 6,000	\$ 2,442	\$ 3,942	\$ 6,000	\$ -
782000	Postage & Printing	\$ 56,000	\$ 37,814	\$ 52,937	\$ 56,000	\$ -
783000	Utilities	\$ 10,000	\$ 11,223	\$ 15,123	\$ 16,000	\$ 6,000
784000	Telephone	\$ 15,000	\$ 11,464	\$ 15,464	\$ 18,600	\$ 3,600
785000	Services (USA, Website, Security, Answering Services)	\$ 17,000	\$ 13,535	\$ 18,535	\$ 19,000	\$ 2,000
785100	Government Fees (County, State, Local)	\$ 16,000	\$ 15,461	\$ 15,461	\$ 16,000	\$ -
786000	ACWA Liability Insurance	\$ 55,000	\$ 46,533	\$ 62,357	\$ 78,000	\$ 23,000
787000	Payroll Taxes - Federal and State	\$ 138,000	\$ 98,783	\$ 132,783	\$ 145,000	\$ 7,000
788000	Audit & Accounting	\$ 34,500	\$ 34,877	\$ 34,877	\$ 39,500	\$ 5,000
789000	Legal - General	\$ -	\$ -	\$ -	\$ -	\$ -
	BHFS	\$ 55,000	\$ 38,221	\$ 50,221	\$ 55,000	\$ -
	Stradling	\$ 10,000	\$ 3,713	\$ 6,713	\$ 10,000	\$ -
790000	Consulting - General/Professional	\$ 18,000	\$ 7,450	\$ 9,313	\$ 18,000	\$ -
791000	Consulting - Planning/Research	\$ 10,000	\$ 3,083	\$ 4,008	\$ 10,000	\$ -
792000	Customer Debt - Write Offs	\$ 1,000	\$ -	\$ 775	\$ 1,500	\$ 500
793000	Office Equipment/Computer Service Contracts	\$ 40,000	\$ 32,288	\$ 43,588	\$ 50,000	\$ 10,000
794100	Annual Fee/Bond Redemption Costs	\$ 1,425	\$ 1,375	\$ 1,375	\$ -	\$ (1,425)
797000	Trustee Fees	\$ 29,000	\$ 17,260	\$ 23,660	\$ 29,000	\$ -
799000	Processing Fees, Admin. Expenses, Medical Costs	\$ 35,500	\$ 32,038	\$ 39,038	\$ 40,000	\$ 4,500
799600	Customer Refunds	\$ 1,000	\$ -	\$ -	\$ 1,000	\$ -
	Subtotal G&A	\$ 2,802,123	\$ 1,859,736	\$ 2,430,288	\$ 2,706,504	\$ (95,619)
	TOTAL	\$ 2,802,123	\$ 1,859,736	\$ 2,430,288	\$ 2,706,504	\$ (95,619)

SUBTOTAL EXPENDITURES		FY 21/22 Budget	FY 21/22 9-Month Expenditures	Projected Expenditures 6/30/2022 Year-End	Preliminary Budget FY 22/23	Variance from 2021/22 Budget
G&A/O&M		\$ 9,920,122	\$ 7,673,319	\$ 9,328,809	\$ 8,603,863	\$ (1,316,259)
TOTAL		\$ 9,920,122	\$ 7,673,319	\$ 9,328,809	\$ 8,603,863	\$ (1,316,259)

DEBT SERVICE		FY 21/22	FY 21/22	Projected Expenditures	Preliminary Budget	Variance from
Account No.	Debt Service	Budget	9-Month Expenditures	6/30/2022 Year-End	FY 22/23	2021/22 Budget
717000	USBR SOD Repayment (Principal & Interest)	\$ 26,976	\$ 26,976	\$ 26,976	\$ 26,976	\$ -
794000	Series 2004 A Repayment (Bond Interest)	\$ 14,900	\$ 14,882	\$ 14,882	\$ 5,088	\$ (9,812)
218200	Series 2004 A Repayment (Bond Principal)	\$ 210,000	\$ 210,000	\$ 210,000	\$ 220,000	\$ 10,000
	Subtotal Debt Service	\$ 251,876	\$ 251,858	\$ 251,858	\$ 252,064	\$ 188
	TOTAL	\$ 251,876	\$ 251,858	\$ 251,858	\$ 252,064	\$ 188

TOTAL OPERATING EXPENDITURES		FY 21/22	FY 21/22	Projected Expenditures	Preliminary Budget	Variance from
		Budget	9-Month Expenditures	6/30/2022 Year-End	FY 22/23	2021/22 Budget
	G&A/O&M/DEBT SERVICE TOTAL	\$ 10,171,998	\$ 7,925,177	\$ 9,580,667	\$ 8,855,927	\$ (1,316,071)

SUBTOTAL REVENUE BALANCE		FY 21/22	FY 21/22	Projected	Preliminary Budget	Variance from
		Budget	9-Month Actual	6/30/2022 Year-End	FY 22/23	2021/22 Budget
	OPERATING REVENUES LESS OPERATING EXPENDITURES	\$ 2,722,813	\$ 2,654,508	\$ 3,994,906	\$ 3,459,348	\$ 736,535

OTHER EXPENSES

Account No.	FY 21/22 Budget	FY 21/22 9-Month Expenditures	Projected Expenditures 6/30/2022 Year-End	Preliminary Budget FY 22/23	Variance from 2021/22 Budget
Special Studies/Programs					
Fisheries Program					
825800	\$ 60,000	\$ 22,300	\$ 37,300	\$ 60,000	\$ -
825401	\$ 50,000	\$ 14,997	\$ 18,746	\$ 50,000	\$ -
800201	\$ 35,000	\$ 12,110	\$ 19,836	\$ 35,000	\$ -
826101	\$ 25,000	\$ 356	\$ 444	\$ 15,000	\$ (10,000)
826201	\$ 15,000	\$ 506	\$ 633	\$ 10,000	\$ (5,000)
825402	\$ 5,000	\$ -	\$ -	\$ 1,000	\$ (4,000)
Special Studies					
825500	\$ 5,000	\$ -	\$ -	\$ 5,000	\$ -
825601	\$ 3,500	\$ 257	\$ 857	\$ 1,500	\$ (2,000)
825600	\$ 5,000	\$ 4,051	\$ 4,051	\$ 5,000	\$ -
	\$ 203,500	\$ 54,575	\$ 81,866	\$ 182,500	\$ (21,000)
Subtotal Studies/Programs					
Legal & Engineering Services					
Legal					
800101	\$ 5,000	\$ -	\$ -	\$ 1,000	\$ (4,000)
800202	\$ 30,000	\$ -	\$ -	\$ 20,000	\$ 10,000
800500	\$ 30,000	\$ 100,541	\$ 172,541	\$ 230,000	\$ 200,000
	\$ 15,000	\$ 621	\$ 1,000	\$ 15,000	\$ -
Engineering Services					
800301	\$ 5,000	\$ -	\$ -	\$ 5,000	\$ -
800300	\$ 10,000	\$ 3,242	\$ 4,052	\$ 10,000	\$ -
800102	\$ 40,000	\$ 53,055	\$ 68,051	\$ 60,000	\$ 20,000
800103	\$ -	\$ -	\$ -	\$ 50,000	\$ 50,000
	\$ 135,000	\$ 157,458	\$ 245,644	\$ 391,000	\$ 256,000
Subtotal Legal/Engineering					
Non Recurring Expenses/Projects					
826000	\$ 30,000	\$ 86	\$ -	\$ 30,000	\$ -
825700	\$ 75,000	\$ 516	\$ 516	\$ 75,000	\$ -
850500	\$ 20,000	\$ 3,607	\$ 3,607	\$ 20,000	\$ -
800203	\$ 40,000	\$ 39,498	\$ -	\$ 40,000	\$ -
800204	\$ 10,000	\$ 3,629	\$ -	\$ 20,000	\$ 10,000
825900	\$ 30,000	\$ 31,652	\$ 31,652	\$ 25,000	\$ (5,000)
	\$ 205,000	\$ 78,988	\$ 35,775	\$ 210,000	\$ 5,000
	\$ 543,500	\$ 291,022	\$ 363,285	\$ 783,500	\$ 240,000
Subtotal Non-Annual					

TOTAL OTHER EXPENSES

Account No.	FY 21/22 Budget	FY 21/22 9-Month Expenditures	Projected Expenditures 6/30/2022 Year-End	Preliminary Budget FY 22/23	Variance from 2021/22 Budget
TOTAL					
	\$ 543,500	\$ 291,022	\$ 363,285	\$ 783,500	\$ 240,000

BUDGET BALANCE		FY 21/22 Budget	FY 21/22 9-Month Actual	Projected Yr-end 6/30/2022 Year-End	Preliminary Budget FY 22/23	Variance from 2021/22 Budget
	TOTAL REVENUES	\$ 12,894,811	\$ 10,579,685	\$ 13,575,573	\$ 12,315,275	\$ (579,536)
	TOTAL O&M EXPENDITURES	\$ (7,117,999)	\$ (5,813,583)	\$ (6,898,521)	\$ (5,897,359)	\$ (1,220,640)
	TOTAL G&A EXPENDITURES	\$ (2,802,123)	\$ (1,859,736)	\$ (2,430,288)	\$ (2,706,504)	\$ (95,619)
	TOTAL DEBT SERVICE	\$ (251,876)	\$ (251,858)	\$ (251,858)	\$ (252,064)	\$ 188
	Subtotal Revenue Balance	\$ 2,722,814	\$ 2,654,508	\$ 3,994,906	\$ 3,459,348	\$ 736,534
	TOTAL Other Expenses (Spec Study/Legal/Eng/NARES)	\$ (543,500)	\$ (291,022)	\$ (363,285)	\$ (783,500)	\$ 240,000
	Sub Total Balance	\$ 2,179,314	\$ 2,363,486	\$ 3,631,621	\$ 2,675,848	\$ 496,534
	Budget Balance	\$ 2,179,314	\$ 2,363,486	\$ 3,631,621	\$ 2,675,848	\$ 496,534

CAPITAL IMPROVEMENT PROJECTS

Account No.	Plant Expansion	FY 21/22		FY 21/22		Projected Expenditures		Preliminary Budget		Variance from	
		Budget	9-Month Expenditures	FY 21/22	6/30/2022 Year-End	FY22/23	2021/22 Budget	2021/22 Budget			
900332	Water Treatment/District Building	\$ 375,000	\$ -	\$ -	\$ 53,750	\$ -	\$ 125,000	\$ (250,000)			
900333	Cr6 Treatment Station/Facilities	\$ 385,000	\$ -	\$ -	\$ -	\$ 285,000	\$ (100,000)				
900372	Office Computers, Furniture & Equipment	\$ 22,000	\$ 11,184	\$ 19,184	\$ 43,750	\$ 65,750	\$ 43,750				
900318	Meter Replacement/Utility Billing	\$ 481,200	\$ 356,391	\$ 451,293	\$ 228,800	\$ 710,000	\$ 228,800				
900371	Office Bldg/Shop Improvements	\$ 55,000	\$ 12,873	\$ 27,873	\$ 6,250	\$ 61,250	\$ 6,250				
900376	Communication/telemetry Equipment (SCADA)	\$ -	\$ -	\$ -	\$ -	\$ 20,000	\$ 20,000				
900181	ESRI CAD-GIS System; Equipment	\$ 1,000	\$ -	\$ 1,000	\$ -	\$ 1,000	\$ -				
900378	Major Tools, Shop & Garage Equipment	\$ -	\$ 88,766	\$ 101,241	\$ 10,000	\$ 10,000	\$ 10,000				
900350	Uplands Wells	\$ 114,139	\$ 22,197	\$ 82,102	\$ 218,642	\$ 332,781	\$ 218,642				
	Sub-Total - Plant Expansion Projects	\$ 1,433,339	\$ 491,411	\$ 736,442	\$ 1,610,781	\$ 1,610,781	\$ 177,442				
Account No.	Repair & Replace										
900106	Rehab/Replace/New-Trans. Mains/Laterals/Valves	\$ 60,000	\$ 7,965	\$ 18,620	\$ -	\$ 60,000	\$ -				
900170	6.0 CFS Well Field	\$ 25,000	\$ 59,283	\$ 64,883	\$ 71,522	\$ 96,522	\$ 71,522				
900335	SWP Pump Station/Pipeline	\$ 5,000	\$ 1,058	\$ 1,058	\$ -	\$ 5,000	\$ -				
900373	Fleet Vehicle Addition & Replacement	\$ 47,000	\$ -	\$ -	\$ -	\$ 47,000	\$ -				
900.171	4.0 CFS Well Field	\$ 22,000	\$ 1,400	\$ 1,400	\$ 80,313	\$ 102,313	\$ 80,313				
900.311	Chlorine Facilities/Wells	\$ 11,837	\$ -	\$ 11,837	\$ (11,837)	\$ -	\$ (11,837)				
900.195	Refugio 2 BPS	\$ 7,000	\$ 1,400	\$ 4,200	\$ 43,313	\$ 50,313	\$ 43,313				
900.196	Alamo Pintado BPS	\$ 134,263	\$ 3,529	\$ 4,060	\$ 40,310	\$ 174,573	\$ 40,310				
900.197	Refugio 3 BPS	\$ 48,500	\$ 921	\$ 1,047	\$ 15,293	\$ 63,793	\$ 15,293				
900.198	Meadowlark BPS	\$ 23,500	\$ 10,075	\$ 15,235	\$ 53,022	\$ 76,522	\$ 53,022				
900.102	Zone 1, 2, 3 Reservoirs	\$ 20,000	\$ 100,816	\$ 100,816	\$ 90,000	\$ 110,000	\$ 90,000				
	Subtotal Repair & Replace Projects	\$ 404,100	\$ 186,447	\$ 223,156	\$ 786,036	\$ 786,036	\$ 381,936				
	Grand Total Capital Improvement Projects	\$ 1,837,439	\$ 677,858	\$ 959,598	\$ 2,396,817	\$ 2,396,817	\$ 559,378				

TOTAL CAPITAL IMPROVEMENT PROJECTS

		FY 21/22		Projected Expenditures		Preliminary Budget		Variance from	
		Budget	9-Month Expenditures	FY 21/22	6/30/2022 Year-End	FY 22/23	2021/22 Budget	2021/22 Budget	
TOTAL		\$ 1,837,439	\$ 677,858	\$ 959,598	\$ 2,396,817	\$ 2,396,817	\$ 559,378		

RESERVE BALANCE		FY 21/22	FY 21/22	Projected Yr-end	Preliminary Budget	Variance from
Account No.		Budget	9-Month Actual	6/30/2022 Year-End	FY 22/23	2021/22 Budget
	DISBURSEMENT OF REMAINING BUDGET BALANCE	\$ 2,179,315	\$ 2,363,486	\$ 3,631,621	\$ 2,675,848	\$ 496,534
271800	Repair & Replace Reserve	\$ (404,100)	\$ (186,447)	\$ (223,156)	\$ (786,036)	\$ 381,936
272000	Plant Expansion Reserve	\$ (1,433,339)	\$ (491,411)	\$ (736,442)	\$ (1,610,781)	\$ 177,442
	Sub Total CIP Reserves	\$ (1,837,439)	\$ (677,858)	\$ (959,598)	\$ (2,396,817)	\$ 559,378
	Funding from Reserves	\$ 341,876	\$ 1,685,629	\$ 2,672,023	\$ 279,031	
	Funding to Reserves					

TOTAL BUDGET		FY 21/22	FY 21/22	Projected Yr-end	Preliminary Budget	Variance from
		Budget	9-Month Actual	6/30/2022 Year-End	FY 22/23	2021/22 Budget
	TOTAL	\$ 12,894,811	\$ 10,579,685	\$ 13,575,573	\$ 12,315,275	\$ (579,536)



May 2022

Gavin Newsom ■ Governor
1021 O Street, Suite 3110 ■ Sacramento CA 95814 ■ www.dof.ca.gov

Dear Fiscal Officer:

Subject: Price Factor and Population Information

Appropriations Limit

California Revenue and Taxation Code section 2227 requires the Department of Finance to transmit an estimate of the percentage change in population to local governments. Each local jurisdiction must use their percentage change in population factor for January 1, 2022, in conjunction with a change in the cost of living, or price factor, to calculate their appropriations limit for fiscal year 2022-23. Attachment A provides the change in California's per capita personal income and an example for utilizing the price factor and population percentage change factor to calculate the 2022-23 appropriations limit. Attachment B provides the city and unincorporated county population percentage change. Attachment C provides the population percentage change for counties and their summed incorporated areas. The population percentage change data excludes federal and state institutionalized populations and military populations.

Population Percent Change for Special Districts

Some special districts must establish an annual appropriations limit. California Revenue and Taxation Code section 2228 provides additional information regarding the appropriations limit. Article XIII B, section 9(C) of the California Constitution exempts certain special districts from the appropriations limit calculation mandate. The code section and the California Constitution can be accessed at the following website: <http://leginfo.legislature.ca.gov/faces/codes.xhtml>.

Special districts required by law to calculate their appropriations limit must present the calculation as part of their annual audit. Any questions special districts have on this requirement should be directed to their county, district legal counsel, or the law itself. No state agency reviews the local appropriations limits.

Population Certification

The population certification program applies only to cities and counties. California Revenue and Taxation Code section 11005.6 mandates Finance to automatically certify any population estimate that exceeds the current certified population with the State Controller's Office. **Finance will certify the higher estimate to the State Controller by June 1, 2022.**

Please Note: The prior year's city population estimates may be revised. The per capita personal income change is based on historical data.

If you have any questions regarding this data, please contact the Demographic Research Unit at (916) 323-4086.

KEELY MARTIN BOSLER
Director
By:

ERIKA LI
Chief Deputy Director

Attachment

S.Y.R.W.C.D.ID: #1

MAY -2 2022

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- A. **Price Factor:** Article XIII B specifies that local jurisdictions select their cost of living factor to compute their appropriation limit by a vote of their governing body. The cost of living factor provided here is per capita personal income. If the percentage change in per capita personal income is selected, the percentage change to be used in setting the fiscal year 2022-23 appropriation limit is:

Per Capita Personal Income

Fiscal Year (FY)	Percentage change over prior year
2022-23	7.55

- B. Following is an example using sample population change and the change in California per capita personal income as growth factors in computing a 2022-23 appropriation limit.

2022-23:

Per Capita Cost of Living Change = 7.55 percent
 Population Change = -0.30 percent

Per Capita Cost of Living converted to a ratio: $\frac{7.55 + 100}{100} = 1.0755$

Population converted to a ratio: $\frac{-0.30 + 100}{100} = 0.997$

Calculation of factor for FY 2022-23: $1.0755 \times 0.997 = 1.0723$

S.Y.R.W.C.D.ID. #1

MAY -2 2022

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Fiscal Year 2022-23

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2021 to January 1, 2022 and Total Population, January 1, 2022

County City	Percent Change 2021-2022	--- Population Minus Exclusions ---		Total Population
		1-1-21	1-1-22	1-1-2022
Santa Barbara				
Buellton	-2.51	5,185	5,055	5,055
Carpinteria	-2.29	13,267	12,963	12,963
Galeta	-2.17	33,315	32,591	32,591
Guadalupe	-0.90	8,622	8,544	8,544
Lompoc	-2.11	41,966	41,079	43,845
Santa Barbara	-2.16	88,479	86,571	86,591
Santa Maria	-0.95	110,969	109,910	109,910
Solvang	-2.54	5,858	5,709	5,709
Unincorporated	4.47	130,861	136,711	139,956
County Total	0.14	438,522	439,133	445,164

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

S.Y.R.W.C.D.ID. #1

MAY - 2 2022

RECEIVED

**SANTA YNEZ RIVER WATER CONSERVATION DISTRICT
IMPROVEMENT DISTRICT NO. 1**

2022/2023 FISCAL YEAR APPROPRIATION LIMITATION CALCULATION

Population and California per capita personal income change data provided by the State of California Department of Finance effective January 1, 2022 are used in computing the 2022/2023 Appropriation Limitation Calculation as follows:

2021/22 Appropriation Limit	\$2,136,415
Per Capita Personal Income Percentage Change over Prior Year	7.55 percent
Population Change over Prior Year Santa Barbara County	0.14 percent
Per Capita converted to a ratio:	$\frac{7.55 + 100}{100} = 1.0755$
Population converted to a ratio:	$\frac{0.14 + 100}{100} = 1.0014$
CPI Factor	1.0755
Population Factor	1.0014
CPI Factor X Population Factor	1.0770
1.0770 x \$2,136,415 =	<u>\$2,300,918</u>

A Resolution will be presented to the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1, for adoption of the 2022/2023 Appropriation Limit at a Regular Meeting on June 21, 2022.

Mary Martone - Secretary to the Board of Trustees

Posted: Wednesday, May 18, 2022 at the District Office and on the District Website

Newspaper Publication Dates:

Thursday, June 9, 2022

Thursday, June 16, 2022

**SANTA YNEZ RIVER WATER CONSERVATION DISTRICT
IMPROVEMENT DISTRICT NO.1
3622 SAGUNTO STREET - P.O. BOX 157
SANTA YNEZ, CA 93460
(805) 688-6015**

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1 will consider adopting a Resolution setting the limit of appropriations pursuant to Article XIII B of the Constitution of the State of California for fiscal year 2022/2023 at a Regular Meeting to be held on Tuesday, June 21, 2022, at 3:00 p.m.

Documentation used in determining said limit is available to the public at the District office located at 3622 Sagunto Street, Santa Ynez, and on the District's website as of the date of this notice. To view at the District office please call (805) 688-6015 to make an appointment or visit the District's outside bulletin board.

Mary Martone
Secretary to the Board of Trustees

Dated: May 17, 2022

Posted: Wednesday, May 18, 2022 at the District Office

Newspaper Publication Dates:

Thursday, June 9, 2022

Thursday, June 16, 2022

RESOLUTION No. 8XX

**A RESOLUTION OF THE BOARD OF TRUSTEES
OF THE SANTA YNEZ RIVER WATER CONSERVATION DISTRICT
IMPROVEMENT DISTRICT NO.1
ESTABLISHING THE APPROPRIATION LIMIT FOR FISCAL YEAR 2022/2023
PURSUANT TO ARTICLE XIIB OF THE CALIFORNIA CONSTITUTION**

BE IT HEREBY RESOLVED, by the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1 ("District"), Santa Barbara County, California, that:

WHEREAS, the District is required pursuant to Government Code Section 7910 to establish by Resolution its appropriation limit for the 2022/2023 fiscal year; and

WHEREAS, the documentation used in the determination of said limit has been available to the public at the District office and on the District website for at least fifteen (15) days prior to the date of this Resolution, and was published in a newspaper of general circulation within the District on June __, 2022 and on June __, 2022.

BE IT HEREBY RESOLVED that, in accordance with information published by the California Department of Finance, the appropriation limit of the Santa Ynez River Water Conservation District, Improvement District No.1, for the 2022/2023 fiscal year is established at \$2,300,918.

WE, THE UNDERSIGNED, being duly qualified President and Secretary, respectively, of the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1, do hereby certify that the above and foregoing Resolution was duly and regularly adopted and passed by the Board of Trustees of said District at a Regular Meeting held on June 21, 2022, by the following roll call vote:

AYES, in favor thereof, Trustees:

NOES, Trustees:

ABSENT, Trustees:

Jeff Clay, President

ATTEST:

Mary Martone, Secretary to the Board of Trustees

RESOLUTION NO. 8XX

**A RESOLUTION OF THE BOARD OF TRUSTEES
OF THE SANTA YNEZ RIVER WATER CONSERVATION DISTRICT
IMPROVEMENT DISTRICT NO.1
ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2022/2023
AND REQUESTING AN ASSESSMENT LEVY REQUIRED TO COLLECT \$875,000**

BE IT HEREBY RESOLVED, by the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1 ("District"), Santa Barbara County, California, that:

WHEREAS, on January 5, 1960 a Special Election was held and voters approved a contract with the United States Bureau of Reclamation, Contract No. 14-06-200-8253 ("Contract"), for the purpose of providing an adequate system of water supply, storage and distribution facilities, mains and appurtenances, and lands and easements necessary presently and prospectively for the Santa Ynez River Water Conservation District, Improvement District No.1, and its inhabitants; and

WHEREAS, Article 18(b) of the Contract requires the District to cause to be levied ad valorem taxes and assessments to fulfill its contractual obligations; and

WHEREAS, Water Code Section 74630, provides the statutory basis which authorizes the District to levy annual assessments to meet its obligations under a voter-approved contract, including the Contract debt obligations, and the continuing operation and maintenance of such project works; and

WHEREAS, the District refinanced its Contract debt obligations with the issuance of bonds in 1988, 1993, and 2004 and continues to pay its debt obligations incurred under the Contract, and continues to incur and pay the costs of the continuing operations, maintenance, repair, replacement, and betterment of the project works; and

WHEREAS, the bond documents require that the income and receipts of the Bond Fund will be derived from (i) the collection of an ad valorem assessment tax collected at the same time and in the same manner as is provided by law for the collection of annual property taxes which may be levied for purposes of the District, which as collected is paid into the Bond Fund as needed; and

WHEREAS, the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1, is required to forward to the Board of Supervisors and the County Auditor of the County of Santa Barbara an estimate, in writing, of the amount of money needed for the purposes of the District for the ensuing fiscal year July 1, 2022 to June 30, 2023, and any reserve funds; and

WHEREAS, in accordance with information published by the California Department of Finance, the appropriation limit of the Santa Ynez River Water Conservation District, Improvement District No.1 for fiscal year 2022/2023 is established at \$2,300,918 and the District adopted Resolution No. 8XX on June 21, 2022 establishing said appropriation limit for fiscal year 2022/2023 pursuant to Government Code Section 7910; and

WHEREAS, notwithstanding the District's fiscal year 2022/2023 appropriation limit of \$2,300,918, and notwithstanding the financial projections from the District's 2016 Water Rate Study that the District would collect an assessment levy in the amount of \$875,000 in fiscal year 2017/2018, and \$1,000,000 in fiscal year 2018/2019, and \$1,125,000 in fiscal year 2019/2020, and \$1,250,000 in fiscal year 2020/2021, and \$1,250,000 in fiscal year 2021/2022, and \$1,250,000 in fiscal year 2022/2023, the District

has limited its assessment amount to \$875,000 for fiscal years 2017/2018 through 2021/2022, and it has been determined that an assessment levy of \$875,000 for fiscal year 2022/2023 will provide sufficient funds to meet the obligations of the District as stated above; and

WHEREAS, the Board of Trustees has considered a budget for the fiscal year 2022/2023.

BE IT HEREBY RESOLVED, by the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1, that the Secretary to the Board is hereby authorized and directed to forward to the Board of Supervisors and the County Auditor of the County of Santa Barbara, in writing, a request for an assessment levy of \$875,000 for the fiscal year 2022/2023; and

BE IT FURTHER RESOLVED that the Final Budget as set forth in Exhibit "A" attached hereto and incorporated by this reference is hereby approved and adopted for the fiscal year 2022/2023.

WE, THE UNDERSIGNED, being duly qualified and acting President and Secretary of the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1, do hereby certify that the above and foregoing Resolution was duly and regularly adopted and passed by the Board of Trustees of said District at a Regular Meeting held on the 21st day of June 2022, by the following roll call vote:

AYES, in favor thereof, Trustees:

NOES, Trustees:

ABSENT, Trustees:

Jeff Clay, President

ATTEST:

Mary Martone, Secretary to the Board of Trustees

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:**

Santa Ynez River Water Conservation District
Improvement District No.1
P.O. Box 157
Santa Ynez, California 93460

Agenda Item 9. A. 4.

THIS SPACE RESERVED FOR RECORDER
ONLY
(Gov. Code § 27361.6)

Exempt from recording fee pursuant to
Government Code § 6103

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is an owner/agent of the interest or estate stated below.
2. The full name of the owner is **Santa Ynez River Water Conservation District, Improvement District No.1.**
3. The street address of the owner is: **3622 Sagunto Street, Santa Ynez, California, 93460.**
4. The nature of the interest or estate is: **The project site is owned in fee by the District.**
5. Works of improvement on the properties herein described were completed and the owner accepted the project as complete as authorized by the owner's governing body on **May 17, 2022**, which is the completion date pursuant to California Civil Code Section 8180. The project included the following: **1) Remove and properly dispose of existing pavement; 2) Cut and remove surface vegetation (i.e., roots) to a depth of 12 inches; 3) Remove and dispose of existing 6-foot wheel stops; 4) Prepare subgrade for new asphalt; 5) Apply tack coat to vertical surfaces; 6) Install 2-inch by 4-inch redwood headers where required; 7) Install 3 inches of hot mix asphalt (compacted); 8) Install Type A asphalt dike; 9) Install new concrete wheel stops; 10) Paint parking space delineation striping with traffic-rated paint.**
6. The name and address of the contractor for such work of improvement are as follows: **Ramsey Asphalt Construction, 1244 W. Main St., Santa Maria, CA 93456.**
7. The project is located at **3622 Sagunto St., Santa Ynez, California.**
8. The property on which said work of improvement was completed is in the County of Santa Barbara, State of California.

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

Dated

Paeter Garcia, General Manager

CERTIFICATION MADE UNDER PENALTY OF PERJURY (CCP 2015.5)

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge:

Paeter Garcia, General Manager

Date and Place

Santa Ynez River Valley Groundwater Basin

Agenda Item 10. A.

(<https://www.santaynezwater.org/>)

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

THIS ITEM APPEARS ON

[EMA GSA COMMITTEE MEETINGS \(/EMA-GSA-COMMITTEE-MEETINGS\)](/EMA-GSA-COMMITTEE-MEETINGS)

MAY
26
2022

EMA GSA Committee Regular Meeting, 6:30 pm

COPYRIGHT © 2022 SANTA YNEZ RIVER VALLEY GROUNDWATER BASIN
3669 SAGUNTO ST, SUITE 101, SANTA YNEZ CA 93460
TELEPHONE (805) 693-1156

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

POWERED BY STREAMLINE ([HTTP://WWW.GETSTREAMLINE.COM/](http://www.getstreamline.com/)) | SIGN IN
([HTTPS://WWW.SANTAYNEZWATER.ORG/USERS/SIGN_IN?DESTINATION=%2F2022-05-26-EMA-GSA-COMMITTEE-REGULAR-MEETING-6-30-PM](https://www.santaynezwater.org/users/sign_in?destination=%2F2022-05-26-EMA-GSA-COMMITTEE-REGULAR-MEETING-6-30-PM))

Paeter Garcia

From: Johnston, Jason <JJohnston@sbcphd.org>
Sent: Monday, May 2, 2022 4:14 PM
Subject: FW: Virtual Public Workshop - Temporary Water Well Permitting Ordinance

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



Virtual Public Workshop

Temporary Water Well Permitting Ordinance Related to Governor's Executive Order and Drought Emergency

Tuesday, May 10, 2022, at 6:30 pm

Please join us for a virtual workshop to learn more about the County's proposed water well permitting ordinance to temporarily amend Santa Barbara County Code Chapter 34A – Wells in response to the Governor's Drought Emergency Executive Order

To join on your computer or mobile app, <https://us06web.zoom.us/j/84155174034?pwd=WEo0a2w3emlEZHA5eWZpdGtCaldzUT09>

Meeting ID: 841 5517 4034
Passcode: 460548

Dial by your location
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 301 715 8592 US (Washington DC)
+1 312 626 6799 US (Chicago)
+1 929 205 6099 US (New York)

On March 28, 2022 the Governor’s Drought Emergency Executive Order N-7-22 was issued, adding requirements to the permitting of new groundwater wells and the alteration of existing groundwater wells in California. In order to issue permits in compliance with the requirements of Executive Order N-7-22, Santa Barbara County Environmental Health Services is seeking to amend Chapter 34A of the County Code in order to implement process changes for water well permitting in accordance with the Governor’s Drought Emergency Executive Order N-7-22. This amendment is proposed to remain in effect until Executive Order N-7-22 is rescinded and the County’s Proclamation of Local Emergency Caused by Drought Conditions is terminated. A resolution to amend water well permit fees for Environmental Health Services to recover the full cost of enacting this ordinance will also be proposed.

This workshop is to present the proposed amendment to Santa Barbara County Code Chapter 34A – Wells and Environmental Health Services’ Fees, and take public comments on the proposal.

To submit any comments or questions prior to, or after the virtual meeting, please provide by emailing EHSAdmin@sbcphd.org.

Thank you,
Jason Johnston
805-346-7348
www.countyofsb.org/phd/ehs

Confidentiality Notice: The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution, or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. Please consider the environment before printing this email.

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-7-22

WHEREAS on April 12, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, I proclaimed states of emergency that continue today and exist across all the counties of California, due to extreme and expanding drought conditions; and

WHEREAS climate change continues to intensify the impacts of droughts on our communities, environment, and economy, and California is in a third consecutive year of dry conditions, resulting in continuing drought in all parts of the State; and

WHEREAS the 21st century to date has been characterized by record warmth and predominantly dry conditions, and the 2021 meteorological summer in California and the rest of the western United States was the hottest on record; and

WHEREAS since my October 19, 2021 Proclamation, early rains in October and December 2021 gave way to the driest January and February in recorded history for the watersheds that provide much of California's water supply; and

WHEREAS the ongoing drought will have significant, immediate impacts on communities with vulnerable water supplies, farms that rely on irrigation to grow food and fiber, and fish and wildlife that rely on stream flows and cool water; and

WHEREAS the two largest reservoirs of the Central Valley Project, which supplies water to farms and communities in the Central Valley and the Santa Clara Valley and provides critical cold-water habitat for salmon and other anadromous fish, have water storage levels that are approximately 1.1 million acre-feet below last year's low levels on this date; and

WHEREAS the record-breaking dry period in January and February and the absence of significant rains in March have required the Department of Water Resources to reduce anticipated deliveries from the State Water Project to 5 percent of requested supplies; and

WHEREAS delivery of water by bottle or truck is necessary to protect human safety and public health in those places where water supplies are disrupted; and

WHEREAS groundwater use accounts for 41 percent of the State's total water supply on an average annual basis but as much as 58 percent in a critically dry year, and approximately 85 percent of public water systems rely on groundwater as their primary supply; and

WHEREAS coordination between local entities that approve permits for new groundwater wells and local groundwater sustainability agencies is important to achieving sustainable levels of groundwater in critically overdrafted basins; and

WHEREAS the duration of the drought, especially following a multiyear drought that abated only five years ago, underscores the need for California to redouble near-, medium-, and long-term efforts to adapt its water management and delivery systems to a changing climate, shifting precipitation patterns, and water scarcity; and

WHEREAS the most consequential, immediate action Californians can take to extend available supplies is to voluntarily reduce their water use by 15 percent from their 2020 levels by implementing the commonsense measures identified in operative paragraph 1 of Executive Order N-10-21 (July 8, 2021); and

WHEREAS to protect public health and safety, it is critical the State take certain immediate actions without undue delay to prepare for and mitigate the effects of the drought conditions, and under Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of the drought conditions.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021 Proclamations remain in full force and effect, except as modified by those Proclamations and herein. State agencies shall continue to implement all directions from those Proclamations and accelerate implementation where feasible.
2. To help the State achieve its conservation goals and ensure sufficient water for essential indoor and outdoor use, I call on all Californians to strive to limit summertime water use and to use water more efficiently indoors and out. The statewide Save Our Water conservation campaign at SaveOurWater.com provides simple ways for Californians to reduce water use in their everyday lives. Furthermore, I encourage Californians to understand and track the amount of water they use and measure their progress toward their conservation goals.
3. By May 25, 2022, the State Water Resources Control Board (Water Board) shall consider adopting emergency regulations that include all of the following:
 - a. A requirement that each urban water supplier, as defined in section 10617 of the Water Code, shall submit to the Department of Water Resources a preliminary annual water supply and demand assessment consistent with section 10632.1 of the Water Code no later than June 1, 2022, and submit a final annual water

supply and demand assessment to the Department of Water Resources no later than the deadline set by section 10632.1 of the Water Code;

- b. A requirement that each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, the shortage response actions adopted under section 10632 of the Water Code for a shortage level of up to twenty percent (Level 2), by a date to be set by the Water Board; and
- c. A requirement that each urban water supplier that has not submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, shortage response actions established by the Water Board, which shall take into consideration model actions that the Department of Water Resources shall develop for urban water supplier water shortage contingency planning for Level 2, by a date to be set by the Water Board.

To further conserve water and improve drought resiliency if the drought lasts beyond this year, I encourage urban water suppliers to conserve more than required by the emergency regulations described in this paragraph and to voluntarily activate more stringent local requirements based on a shortage level of up to thirty percent (Level 3).

- 4. To promote water conservation, the Department of Water Resources shall consult with leaders in the commercial, industrial, and institutional sectors to develop strategies for improving water conservation, including direct technical assistance, financial assistance, and other approaches. By May 25, 2022, the Water Board shall consider adopting emergency regulations defining "non-functional turf" (that is, a definition of turf that is ornamental and not otherwise used for human recreation purposes such as school fields, sports fields, and parks) and banning irrigation of non-functional turf in the commercial, industrial, and institutional sectors except as it may be required to ensure the health of trees and other perennial non-turf plantings.
- 5. In order to maximize the efficient use of water and to preserve water supplies critical to human health and safety and the environment, Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended, with respect to the directives in paragraphs 3 and 4 of this Order and any other projects and activities for the purpose of water conservation to the extent necessary to address the impacts of the drought, and any permits necessary to carry out such projects or activities. Entities that desire to conduct activities under this suspension, other than the directives in paragraphs 3 and 4 of this Order, shall first request that the Secretary of the Natural Resources Agency make a determination that the proposed activities are eligible to be conducted under this suspension. The Secretary shall use sound discretion in applying this Executive Order to ensure that the suspension serves the purpose of accelerating conservation projects that are necessary to address impacts of the drought, while at the same time

protecting public health and the environment. The entities implementing these directives or conducting activities under this suspension shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

6. To support voluntary approaches to improve fish habitat that would require change petitions under Water Code section 1707 and either Water Code sections 1425 through 1432 or Water Code sections 1725 through 1732, and where the primary purpose is to improve conditions for fish, the Water Board shall expeditiously consider petitions that add a fish and wildlife beneficial use or point of diversion and place of storage to improve conditions for anadromous fish. California Code of Regulations, title 23, section 1064, subdivisions (a)(1)(A)(i)-(ii) are suspended with respect to any petition that is subject to this paragraph.
7. To facilitate the hauling of water for domestic use by local communities and domestic water users threatened with the loss of water supply or degraded water quality resulting from drought, any ordinance, regulation, prohibition, policy, or requirement of any kind adopted by a public agency that prohibits the hauling of water out of the water's basin of origin or a public agency's jurisdiction is hereby suspended. The suspension authorized pursuant to this paragraph shall be limited to the hauling of water by truck or bottle to be used for human consumption, cooking, or sanitation in communities or residences threatened with the loss of affordable safe drinking water. Nothing in this paragraph limits any public health or safety requirement to ensure the safety of hauled water.
8. The Water Board shall expand inspections to determine whether illegal diversions or wasteful or unreasonable use of water are occurring and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.
9. To protect health, safety, and the environment during this drought emergency, a county, city, or other public agency shall not:
 - a. Approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium- or high-priority without first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan adopted by that Groundwater Sustainability

Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan; or

- b. Issue a permit for a new groundwater well or for alteration of an existing well without first determining that extraction of groundwater from the proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

This paragraph shall not apply to permits for wells that will provide less than two acre-feet per year of groundwater for individual domestic users, or that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code.

10. To address household or small community drinking water shortages dependent upon groundwater wells that have failed due to drought conditions, the Department of Water Resources shall work with other state agencies to investigate expedited regulatory pathways to modify, repair, or reconstruct failed household or small community or public supply wells, while recognizing the need to ensure the sustainability of such wells as provided for in paragraph 9.
11. State agencies shall collaborate with tribes and federal, regional, and local agencies on actions related to promoting groundwater recharge and increasing storage.
12. To help advance groundwater recharge projects, and to demonstrate the feasibility of projects that can use available high water flows to recharge local groundwater while minimizing flood risks, the Water Board and Regional Water Quality Control Boards shall prioritize water right permits, water quality certifications, waste discharge requirements, and conditional waivers of waste discharge requirements to accelerate approvals for projects that enhance the ability of a local or state agency to capture high precipitation events for local storage or recharge, consistent with water right priorities and protections for fish and wildlife. For the purposes of carrying out this paragraph, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division, and Chapter 3 (commencing with section 85225) of Part 3 of Division 35 of the Water Code and regulations adopted pursuant thereto are hereby suspended to the extent necessary to address the impacts of the drought. This suspension applies to (a) any actions taken by state agencies, (b) any actions taken by local agencies where the state agency with primary responsibility for the implementation of the directives concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b). The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.
13. With respect to recharge projects under either Flood-Managed Aquifer Recharge or the Department of Water Resources Sustainable

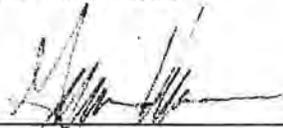
Groundwater Management Grant Program occurring on open and working lands to replenish and store water in groundwater basins that will help mitigate groundwater conditions impacted by drought, for any (a) actions taken by state agencies, (b) actions taken by a local agency where the Department of Water Resources concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b), Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended to the extent necessary to address the impacts of the drought. The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

14. To increase resilience of state water supplies during prolonged drought conditions, the Department of Water Resources shall prepare for the potential creation and implementation of a multi-year transfer program pilot project for the purpose of acquiring water from willing partners and storing and conveying water to areas of need.
15. By April 15, 2022, state agencies shall submit to the Department of Finance for my consideration proposals to mitigate the worsening effects of severe drought, including emergency assistance to communities and households and others facing water shortages as a result of the drought, facilitation of groundwater recharge and wastewater recycling, improvements in water use efficiency, protection of fish and wildlife, mitigation of drought-related economic or water-supply disruption, and other potential investments to support short- and long-term drought response.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 28th day of March 2022.



GAVIN NEWSOM
Governor of California

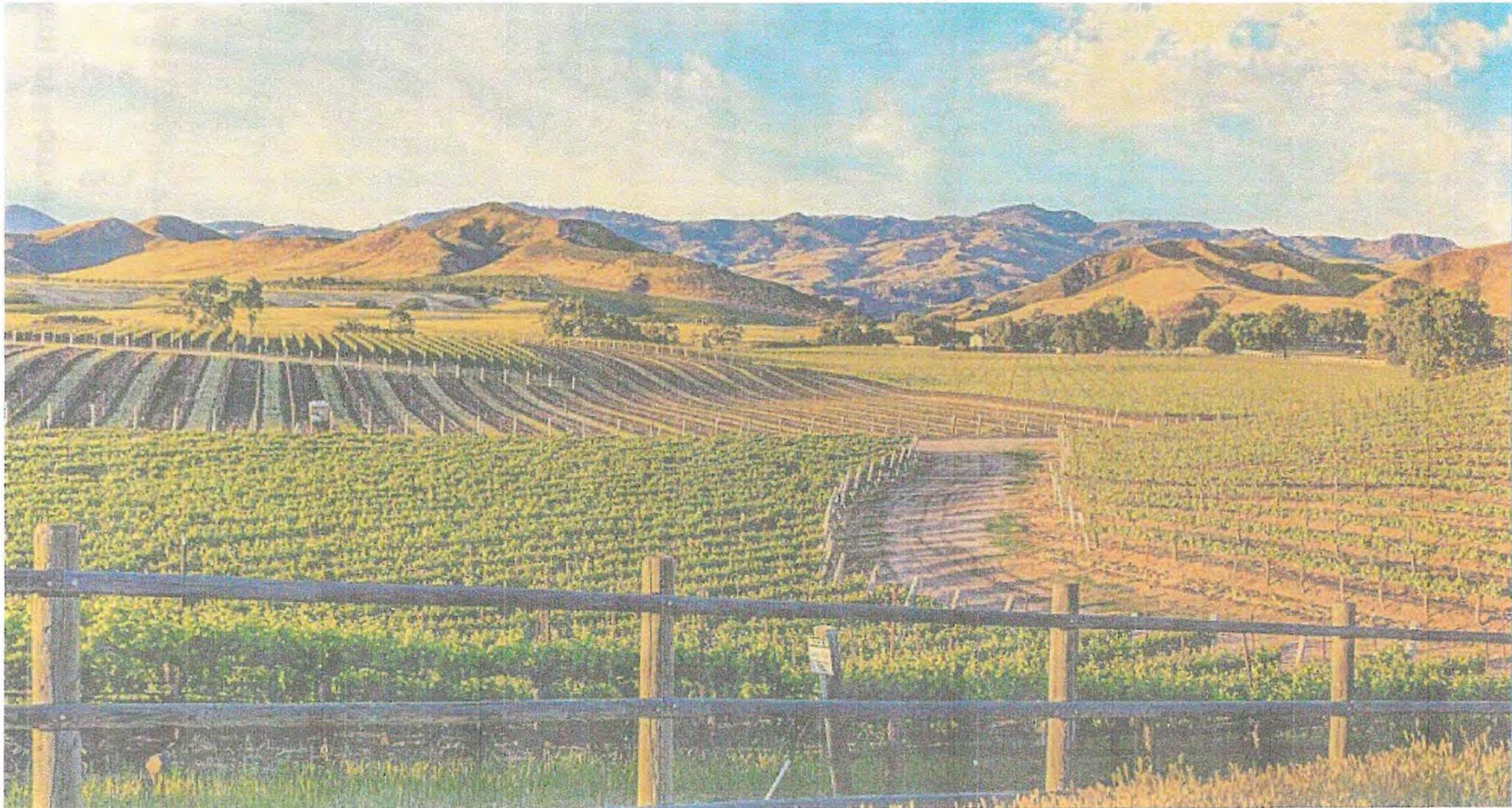
ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State



WATER WELL PERMITTING AND DROUGHT EMERGENCY

May 10, 2022
Virtual Public Workshop



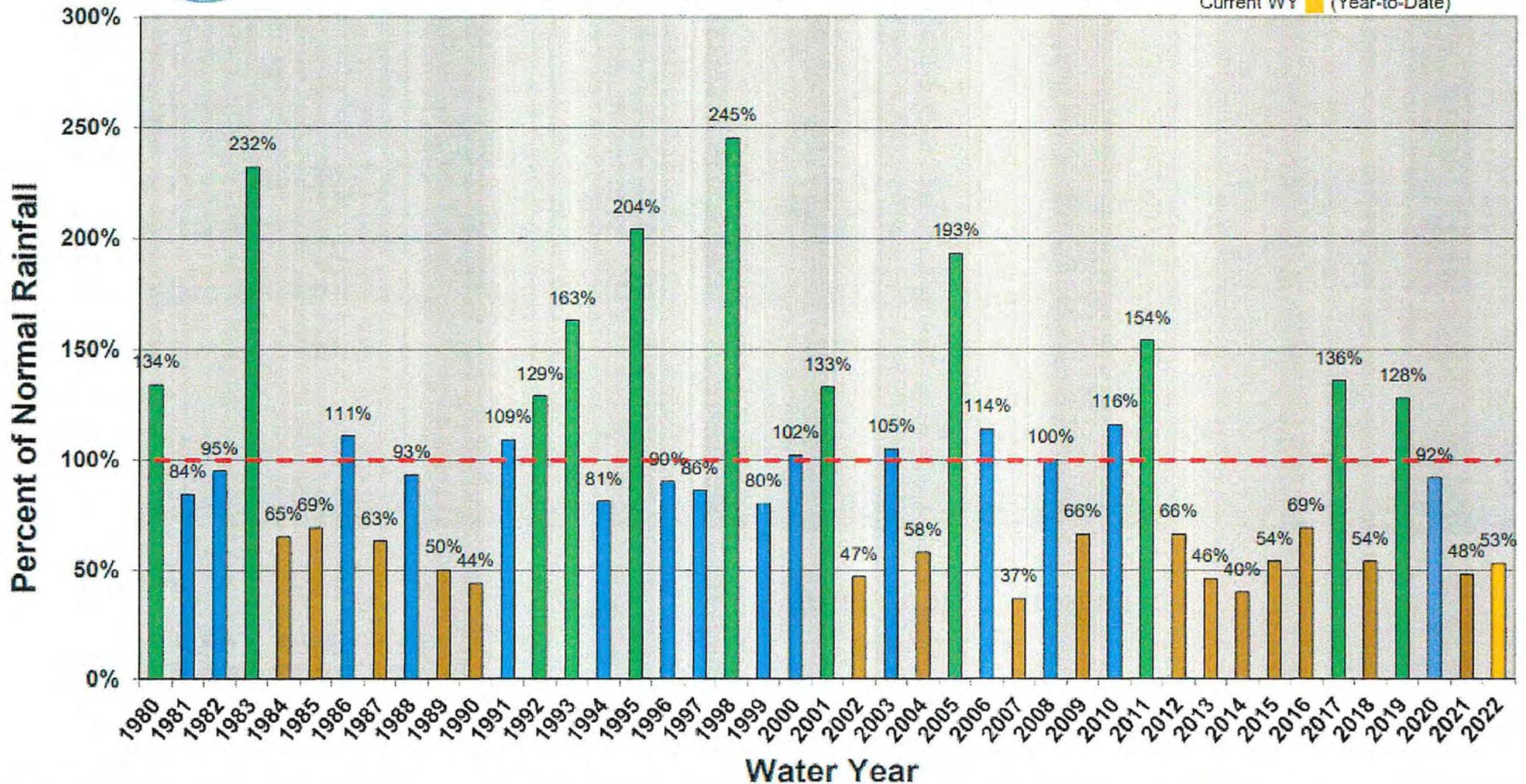
LOCAL DROUGHT EMERGENCY



Countywide Percent-of-Normal Water-Year Rainfall

Updated through March 1, 2022
(Rainfall as a percentage of an entire average water-year)

Wet Years (>120% Normal Rain)
Dry Years (< 80% Normal Rain)
Avg Years (within ±20% Normal)
Current WY (Year-to-Date)



Governor's Executive Order N-7-22 (issued March 28, 2022)

- ❖ Domestic wells exempt
- ❖ Irrigation water well requirements
- ❖ Temporary water well ordinance
- ❖ Water well permit fees



Drought EO N-7-22: Action 9

For new wells or alterations to existing wells*

9a. Consultation with the GSAs, Prior to Approving a Well Permit

- In high and medium priority basins, where there is a GSA and GSP
- Obtain written verification from the GSA
- Consistency with GSP & sustainability goals

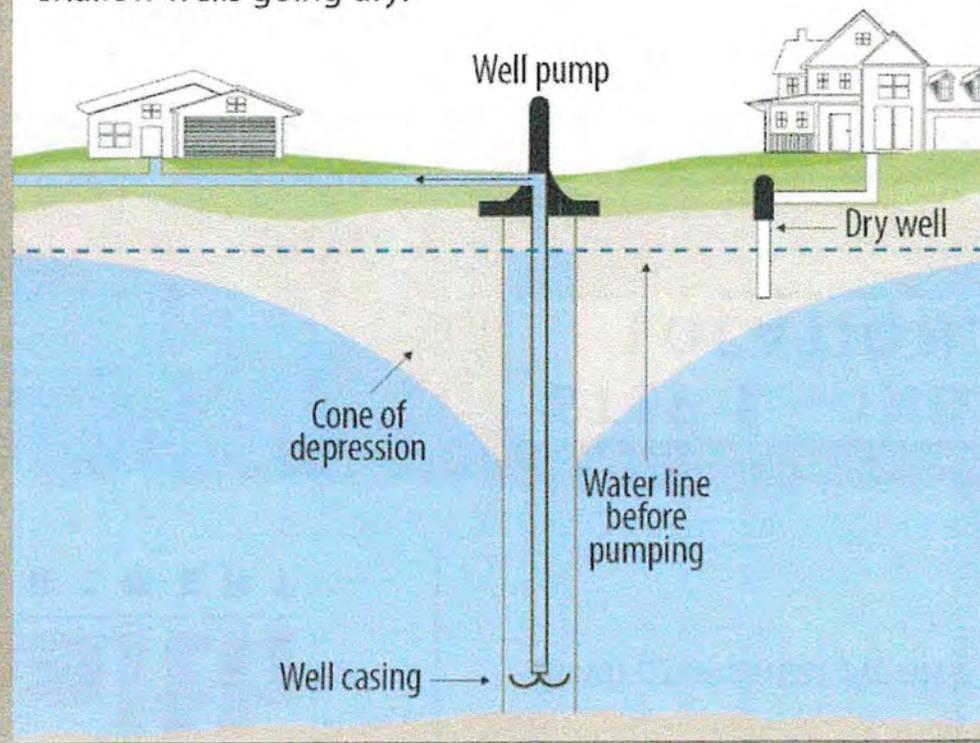
9b. Permit Evaluation, Prior to Issuing a Well Permit

1. Not likely to interfere with production and functioning of existing nearby wells
2. Not likely to cause adverse subsidence impact or damage nearby infrastructure

**excluding individual domestic wells who use less than two acre-feet per year and public water system supply who rely exclusively on groundwater wells*

A cone of depression

Large water withdrawals from an aquifer can lower the water table and create a "cone of depression" that can result in shallow wells going dry.

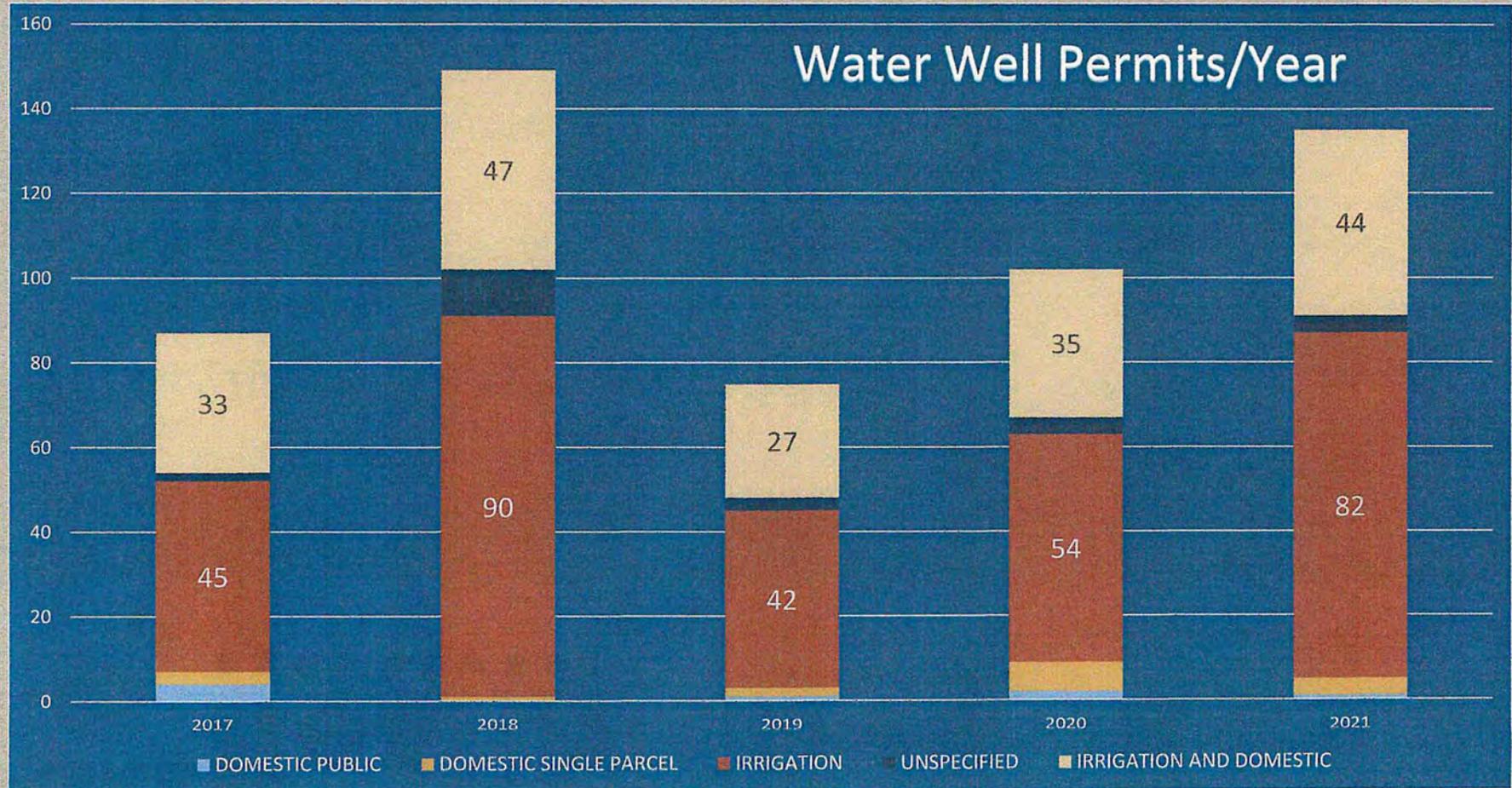


**STEP 1 – INDICATE TYPE,
LOCATION, AND USE**



OR



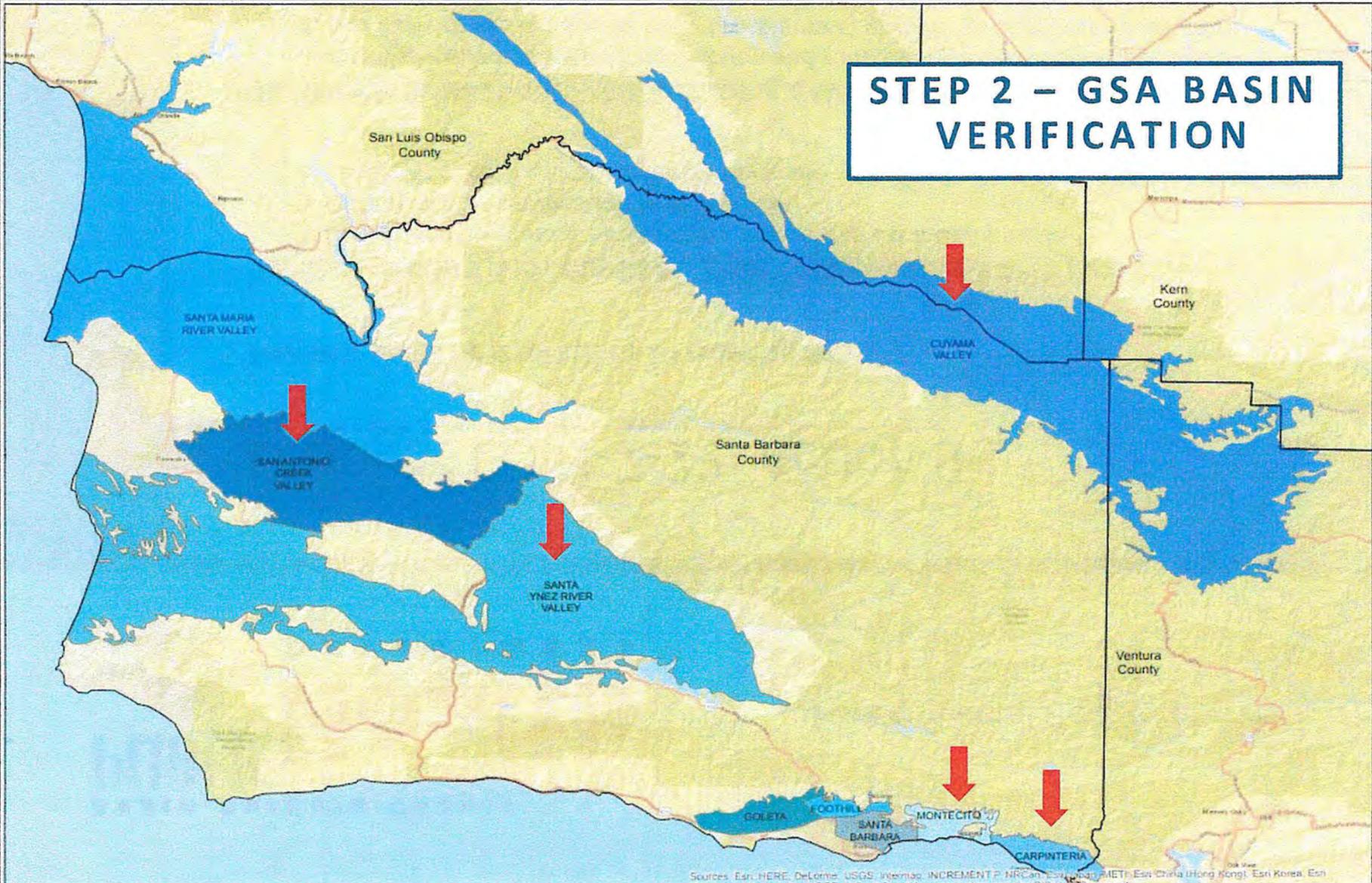


No further permitting steps or additional fees:

- ❖ Domestic wells with less than two acre-feet per year
- ❖ Public water system wells



STEP 2 – GSA BASIN VERIFICATION



Department of Public Works
 County of Santa Barbara

Key to Features

Groundwater Basins

- CARPINTERIA
- CUYAMA VALLEY
- FOOTHILL
- COLETA
- MONTECITO
- SAN ANTONIO CREEK VALLEY
- SANTA BARBARA
- SANTA MARIA RIVER VALLEY
- SANTA YNEZ RIVER VALLEY

THIS MAP IS A GENERALIZATION OF THE INFORMATION PROVIDED BY THE SOURCE AND DOES NOT REPRESENT THE OFFICIAL POSITION OF THE COUNTY OF SANTA BARBARA. THE COUNTY OF SANTA BARBARA DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED ON THIS MAP. THE COUNTY OF SANTA BARBARA DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED ON THIS MAP. THE COUNTY OF SANTA BARBARA DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED ON THIS MAP.

Scale: 0 1000 2000 3000 4000 Feet

Santa Barbara County
 Groundwater Basins

Prepared By:
 Santa Barbara County Public Works
 Planning and Design

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri

Drought EO N-7-22: Action 9

For new wells or alterations to existing wells*

9a. Consultation with the GSAs, Prior to Approving a Well Permit

- In high and medium priority basins, where there is a GSA and GSP
- Obtain written verification from the GSA
- Consistency with GSP & sustainability goals

9b. Permit Evaluation, Prior to Issuing a Well Permit

1. Not likely to interfere with production and functioning of existing nearby wells
2. Not likely to cause adverse subsidence impact or damage nearby infrastructure

**excluding individual domestic wells who use less than two acre-feet per year and public water system supply who rely exclusively on groundwater wells*

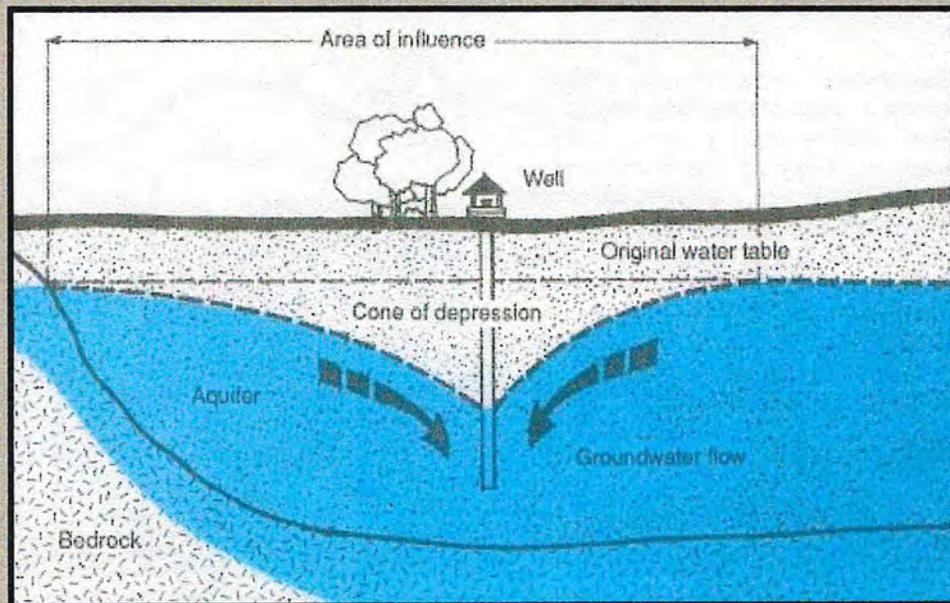
Santa Barbara County

PUBLIC **Health**



DEPARTMENT

Environmental Health Services



STEP 3 – ASSESSMENT OF IMPACT TO NEARBY WELLS

Wells >1,000 feet

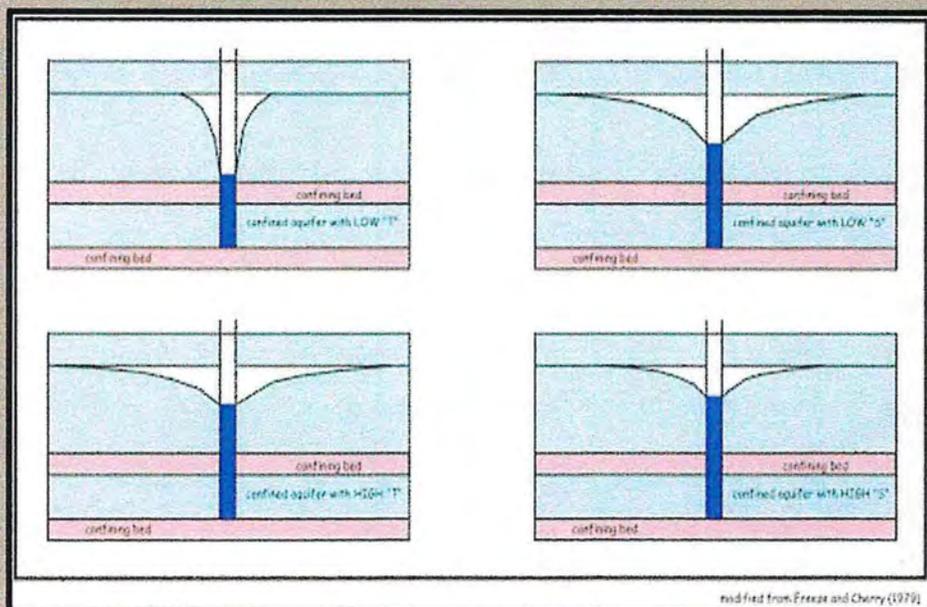
- ❖ No further information required
- ❖ CEQA Filing Fee

No further permitting steps:

- ❖ New wells located >1,000 from existing wells
- ❖ Replacement wells (“like for like”)

Additional fee required:

- ❖ CEQA filing fee of \$50



Wells <1,000 feet

- ❖ Aquifer Data Submitted by CHG
- ❖ Review Fee at Existing Rate of \$161/Hour
- ❖ CEQA Filing Fee

- **Water Well Construction Permit Fee (\$721) - No Change**
- **Additional Review (Hourly Rate) - No Change**
 - Two hours included in flat permit fee
 - Additional review at \$161/hour
- **CEQA Filing Fee (\$50) – *NEW***
 - Filing fee for Fish & Wildlife (if applicable)



PROJECT TYPE	APPLICATION, FEE, INDEMNIFICATION AGREEMENT (STEP 1)	GSA APPROVAL EO-N-7-22 9A (STEP 2)	LOCATION-SPECIFIC HYDROLOGY DATA EO-N-7-22 9B (STEP 3)	CEQA REVIEW
NEW WELL OR ALTERATION OF EXISTING WELL (INCREASING CAPACITY)	YES	IF IN A MEDIUM- OR HIGH-PRIORITY BASIN	IF PROPOSED WELL IS LESS THAN 1,000 FEET FROM AN EXISTING WELL	YES
REPLACEMENT WELL (NO INCREASE IN CAPACITY)	YES	IF IN A MEDIUM- OR HIGH-PRIORITY BASIN	N/A	YES
INDIVIDUAL DOMESTIC WELLS	YES	EXEMPT	N/A	N/A
PUBLIC WATER SUPPLY WELLS	YES	EXEMPT	N/A	N/A

QUESTIONS OR COMMENTS?

EHSAdmin@sbcphd.org

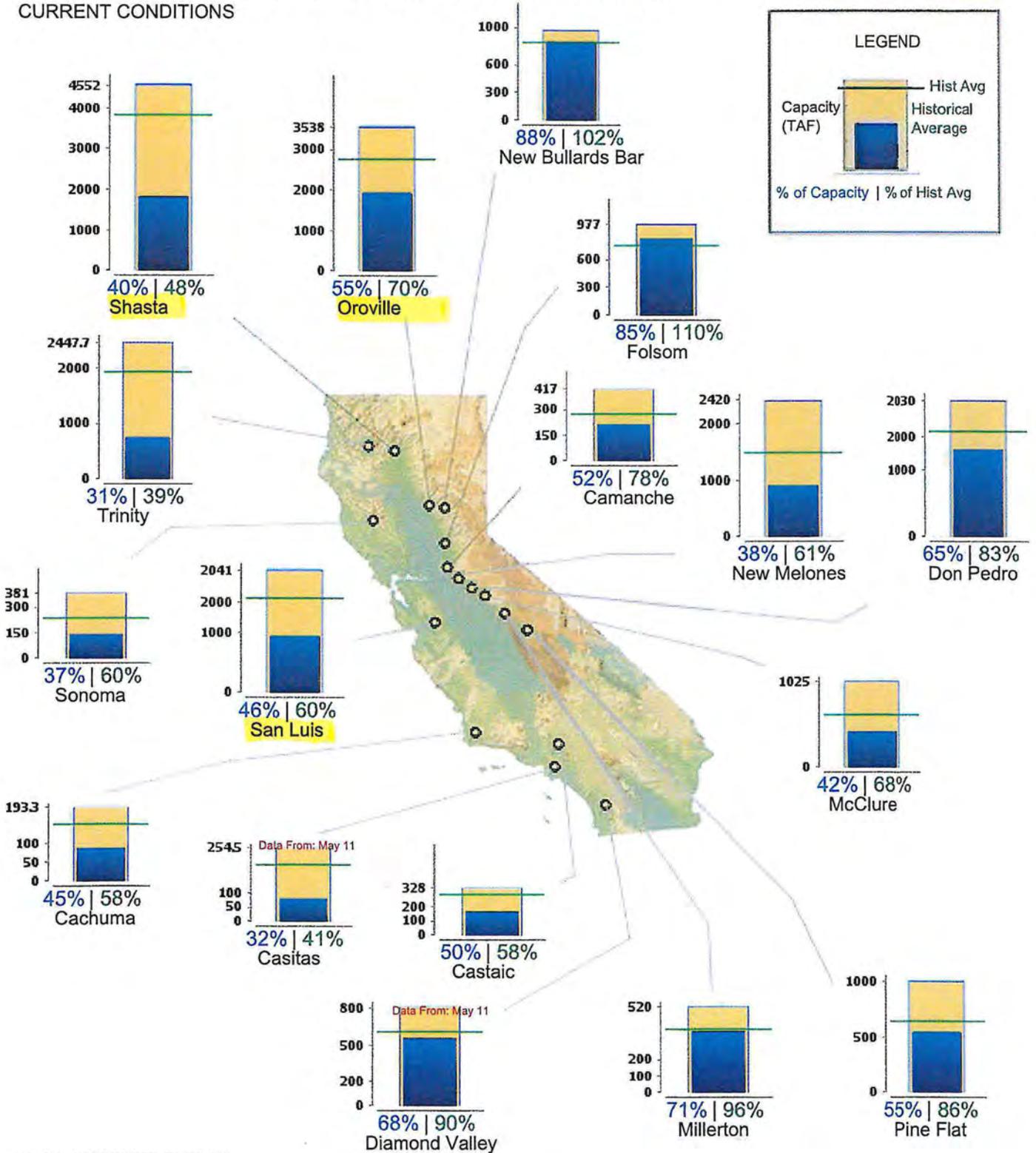
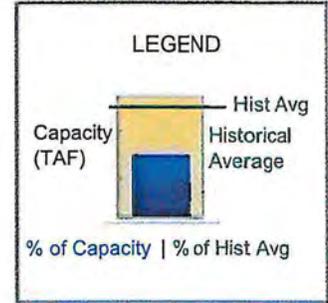




CURRENT RESERVOIR CONDITIONS

Midnight - May 12, 2022

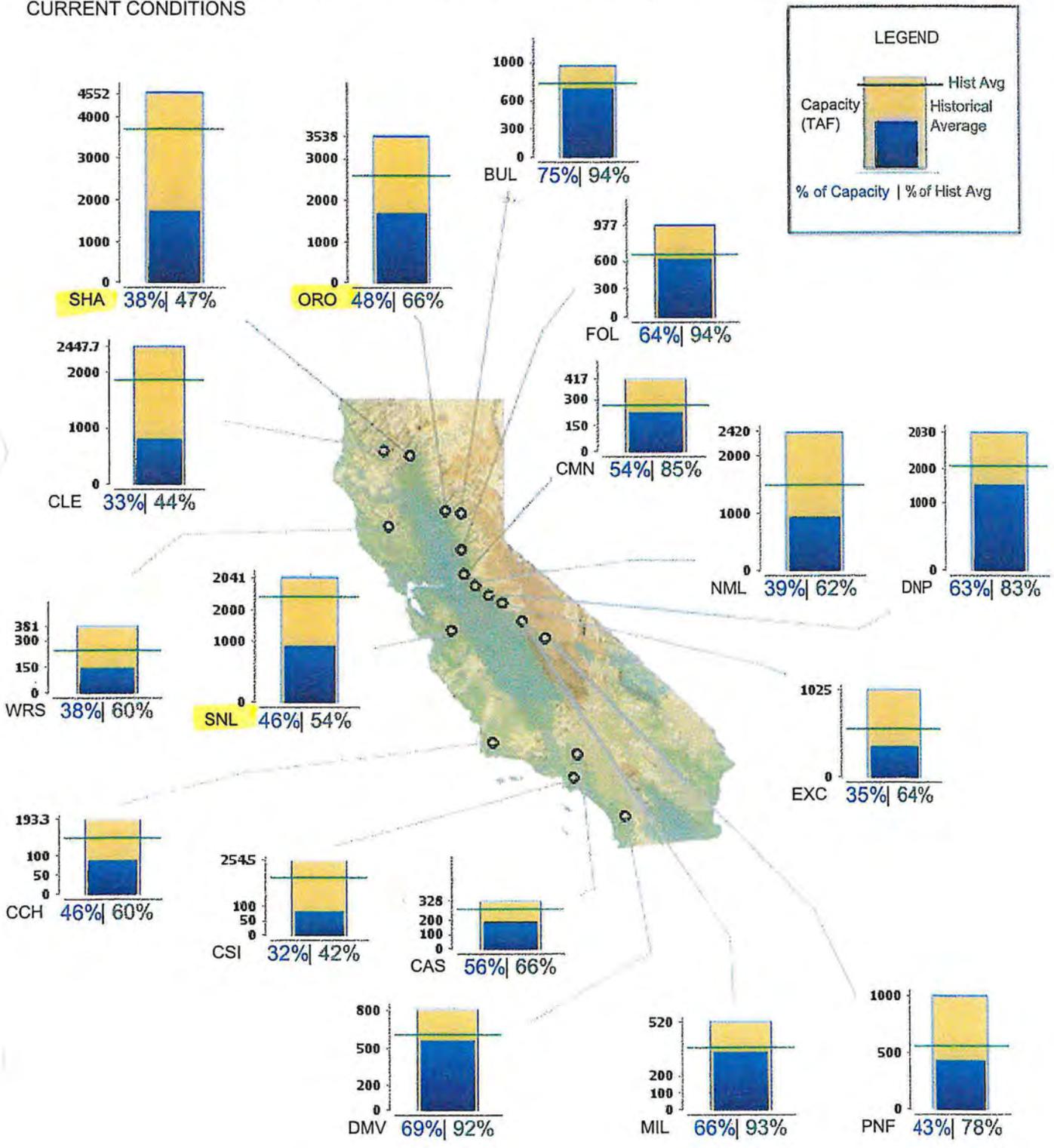
CALIFORNIA MAJOR WATER SUPPLY RESERVOIRS CURRENT CONDITIONS





CALIFORNIA MAJOR WATER SUPPLY RESERVOIRS
CURRENT CONDITIONS

Midnight - April 12, 2022

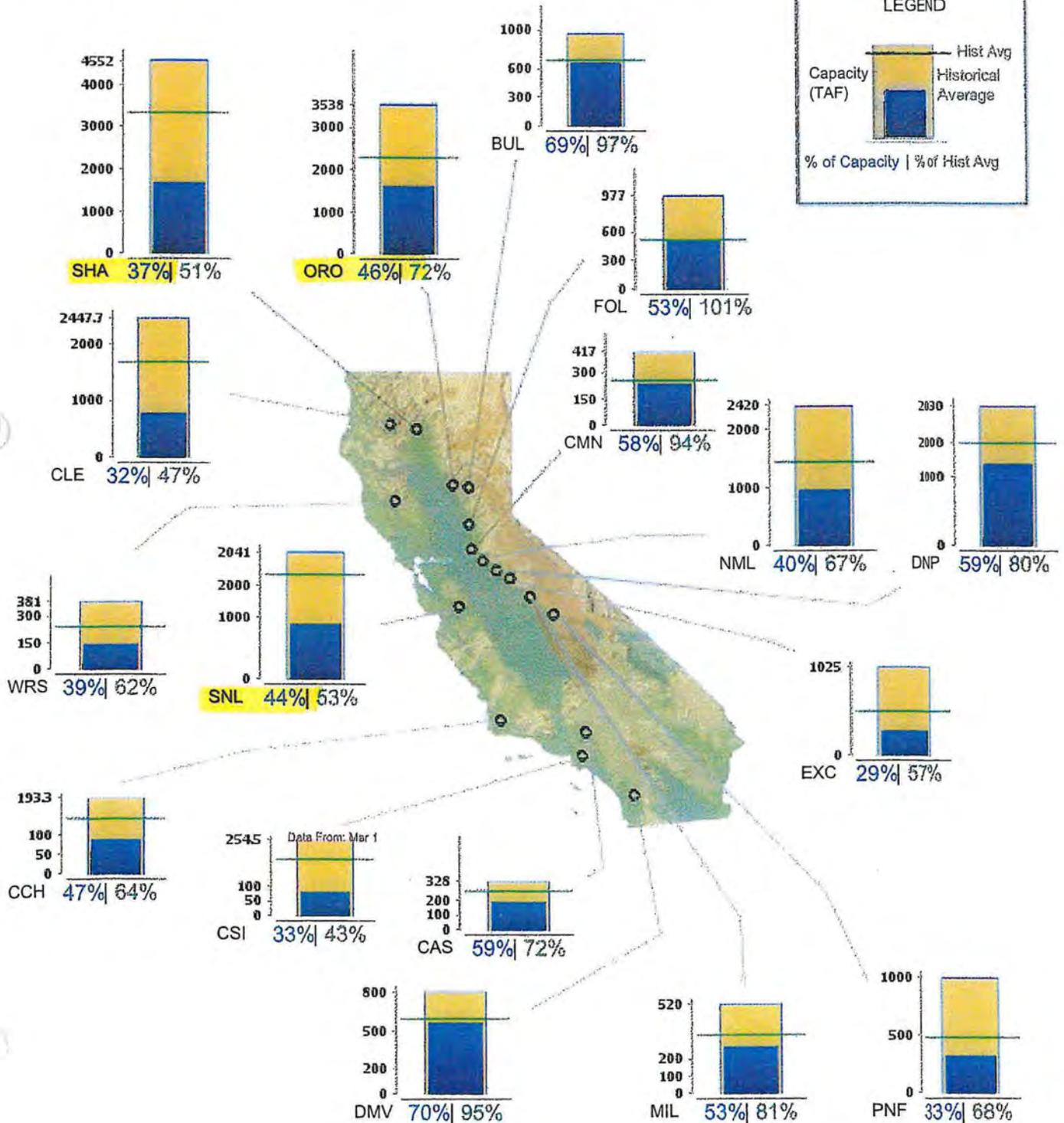
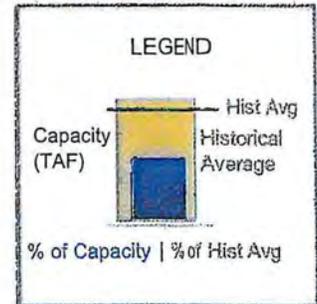




CURRENT RESERVOIR CONDITIONS

CALIFORNIA MAJOR WATER SUPPLY RESERVOIRS CURRENT CONDITIONS

Midnight - March 7, 2022

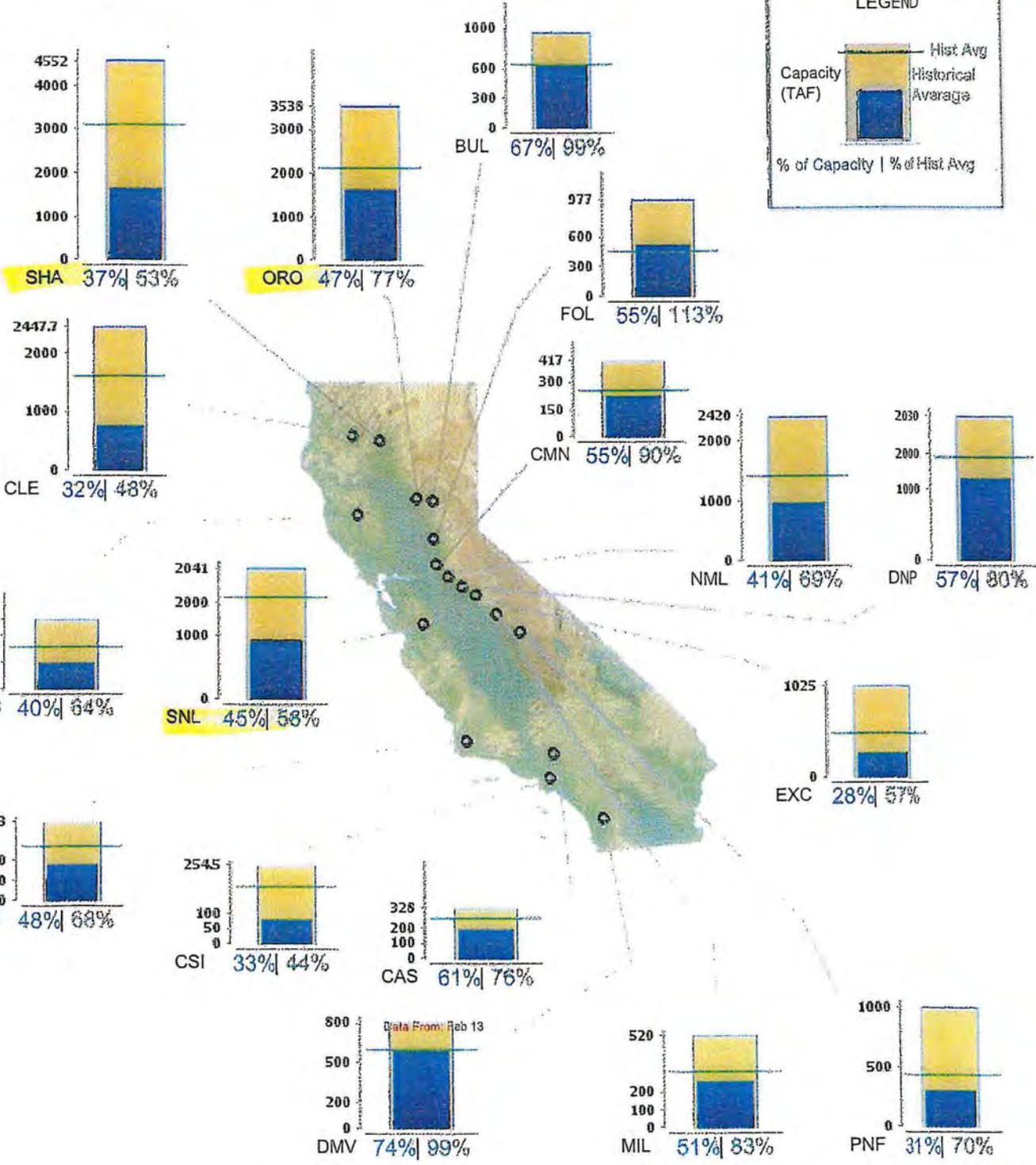
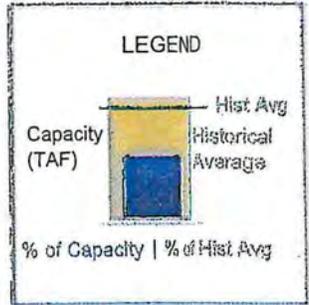




CURRENT RESERVOIR CONDITIONS

CALIFORNIA MAJOR WATER SUPPLY RESERVOIRS CURRENT CONDITIONS

Midnight - February 15, 2022

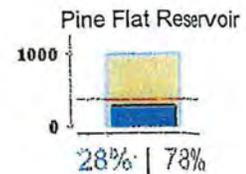
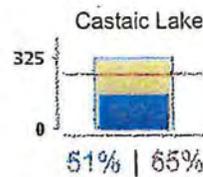
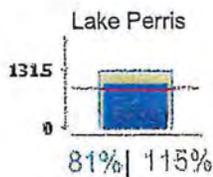
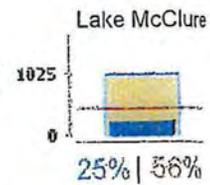
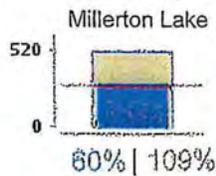
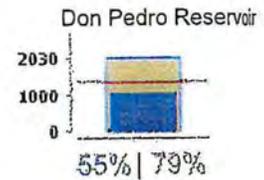
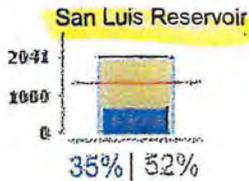
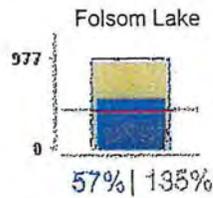
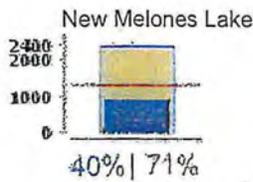
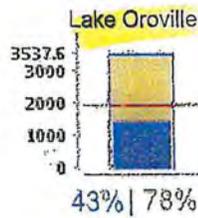
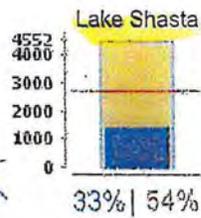
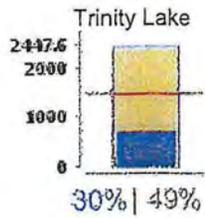
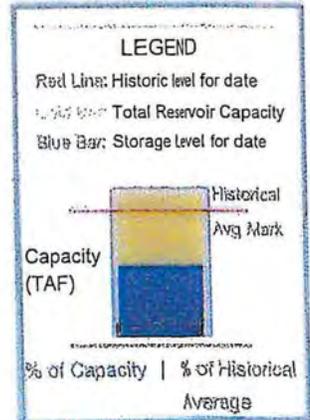




CURRENT RESERVOIR CONDITIONS

SELECTED WATER SUPPLY RESERVOIRS

Midnight: January 11, 2022





• **Board of Directors**
Board of Directors

4/26/2022 Board Meeting

7-1

Subject

Conduct a public hearing and adopt a resolution to (1) declare a Water Shortage Emergency Condition; (2) adopt the framework of an Emergency Water Conservation Program and authorize the General Manager to finalize the Program consistent with the framework; and (3) express support for the Governor's Executive Order N-7-22; the General Manager has determined the proposed actions are exempt or otherwise not subject to CEQA

Executive Summary

As a result of record drought and limited State Water Project (SWP) allocations, insufficient supply exists this year to meet normal Member Agency demand in the SWP Dependent Area. The SWP Dependent Area represents the current portion of Metropolitan's service area that can only receive the district's supplies from the SWP system. If Metropolitan mandates robust conservation measures in the SWP Dependent Area, the California Department of Water Resources (DWR) will provide additional supplies to meet human health and safety (HH&S) needs. Metropolitan staff has coordinated closely with the affected Member Agencies as the drought worsened, meeting with them more than 17 times since August 2021. Metropolitan has received extensive feedback on alternative approaches to increase supply or constrain demand.

As a result, staff proposes that the Board adopt the Resolution in **Attachment 1**, which authorizes the following actions to reduce demands and preserve supplies in the SWP Dependent Area:

1. Declare that a Water Shortage Emergency Condition exists in the SWP Dependent Area.
2. Adopt a framework for an Emergency Water Conservation Program to reduce non-essential water use and preserve available supply for the greatest public benefit in the SWP Dependent Area. The framework includes two paths for affected Member Agencies to reduce the use of Metropolitan's SWP supplies and achieve compliance with the program.
 - a. The first path allows a Member Agency to restrict outdoor irrigation to one day per week (or its equivalent) beginning June 1, 2022. However, the General Manager is authorized to modify this restriction to ban all non-essential outdoor irrigation or enforce volumetric limits should conditions warrant as the year develops. Member Agencies that document enforcement of these restrictions will be deemed compliant with the Emergency Water Conservation Program. Non-compliant Member Agencies will face volumetric penalties of \$2,000 per acre-foot on any water supplied by Metropolitan from the SWP system that exceeds certain monthly allocation limits.
 - b. The second path allows a Member Agency to comply with monthly allocation limits directly. As described more fully below, the specific limit for each agency is based on an allocated share of the HH&S water provided by DWR and certain additional SWP supplies delivered through the SWP system. Member Agencies that meet these limits will be deemed compliant with the Emergency Water Conservation Program; non-compliant Member Agencies will face the same volumetric penalties as under the first path.

Importantly, under this framework, penalties will only be applied to Metropolitan supplies delivered from the SWP system. As such, if an affected Member Agency fully shifts its demands to other local supplies or Metropolitan's Colorado River connections, it will not face penalties in a given month.

The General Manager would be authorized to finalize terms of the Emergency Water Conservation Program consistent with this framework and the Board's authorization, and in conformance with DWR's requirements to access SWP water for HH&S purposes. The General Manager would be required to finalize these terms within 30 days of Board adoption.

As a final element of the framework, the General Manager would be required to report regularly to the Board on the Emergency Water Conservation Program's effectiveness and to notify the Board and Member Agencies of any need to implement more stringent conservation requirements.

3. Express support for the Governor's Executive Order N-7-22 on March 28, 2022, set forth in **Attachment 2**, calling for all urban water suppliers to implement actions to reduce water use by 20-30 percent, depending on local conditions.

Staff will actively monitor and report on water usage by each Member Agency within the SWP Dependent Area. Regardless of the method of compliance chosen by each affected Member Agency, staff will report to the Board on water usage metrics in both volumes delivered and per capita for each agency.

The Board will consider these actions at a public hearing and Special Board Meeting on April 26, 2022. These actions would be taken pursuant to Water Code section 350 *et seq.*, Water Code section 375 *et seq.*, and other applicable authorities, and in accordance with Metropolitan's Urban Water Management Plan (UWMP) and Water Shortage Contingency Plan (WSCP), the Governor's Executive Orders related to the drought, and recent directives from DWR concerning the use of SWP supplies.

Details

Need to Access Human Health and Safety Supply from the SWP

For decades, Metropolitan has worked to improve its conveyance and distribution system to ensure flexibility in delivering SWP and Colorado River water throughout much of its service area. **However, due to the depth and duration of the current drought, Metropolitan cannot meet normal demands in the SWP Dependent Area with existing resources.** Despite best efforts to maximize available resources and operational flexibility this year, and to provide the greatest public benefit, Metropolitan must seek additional HH&S water allocated from DWR.

Beginning in water year 2020 (October 2019 through September 2020), watersheds supplying the SWP received well-below-average precipitation. Despite substantial precipitation in October and December 2021, precipitation in Northern California from January through March 2022 fell to the driest levels on record. In addition, California's warming climate is shifting the historical relationships between temperature, precipitation, and runoff. In 2021, DWR's snowmelt runoff forecast overestimated actual runoff by 68 percent. In 2022, the runoff forecast has already dropped by 42 percent.

Deteriorating hydrologic conditions led DWR to reduce the SWP Table A allocation for 2022 from 15 to five percent of contract amounts on March 18, 2022. This follows a five percent SWP Table A allocation in 2021. Coming in the third year of drought, this extremely low Table A allocation cannot meet minimum HH&S needs in the SWP Dependent Area. Accordingly, DWR will exercise a never-before-invoked provision of the SWP contract (Article 18a) that allows SWP water to be allocated on some other basis than Table A to meet minimum demands for domestic supply, fire protection, or sanitation. To that end, in October 2021, Metropolitan submitted a letter to DWR requesting delivery of certain HH&S supplies to the SWP Dependent Area. DWR accepted, in modified form, Metropolitan's request for these deliveries on April 15, 2022.

DWR expects SWP contractors receiving these HH&S supplies to mandate substantial reductions in water use consistent with these emergency drought circumstances. Further, DWR requires any water taken in 2022 for HH&S purposes to be returned within five years, thus creating a water supply debt that effectively trims future Table A allocations and slows any storage recovery once the drought eases. DWR based these guidelines on curtailment regulations previously adopted by the California State Water Resources Control Board (SWRCB). These guidelines could be further modified.

It should be noted that the boundaries of the SWP Dependent Area have not been fixed and other Metropolitan supplies (such as previously stored SWP supplies from groundwater banking, carryover, flexible storage in Castaic Lake or Perris Lake, or north-of-Delta transfers) are also delivered through this system. Metropolitan's

drought-mitigation actions have shrunk the SWP Dependent Area in recent years with a new ability to supply the Mills Water Treatment Plant from Diamond Valley Lake (May 2021) and through new water management programs such as the Operational Shift Cost Offset Program (May 2021) and the Reverse Cyclic Storage Program (February 2022).

Need for Demand Management in the SWP Dependent Area

In 2014, the Board adopted an updated Water Supply Allocation Plan (WSAP) for use when regional shortages exist. The WSAP established baseline usage for each Member Agency, regional shortage levels, and a surcharge for a Member Agency's aggregate water use above a predetermined allotment. The WSAP included provisions, based on the *Water Conservation Act of 2009* (Senate Bill X7-7), setting a minimum water use threshold of 100 gallons per capita per day (gpcd) for total water use.

However, the WSAP was designed and intended only for use during regionwide water shortages and requires a more extended period to implement. Staff has determined that the current WSAP cannot effectively or efficiently alleviate the circumstances of the current emergency in the SWP Dependent Area. Rather than reconstructing the WSAP for this rapidly developing emergency condition, a more expedient manner to preserve existing water supplies in the SWP Dependent Area is to reduce or eliminate non-essential uses in the directly affected areas. These non-essential uses of potable water (e.g., water for outdoor landscapes, filling swimming pools or fountains, or washing cars) could be curtailed through either price or non-price mechanisms.

To that end, on November 9, 2021, Metropolitan's Board adopted a resolution recognizing the statewide drought emergency, declaring specified emergency conditions to exist within portions of its service area, and calling on Member Agencies to take various actions to preserve Metropolitan's supply from the SWP. Among other things, Member Agencies were urged to make all reasonably practicable changes in their operations and to implement mandatory conservation and efficiency measures to reduce the use of SWP supplies. That resolution further stated, "*should drought conditions persist or worsen in the coming months, Metropolitan's Board of Directors will consider declaring a water shortage emergency condition and imposing appropriate regulations, restrictions, and penalties pursuant to California Water Code section 350 et seq., so as to conserve Metropolitan's water supplies for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection.*" Unfortunately, current hydrologic conditions require this emergency action.

Framework for the Emergency Water Conservation Program

The Emergency Water Conservation Program is intended to adaptively preserve supplies by reducing non-essential uses of water delivered through the SWP system¹. Based on continued feedback from the Member Agencies, the framework outlined in the April 12, 2022, Board Information Letter 9-2 was modified to incorporate another more flexible alternative for agencies to achieve compliance based on monthly volumetric limits of SWP water available to Metropolitan.

The Emergency Water Conservation Program now includes two paths for affected Member Agencies to reduce use of Metropolitan's supplies delivered from the SWP system. A penalty of \$2,000 per acre-foot for all usage above certain limits would be enforced on Member Agencies for non-compliance. Penalties would be enforced monthly beginning in June.

Compliance with Outdoor Use Limits

Under the first compliance path, a Member Agency must adopt restrictions (via an ordinance or other appropriate means) that limit outdoor watering to one day per week (or its equivalent). Metropolitan will not specify the day of the week or any method of even/odd house numbering rotation to moderate distribution system impacts. Metropolitan will, however, require that Member Agencies limit watering times to prevent substitution of water use from newly banned days to permitted days. In addition, the Member Agency must adopt a mechanism for

¹ Metropolitan accesses the SWP system to deliver Table A, carryover storage, flexible storage, north-of-Delta transfers, and previously stored Table A supplies pumped or exchanged through water management programs along the California Aqueduct.

banning all outdoor watering in the event the General Manager later determines that such a ban is necessary to preserve SWP supplies.

Of course, it is not sufficient simply to have these restrictions on paper. Member Agencies must be willing and able to impose meaningful penalties for non-compliance. As such, a Member Agency choosing this compliance path also must submit to Metropolitan an enforcement plan with real consequences to the consumer or end user for failing to abide by the one-day-per-week restriction or ban on outdoor water use. This enforcement plan must be auditable, with a clear and transparent way to verify enforcement if expected water use reductions fall short.

Both the watering restrictions and the plans for enforcing them at the retail level must be in place no later than June 1, 2022. If the affected Member Agency is not a retail water supplier, then it must coordinate with the appropriate retail agency(ies) within its service area to ensure that those agencies also adopt the requisite restrictions and enforcement plans prior to the deadline. Non-compliant Member Agencies will face volumetric penalties on water supplied by Metropolitan from the SWP system above certain limits. The volumetric limits are further described as part of the second compliance path below.

There are some important exceptions to these outdoor watering restrictions. The primary exception is to allow hand-watering of trees or other perennials to support their health and ability to recover once the outdoor watering restrictions are lifted. A second exception is to allow drip or other high-efficiency irrigation systems to apply water at a weekly volume consistent with the one-day watering restriction imposed on less efficient irrigation systems. Metropolitan will continue to coordinate with the affected Member Agencies on an appropriate formulation of these types of exemptions if a complete ban on outdoor watering is imposed.

If all water providers within a wholesale Member Agency choose the watering restrictions path, then no volumetric penalties would be assessed. If water providers within a wholesale Member Agency select different compliance paths, then the Member Agency would initially be assessed penalties calculated using the volumetric limits. Metropolitan would then work in good faith with the Member Agency to determine the appropriate volume of water to be assessed for any of the wholesale Member Agency's water providers.

On behalf of the Member Agencies, Metropolitan submitted a request in October 2021 for supplemental HH&S deliveries for water necessary to prevent or suppress wildfires, particularly at the wildland-urban interface. The Department of Water Resources initially excluded these volumes from the HH&S allocation. However, DWR is now developing a mechanism for variances that may supplement the allocated water. Metropolitan will work with the Member Agencies and relevant fire authorities to submit a request for supplemental deliveries for these important public safety uses, if needed.

Because of uncertainty in the drought's persistence and the speed and scale of demand response, the General Manager is authorized to ban all non-essential outdoor irrigation as early as September 1, should conditions warrant. The General Manager is further authorized to impose volumetric limits on all Member Agencies that originally chose this first path if regional demand response continues to lag. Imposition of volumetric limits would not occur prior to December 1.

Compliance with Volumetric Allocation Limits

The second path allows an affected Member Agency to achieve compliance by meeting an agency-specific volumetric delivery limit from Metropolitan every month. The volumetric limit for each agency will be based on their equivalent share of HH&S water available from DWR (roughly based on 55 gallons per person per day offset by available local supplies) plus any additional water Metropolitan is able to provide from the SWP system, allocated to each agency based on proportionate population. Member Agencies using Metropolitan's supplies within these volumetric limits would not pay penalties. Any Member Agency that exceeds its volumetric limit would pay a \$2,000 per acre-foot penalty on any water provided by MWD from the SWP system in excess of the limit for that month. Volumetric penalties would accrue and be billed monthly.

Staff has provided the Member Agencies with an initial estimate of their monthly volumetric limit. The General Manager will finalize this limit, along with all other elements of the Emergency Water Conservation Plan, within 30 days of Board adoption.

Penalty Structure

The same penalty structure applies to both compliance paths. If an affected Member Agency chooses the outdoor use limit path and submits acceptable documentation before June 1, no penalties would be assessed. If the agency does not submit acceptable documentation, then volumetric penalties of \$2,000 per acre-foot of use above certain volumetric limits will accrue beginning June 1.

Penalties will be assessed and billed monthly. If an agency misses the June 1 deadline for compliance, penalties will be charged for that entire month. Once in compliance, penalties stop accruing at the beginning of the following month. Penalties will be charged to the Member Agency independent from all rates and charges for water service, as it is not a charge for service.

These penalty structures are designed to send a strong economic signal to incentivize action. Any penalties collected will be returned to the affected Member Agencies through the Member Agency Administered Program (MAAP) to help defray enforcement or other costs incurred in conjunction with the proposed Emergency Water Conservation Program.

Importantly, this Emergency Water Conservation Program only applies penalties on Metropolitan supplies delivered from the SWP system. As such, any Member Agency that fully shift demands to other local supplies or to Metropolitan's Colorado River connections will not face penalties in a given month. Under no circumstances would a penalty be paid on any Colorado River water delivered to that agency.

The General Manager will establish procedures for reviewing or redetermining any penalties assessed on the Member Agency pursuant to the Emergency Water Conservation Program. The General Manager shall review any appeals submitted in a timely manner. The General Manager shall also establish reasonable procedures for the filing of appeals to the Board from his determination.

Monitoring and Reporting

Staff will report to the Water Planning and Stewardship Committee each month on progress achieved by the Emergency Water Conservation Program. This will include, at a minimum, monthly tracking of Metropolitan water deliveries and remaining available supplies to the SWP Dependent Area. Metropolitan will also inform the Board of the compliance status of the affected Member Agencies and of any penalties assessed.

Through monthly monitoring and regular communication, the General Manager will inform the Member Agencies and the Board in advance of any need to implement a ban on all outdoor watering (for implementation no earlier than September 1) or a need to implement volumetric limits for all affected agencies (for implementation no earlier than December 1).

Termination of the Emergency Water Conservation Program

The Emergency Water Conservation Program shall continue through June 30, 2023, unless the Board of Directors lifts the action before that date.

Assistance Provided to Member Agencies

Metropolitan will assist the Member Agencies in their complying with the watering restrictions and amplifying the serious message to consumers within the SWP-dependent areas. Assistance will take these forms:

- (1) **Member Agency Administered Program.** Metropolitan will make MAAP funds fully available to the affected Member Agencies for enforcement activities in the FY 2020/21 and 2021/22 budget. For the FY 2022/23 and 2023/24 biennial budget, approximately \$4.2 million of funding is available for the affected agencies. These funds would be made immediately available beginning July 1, 2022. In addition, any penalties paid would likewise be made available to agencies for enforcement. A Member Agency wishing to access these funds must submit a proposal for approval by Metropolitan. Uses of MAAP funding could include drought-related actions, messaging, and code enforcement. Upon termination of the Emergency Water Conservation Program, MAAP funding and procedures would revert back to the previously established guidelines.
- (2) **Assistance with Public Messaging for Drought Awareness and Water Conservation.** In March 2022, the Board authorized staff to enter into a three-year contract with a media placement firm. Through

June 30, 2022, up to \$4.5 million is available to develop and purchase advertising. Likewise, up to \$7.4 million is available in the subsequent biennial budget. Metropolitan staff will coordinate closely with the public affairs staff of the affected Member Agencies to send an amplified and unified message to consumers about the one-day-per-week watering restrictions. Metropolitan will stand with the Member Agencies in communicating these emergency conditions. Staff expects many opportunities to amplify the message also through the earned media of press conferences and news media stories.

Support of the Governor's Executive Order N-7-22

The Board is requested to support Governor Newsom's Executive Order N-7-22 of March 28, 2022 (**Attachment 2**). This Executive Order incorporates orders and provisions contained in the Governor's earlier proclamations of April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021. Though Metropolitan will not mandate compliance on a Member Agency's conformance with Executive Order N-7-22, the affected Member Agencies are strongly called upon to do the following:

- Implement at least Level 2 of their Water Shortage Contingency Plans to achieve at least a 20 percent reduction in water use.
- Adopt and enforce the State Water Resources Control Board's (SWRCB) emergency regulations prohibiting wasteful water uses.
- Adopt and enforce the SWRCB's proposed prohibition (once adopted) of the use of potable water for irrigating non-functional turf at commercial, industrial, and institutional sites.

Other Activities Supporting the SWP Dependent Area

Staff regularly reported to the Board and sought authority and funding to address system and supply shortages affecting the SWP Dependent Area. The Emergency Water Conservation Program is intended only as a short-term, stop-gap measure until lasting relief can be provided. A selection of the main operational, physical, and supply actions taken to improve the supply constraints include:

- Adjusted distribution system operations to minimize SWP use and draw heavily on the Colorado River and stored supplies (January 2021).
- Increased pumping on the Colorado River Aqueduct to the total capacity of eight pumps (intermittent operation since April 2021).
- Initiated the Operational Shift Cost Offset Program (May 2021) and Reverse Cyclic Program (February 2022), which removed financial barriers to switching from or deferring SWP deliveries.
- Switched the source water feed to the Mills Water Treatment Plant from SWP to Diamond Valley Lake storage (May 2021).
- Rebuilt and started up the Greg Avenue facility to pump ~100 acre-feet per day of Colorado River and stored supplies into the western portion of the distribution system (June 2021).
- Expanded conservation programs (December 2021).
- Authorized agreements with other water agencies to improve management of SWP supplies (San Bernardino Valley MWD, San Diego County Water Authority, December 2021).
- Amended the capital investment plan to start planning and implementing infrastructure projects for the western portion of the distribution system (February 2022).
- Authorized purchase of transfer supplies (April 2021 and April 2022)

These actions are accelerating with the development of infrastructure and water supply portfolios through the Extreme Drought Assessment, which includes as its design condition three SWP allocations of five percent.

Policy

Metropolitan Water District Administrative Code Section 6410: Powers and Duties

Metropolitan Water District Administrative Code Section 6412: Delegation of Executive and Administrative Powers

Metropolitan Water District Administrative Code Section 11104: Delegation of Responsibilities

Operating Policy A-06, Emergency Management and Business Continuity

By Minute Item 50824, dated May 9, 2017, the Board adopted a resolution which declared a "Condition 1 –Water Supply Watch."

By Minute Item 51166, dated April 10, 2018, the Board authorized changes to Member Agency Administered Program.

By Minute Item 52481, dated August 17, 2021, the Board adopted a resolution which declared a "Condition 2 – Water Supply Alert."

By Minute Item 52581, dated November 9, 2021, the Board adopted a resolution which declared specified emergency conditions within the Metropolitan service area.

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed actions are being taken to address a water shortage emergency condition in portions of Metropolitan's service area and are intended to conserve scarce water supplies in those areas to ensure that near-term human health and safety needs can be met. Accordingly, these actions are necessary to prevent or mitigate an immediate emergency and are not subject to CEQA pursuant to Public Resources Code Section 21080(b)(4) and Section 15269(c) of the State CEQA Guidelines. Furthermore, the proposed actions are being taken in accordance with Executive Order EO N-7-22 issued by the Governor on March 28, 2022, which directs that specific actions be taken in response to the extreme drought conditions in California. Among other things, all urban water suppliers must, at a minimum, implement the actions identified in their Water Shortage Contingency Plans (WSCPs) for a shortage level up to 20 percent. This order expressly suspends the requirements of CEQA and the State CEQA Guidelines with respect to this directive. Likewise, Water Code Section 10652 statutorily exempts implementation of actions listed in and taken pursuant to an agency's WSCP. Finally, where it can be seen with certainty that there is no possibility that the proposed actions may have a significant impact on the environment, those actions are not subject to CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

Board Options

Option #1

Adopt the Resolution shown in **Attachment 1** and:

- a. Declare that a Water Shortage Emergency Condition exists in the SWP Dependent Area
- b. Adopt the framework of an Emergency Water Conservation Program and authorize the General Manager to finalize the Program consistent with the framework.
- c. Express support for the Governor's Executive Order N-7-22.

Fiscal Impact: Upon adopting the Emergency Water Conservation Program, revenues from water transactions will likely decrease as Member Agencies reduce water demands. At the March 22, 2022, budget workshop, staff presented a scenario with 100,000 acre-feet fewer transactions each year. This scenario—realistic in the magnitude of the needed demand management activity—could reduce revenues by approximately \$100 million in fiscal year 2022/23.

Business Analysis: Implementing the Emergency Water Conservation Program would preserve available water supplies for the greatest public benefit and would avoid the potential use of emergency storage from DWR reservoirs

Option #2

Modify the Resolution in **Attachment 1** and the recommended actions to modify actions or penalties to conserve available water supplies for the greatest public benefit.

Fiscal Impact: Unknown fiscal impact of water shortage

Business Analysis: Adjusting the proposed action may accelerate or slow demand management activities initiated by the Emergency Water Conservation Program. Depending on the modification, changes may also preclude Metropolitan from receiving needed human health and safety supplies from DWR

Option #3

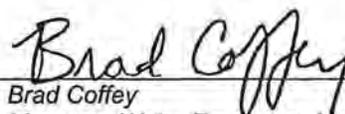
Do not adopt the Resolution in **Attachment 1** nor take the recommended actions.

Fiscal Impact: Unknown fiscal impact of water shortage

Business Analysis: Delaying the decision to implement an Emergency Water Conservation Program would reduce the opportunity to conserve scarce supplies available to the region in 2022. Delaying the implementation may also preclude Metropolitan from receiving needed human health and safety supplies from DWR

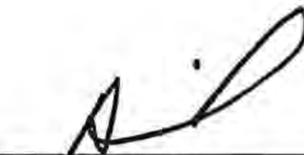
Staff Recommendation

Option # 1



Brad Coffey
Manager, Water Resources Management

4/22/2022
Date



Adel Hagekhalil
General Manager

4/22/2022
Date

Attachment 1 – Resolution of the Board of Directors of the Metropolitan Water District of Southern California Declaring a Water Shortage Emergency Condition and Implementing an Emergency Water Conservation Program in Portions of its Service Area

Attachment 2 – Executive Department State of California Executive Order N-7-22

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

**DECLARING A WATER SHORTAGE EMERGENCY CONDITION AND IMPLEMENTING AN
EMERGENCY WATER CONSERVATION PROGRAM IN PORTIONS OF ITS SERVICE AREA**

WHEREAS, Severe Drought Conditions Are Constraining Available Water Supplies from Northern California.

Beginning in water year 2020 (October 1, 2019, to September 30, 2020), the watersheds supplying the California State Water Project (SWP) received below-average precipitation. The California Department of Water Resources (DWR) classified water years 2020 and 2021 as dry and critically dry, respectively. Persistent dry conditions will likely result in a critically dry designation for water year 2022.

The three-year sequence of water years 2020 - 2022 (October 1, 2019, through September 30, 2022) is projected to be the driest on record in California for statewide precipitation. Precipitation in Northern California during the three months from January through March 2022 was the driest on record for that region.

In addition to reduced precipitation since 2020, California's climate is transitioning to a warmer setting in which historical relationships among temperature, precipitation, and runoff are changing. In 2021, the DWR's snowmelt runoff forecast over-estimated the runoff that occurred by 68 percent. In 2022, DWR's median runoff forecast for the Sacramento River dropped from 16.7 to 9.7 million acre-feet, a reduction of 42 percent.

WHEREAS, Governor Newsom Has Declared a State of Emergency to Exist in All California Counties Due to These Severe Drought Conditions.

On October 19, 2021, Governor Gavin Newsom declared a state of emergency to exist in all California counties due to worsening drought conditions. This proclamation follows other increasingly expansive drought declarations and executive orders that have been issued since April 2021.

At that time, Governor Newsom called on Californians to re-double their efforts to reduce water use by 15 percent and for local and regional water agencies to implement their Water Shortage Contingency Plans (WSCPs) "at a level appropriate to local conditions that takes into account the possibility of a third consecutive dry year."

WHEREAS, Governor Newsom Has Issued an Executive Order Calling on Urban Water Suppliers to Activate Their Water Shortage Contingency Plans.

As part of their Urban Water Management Plans (UWMPs), local and regional water providers are required to prepare and adopt WSCPs. These plans identify voluntary and mandatory response actions that will be taken under various water shortage conditions. These actions include mandatory conservation activities to reduce water use by 10 to 50 percent, depending on the severity of the shortage.

Due to worsening drought conditions, including a record-breaking dry period in January and February, Governor Newsom issued Executive Order N-7-22 on March 28, 2022, specifically requiring all urban water suppliers to implement, at a minimum, the response actions identified in their WSCPs for a shortage level of 20 percent (Level 2).

This executive order further encouraged urban water suppliers to conserve more than the minimum required and to voluntarily activate more stringent local requirements based on a shortage level of up to 30 percent (Level 3).

WHEREAS, Metropolitan's State Water Project Supplies Have Been and Are Being Curtailed.

On March 18, 2022, DWR reduced the SWP Table A allocation for 2022 from 15 to only five percent of contract amounts. Table A allocations for 2020 and 2021 were 20 and five percent, respectively. The last three years marks the lowest three-year combined deliveries of allocated water in the history of the SWP.

Three consecutive years of low Table A allocations have strained water supplies for portions of Metropolitan's service area that currently are served primarily through the SWP. Referred to as the "SWP Dependent Area," this area has limited or no access to Colorado River Supplies.

As a result, there will be insufficient SWP supplies this year to meet the minimum human health and safety (HH&S) needs in the SWP Dependent Area. HH&S needs are defined as "the amount of water necessary for prevention of adverse impacts to human health and safety, for which there is no feasible alternative supply." In general, HH&S needs are limited to domestic supply, sanitation, public health and fire protection purposes, and cannot exceed 55 gallons per person per day.

To supplement the low Table A allocation, DWR has agreed to provide additional SWP supplies to SWP contractors if necessary to fulfill their unmet HH&S needs. However, DWR is requiring any SWP contractor receiving such supplies to impose mandatory restrictions on water use within its service area consistent with these emergency circumstances. DWR also is requiring any SWP water accessed for HH&S purposes be returned to the state within five years or as wetter conditions return.

WHEREAS, Metropolitan's SWP Supplies Are Essential to Meet the Total Demands of Its Member Agencies.

Over the past 20 years, the SWP has provided about 30 percent of the region's total water needs and a portion of the supply delivered to each of Metropolitan's 26 Member Agencies.

Diamond Valley Lake, Metropolitan's largest surface water reservoir and source of dry-year and emergency water supplies, has only been replenished with SWP supplies since the discovery of Quagga mussels in Colorado River water in Jan. 2007.

Under a five percent Table A allocation, Metropolitan cannot meet normal demands in the SWP Dependent Area, serve SWP supplies to other Member Agencies, or replenish storage in Diamond Valley Lake.

WHEREAS, Metropolitan, Its Member Agencies, and Others in the Region Have Taken Extraordinary Steps to Reduce Demands and Bolster Supplies.

In conjunction with its Member Agencies, counties, cities, and wholesale and retail water suppliers, Metropolitan decreased potable water demands within the service area by 40 percent, roughly 80 gallons per person per day, since 1990.

Metropolitan has invested \$1.5 billion in conservation, local water recycling, and local groundwater recovery since 1990, resulting in a cumulative savings of nearly 7.6 million acre-feet.

Metropolitan has invested more than \$3 billion in increasing storage capacity with Diamond Valley Lake and conveyance capacity with the Inland Feeder to capture SWP supply when available for later use in dry years.

Local water suppliers and communities have also made multi-billion-dollar strategic and forward-looking investments in water conservation (within and outside the MWD service area), water recycling, stormwater capture and reuse, groundwater storage, and other strategies to improve drought resilience.

Water conserved throughout the service area, among other things, has helped preserve storage in Metropolitan's diverse storage portfolio during these dry conditions.

Continued action by Southern California residents to conserve water and extend local groundwater and surface water supplies will provide greater resilience if the drought continues in future years.

Metropolitan established the Member Agency Administered Program (MAAP) to assist Member Agencies in implementing local conservation activities. A portion of the funded projects can be used when water savings are not readily quantifiable, such as drought messaging and local water-use related code enforcement programs.

WHEREAS, Metropolitan and Its Member Agencies Have Taken Specific Actions to Preserve SWP Supplies.

Metropolitan and its Member Agencies have invested billions of dollars to preserve and enhance the availability and utilization of local supplies and, in turn, to decrease the overall use of Metropolitan's imported supplies.

Metropolitan has established water management programs to increase Member Agency flexibility to shift from or temporarily defer taking Metropolitan's supply from the SWP.

In 2021 and 2022, Metropolitan made targeted investments in its delivery system to reduce Member Agency dependency on SWP supplies. These investments have significantly improved operational flexibility, allowing delivery of water from either of Metropolitan's two imported supply sources to most of the service area.

Metropolitan's Member Agencies have, where feasible, operated their systems to reduce dependency on Metropolitan's supply delivered through service connections fed from the SWP system.

On August 17, 2021, Metropolitan's Board adopted a resolution declaring a "Condition 2 – Water Supply Alert" to preserve Metropolitan's supply for the region.

On November 9, 2021, Metropolitan's Board adopted a resolution recognizing the statewide drought emergency, declaring specified emergency conditions to exist within portions of its service area, and calling on Member Agencies to take various actions to preserve Metropolitan's supply from the SWP. Among other things, Member Agencies were urged to make all reasonably practicable changes in their operations and to implement mandatory conservation and efficiency measures to reduce the use of SWP supplies.

WHEREAS, Metropolitan Has Determined that It Must Take Additional Actions Immediately to Conserve the Remaining Available SWP Supplies.

In December 2014, Metropolitan's Board adopted a revised Water Supply Allocation Plan (WSAP) pursuant to which it may determine that a regional shortage exists, establish a regional shortage level, and impose an Allocation Surcharge on Member Agencies for water use above a predetermined allotment. The WSAP was designed and intended only for use during periods of regionwide water shortages and requires a more extended period to implement. As such, the current WSAP cannot effectively or efficiently address the water shortages anticipated to occur this year in the SWP Dependent Area.

Likewise, while actions being taken pursuant to the November 9, 2021, Board resolution are helpful, they are not sufficient to address in a timely manner the urgent circumstances present in the SWP Dependent Area. That resolution specifically noted that if drought conditions persisted or worsened, Metropolitan's Board would consider declaring a Water Shortage Emergency Condition and imposing appropriate regulations, restrictions and penalties to conserve Metropolitan's water supplies.

Unfortunately, drought conditions have persisted, and the water supply outlook has worsened, particularly with respect to SWP supplies. Accordingly, Metropolitan believes it is necessary, desirable, and in the best interests of Metropolitan and its Member Agencies to declare that a Water Shortage Emergency Condition exists in the SWP Dependent Area, to adopt the framework for an Emergency Water Conservation Program encompassing the SWP Dependent Area, and to take certain other actions as set forth below and described in Board Letter 7-1 dated April 26, 2022, so as to reduce water use and preserve remaining SWP supplies.

Adopting an Emergency Water Conservation Program is consistent with actions taken by our Member Agencies and other retail agencies and will assist Metropolitan and its Member Agencies in public outreach efforts to communicate the severity of the current drought and the need for conservation and collective action.

Metropolitan further believes that it is necessary, desirable, and in the best interest of Metropolitan to work closely with Member Agencies to identify near-term actions to address this drought emergency and to grant the General Manager certain additional powers and authorities to assist in carrying out such activities promptly.

WHEREAS, Metropolitan Is Authorized and Required to Take These Additional Actions.

Article X, Section 2 of the California Constitution requires all water resources in the state to be put to beneficial use and prohibits the waste or unreasonable use of such resources. What constitutes reasonable use is dependent on exigent circumstances, and may change during periods of drought.

Water Code Section 350 *et seq.* requires the distributor of a public water supply to declare that a water shortage emergency condition exists “whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply needed for human consumption, sanitation, and fire protection.” Upon making such a declaration, the water supplier is authorized to adopt such regulations and restrictions as will, in its sound discretion, “conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection.”

Water Code Section 375 *et seq.* authorizes retail and wholesale water providers to adopt water and enforce conservation programs, which may include specific water-use limitations. Water providers may impose civil and criminal penalties for violating the requirements of such programs and/or may enforce water-use limitations by imposing “a volumetric penalty in an amount established by the public entity.”

Water Code Section 10620 *et seq.* requires every urban water supplier to prepare and adopt an UWMP, which must include a WSCP to be implemented during times of shortage. Governor Newsom has directed all urban water suppliers to implement, at a minimum, the response actions identified in their WSCPs for a shortage level of 20 percent (Level 2).

DWR is requiring any SWP contractor receiving HH&S supplies to impose mandatory restrictions on water use within its service area consistent with these emergency circumstances.

The Metropolitan District Act and Metropolitan’s Administrative Code authorize and support taking specific actions to address the current drought emergency. In particular, Administrative Code Section 4512 provides that deliveries of water “shall be subject to operational, supply or demand conditions, as determined by the General Manager.”

WHEREAS, Metropolitan Held a Noticed Public Hearing to Receive Input on These Additional Actions.

On April 26, 2022, a public hearing was held to receive input, comments, and/or protests on the proposed declaration of a Water Shortage Emergency Condition and adoption of the framework of an Emergency Water Conservation Program for the SWP Dependent Area, as well as the other actions set forth below and described in Board Letter 7-1 dated April 26, 2022. A copy of Board Letter 7-1 was posted on Metropolitan’s website (<https://mwdh2o.legistar.com/Calendar.aspx>) and was available for review prior to the hearing.

Notice of this hearing was published on April 14, 2022, in six different newspapers of general circulation encompassing all six counties within Metropolitan’s service area: *Los Angeles Times* (Los Angeles County), *Orange County Register* (Orange County), *Inland Valley Daily Bulletin* (San Bernardino County), *Ventura County Star* (Ventura County), *Press Enterprise* (Riverside County), and *San Diego Union Tribune* (San Diego County).

At this public hearing, Metropolitan’s Board received information, comments, testimony, and other evidence provided by Board members, Member Agency representatives, staff, and the public pertaining to these matters, and all persons present were given an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of The Metropolitan Water District of Southern California hereby declares a **Water Shortage Emergency Condition** to exist in the SWP Dependent Area. Per this declaration, the Board calls on all Member Agencies to:

- (1) Make all possible changes in their operations to reduce their use of Metropolitan's SWP supplies.
- (2) Immediately mandate and implement such conservation requirements, water-use efficiency measures, and drought-related limitations consistent with their WSCPs and substantively conforming to the Emergency Water Conservation Program.

BE IT FURTHER RESOLVED that the General Manager is hereby authorized and directed to finalize and implement an **Emergency Water Conservation Program** in the SWP Dependent Area, subject to the following conditions:

- (1) The Emergency Water Conservation Program shall conform to the framework outlined in Board Letter 7-1, dated April 26, 2022. (A copy of this Board Letter may be accessed through Metropolitan's website at <https://mwdh2o.legistar.com/Calendar.aspx>.) This framework includes volumetric penalties for non-compliance of up to \$2,000 per acre-foot for use exceeding specified allocation limits.
- (2) The Emergency Water Conservation Program shall include a provision for Member Agencies in the SWP Dependent Area to use 100 percent of their MAAP allocations for any conservation-related activities and projects, even where the water savings from such activities and projects are not readily quantifiable. Uses of MAAP funding could include drought-related actions, messaging, and code enforcement. Upon termination of the Emergency Water Conservation Program, the MAAP allocations would revert back to the previously established formula for non-documented water-saving program funding requests.
- (3) The General Manager shall consult with all affected Member Agencies on the final terms of the Emergency Water Conservation Program.
- (4) The General Manager shall finalize the Emergency Water Conservation Program within 30 days of Board adoption of this resolution.
- (5) The Emergency Conservation Program shall continue through Jun. 30, 2023, unless otherwise terminated as described below.

BE IT FURTHER RESOLVED that the General Manager is hereby directed to continue the actions and activities specified in August 17, 2021, and November 9, 2022, Board resolutions, except as expanded or limited herein.

BE IT FURTHER RESOLVED that the Board hereby declares Metropolitan's support for the Governor's Executive Order N-7-22 and directs staff to work with the relevant state agencies to implement the Executive Order.

BE IT FURTHER RESOLVED that, should drought conditions persist in the coming months, or should demand management actions not sufficiently preserve available supplies, the General Manager may impose additional conditions or requirements as part of the Emergency Water Conservation Program described in Board Letter 7-1, which may include a prohibition on all outdoor uses of water or a requirement for affected Member Agencies to conform to specified volumetric limits.

I HEREBY CERTIFY that the foregoing is a full, true, and correct copy of a resolution adopted by the Board of Directors of The Metropolitan Water District of Southern California at its meeting held on Apr. 26, 2022.

Secretary of the Board of Directors
of The Metropolitan Water District
of Southern California

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-7-22

WHEREAS on April 12, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, I proclaimed states of emergency that continue today and exist across all the counties of California, due to extreme and expanding drought conditions; and

WHEREAS climate change continues to intensify the impacts of droughts on our communities, environment, and economy, and California is in a third consecutive year of dry conditions, resulting in continuing drought in all parts of the State; and

WHEREAS the 21st century to date has been characterized by record warmth and predominantly dry conditions, and the 2021 meteorological summer in California and the rest of the western United States was the hottest on record; and

WHEREAS since my October 19, 2021 Proclamation, early rains in October and December 2021 gave way to the driest January and February in recorded history for the watersheds that provide much of California's water supply; and

WHEREAS the ongoing drought will have significant, immediate impacts on communities with vulnerable water supplies, farms that rely on irrigation to grow food and fiber, and fish and wildlife that rely on stream flows and cool water; and

WHEREAS the two largest reservoirs of the Central Valley Project, which supplies water to farms and communities in the Central Valley and the Santa Clara Valley and provides critical cold-water habitat for salmon and other anadromous fish, have water storage levels that are approximately 1.1 million acre-feet below last year's low levels on this date; and

WHEREAS the record-breaking dry period in January and February and the absence of significant rains in March have required the Department of Water Resources to reduce anticipated deliveries from the State Water Project to 5 percent of requested supplies; and

WHEREAS delivery of water by bottle or truck is necessary to protect human safety and public health in those places where water supplies are disrupted; and

WHEREAS groundwater use accounts for 41 percent of the State's total water supply on an average annual basis but as much as 58 percent in a critically dry year, and approximately 85 percent of public water systems rely on groundwater as their primary supply; and

WHEREAS coordination between local entities that approve permits for new groundwater wells and local groundwater sustainability agencies is important to achieving sustainable levels of groundwater in critically overdrafted basins; and

WHEREAS the duration of the drought, especially following a multiyear drought that abated only five years ago, underscores the need for California to redouble near-, medium-, and long-term efforts to adapt its water management and delivery systems to a changing climate, shifting precipitation patterns, and water scarcity; and

WHEREAS the most consequential, immediate action Californians can take to extend available supplies is to voluntarily reduce their water use by 15 percent from their 2020 levels by implementing the commonsense measures identified in operative paragraph 1 of Executive Order N-10-21 (July 8, 2021); and

WHEREAS to protect public health and safety, it is critical the State take certain immediate actions without undue delay to prepare for and mitigate the effects of the drought conditions, and under Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of the drought conditions.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021 Proclamations remain in full force and effect, except as modified by those Proclamations and herein. State agencies shall continue to implement all directions from those Proclamations and accelerate implementation where feasible.
2. To help the State achieve its conservation goals and ensure sufficient water for essential indoor and outdoor use, I call on all Californians to strive to limit summertime water use and to use water more efficiently indoors and out. The statewide Save Our Water conservation campaign at SaveOurWater.com provides simple ways for Californians to reduce water use in their everyday lives. Furthermore, I encourage Californians to understand and track the amount of water they use and measure their progress toward their conservation goals.
3. By May 25, 2022, the State Water Resources Control Board (Water Board) shall consider adopting emergency regulations that include all of the following:
 - a. A requirement that each urban water supplier, as defined in section 10617 of the Water Code, shall submit to the Department of Water Resources a preliminary annual water supply and demand assessment consistent with section 10632.1 of the Water Code no later than June 1, 2022, and submit a final annual water

supply and demand assessment to the Department of Water Resources no later than the deadline set by section 10632.1 of the Water Code;

- b. A requirement that each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, the shortage response actions adopted under section 10632 of the Water Code for a shortage level of up to twenty percent (Level 2), by a date to be set by the Water Board; and
- c. A requirement that each urban water supplier that has not submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, shortage response actions established by the Water Board, which shall take into consideration model actions that the Department of Water Resources shall develop for urban water supplier water shortage contingency planning for Level 2, by a date to be set by the Water Board.

To further conserve water and improve drought resiliency if the drought lasts beyond this year, I encourage urban water suppliers to conserve more than required by the emergency regulations described in this paragraph and to voluntarily activate more stringent local requirements based on a shortage level of up to thirty percent (Level 3).

- 4. To promote water conservation, the Department of Water Resources shall consult with leaders in the commercial, industrial, and institutional sectors to develop strategies for improving water conservation, including direct technical assistance, financial assistance, and other approaches. By May 25, 2022, the Water Board shall consider adopting emergency regulations defining "non-functional turf" (that is, a definition of turf that is ornamental and not otherwise used for human recreation purposes such as school fields, sports fields, and parks) and banning irrigation of non-functional turf in the commercial, industrial, and institutional sectors except as it may be required to ensure the health of trees and other perennial non-turf plantings.
- 5. In order to maximize the efficient use of water and to preserve water supplies critical to human health and safety and the environment, Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended, with respect to the directives in paragraphs 3 and 4 of this Order and any other projects and activities for the purpose of water conservation to the extent necessary to address the impacts of the drought, and any permits necessary to carry out such projects or activities. Entities that desire to conduct activities under this suspension, other than the directives in paragraphs 3 and 4 of this Order, shall first request that the Secretary of the Natural Resources Agency make a determination that the proposed activities are eligible to be conducted under this suspension. The Secretary shall use sound discretion in applying this Executive Order to ensure that the suspension serves the purpose of accelerating conservation projects that are necessary to address impacts of the drought, while at the same time

protecting public health and the environment. The entities implementing these directives or conducting activities under this suspension shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

6. To support voluntary approaches to improve fish habitat that would require change petitions under Water Code section 1707 and either Water Code sections 1425 through 1432 or Water Code sections 1725 through 1732, and where the primary purpose is to improve conditions for fish, the Water Board shall expeditiously consider petitions that add a fish and wildlife beneficial use or point of diversion and place of storage to improve conditions for anadromous fish. California Code of Regulations, title 23, section 1064, subdivisions (a)(1)(A)(i)-(ii) are suspended with respect to any petition that is subject to this paragraph.
7. To facilitate the hauling of water for domestic use by local communities and domestic water users threatened with the loss of water supply or degraded water quality resulting from drought, any ordinance, regulation, prohibition, policy, or requirement of any kind adopted by a public agency that prohibits the hauling of water out of the water's basin of origin or a public agency's jurisdiction is hereby suspended. The suspension authorized pursuant to this paragraph shall be limited to the hauling of water by truck or bottle to be used for human consumption, cooking, or sanitation in communities or residences threatened with the loss of affordable safe drinking water. Nothing in this paragraph limits any public health or safety requirement to ensure the safety of hauled water.
8. The Water Board shall expand inspections to determine whether illegal diversions or wasteful or unreasonable use of water are occurring and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.
9. To protect health, safety, and the environment during this drought emergency, a county, city, or other public agency shall not:
 - a. Approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium- or high-priority without first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan adopted by that Groundwater Sustainability

Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan; or

- b. Issue a permit for a new groundwater well or for alteration of an existing well without first determining that extraction of groundwater from the proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

This paragraph shall not apply to permits for wells that will provide less than two acre-feet per year of groundwater for individual domestic users, or that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code.

10. To address household or small community drinking water shortages dependent upon groundwater wells that have failed due to drought conditions, the Department of Water Resources shall work with other state agencies to investigate expedited regulatory pathways to modify, repair, or reconstruct failed household or small community or public supply wells, while recognizing the need to ensure the sustainability of such wells as provided for in paragraph 9.
11. State agencies shall collaborate with tribes and federal, regional, and local agencies on actions related to promoting groundwater recharge and increasing storage.
12. To help advance groundwater recharge projects, and to demonstrate the feasibility of projects that can use available high water flows to recharge local groundwater while minimizing flood risks, the Water Board and Regional Water Quality Control Boards shall prioritize water right permits, water quality certifications, waste discharge requirements, and conditional waivers of waste discharge requirements to accelerate approvals for projects that enhance the ability of a local or state agency to capture high precipitation events for local storage or recharge, consistent with water right priorities and protections for fish and wildlife. For the purposes of carrying out this paragraph, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division, and Chapter 3 (commencing with section 85225) of Part 3 of Division 35 of the Water Code and regulations adopted pursuant thereto are hereby suspended to the extent necessary to address the impacts of the drought. This suspension applies to (a) any actions taken by state agencies, (b) any actions taken by local agencies where the state agency with primary responsibility for the implementation of the directives concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b). The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.
13. With respect to recharge projects under either Flood-Managed Aquifer Recharge or the Department of Water Resources Sustainable

Groundwater Management Grant Program occurring on open and working lands to replenish and store water in groundwater basins that will help mitigate groundwater conditions impacted by drought, for any (a) actions taken by state agencies, (b) actions taken by a local agency where the Department of Water Resources concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b), Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended to the extent necessary to address the impacts of the drought. The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

14. To increase resilience of state water supplies during prolonged drought conditions, the Department of Water Resources shall prepare for the potential creation and implementation of a multi-year transfer program pilot project for the purpose of acquiring water from willing partners and storing and conveying water to areas of need.
15. By April 15, 2022, state agencies shall submit to the Department of Finance for my consideration proposals to mitigate the worsening effects of severe drought, including emergency assistance to communities and households and others facing water shortages as a result of the drought, facilitation of groundwater recharge and wastewater recycling, improvements in water use efficiency, protection of fish and wildlife, mitigation of drought-related economic or water-supply disruption, and other potential investments to support short- and long-term drought response.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 28th day of March 2022.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State



DIRECTORS:

DIVISION 1
CYNTHIA ALLEN, President
Lompoc

DIVISION 2
STEPHEN E. JORDAN
Lompoc

DIVISION 3
MARK ALTSHULER
Vandenberg Village - Mission
Hills

DIVISION 4
ART HIBBITS
Buellton - Lompoc

DIVISION 5
J. BRETT MARYMEE
Solvang - Santa Ynez

Santa Ynez River

WATER CONSERVATION DISTRICT

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April 22, 2022

Via Mail and Email

Rain L. Emerson, M.S.
Environmental Compliance Branch Chief
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South-Central California Area Office
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Re: Parent District Comments on Draft Environmental Assessment (EA) for Central Coast Water Authority (CCWA) Temporary Warren Act Contract [CGB-EA-2022-023]

The Santa Ynez River Water Conservation District (Parent District) submits the following comments on the above-referenced EA for the CCWA Temporary Warren Act Contract (Project). The Parent District just learned of this EA and associated Biological Evaluation (BE) yesterday as they were included as part of CCWA's Board Packet¹ for its April 28, 2022 Board meeting. The Parent District is disappointed that it was not advised of the EA being out for public review and comment by the United States Bureau of Reclamation (Reclamation), and also notes that the BE is not referred to in the EA and has not been made publicly available by Reclamation during the EA comment period or otherwise. Be that as it may, as explained below, the Project appears to include additional restrictions on the mixing of CCWA's SWP supplies with downstream water rights releases contrary to the 2002 Settlement Agreement, the 2000 Biological Opinion

¹ Available at: <https://www.ccwa.com/files/acb8a110f/BoardPacket04282022.pdf>.

(Biological Opinion), WRO 2019-0148², and Reclamation's Cachuma Project water rights permits. As you know, mixing is critical to ensuring that the Cachuma Project is not impairing downstream water quality. There is no evidence that exclusion of November from the months in which mixing can occur – even when the flow is discontinuous in the mainstem, among other restrictions, is warranted³, and imposing such additional restrictions through the EA does not follow required procedures. Any modification to the Biological Opinion to add restrictions on mixing should be evaluated as part of the ongoing formal reinitiation of consultation – not by de facto amendment.⁴ If further pursued, any additional unmitigated restrictions on mixing should be discussed with relevant stakeholders and evaluated as part of the ongoing consultation before being approved or implemented.

The Parent District covers approximately 180,000 acres, principally downstream of the Cachuma Project. The Parent District's constituents rely upon regular water rights releases being made from the Project's Bradbury Dam of sufficient quality and quantity to serve downstream beneficial uses, which include agricultural and domestic users of Santa Ynez River water. Such releases replenish downstream alluvial aquifers and groundwater basins. The Parent District's constituents include Santa Ynez River Water Conservation District, Improvement District No. 1, the cities of Solvang, Buellton and Lompoc, and various communities. The City of Lompoc, in particular, consists of various disadvantaged communities, who rely on Santa Ynez River releases as their sole source of supply and replenishment. The City of Lompoc previously raised claims with the State Water Resources Control Board (State Water Board) regarding the Cachuma Project's impairment of downstream water quality.

On December 17, 2002, the Cachuma Conservation Release Board (CCRB), the Parent District, Improvement District No. 1 and the City of Lompoc entered into a Settlement Agreement relating to the operation of the Cachuma Project (Cachuma Project Settlement Agreement). The Cachuma Project Settlement Agreement resolved 50 years of disputes relative to operation of the Project, including litigation and claims regarding downstream water quality impacts raised by the City of Lompoc. The Cachuma Project Settlement Agreement's provisions are incorporated by reference, discussed in, and attached as Appendix 2 to the State Water Board's WR Order 2019-0148 (WRO 2019-1048 or Order) In the Matter of Permits 11308 and 11310 (Applications 11331 and 11332) held by the United States, Bureau of Reclamation for the Cachuma Project on the Santa Ynez River. (Order, §§ 6.1-6.5, pp. 100-110.)

As explained in WRO 2019-0148 (Order, § 6.2.1, pp. 102-103), the following recited provision (Subparagraph 1.5 – Deliveries During Releases) of the Settlement Agreement, which

² Available at: https://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/cachuma/docs/wro2019_0148_withagreement_final.pdf

³ In fact, the EA indicates that per the draft 2016 biological opinion additional restrictions on mixing do not appear to be necessary: "*the effects of... Central Coast Water Authority state water project deliveries and releases are expected to be avoided by measures that are currently in place and are expected to continue.*" (Board Packet, pdf p. 106; BE, p. 12.)

⁴ U.S. Fish & Wildlife Service and NMFS, Consultation Handbook (March 1998 Final), p. 4-63, 64; 50 CFR §402.16.

provides for commingling of SWP water imported by CCWA, is a key component of resolving the City of Lompoc's Cachuma Project water quality concerns, returning the groundwater quality in the Lompoc Plain Groundwater Basin to a no project condition, and avoiding impairment to senior groundwater rights:

"The parties to this Agreement will, as provided in Exhibit D, make best efforts to maximize the delivery by ... [CCWA of SWP] water with lower concentrations of total dissolved solids ('TDS') into the outlet works at Bradbury Dam during WR 89-18 water rights releases consistent with the NMFS BO. This will be accomplished through the commingling of SWP water with WR 89-18 water rights releases in the Outlet Works at Bradbury Dam when downstream water rights releases are being made. Generally, SWP deliveries by CCWA are of lower TDS concentrations compared to water releases from Lake Cachuma under WR 89-18. The objective of such commingling operations is to maximize the delivery of SWP Water to lower the TDS in the lower Santa Ynez River and at the Narrows. Such coordinated program shall be carried out as set forth in Exhibit "D" hereto." (Emphasis added.)

Reclamation approved of and supported the Cachuma Project Settlement Agreement in the WRO 2019-0148 proceedings as a way of resolving 50 years of disputes between the Cachuma Project Member Units and the downstream parties, including the Parent District and the City of Lompoc, with respect to the operation of the Project. This included disputes relating to water rights and water quality issues among them, including key hearing issues 4, 5 and 6, and resolution of the City of Lompoc's litigation and claims regarding the Project's injury to its senior water rights including water quality impairment caused by the Project. (Order, p. 100.)

Key Hearing Issue 4 was:

"Has any senior, legal user of water been injured due to changes in water quality resulting from the operation of the Cachuma Project? (Order p. 101.)"

According to the Order, the City of Lompoc owns 9 domestic wells providing the sole source of water to 39,000 people including disadvantaged communities. (*Ibid.*) Lompoc asserted that historic operation of the Cachuma Project impaired the water quality in the groundwater basin in such a manner as to injure the city's senior downstream water rights. (*Ibid.*) In WRO 2019-0148, the State Water Board concluded that under the current operating regime under the **2000 Biological Opinion**, "which includes the **downstream water rights releases as required by Order WR 89-18 and the commingling of SWP water that is imported by the CCWA**, the groundwater quality in the eastern portion of the Lompoc Plain Groundwater Basin will return to a no project condition, and should ensure that the Cachuma Project does not impair the City of Lompoc's senior groundwater rights." (Order, pp. 102-103, emphasis added.)

The State Water Board found that "operation of the Cachuma Project in accordance with the Settlement Agreement will protect senior water right holders from injury due to either changes in **water quality** or a reduction in the quantity of water available to serve prior rights." (Order, p.

109, emphasis added.) The State Water Board further found that “Reclamation should operate the Cachuma Project pursuant to the new accounting, monitoring, and operating procedure set forth in the Settlement Agreement, and the Permits should be amended as proposed by Reclamation and agreed to by the parties to the agreement.” (*Ibid.*) In making these findings, the State Water Board recognized that the 2000 Biological Opinion (Biological Opinion) limited the amount of SWP water that can be “mixed” and referenced the only other restrictions related to the delivery of SWP water as stated in the Final EIR for the Order, as follows:

“2.4.4.3 Restrictions of State Water Project Releases

The Biological Assessment described restrictions on the delivery of SWP water to the reservoir. SWP water will not exceed 50 percent of the amount of water released from Bradbury Dam at any given time. In addition, SWP water will not enter the stilling basin with a temperature over 18 degrees Celsius. Finally, the Biological Opinion requires that releases of SWP water to the mainstem in conjunction with water rights and fish enhancement releases shall not occur during the migration period of **December through June, unless flow in the mainstem is discontinuous**. This requirement has been met since 2001. (Order, p. 102, fn. 65; FEIR, Vol. II⁵, p. 2.0-38, emphasis added.)

In contrast to the above, the Project adds significant additional restrictions on mixing of SWP deliveries with downstream water rights releases. In particular, the EA adds the following restrictions on CCWA deliveries through the Bradbury Dam outlet works:

“Releases of CCWA water to the mainstem only occurs during water right releases from **May to October**, with the bulk of releases occurring July through September;” (EA, p. 4, emphasis added.)

These additional restrictions are not part of the Biological Opinion’s reasonable and prudent measures, and they are not referenced in the Settlement Agreement or WRO 2019-0148. Neither the EA nor any other relevant document, to our knowledge, evaluates the need for such additional restrictions on mixing. Presently, there is no limit on mixing during any particular months whatsoever when the mainstem flow is discontinuous, and when it is not discontinuous mixing can still occur in **November**, as is sometimes necessary and as may be necessary more often in the future due to climate change.

The Parent District was not consulted regarding the need for these additional unmitigated mixing restrictions, which represent a significant departure from the baseline and will cause water quality impacts to the Parent District’s constituents, including the City of Lompoc and its disadvantaged citizens. These additional restrictions are conflict with the Biological Opinion and WRO 2019-0148, including its underlying environmental review and the State Water Board’s

⁵ Available at: https://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/cachuma/feir/cachuma_feir_vol2.pdf.

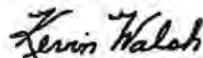
conclusions regarding water quality impacts of the Project meant to be addressed by the Cachuma Project Settlement Agreement.

If these additional restrictions are not removed the Project, they represent a new impairment to water quality and possible injury to downstream water rights. To our knowledge, no evaluation whatsoever of the environmental impacts of adding such additional restrictions and making associated changes to Project's release operations has been performed, as would be necessary for the Project to comply with NEPA and CEQA, as applicable. CCWA's approval of the Project, along with the significant new additional unmitigated restrictions on mixing, would represent a substantial change to existing conditions and constitute a Project as defined by CEQA that may result in significant water quality impacts to downstream resources including groundwater in the Lompoc Plain Groundwater Basin; thus, a mitigated negative declaration or environmental impact report (or subsequent or supplemental EIR) would be required prior to consideration of Project approval. (Public Resources Code, § 21065; Cal Code Regs, § 15064.)

For the above reasons, the Parent District urges that Reclamation delete the additional restrictions on mixing from the Project. The Parent District does not support the Project with such additional restrictions for the reasons expressed herein. These additional restrictions will likely degrade water quality conditions downstream, without any environmental analysis (or mitigation) and at the worst possible time – during a multi-year drought emergency. All the while, downstream GSAs have to comply with SGMA including avoidance of undesirable results including significant and unreasonable degraded water quality. The Parent District also fears that modifying Cachuma Project operations so as to impair downstream water quality and possibly injure downstream water rights, contrary to the Cachuma Project Settlement Agreement, the Biological Opinion, WRO 2019-1048 and **Reclamation's water rights permits**, presents a significant risk of resumption of litigation and/or regulatory or administrative proceedings regarding the Project's impact on downstream water quality and water rights. This would be very unfortunate after decades were spent resolving disputes regarding Cachuma Project operations and on development of appropriate downstream release permits terms and conditions.

The Parent District recognizes the importance of and supports CCWA obtaining a temporary Warren Act Contract and has no desire to obstruct, complicate or delay that worthy endeavor. The simple solution here is to delete the additional restrictions on mixing from the Project, and if Reclamation desires to pursue them further, they should be considered and evaluated as part of the ongoing reinitiation of consultation as required by the federal Endangered Species Act.

Sincerely,



Kevin Walsh
General Manager

Ms. Rain L. Emerson, M.S.
April 22, 2022
Page 6

Cc: (Email only)

CCWA
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RAS@ccwa.com

Ernest A. Conant, USBR, Regional Director
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City of Lompoc
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Attn: Rose Hess
roseh@citybuellton.com

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Attn: Xenia Bradford
xeniab@cityofsolvang.com

Improvement Dist. No. 1
Attn: Paeter Garcia
pgarcia@syrwd.org

**Table D-1. 2020 Water Rights Releases (WRR)
Through Bradbury Dam Outlet Works**

(Start Time)	USBR Date of Record ^a (End Time)	USBR Release acre-feet	USBR Release cfs	Notes
8/31/2020 8:00	9/1/2020 8:00	131.0	66.0	First day
9/1/2020 8:00	9/2/2020 8:00	288.6	145.5	
9/2/2020 8:00	9/3/2020 8:00	291.5	147.0	
9/3/2020 8:00	9/4/2020 8:00	296.5	149.5	
9/4/2020 8:00	9/5/2020 8:00	297.5	150.0	
9/5/2020 8:00	9/6/2020 8:00	303.5	153.0	
9/6/2020 8:00	9/7/2020 8:00	291.4	146.9	
9/7/2020 8:00	9/8/2020 8:00	302.4	152.5	
9/8/2020 8:00	9/9/2020 8:00	294.4	148.4	
9/9/2020 8:00	9/10/2020 8:00	297.4	149.9	
9/10/2020 8:00	9/11/2020 8:00	295.4	148.9	
9/11/2020 8:00	9/12/2020 8:00	236.3	119.1	Changes in release: 150 to 100 cfs
9/12/2020 8:00	9/13/2020 8:00	199.3	100.5	
9/13/2020 8:00	9/14/2020 8:00	187.3	94.4	
9/14/2020 8:00	9/15/2020 8:00	172.3	86.9	
9/15/2020 8:00	9/16/2020 8:00	160.2	80.8	Changes in release: 100 to 80 cfs
9/16/2020 8:00	9/17/2020 8:00	157.3	79.3	
9/17/2020 8:00	9/18/2020 8:00	152.2	76.7	Changes in release: 80 to 75 cfs
9/18/2020 8:00	9/19/2020 8:00	150.2	75.7	
9/19/2020 8:00	9/20/2020 8:00	151.2	76.2	
9/20/2020 8:00	9/21/2020 8:00	150.2	75.7	
9/21/2020 8:00	9/22/2020 8:00	151.2	76.2	
9/22/2020 8:00	9/23/2020 8:00	131.1	66.1	Changes in release: 75 to 55 cfs
9/23/2020 8:00	9/24/2020 8:00	120.1	60.6	
9/24/2020 8:00	9/25/2020 8:00	114.1	57.5	
9/25/2020 8:00	9/26/2020 8:00	102.1	51.5	
9/26/2020 8:00	9/27/2020 8:00	104.2	52.5	
9/27/2020 8:00	9/28/2020 8:00	108.1	54.5	
9/28/2020 8:00	9/29/2020 8:00	111.1	56.0	
9/29/2020 8:00	9/30/2020 8:00	112.1	56.5	
9/30/2020 8:00	10/1/2020 8:00	110.1	55.5	
10/1/2020 8:00	10/2/2020 8:00	110.1	55.5	
10/2/2020 8:00	10/3/2020 8:00	110.0	55.5	
10/3/2020 8:00	10/4/2020 8:00	111.0	56.0	
10/4/2020 8:00	10/5/2020 8:00	103.0	51.9	Changes in release: 55 to 40 cfs
10/5/2020 8:00	10/6/2020 8:00	85.0	42.9	
10/6/2020 8:00	10/7/2020 8:00	80.0	40.3	
10/7/2020 8:00	10/8/2020 8:00	83.0	41.8	
10/8/2020 8:00	10/9/2020 8:00	80.0	40.3	
10/9/2020 8:00	10/10/2020 8:00	80.9	40.8	
10/10/2020 8:00	10/11/2020 8:00	80.9	40.8	
10/11/2020 8:00	10/12/2020 8:00	80.9	40.8	
10/12/2020 8:00	10/13/2020 8:00	80.9	40.8	
10/13/2020 8:00	10/14/2020 8:00	80.9	40.8	
10/14/2020 8:00	10/15/2020 8:00	79.8	40.2	
10/15/2020 8:00	10/16/2020 8:00	81.9	41.3	
10/16/2020 8:00	10/17/2020 8:00	97.8	49.3	Changes in release: 40 to 50 cfs

**Table D-1. 2020 Water Rights Releases (WRR)
Through Bradbury Dam Outlet Works**

(Start Time)	USBR Date of Record* (End Time)	USBR Release acre-feet	USBR Release cfs	Notes
10/17/2020 8:00	10/18/2020 8:00	100.8	50.8	
10/18/2020 8:00	10/19/2020 8:00	100.8	50.8	
10/19/2020 8:00	10/20/2020 8:00	101.8	51.3	
10/20/2020 8:00	10/21/2020 8:00	99.8	50.3	
10/21/2020 8:00	10/22/2020 8:00	100.8	50.8	
10/22/2020 8:00	10/23/2020 8:00	109.8	55.4	Changes in release: 50 to 55 cfs
10/23/2020 8:00	10/24/2020 8:00	112.8	56.9	
10/24/2020 8:00	10/25/2020 8:00	111.8	56.4	
10/25/2020 8:00	10/26/2020 8:00	110.7	55.8	
10/26/2020 8:00	10/27/2020 8:00	111.7	56.3	
10/27/2020 8:00	10/28/2020 8:00	100.7	50.8	Changes in release: 55 to 40 cfs
10/28/2020 8:00	10/29/2020 8:00	89.7	45.2	
10/29/2020 8:00	10/30/2020 8:00	80.7	40.7	
10/30/2020 8:00	10/31/2020 8:00	80.7	40.7	
10/31/2020 8:00	11/1/2020 8:00	85.1	42.9	
11/1/2020 8:00	11/2/2020 8:00	80.6	40.6	
11/2/2020 8:00	11/3/2020 8:00	72.6	36.6	Changes in release: 40 to 35 cfs
11/3/2020 8:00	11/4/2020 8:00	70.6	35.6	
11/4/2020 8:00	11/5/2020 8:00	70.6	35.6	
11/5/2020 8:00	11/6/2020 8:00	70.6	35.6	
11/6/2020 8:00	11/7/2020 8:00	54.6	27.5	Changes in release: 35 to 25 cfs
11/7/2020 8:00	11/8/2020 8:00	50.5	25.5	
11/8/2020 8:00	11/9/2020 8:00	51.5	26.0	
11/9/2020 8:00	11/10/2020 8:00	50.5	25.5	
11/10/2020 8:00	11/11/2020 8:00	42.5	21.4	Changes in release: 25 to 20 cfs
11/11/2020 8:00	11/12/2020 8:00	41.5	20.9	
11/12/2020 8:00	11/13/2020 8:00	41.5	20.9	
11/13/2020 8:00	11/14/2020 8:00	40.5	20.4	
11/14/2020 8:00	11/15/2020 8:00	41.5	20.9	
11/15/2020 8:00	11/16/2020 8:00	47.5	23.9	Changes in release: 20 to 30 cfs
11/16/2020 8:00	11/17/2020 8:00	61.5	31.0	
11/17/2020 8:00	11/18/2020 8:00	61.5	31.0	
11/18/2020 8:00	11/19/2020 8:00	61.5	31.0	
11/19/2020 8:00	11/20/2020 8:00	60.5	30.5	
11/20/2020 8:00	11/21/2020 8:00	59.5	30.0	
11/21/2020 8:00	11/22/2020 8:00	61.5	31.0	
11/22/2020 8:00	11/23/2020 8:00	61.5	31.0	
11/23/2020 8:00	11/24/2020 8:00	60.5	30.5	
11/24/2020 8:00	11/25/2020 8:00	59.5	30.0	
11/25/2020 8:00	11/26/2020 8:00	51.5	26.0	Changes in release: 30 to 25 cfs
11/26/2020 8:00	11/27/2020 8:00	49.5	25.0	
11/27/2020 8:00	11/28/2020 8:00	32.5	16.4	Start ramp down to fish flows on 11/27
11/28/2020 8:00	11/29/2020 8:00	26.5	13.4	
11/29/2020 8:00	11/30/2020 8:00	26.5	13.4	
11/30/2020 8:00	12/1/2020 8:00	25.0	12.6	End WRR on 12/1; continue releases for fish at 8 cfs
Total Water Rights Releases (Aug 31 - Dec 1)		10,480 AF		

a) USBR Date of Record is from 8:00AM previous day to 8:00AM current day.

Lisa F. Watkins

From: Kevin Walsh <kwalsh@syrwcd.com>
Sent: Wednesday, April 27, 2022 5:10 PM
To: Lisa F. Watkins
Cc: Paeter Garcia; 'roseh@cityofbuellton.com'; Steve Torigiani
Subject: April 28, 2022 CCWA Board Meeting

This email is meant to comply with RAS instructions below.
Please distribute this e-mail and attachments to the Board of Directors.
RE: Agenda Items II and VI.D

Board of Directors:

You should be aware that the CCWA and USBR Temporary Warren Act contract may contain new and additional restrictions on the commingling or mixing of CCWA's State Water Project (SWP) deliveries to the Cachuma Project with Downstream Water Rights releases including a prohibition on mixing in November. Any such restrictions have been developed without consultation with the Parent District or other downstream interests. The restrictions would adversely affect Improvement District No. 1 and Buellton, which are CCWA members, as well as Solvang, Lompoc, and all pumpers in the Santa Ynez River alluvium. We often extend the downstream water rights releases November. November downstream releases were needed in 2007, 2010, 2013, 2017, and 2020. (An example for 2020 is attached. The other years are similarly documented.)

An agreement by CCWA to such restrictions is tantamount to negotiating away the right of the downstream water rights holders and water users to receive high quality affordable water. The mixing of higher quality SWP supplies with Downstream Water Rights releases is a fundamental part of the 2002 Settlement Agreement and State Water Resources Control Board Order (SWRCB 2019-0148), which were developed and approved in order to avoid or otherwise mitigate downstream water quality impairment by the Cachuma Project. The proposed new restrictions are contrary to the Settlement Agreement and SWRCB 2019-0148, as well as the existing 2000 Biological Opinion. From the attached letter, you will note that mitigation of the water quality impairment caused by the Cachuma Project as provided in the Settlement Agreement and SWRCB 2019-0148 was an important key issue that needed to be addressed in allowing continued out of watershed diversions by the Cachuma Project to the South Coast.

Any such changes to downstream releases (including prohibition on mixing such releases with CCWA's SWP deliveries) will likely require an Environmental Impact Report under CEQA to evaluate and disclose the adverse environmental impacts on downstream water users and environmental resources resulting from the changes, and to consider and impose appropriate mitigation for the resulting potentially significant adverse environmental impacts. The Parent District does not believe that such changes can or should be made without environmental review in light of the fact that there is at least a reasonable possibility that the changes will have significant adverse environmental effects due to the unique circumstances described in our attached letter (among other reasons).

There may be other solutions, which we can discuss if you so desire.

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(805) 693-1156, ext. 409

From: Ray Stokes <RAS@ccwa.com>
Sent: Monday, April 25, 2022 4:09 PM
To: Kevin Walsh <kwalsh@syrwcd.com>
Cc: Ray Stokes <RAS@ccwa.com>
Subject: RE: Phone message on CCWA Board Meeting

Kevin: Here's the info on our agenda for submitting public comments, which would include your letter.

Public Comment on agenda items may occur via video call or telephonically, or by submission to the Board Secretary via email at lfr@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.

Ray A. Stokes
Executive Director
Central Coast Water Authority
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Office: 805-697-5214

Monthly Briefing

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

Irrigators Face Water Cuts as Food Supply Concerns Mount *Western producers continue strong push to protect irrigated agriculture*

Farmers and ranchers across the Western United States continue their struggles for water, at a time when war in Ukraine, sanctions and destroyed ports could take a significant portion of the world's grain supply out of production or off the market this year.

"Drought persists across Western and central North America, the heart of our wheat, barley, corn and soybean supply," said Ty Kliever, who farms in Klamath County, Oregon. "In the meantime, irrigated agriculture that was built to provide security at precisely this moment, is being dried up by our government."

Public Outreach

Producers caught in the crosshairs banded together to take out a full-page ad in the *Wall Street Journal*, sharing the viewpoint that the government's delivery of water to farmers is critical to ensuring a strong domestic food supply.

"There is definitely a strong regulatory component to the drought impacting California and Oregon water users served by federal water projects," said Family Farm Alliance Executive Director Dan Keppen.



TODAY'S WORLD IS FULL OF UNCERTAINTIES

A safe, sustainable food supply is a fundamental expectation in the United States.

Over 80% of our country's fruits, nuts and vegetables are grown west of the Rockies. Today's policies governing the use of water are out of balance, putting our food supply at risk.

YOUR FOOD SUPPLY SHOULDN'T BE ONE OF THEM

We can fix this NOW by utilizing existing water infrastructure and restoring balance to government water policy.

When grocery shelves are empty, it will be too late.



Scan the QR Code to Learn More & Get Involved
Or Visit farmwater.org/food-security-and-water/

Western agriculture has long wrestled with its ability to communicate with the people who take for granted that food will always be plentiful and available. In late March, an idea to sound the alarm of the pending food scarcity issue began with some Klamath Basin farmers. The idea seemed simple: tell the story in a full-page ad in a major newspaper to start the conversation with the unaware public.

"It was a much bigger project than we could have imagined," said Mike Wade, Executive Director of the California Farm Water Coalition (CFWC).

The Alliance and CFWC teamed up with the Klamath interests and went to work. The paper chosen was the *Wall Street Journal*.

"Circulation of that paper is the largest on Saturdays, about 900,000 copies in print," said Mr. Wade. "The digital version reaches even further, but the readership and reputation of the paper make it the ideal place to make an impact."

The ad ran on Saturday, April 2 and the QR code at the bottom of the ad led readers to a web page with

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Public Outreach Efforts (Cont'd from Pg. 1)

more information about this dire situation and what must be done to correct it: <https://www.farmwater.org/food-security-and-water>. By clicking on the image of the ad you can be taken to its pdf link.

The landing page links to a recent Alliance report – “A Wake-up Call to Our National Leaders from an American Rancher” – which further describes current and projected food shortages resulting from the Russia-Ukraine war.

“We are in a drought, no doubt,” said Mr. Wade. “But water policy will create food deserts this year. Farmers, provided with essential and necessary water, can produce food.”

Klamath Project Woes

The federal government announced last month that it will deprive highly fertile farms and ranches in the Klamath Basin of irrigation water necessary to produce food this year. Last year, no water was delivered into the Klamath Project's main irrigation canal, which serves irrigators in California and Oregon.

“We wish we had better news today. Obviously there are no winners in this critical year as all interests are suffering — fisheries, farmers tribes and waterfowl alike — but given the current hydrology that we have to work with, we did the best job we could,” said Ernest Conant, the regional director for the U.S. Bureau of Reclamation.

Klamath Water Users Association (KWUA), which represents irrigation water users who produce food based on once-reliable irrigation water supplies from Upper Klamath Lake, Oregon’s largest surface water body, decried the announcement.

“We have 170,000 acres that could be irrigated this year and we’re ready to get to work,” said KWUA President Ben DuVal, who farms with his wife and daughters on land served by the Project. “On a single acre, we can produce over 50,000 pounds of potatoes, or six thousand pounds of wheat. This year, most of that land will not produce any food because the government is denying water for irrigation. We’ll just be trying to keep the weeds and dust under control.”

Even with the Project irrigators receiving only about 15% the water they would typically get in a normal year, the Klamath Tribe in Oregon has opposed Reclamation’s plan. The tribe claims that two endangered species of suckers will be harmed even if limited water is delivered to agriculture in the basin.

The Klamath Tribes said in a statement that the decision to release any water to farmers was “perhaps the saddest chapter yet in a long history of treaty violations” and placed

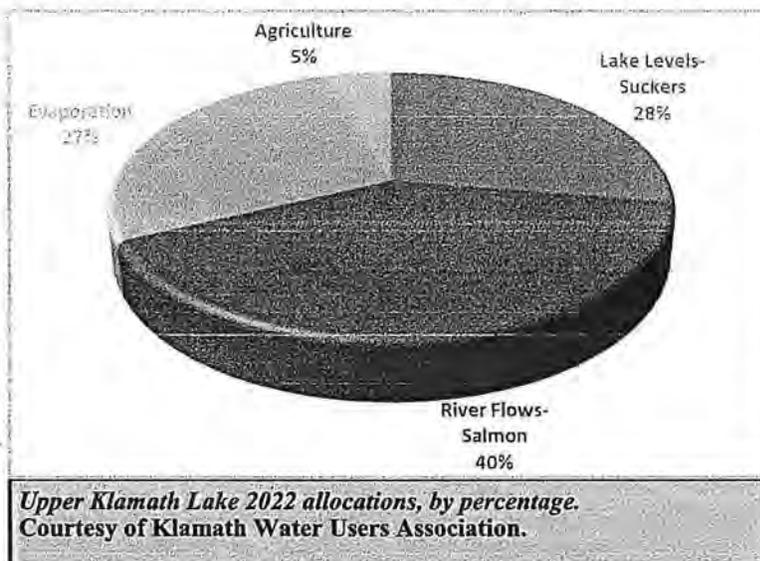
the blame for the current water crisis on “120 years of ecosystem mismanagement at the hands of settler society.”

Elsewhere in Oregon....

In Central Oregon, water users served by North Unit Irrigation District one month ago were facing a summer with less than 20 percent of their normal water allotment. An unseasonably cool and snowy April – coupled with an upstream spill released by Central Oregon Irrigation District associated with emergency repairs to one of its canals – provided at least a brief improved water picture.

Many Central Oregon farmers are having to cut out most of their staple crops. Feed for livestock is becoming increasingly scarce and more expensive. One recent media account estimated there are 25% fewer cattle in the region than a year ago, as ranchers have downsized their herds.

In Southwest Oregon, Talent Irrigation District’s three primary reservoirs — Hyatt, Howard Prairie and Emigrant lakes — are storing a combined 11% capacity, an all-time low. While TID has yet to announce its allocation for irrigators, it could be even less than it was in 2021, when there was only enough to last five weeks.



Sacramento Valley Farmland to be Followed

Water suppliers on the Sacramento River (Sacramento River Settlement Contractors) are receiving approximately 15-18% of their supplies when their contract provides for 75% of supplies in critically dry years. North-of-Delta ag service contractors once again received a zero Central Valley Project (CVP) allocation. The Northern California Water Association (NCWA) released a paper estimating the Sacramento Valley will see 370,000 acres out of 450,000 fallowed due to limited water.

“With this challenging year, the water resources managers are working hard to provide limited water for all these important purposes in the most effective way possible,” NCWA stated. “The leaders in the region have also come together and are working with state and federal leaders to seek creative ways to address all of these impacts on our communities and the fish and wildlife that are challenged with a very limited water supply.”

Westlands Economic Impact Study

Westlands Water District– located on the West side of the

Continued on Page 3

Farmland Fallowed in Central Valley (Cont'd from Pg. 2)

San Joaquin Valley – is receiving a zero water allocation this year. This is the fourth time in the last decade the CVP south-of-Delta irrigation contractors have received a 0% allocation.

“There’s a basic question that we need to address and that is do we want to sustain irrigated agriculture in California?” said Tom Birmingham, general manager of Westlands in a March story published by the *Washington Post*. “If the answer is yes, then we need to determine how we’re going to invest in the infrastructure we need and what policies need to be changed to preserve it. If the answer is no, then how are we going to deal with the socio-economic impacts of its elimination?”

Westlands recently released a report which finds that 35,000 local jobs rely on agricultural production from within the district. The report finds that the district “is directly and indirectly responsible for some \$4.7 billion dollars of economic activity and nearly 35,000 jobs across the economy.”

Elsewhere in the West

Utah’s Weber Basin Water Conservancy District, which serves five counties, has already announced serious cuts in water deliveries.

So far, over 200 irrigators in New Mexico and the Middle Rio Grande Conservancy District have enrolled in a dry-year fallowing program, according to the *Associated Press*. But officials concede that the fallowing program is only a temporary solution.

“For us, this is just one tool and one way the district is trying to help the state manage the state’s compact debt, but we certainly don’t anticipate pulling a third or half the district into a fallowing program year over year,” said Casey Ish, a water resources specialist with the Middle Rio Grande Conservancy District. “That’s not sustainable from a price point or an ag point.”

In Central Arizona, the primary hardships to irrigated farmers and ranchers – particularly to producers in Pinal County - are due to Colorado River operating guidelines, where Central Arizona Project (CAP) agricultural water supply priorities take the back seat to cities and tribes.

Most CAP farmers are losing 70% of their CAP supplies this year. In 2023 and beyond, they’ll lose 100% if the Colo-

rado River hydrology does not improve.

With insufficient access to groundwater, Pinal County irrigation districts will see 25-50% of its farmland go out of production. These barren fields will create dust and other environmental hazards.

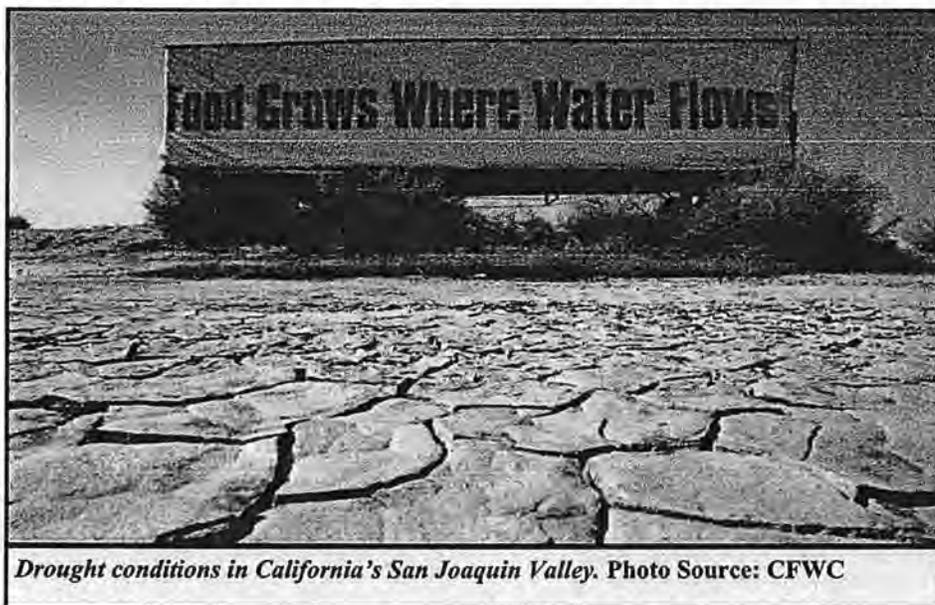
“Taking this much land out of production could also escalate food supply costs in neighboring counties and create other unintended consequences,” said Paul Orme, a Family Farm Alliance director from central Arizona.

Recent Developments

U.S. Treasury Secretary Janet Yellen last month convened a meeting of top international financial officials to address a

global food-security crisis, with the world policy leaders urging action to address dire consequences of record price surges caused by Russia’s invasion of Ukraine.

“With over 275 million people facing acute food insecurity, I am deeply concerned about the impact of Russia’s war on food prices and supply, particularly on poor populations,” Secretary Yellen said in a speech to the Atlantic Council think



Drought conditions in California’s San Joaquin Valley. Photo Source: CFWC

tank in Washington, D.C.

Ukraine and Russia are among the top five grain exporters, and the war poses a massive blow to both production and shipments, causing food prices to rise at their fastest pace yet (*Bloomberg*).

The Family Farm Alliance continues to work with its allies in an effort to find ways to improve communications on this matter and push back on those who demonize producers and Western irrigated agriculture. In the past month, *Western Farm Press* and the *Arizona Republic* ran guest opinions from Alliance authors on the importance of a strong domestic food supply produced in the West. The Farm Bureau in Fresno County, Calif. – the number one ag-producing county in the nation – ran a story about food supply concerns that originally appeared in the Alliance’s April edition of its “*Monthly Briefing*”.

“The *Wall Street Journal* ad was a great first step, but it was only a first step,” said Mr. Keppen. “Now we need to hammer that message home through social media and other outreach if we are to have any hope of the message hitting home with consumers.”

Alliance Joins Ag Amicus Brief for SCOTUS Review of CWA

....And Other “Waters of the U.S.” Developments

Legal briefs on the merits were submitted on April 11 in *Sackett v. EPA*, the closely watched Supreme Court case that could determine the definition of “Waters of the United States” (WOTUS) under the Clean Water Act (CWA).

In the case, the high court is set to determine whether the U.S. Court of Appeals for the 9th Circuit “set forth the proper test for determining whether wetlands are ‘waters of the United States’” under the CWA. That court referenced Justice Kennedy’s “significant nexus” test of jurisdictional waters, as opposed to the late-Justice Scalia’s “relatively permanent continuous flow” test.

The Family Farm Alliance board of directors at its February meeting in Reno authorized General Counsel Norm Semanko to work with other national agricultural interests to file an amicus brief in the Supreme Court review of the *Sackett* case this fall.

The Alliance is joining in an “agriculture” brief, led by the American Farm Bureau (AFB).

“Our brief – completed last month – generally explains how the uncertainty and broad scope of jurisdiction asserted by the agencies over the years have made it difficult for farmers to operate, that the agencies have failed to create a workable definition, and the need for SCOTUS to clearly define WOTUS,” said Mr. Semanko. “This brief will help push the Court in the right direction and hopefully get them to put appropriate guardrails on the agencies moving forward.”

Others in the “ag” coalition include the American Sheep Industry Association, National Pork Producers Council, U.S. Poultry & Egg Association, The Fertilizer Institute, National Corn Growers Association, National Cotton Council, The National Council of Farmers Cooperatives, American Soybean Association, United Egg Producers, American Sugar Alliance, USA Rice and National Association of Wheat Growers.

GOP Members of Congress and 25 State AGs File Briefs

Last month, 155 House Republicans and 46 Senators also filed an amicus brief in support of the petitioners in the pending U.S. Supreme Court case.

“In the CWA, Congress selected language that, from practically the Founding, was understood both to exercise limited jurisdiction and to preserve the States’ traditional role as the principal regulators of local waters and lands,” the brief states. “But this intent has now been turned on its head. This case presents an opportunity for the Court to finally put the genie back in the bottle and endorse the functionally equivalent test proposed by Justice Scalia.”

On April 18, eleven Western state Attorneys General joined fourteen others in signing an amicus brief led by West Virginia Attorney General Patrick Morrisey (R). The attorneys general warned that the 9th Circuit decision would undermine congressional intent and urged the Supreme Court to reverse.

“By construing the Clean Water Act to reach places with only tenuous connections to navigable, interstate waters, the Ninth Circuit’s approach would saddle States with implementing a vast scheme of federal water regulation,” the brief reads. “States’ own efforts at conservation, tailored to local needs, would fall by the wayside. The Court should restore the CWA to its proper position – complementing States’ water-conservation efforts instead of displacing them.”

EPA Rulemaking Efforts

EPA is currently developing a “more durable” definition of WOTUS in an attempt to reflect the reality of diverse regional differences in waterbodies. But now that the Supreme Court agreed to hear the appeal in *Sackett v. United States*, Republican lawmakers and other supporters of the Trump-era WOTUS definition have urged EPA and the Corps to pause development of any new WOTUS definition until after the high court rules.

EPA and the Corps announced in February that they plan to hold a series of virtual regional roundtables over the spring and summer to discuss regional differences in waterbodies. EPA Assistant Administrator for Water, Radhika Fox said at the time that the agencies, through the regional roundtables, “will work toward a shared understanding of the challenges and opportunities to enhance WOTUS implementation to support public health, environmental protection, agricultural activity, and economic growth.”

And Assistant Secretary of the Army for Civil Works Michael Connor said the Corps and EPA are “committed to gaining a better understanding of the various regional perspectives through these roundtables to develop an implementation approach that accounts for these diverse voices and regional variations.”

The Family Farm Alliance will be represented on WOTUS Western Region roundtable, scheduled for Thursday, June 16 from 2:00 PM to 4:30 PM Eastern time.

“Our thanks go out to California Farm Bureau for including us in their formal regional roundtable request,” said Alliance Executive Director Dan Keppen.

EPA and the Corps most recently proposed an interim WOTUS definition and took comment on it through February 7, 2022. The Alliance developed a formal comment letter on this matter.

That proposed rule interprets WOTUS to mean the waters defined by a collection of Corps and EPA regulations referred to as the “1986 regulations,” with amendments to reflect the agencies’ interpretation of the statutory limits on the scope of WOTUS as informed by past Supreme Court decisions, including *Rapanos v. United States*. The agencies have said they plan a second “more durable” WOTUS rulemaking “that they anticipate proposing in the future” and “which would build upon the foundation of this proposed rule.”

Alliance and Others Gear Up for 2023 Farm Bill

While the actual “brass tacks” work on drafting the next Farm Bill may not occur until 2023, farm and conservation groups are beginning to advance their own policies to take to Congress. Engaging in the development of the 2023 Farm Bill was identified as a Top 5 priority by the Family Farm Alliance Board of Directors at its 2022 planning meeting held on February 23 in Reno (NEVADA).

“Since our meeting in Reno last February, we have begun initial discussions on the Farm Bill, both internally and through our association with the Western Agriculture and Conservation Coalition,” said Alliance Executive Director Dan Keppen.

Every five years, Congress passes a Farm Bill, which encompasses a wide range of issues, including conservation, rural development, forestry, and nutrition. Since the 2018 Farm Bill will expire in 2023, Congress has begun to hold hearings and receive input about the next iteration of the bill.

While additional Congressional field hearings could potentially be scheduled this year, “actual brass tacks work on crafting the bill won’t start until 2023,” American Soybean Association CEO Steve Cenksy recently told *FarmFutures*.

The Alliance – through its engagement with the Western Agriculture and Conservation Coalition (WACC) – has worked closely on the last several farm bills, and the 2018 Farm Bill conservation title contains many provisions the WACC and the Alliance advocated for.

“The conservation title of the last farm bill was a good thing, and parts are due to the direct work of the Alliance and its agricultural and conservation allies,” said Mr. Keppen. “It reflects the growing trend in the West, where individual producers – working with irrigation districts, non-governmental organizations and state and federal partners - are performing large-scale projects that benefit the environment, improve on-farm water management, and provide a new cash stream that helps rural communities.”

The WACC last month teed up a letter to the Senate Sub-

committee on Agriculture Appropriations, asking for full funding in the FY23 agriculture appropriations bill for the Environmental Quality Incentives Program, Regional Conservation Partnership Program, Agricultural Conservation Easement Program, and the Watershed and Flood Prevention Operations Program.

“In seeking the fullest possible funding, we particularly ask you to resist using the accounts for these programs as banks to fund member non-agriculture committee interests,” the WACC letter stated. “In the face of worsening drought, flood, and weather events that continue to impact critical working landscapes and communities, we believe these funds could be deployed more strategically through a combination of incentive structures and streamlined procurement processes that would drive funding to high impact projects much more quickly.”

These arguments will likely be advanced by the WACC as the 2023 Farm Bureau negotiations begin.

Meanwhile, traditional critics of agriculture are already urging Congress to use the next farm bill to restructure the federal crop insurance program and direct money away from large livestock operations that they claim pose a range of environmental risks (*Greenwire*).

“We must reverse agriculture’s trajectory,” the Natural Resources Defense Council said in a recent report, claiming that recent farm bills’ focus on boosting production has move away from environmental stewardship. The report is based on NRDC’s interviews with 113 farmers and ranchers.

Major farm groups like the American Farm Bureau Federation disagree.

Farmers are already making strides thanks to technology, genetics and equipment, the Farm Bureau’s senior director of congressional relations, Andrew Walmsley, said in a statement, noting that agriculture has cut greenhouse gas emissions by as much as 20 percent per capita in the last 32 years.

“Put another way,” said Mr. Walmsley, “U.S. agriculture would have needed nearly 100 million more acres 30 years ago to match today’s production levels.”



Members of the Western Agriculture and Conservation Coalition (WACC)

CEQ Finalizes Phase I NEPA Rule, Restoring “Archaic” Regulations

The Biden White House Council on Environmental Quality (CEQ) has issued its final Phase 1 National Environmental Policy Act (NEPA) rule, restoring a series of rigorous review mandates that the Trump Administration eliminated in its rewrite of the rule, while pushing back on expected criticisms that the measure will create confusion and delay critical projects.

“Restoring these basic community safeguards will provide regulatory certainty, reduce conflict, and help ensure that projects get built right the first time,” said CEQ Chair Brenda Mallory. “Patching these holes in the environmental review process will help projects get built faster, be more resilient, and provide greater benefits— to people who live nearby.”

The final rule is little changed from the draft rule CEQ proposed last year, when officials sought to restore NEPA requirements that agencies again assess “direct,” “indirect” and “cumulative” effects, requirements the Trump Administration had stripped from previous regulations.

The rule also requires agencies to “work with communities to develop and analyze alternative approaches that could minimize environmental and public health costs,” and reinstates a provision that CEQ’s rules are a floor, rather than a ceiling, for federal agencies’ review.

The regulations that were finalized by CEQ were open for public comment in the Phase 1 notice of proposed rulemaking, published on October 7, 2021. The final rule makes the following three important changes to the 2020 NEPA regulations made by the Trump Administration:

1. Restores the requirement that federal agencies evaluate all the relevant environmental impacts of the decisions they are making.
2. Restores the full authority of agencies to work with communities to develop and analyze alternative approaches that could minimize environmental and public health costs.
3. Establishes CEQ’s NEPA regulations as a floor, rather than a ceiling, for the environmental review standards that federal agencies should be meeting.

The Family Farm Alliance in November 2021 submitted a 13-page letter to CEQ that detailed its opposition and provided alternative approaches to all three of these points.

“The Alliance position has been that NEPA should not be used as a vehicle to advance climate regulations that are outside the law’s scope and original intent,” said Alliance Executive Director Dan Keppen. “Federal agencies implementing the requirements of NEPA should not engage – or be forced to engage – in costly and unnecessary assessments specific to a potential influence on or because of climate change. And, we do not need a flood of litigation that attempts to change NEPA into a global warming prevention statute.”

The CEQ announcement was also greeted with opposition from some Republican Members of Congress and industry critics.

“This rule to reimpose outdated NEPA regulations couldn’t come at a worse time,” said House Transportation and Infrastructure Committee Ranking Member Sam Graves (R-MO). “The Nation continues to deal with various crises the President’s policies have exacerbated – from inflation, to the supply chain, to American energy independence. Now the Administration is moving backwards on much needed, commonsense NEPA reforms, which will only delay important projects, drive up costs, and further erode any value from the infrastructure law.”

NEPA reviews often take several years – even decades – to complete, yet these growing delays may not equate to greater environmental protections, other House Republicans observe.

“At a time when we should be coalescing around bipartisan ways to lower gas prices, tame skyrocketing inflation and fix the supply chain crisis, President Biden is unfortunately reinstating archaic NEPA regulations that will only result in delays and red tape and feed activist litigation,” said House Committee on Natural Resources Ranking Member Bruce Westerman (R-Ark.).

The *Building U.S. Infrastructure through Limited Delays and Efficient Reviews* (BUILDER) Act, introduced by U.S. Rep. Garret Graves (R-La.), is intended to modernize outdated NEPA regulations to make infrastructure project reviews more efficient and reduce project costs.

Last month’s rulemaking is the first step in a two-phase approach that CEQ is taking to reform and modernize the regulations that guide NEPA implementation. Over the coming months, CEQ will be proposing a Phase 2 NEPA rulemaking that will provide further improvements to the efficiency and effectiveness of environmental review processes and reflect the Administration’s commitment to achieving environmental justice and confronting climate change.

Sen. Warren/Rep. Khanna Introduce *Future of Water Act*

Representative Ro Khanna (D-CA) and Senator Elizabeth Warren (D-MA) joined a bicameral group of colleagues in introducing the *Future of Water Act*, a bill to amend the Commodity Exchange Act to prohibit futures trading of water or water rights.

“Every American should agree: Clean, drinkable water is one of our most basic human rights,” said Rep. Khanna. “That’s why I’m proud to introduce this legislation with Sena-

tor Warren to prioritize human needs over corporate profits. Large companies and investors should not be allowed to use an essential public resource for their own gain. We have to stand together to protect our water.”

According to a press release issued by Rep. Khanna’s office, prohibition of water and water rights futures trading stops this dangerous speculation and protects American families and agricultural producers.

President Biden Signs Executive Order on Forests

President Joe Biden on April 22 – Earth Day– signed an Executive Order in Seattle, Washington that includes actions intended to protect against wildfire threats, support local economies and reduce climate pollution.

“Because President Biden knows the cost of inaction is too great, he is taking bold executive action and reaffirming his calls on Congress to address the climate crisis,” the White House said in a statement.

The Executive Order seeks to safeguard mature and old-growth forests on federal lands, strengthen reforestation partnerships across the country, combat global deforestation, and deploy “nature-based solutions” that reduce emissions and build resilience. Across these efforts, the Administration will leverage investments from the Bipartisan Infrastructure Law and the FY 2022 budget, and work in partnership with states, Tribal Nations, communities, industry, NGOs, labor, scientists, and private landowners.

“I applaud the President’s leadership in highlighting this challenge through today’s Executive Order, and look forward to redoubling our efforts to conserve our national forests, making them more resilient to wildfire and climate change through collaborative, science-based restoration and reforestation,” said Agriculture Secretary Tom Vilsack, whose department houses the U.S. Forest Service.

Wildfires and extreme weather events are growing in frequency and ferocity, engulfing communities in the West and across the country and costing lives, homes, and money.

Even critics of the Biden Administration’s environmental policies voiced support for the timing of the executive order announcement, which came as the U.S. is facing the start of another potentially historic wildfire season. In 2021, more than half of all acres that burned in the U.S. occurred on U.S. Forest Service (USFS) managed lands.

“I’m pleased to see President Biden finally recognizing something congressional Republicans have promoted for years: that properly managed forests play a key role in reduc-

ing atmospheric carbon,” said Rep. Bruce Westermann (D-Ark.), Ranking Member of the House Natural Resources Committee. “Healthy forests are absolutely essential to ecosystems around the world, but they don’t just happen by chance. It takes active and science-driven management to keep forests healthy and resilient to wildfires, insects and diseases.”

Wildfires are a significant source of greenhouse gas emissions that wreak havoc on the atmosphere. In the western U.S., wildfires released a record 130 million tons of carbon last year alone. Wildfire smoke in the Pacific Northwest is causing atmospheric carbon monoxide levels to spike.

Studies show that restoring 1 trillion new trees globally would sequester 205 gigatons of carbon, an amount equivalent to two-thirds of all manmade emissions remaining



President Joe Biden at Seward Park in Seattle on Earth Day signed an executive order intended to help restore national forests devastated by wildfires, drought and blight. Seated in the front row of the audience—wearing a bowler hat—is Family Farm Alliance Advisory Committee Member Urban Eberhart, general manager of Kittitas Reclamation District (WASHINGTON). Photo: Daniel Kim/The Seattle Times/AP, Pool

in the atmosphere today.

“Continuing to mismanage federal lands or locking them up and throwing away the key is not an option,” said Rep. Westermann. “This is why I’ve introduced a host of forestry legislation over the years, including the bipartisan *Trillion Trees Act*, which would go even further than this executive order in ensuring our forests are properly managed and remain carbon sinks, not sources.”

President Biden’s Earth Day announcement was made within days of earlier actions intended to inject millions of dollars into Forest Service wildlife mitigation and landscape restoration projects.

Forest Service Moves on 15 Restoration Projects

The Forest Service earlier in the month announced \$31.1 million for 15 projects funded through the Collaborative Forest Landscape Restoration Program (CFLRP) that, with partner-

Continued on Page 11

White House Releases Agency “Equity Plans”

The White House last month released agencies’ equity plans, following up on an executive order that was issued on President Biden’s first day in office.

“Affirmatively advancing equity, civil rights, racial justice, and equal opportunity is the responsibility of the whole of our Government,” President Biden declared in Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*.

The President’s Order emphasized the “enormous human costs of systemic racism”, persistent poverty, and other disparities, and directed the Federal Government to advance an ambitious “whole-of-government” equity agenda.

In the time since the Executive Order was signed, over 90 federal agencies across the federal government, have mobilized in the past year to implement the Executive Order. Agencies conducted equity assessments of their agency’s high-impact services, to uncover where systemic barriers to access may exist. Using those findings, agencies developed “Equity Action Plans” for addressing equity in their mission delivery.

Equity Action Plans were required to include accountability mechanisms and to identify success metrics and key milestones toward progress.

These plans are part of a broader equity agenda, which also includes implementing the first-ever national strategy on gender equity and equality; working to ensure the federal government is a model for diversity equity, inclusion and accessibility in the workforce; delivering environmental justice through the Justice40 Initiative; and advancing LGBTQI+ civil rights.

“In releasing these action plans across the interagency, as well as snapshots of the largest agency’s plans here, the Administration commits to deepening the conversation with communities, advocates, and all stakeholders on how we can partner with communities to deliver equitable outcomes,” the White House says on its website.

Environmental Justice Actions at EPA

President Biden has made clear that his Administration will chart a new and better course by advancing environmental justice, including through implementation of the Justice40 Initiative, intended to ensure that 40% of the benefits of investments in clean energy reach disadvantaged communities.

The Environmental Protection Agency (EPA) has been tasked with addressing “the disproportionate burdens of pollution and climate change on underserved communities”.

EPA will develop a comprehensive framework for considering the cumulative impacts of pollution on underserved communities in EPA decisions and operationalize that framework in EPA’s programs and activities.

EPA will also integrate community science into the agency’s research and program implementation to “ensure underserved communities can help inform decision-making and advance environmental justice and self-determination”, according to the White House.

USDA’s Equity Action Plan

The Equity Action Plan developed by the U.S. Department of Agriculture (USDA) outlines actions USDA will take to advance programmatic equity to improve access to programs and services for underserved stakeholders and communities.

USDA has faced some criticism in the past that its programs and services were designed to benefit those with land, experience, money, and education while leaving behind those without means, resources or privilege of one kind or another.

“We are acknowledging USDA’s storied history and charting a new path forward,” said Agriculture Secretary Tom Vilsack. “Today’s USDA is committed to rooting out systemic racism and advancing justice, equity, and opportunity for all. USDA’s Equity Action Plan serves as an initial roadmap for making sure our programs and services are accessible, especially to historically underserved communities and to those who need them most.”

To craft this Equity Action Plan, USDA first assessed and identified key challenges and opportunities through analysis of data and stakeholder engagement. Its Equity Action Plan highlights a set of actions USDA will take to advance equity; these particular actions are highlighted in the plan because of their “potential high impact for underserved farmers and ranchers, families and children, and rural communities”.

Key actions include partnering with “trusted technical assistance providers”, increasing USDA infrastructure investments that benefit underserved communities, advancing equity in federal procurement, and upholding Federal Trust and treaty Responsibilities to Indian Tribes.

As USDA makes progress on the goals and actions articulated above, the Department will simultaneously partner with the Equity Commission on their future recommendations.

“USDA’s Equity Commission has hit the ground running since it first convened in February,” said Deputy Secretary Jewel Bronaugh, who serves as Co-Chair of the Equity Commission. “The work of this subcommittee will be invaluable to the commission as we seek to provide recommendations on how underserved rural communities can obtain equity access to USDA programs.”

Interior Department Equity Action Plan

The Department of the Interior’s first Equity Action Plan focuses on three areas — contracts for businesses with characteristics that align with the definition of underserved communities; discretionary grants to better support Tribes in improving long-term sustainable development and quality of life for their members; and addressing barriers to recreation on Interior-managed lands and waters.

“We must continue to proactively ensure that historically underrepresented communities benefit from our efforts to address the climate crisis and make our nation’s public lands and waters accessible and welcoming to everyone,” said Interior Secretary Deb Haaland.

Continued on Page 11

USDA Invests \$420 Million in Watershed Infrastructure Projects

The U.S. Department of Agriculture (USDA) last month announced it will invest \$420 million in 132 infrastructure projects in 31 states, including rehabilitating dams, flood prevention, and watershed restoration projects.

The recent investments are funded by the Bipartisan Infrastructure Law and build on a \$166 million investment announced earlier this year.

“Our watershed programs help communities rebuild after natural disasters and prepare for future events,” USDA Secretary Tom Vilsack said. “This includes communities that we’ve historically underserved. The President believes we will grow the economy from the bottom up and middle out and this will occur in partnership with rural communities.”

The infrastructure announcement includes funding through two programs: the Watershed and Flood Prevention Operations (WFPO) Program provides technical and financial assistance for new watershed infrastructure, and the Watershed Rehabilitation Program (REHAB) upgrades existing USDA Natural Resources Conservation Service (NRCS) dams.

WFPO projects funded through the latest investment include irrigation modernization projects for three irrigation districts in Oregon. Tumalo, Owyhee and East Fork Irrigation Districts are modernizing their systems to offset the impact of drought throughout the regions of Deschutes River, Tumalo Creek, Snake River, and Hood River watersheds. Open irrigation canals will be converted to pipe delivering water in a more efficient manner and preserving water where it is needed to restore critical habitat for designated trout and salmon species.

“Across the West, drought levels persist. Our watershed programs assist communities in becoming more resilient to

natural disasters through planning and project implementation,” said Ron Alvarado, Oregon State Conservationist for NRCS. “These multi-benefit projects can improve water quality, restore habitat, and more efficiently deliver water to users. This funding exemplifies how our agency can respond swiftly to the ever-changing needs of communities.”

Pipe conveyance conserves water by reducing loss from evaporation and seepage, diverts less water from rivers, and increases flow downstream.

“Western agriculture in many places relies on century old irrigation infrastructure to deliver water to farms and ranches,” said Alliance Executive Director Dan Keppen. “We strongly support the WFPO program, which fund not only irrigation modernization projects, but also projects that address flood prevention and damage reduction, development of rural water supply



Central Oregon Irrigation District general managers Craig Horrell (L) discusses irrigation modernization efforts undertaken near Sisters (OREGON) at a ribbon-cutting ceremony held in 2020. Julie O'Shea (Farmers Conservation Alliance), Matt Lohr (former Chief of NRCS) and Ron Alvarado (Oregon State Conservationist for NRCS) listen on. Photo Courtesy of Farmers Conservation Alliance

sources, fish and wildlife habitat enhancement, and wetland creation and restoration.”

Since 1948, NRCS’ watershed programs have designed and built 11,850 dams, constructed water storage structures, flood management systems, stabilized streambanks, relocated residences, redirected stream flows, re-established wildlife habitat and more to save lives and protect watersheds.

“Across the West, drought levels persist. Our watershed programs assist communities in becoming more resilient to natural disasters through planning and project implementation.”

Ron Alvarado, Oregon State Conservationist for NRCS

In total, NRCS received \$918 million of BIL funding to allocate through its watershed programs. In addition to WFPO and REHAB, this includes funds for Emergency Watershed Program (EWP) to help communities recover from natural disasters. NRCS will continue to assist communities as it receives disaster requests.

NRCS will continue to review additional requests and compile a third round of BIL watershed funding as funds are available. A full list of projects is available on [NRCS’ Bipartisan Infrastructure Law webpage](#).

EPA Announces New Plan to Address Water Pollution

EPA has released a new strategy that promotes a voluntary approach to remove nutrients polluting the nation's waterways.

Radhika Fox, EPA Assistant Administrator for Water released a nine-page memo that laid out steps the agency plans to take to combat nutrient loading to rivers and streams.

The memo lays out a set of tools, increased engagement with the U.S. Department of Agriculture (USDA) and financial tools such as grants that EPA is considering helping states rein in nutrient pollution, including a new rule that allows states to add nutrient trading to water permits.

Importantly, the memorandum strives to "deepen collaborative partnerships with agriculture" by collaborating with USDA leadership and expand engagements with agricultural stakeholders and highlight their successes.

"EPA will deepen on-the-ground collaboration with USDA, states, territories, tribes, and stakeholders in key geographic areas," the memo states.

EPA in the guidance document makes clear it plans to lean more on the Clean Water Act to serve as an "incentive and backstop" for collaboration with states, utilizing Total Maximum Daily Loads (TMDLs) in reducing nutrients entering water quality stressed water bodies.

"We think right now partnerships [and] scaling what's working are really the game-changing approaches," Ms. Fox told the Environmental Council of the States (ECOS) spring meeting last month.

Some environmental groups have dismissed the plan as not doing enough to combat pollution, stating that voluntary efforts have failed in the past.

National Levee Safety Committee Seeks Applicants

The U.S. Army Corps of Engineers (Corps) has initiated a partnership with the Federal Emergency Management Agency (FEMA) to develop a new National Levee Safety Program. The Corps and FEMA have been entrusted to lead a national discussion and develop an integrated framework for managing reliable levee systems and improving community resiliency in areas behind all levees throughout the Nation.

Since 2010, Western water managers have engaged with the National Committee on Levee Safety (NCLS), a group that was authorized in the Water Resources Development Act of 2007 and which included the Corps and FEMA as the only federal agencies represented on the Committee. The NCLS was established to deal with post-Katrina flood risk issues, with an emphasis on Corps levees.

"Unfortunately, the NCLS developed a plan that essentially

would apply Corps-level engineering specifications and standards to levees and canal embankments throughout the country, with little to no coordination with the Bureau of Reclamation and Western water managers," said Family Farm Alliance Executive Director Dan Keppen. "We'll likely monitor the current process, and if necessary, advocate that any federal or transferred water delivery canals or laterals outside of urban areas be exempted from the program and that Reclamation's Urban Canal Safety Program be utilized to address other canal reaches."

The Corps is looking for stakeholder representatives to serve on the new Committee. The timeline to apply was recently extended until May 6, 2022. Questions about about the responsibilities of the Committee and application requirements can be sent by email to hq-leveesafety@usace.army.mil.

OMB 'Buy America' Memo Provides Direction Ahead of Agency Guidance

The White House Office of Management and Budget (OMB) has issued guidance for EPA and other agencies on how to interpret the new "Buy America" requirements in the bipartisan infrastructure law (BIL). EPA and other agency guidance is expected soon to provide additional clarity to infrastructure project proponents concerned about inadequate domestic supplies of certain construction materials and other items.

The new 17-page guidance released by OMB is intended to assure that "none of the funds made available for a Federal financial assistance program for infrastructure, including each deficient program, may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States," said Shalanda Young, OMB Director.

The "Buy America, Build America" provisions of the BIL become effective May 14, and cover three categories of items: iron and steel, manufactured products and construction mate-

rials.

Water utilities have expressed concerns to EPA about the "Buy America, Build America" provisions, noting that while they have experience complying with longstanding American iron and steel requirements to obtain EPA infrastructure funding. The drinking water industry is also struggling to understand the broader provisions in the BIL governing construction materials and manufactured items, which require a new learning curve.

"We've been working with some associates in the drinking water industry who have been heavily engaged with OMB on implementing this provision," said Family Farm Alliance Executive Director Dan Keppen. "We believe that the key effort is going to involve working with the federal agencies - including the Bureau of Reclamation - to ensure that they use their authority to issue waivers on a general applicability basis to avoid project delays or cost increases."

USFS Moves on Landscape Restoration Projects (Cont'd from Pg. 7)

ship support, aim to reduce the risk of severe wildfires, support local economies, create jobs and enhance forest and watershed health in eight states. These funds were made available through a combination of funding from the Bipartisan Infrastructure Law and annual appropriations.

The selected projects were spread across 8 states, including the Western states of California, Colorado, New Mexico, Oklahoma, Oregon and Washington.

"The selected projects will enhance the work already accomplished through the program," said Forest Service Chief Randy Moore. "Together, they highlight the widespread support of the work to improve the nation's natural resources for the benefit of everyone."

Two projects in Oregon selected for FY22 investments also received funding in previous years. One of them is the Deschutes Collaborative Forest Project, which received an additional \$ 673,000 to continue management efforts on 258,000 acres of high-value landscape with a broad array of collaborative support. Previously funded with \$6.7 million, the additional funding will keep the project going for another five years. Efforts focus on reducing high-severity wildfire in the wildland-urban interface, protecting watersheds, preserving recreation areas, and providing jobs.

Several newly funded projects are also located in the West.

The Southwest Colorado Restoration Initiative, a 1.9-million-acre project that spans private, municipal, state and federal lands, received \$3 million. The project aims to enhance the resilience of critical watersheds, wildlife and aquatic habitats, community infrastructure, economic drivers and forest conditions.

In California, \$3 million was awarded to the North Yuba River watershed to support urgent efforts to address high wildfire hazard potential and areas more susceptible to insects, disease and drought. Treatments will promote forest conditions that are more resilient, while restoring watershed health and native biodiversity.

The Zuni Mountains of New Mexico will receive \$1 million to increase resilience to climate change, uncharacteristic

crown fires, and support healthy communities and wildlife habitat. This project provides a long-term supply of wood for businesses and creates a suite of restoration-oriented businesses.

Wildfire Mitigation Investments

Agriculture Secretary Tom Vilsack on April 11 announced \$131 million in Bipartisan Infrastructure Law investments to begin work on the Forest Service's 10-year wildfire strategy. The initial investment in 10 landscapes in Washington, Oregon, California, Idaho, Montana, Colorado, New Mexico and Arizona will lead to about 208,000 acres of wildfire risk reduction treatments.

To highlight the importance of the investments, Forest Service Chief Randy Moore visited Heil Valley Ranch in Lyons (COLORADO), with Interior Secretary Deb Haaland, Senators Michael Bennet and John Hickenlooper and Representative Joe Neguse.

Since releasing its 10-year wildfire strategy earlier this year, the Forest Service and its partners have identified the highest risk landscapes for treatment projects. The agency found that around 80% of the wildfire risk to communities is concentrated in less than 10% of "firesheds," or areas where wildfires are likely to threaten communities and resources.

"These efforts to reduce wildfire risk to communities located in these landscapes are just the beginning," said Forest Service Chief Moore. "The first-year investments are a part of a 10-year strategy to reduce the exposure of communities and infrastructure to the risk of catastrophic wildfire. With each successive year we will plan and implement more, continuing to reduce the risks associated with extreme wildfire for communities in these vulnerable areas."

In Colorado, \$18 million of these initial funds will be used to treat up to 10,000 acres across the Arapaho and Roosevelt National Forests and the Pike-San Isabel National Forests. These two national forests are an important source of water for the Colorado Front Range, making it a critical landscape to reduce the likelihood, intensity and size of wildfires.

Agency Equity Action Plans Released (Cont'd from Pg. 8)

Opposition to the Administration's Equity Platform

As recently reported in *Greenwire*, the Biden administration is attempting to walk a fine line on this matter: They want to ensure that policies aid minority groups, but they also want to avoid legal pitfalls that could come by explicitly citing race as a factor for distributing federal cash.

A U.S. federal judge last June already blocked a part of the Biden administration's federal stimulus relief package that forgave agricultural debts to farmers of color. The Biden Jus-

tice Department declined to appeal the judge's order in that case.

Former Trump administration aide Stephen Miller's America First legal group led the fight on that case and continues to barrage the Biden administration with legal challenges against its approach to racial equity (*Greenwire*).

"Equity is government sponsored and directed racism," Mr. Miller said in a statement. "America First Legal is proud to serve as the tip of the legal spear [battling] these unconscionable and unconstitutional policies."

Alliance Signs on to Letter Supporting Improved Forecasting

The Family Farm Alliance last month joined 25 other Western water management agencies and organizations in a letter to Senate appropriators in support of a \$15 million Fiscal Year 2023 (FY23) appropriation to begin the Western pilot for improving sub-seasonal to seasonal (S2S) precipitation forecasting.

The National Oceanic and Atmospheric Administration's (NOAA) 2020 report to Congress under Public Law 115-25 recommended the creation of this pilot project, the purpose of which is to improve precipitation forecasting for water management in the United States.

As the report notes, NOAA pilot projects were chosen "based on the existence of major climate phenomena that have huge economic impacts and for which current S2S predictive skill is too low to be effectively used by many stakeholders."

For many decades the scientific community has not been able to offer dependable forecasts beyond a week or two, and S2S forecasts have the ability to provide state and local water managers with reliable extended precipitation outlooks.

These sub-seasonal (2- to 6-week) to seasonal (2- to 6-month) projections fill an important gap between weather and climate forecasting and represent a central component of seamless short-term and long-term predictions that are needed to support water project operations, drought preparedness and response, and innovative water management strategies such as forecast-informed reservoir operations.

NOAA's Climate Prediction Center has been issuing S2S precipitation outlooks since the mid- 1990s. Their skill for the Western U.S. has been minimal, just slightly better than predicting average weather conditions, and has shown little improvement over time. Forecasting precipitation at S2S time-scales is scientifically challenging and has historically received little federal research funding support.

"Your support for a \$15 million increase in the U.S. Weather Research Program line item within NOAA's Office of Oceanic and Atmospheric Research would begin development of reliable forecasting with longer lead times to provide water managers with critical data to operate infrastructure more efficiently and allocate resources to mitigate and manage impacts of extreme wet and dry conditions," the letter states.

THE BENEFITS OF S2S FORECASTING

- **Ensure greater resilience to climate variability** in order to manage water supplies more efficiently and mitigate drought impacts.
- **Enhance climate change adaptation** to better prepare for and respond to diminishing winter snowpacks. The pilot would include improving the breakdown of forecasted precipitation falling as rain or as snow to support reservoir operations decisions.
- **Compliment and support existing successful forecasting tools** such as forecast-informed reservoir operations and managed aquifer recharge.
- **Accelerate improved forecasts nationwide** by focusing on key deficiencies in existing models throughout the U.S.
- **Provide agricultural producers reliable data for managing risk** to our nation's food supply, potentially reducing federal expenditures for drought disaster assistance programs managed by the U.S. Department of Agriculture.

ORGANIZATIONS SIGNING ON TO THE SUPPORT LETTER

Association of California Water Agencies Association of Metropolitan Water Agencies
 Bay Planning Coalition California Special Districts Association
 California Water & Environmental Modeling Forum Central Utah Water Conservancy District
 Colorado River Authority of Utah Family Farm Alliance Friant Water Authority
 Interstate Council on Water Policy Klamath Water Users Association
 Los Angeles Department of Water and Power National Association of Counties
 National Water Resources Association Northern California Water Association
 Oregon Water Resources Department Regional Council of Rural Counties
 San Luis & Delta-Mendota Water Authority Six Agency Committee Sonoma Water
 State Water Project Contractors Truckee Meadows Water Authority Turlock Irrigation District
 Utah Association of Special Districts Weber Basin Water Conservancy District
 Western States Water Council

CORRESPONDENCE LIST**MAY 2022**

1. April 13, 2022 – Can and Will Serve Letter from District for new single-family residence, new detached additional dwelling unit, and private fire protection – Pine Street- APN 143-111-031
2. April 15, 2022 – Memorandum received from Santa Barbara County Local Agency Formation Commission regarding Proposed Fiscal Year 2022/2023 LAFCO Budget
3. April 15, 2022 Notice and Agenda received from the Santa Ynez Community Services District for the April 20, 2022 Board of Directors Meeting
4. April 18, 2022 – Water Service Requirements Letter from District for new detached additional dwelling unit and detached garage – East Highway 246 – APN 141-380-030
5. April 18, 2022 – Letter from District to GPM, Inc., Toste Grading and Paving, Inc. and Central Coast Paving, Inc. regarding return of bid bond – Office Pavement Replacement
6. April 20, 2022 – Notice and Agenda received from the Cachuma Operation and Maintenance Board regarding the April 25, 2022 Board of Directors Regular Meeting
7. April 25, 2022 – Letter from District to Central Coast Water Authority regarding Claim by Santa Barbara County Flood Control and Water Conservation District pursuant to Government Code Section 905
8. April 25, 2022 – Letter from District to Office of Santa Barbara County Counsel regarding Claim by Santa Barbara County Flood Control and Water Conservation District pursuant to Government Code Section 905
9. April 26, 2022 – Notice and Agenda received from the Santa Ynez Community Services District for the April 28, 2022 Board of Directors Special Meeting
10. April 26, 2022 – Notice and Agenda received from Santa Ynez River Water Conservation District for the April 27, 2022 Special Board of Directors Meeting
11. April 27, 2022 – Notice and Agenda received from Santa Barbara County Local Agency Formation Commission regarding the May 5, 2022 Board of Supervisors Meeting
12. April 28, 2022 – Letter from District to three customers regarding past due water service accounts
13. May 2, 2022 – Notice and Agenda received from Los Olivos Community Services District for the May 6, 2022 Finance Committee Meeting
14. May 2, 2022 – Letter received from California Department of Finance regarding 2022 Price Factor and Population Information
15. May 3, 2022 – Letter received from Santa Barbara County Elections Office regarding November 8, 2022 General Election
16. May 5, 2022 – Letter from District to six customers regarding past due water service account

17. May 6, 2022 - Notice and Agenda received from the Los Olivos Community Services District regarding the May 11, 2022 Board of Directors Regular Meeting
18. May 6, 2022 - Notice and Agenda received from the Los Olivos Community Services District regarding the May 11, 2022 FY 2022-23 Budget Workshop Meeting
19. May 6, 2022 - Letter from District to sixteen customers regarding backflow testing requirement
20. May 9, 2022 - Notice and Agenda received from the Cachuma Operation and Maintenance Board regarding the May 12, 2022 Special Board of Directors Meeting
21. May 10, 2022 - Notice and Agenda received from Santa Ynez River Water Conservation District for the May 11, 2022 Special Board of Directors Meeting