Written Testimony of C. Charles Evans Regarding
Development of Fisheries Memoranda of Understanding, General Description of Studies Undertaken, and General Discussion of Development of the Lower Santa Ynez River Fish Management Plan in Compliance with Section 3(b) of SWRCB Order WR 94-5

Cachuma Conservation Release Board and
the Santa Ynez River Water Conservation District, Improvement District No. 1

I am a Director of the Goleta Water District, and that District's Representative to the Cachuma Conservation Release Board, serving in both positions since December 2002. I was Consultant Manager of the Cachuma Conservation Release Board (CCRB) from January 2000 to December 2002. Prior to my retirement in 1999, I was the General Manager of the Montecito Water District for 22 years, and was also concurrently the principal staff person for CCRB, for 24 years. I served as City of Santa Barbara Water Resources Manager from 1974 - 1978. I also served as a Board Member of the California Regional Water Quality Control Board, Region 3, from 1987-1991. I hold a Masters Degree in Civil Engineering from the University of Southern California.

I am familiar with the institutional and water right issues involved with the Cachuma Project, including the substantial effort made by the Cachuma Member Units to comply with and to assist the United States Bureau of Reclamation (Reclamation) to comply with, the requirements of State Water Resources Control Board Order WR 94-5. I am familiar with the development of the several Fisheries Memoranda of Understanding, the studies undertaken, the National Marine Fisheries Service Biological Opinion, and the development of the Lower Santa Ynez River Fish Management Plan.

Fisheries Memoranda of Understanding

Since 1993, a program of cooperative fisheries investigations has been underway in the Santa Ynez River. This program was begun in response to the concerns expressed by the State Water Resources Control Board (SWRCB) to provide a reasonable balance in the allocation of Santa Ynez River water between public trust resources and consumptive uses in the Santa Ynez River basin downstream of Bradbury Dam (the lower Santa Ynez River). Following a hearing in 1990, the SWRCB requested recommendations for operational changes to the Cachuma Project and management actions for maintenance of fisheries and other public trust resources in the lower Santa Ynez River. The SWRCB also requested information concerning the condition and needs of the fisheries. Following the final two years of a prolonged drought when the emphasis was on providing local water needs, Lake Cachuma spilled in 1993, and that spring discussions led to the development of the cooperative fisheries program to respond to the SWRCB's request for information. Participants in the program included Reclamation, local water agencies, Santa Barbara County, municipalities, state and federal resource agencies, environmental interest groups and local landowners.

In 1993, the first Fisheries Memorandum of Understanding (MOU) was signed by all parties interested in studying the condition of the fishery in the lower river, including Reclamation, the California Department of Fish and Game (CDFG), CCRB (whose members consist of the City of Santa Barbara and the Goleta, Carpinteria Valley, and Montecito Water Districts), and the Santa Ynez River Water Conservation District, Improvement District No. 1 (ID No. 1), among others. The MOU outlined a program of investigations to develop an understanding of the hydrology, water quality, and fishery resources in the lower Santa Ynez River. The MOU established two committees: the Consensus Committee and the Santa Ynez River Technical Advisory Committee (SYRTAC). The Consensus Committee, chaired by Reclamation representatives William Luce or Michael Jackson, directed the program, and the SYRTAC, chaired by the Department of Fish and Game, consisted of technical experts who oversaw the biological and hydrological studies.

The original 1993 MOU established the framework for the fisheries program. This MOU was extended in 1994 and 1995. In 1996, an expanded MOU extended the term of the agreement to December 1, 2000. The 1996 MOU provided for a SYRTAC Biology Subcommittee and a Hydrology Subcommittee. The Biology Subcommittee was charged with synthesizing previously collected fisheries data and other information available from earlier work on the lower river, and providing direction and oversight to the Project Biologist; the Hydrology Subcommittee oversaw hydrologic studies.

After the National Marine Fisheries Service (NMFS), listed the Southern California Steelhead as endangered in 1997, and following the issuance of a Biological Opinion on Cachuma Project Operations (BO) by NMFS in September 2000, a new Fisheries MOU was approved in December 2000. The 2000 Fisheries MOU differed from the earlier MOU's in that the focus was to carry out the terms of the BO and the Fish Management Plan, rather than focusing on fisheries studies as in the earlier MOU's. Another difference was that the earlier MOU's provided for fish releases up to 2,000 acre-feet annually. The 2000 Fisheries MOU modified the fish releases to be in accordance with the flow requirements of the BO, namely target flows at the Highway 154 Bridge. Since 2000, these fish releases have totaled considerably more than the 2,000 acre-feet per year that was provided during the earlier years (2,720 acre-feet in 2001). The 2000 MOU established an Adaptive Management Committee, with a representative from each party to the MOU, to be responsive to necessary flow changes, and for the purpose of implementing the terms and conditions of the BO.

Section 5 of SWRCB Order WR 94-5 provided that, in order to maintain fish existing below Bradbury Dam and to accommodate the studies required by WR Order 94-5, Reclamation was to continue to make releases from the Cachuma Project in accordance with the 1994 Fisheries MOU, which was the MOU then in effect, including any extensions or modifications. This has essentially been done, except that the total fish releases have been increased to provide for fish maintenance target flows required by the BO.

CDFG has been a major partner in the Santa Ynez River fisheries program, and has actively participated in this collaborative effort from the beginning. By doing so, the Department has demonstrated its long-term commitment to the MOU process. John Turner, Ron Remple and Chuck Raysbrook were members of the Consensus Committee from 1993 to 2003. Mr. Raysbrook currently serves on the Consensus Committee. Since its inception, the SYRTAC has been chaired by CDFG, with participation from Cindy Chadwick, Paul Forsberg, and Dewayne Maxwell. The chair also served on the Biologic Subcommittee. Rob Titus, Bill Snider, Kris Vyverberg, Maurice Cardenas, and Morgan Wehtje all were members of the technical teams that evaluated the biologic benefit and feasibility of many of the fisheries project alternatives. Mary Larson is currently the SYRTAC representative and serves on the Adaptive Management Committee. She has also been instrumental in getting several grants approved for Santa Ynez River steelhead projects through the DFG Salmon Restoration Grant Program.

The U. S. Fish & Wildlife Service (USFWS) has also been a major participant in this process from its inception. Diane Noda served on the Consensus Committee from 1993 until 2000. Carl Benz is currently the USFWS representative for the Consensus Committee, and Bridget Fahey is its representative to the Adaptive Management Committee. NMFS (now known as NOAA Fisheries) has participated throughout the years, starting with Marty Goldberg, Anthony Spina, Michelle Simpson, Eric Shott, Darren Brumback, and Matt McGoogin. Mr. McGoogin is the current representative on the Adaptive Management Committee.

The entire program established through these successive MOU's has been funded primarily by the Cachuma Member Units through CCRB and ID No. 1. Since 1993, the cost of the fisheries program has been close to $5 million. This does not include the cost of the Project water provided for fish releases, nor does it include Reclamation's staff expenses for the fisheries program, which are also funded by the Cachuma Member Units.

Studies Undertaken

Since 1993, the SYRTAC has cooperatively studied the fishery resources and aquatic habitat of the lower river. The original goal of the SYRTAC was to develop the information necessary to identify and evaluate potential management actions to benefit fishery resources downstream of Bradbury Dam. The Project Biologist, under the direction of the Biology Subcommittee, conducted investigations of fish distribution and abundance, water quality, habitat characteristics and operational effects through habitat surveys of the mainstem of the Santa Ynez River and selected tributaries, where access was granted by the landowners. Habitat characteristics were evaluated by on the ground habitat inventories and through aerial photo interpretation. Water quality studies included water temperature and dissolved oxygen monitoring. Lake profiles for water temperature and dissolved oxygen were also determined. These data formed the basis of the identification of potential fish management actions and the evaluation of the benefits of the potential actions.

Management Alternatives Report, Fish Management Plan, and Biological Opinion

In March 1998, the SYRTAC completed the Santa Ynez River Fisheries Management Alternatives Report, a compilation and evaluation of twenty-six potential management alternatives to improve conditions for fishery resources, especially rainbow trout/steelhead.

Several targeted technical working groups were formed to further define the technical descriptions of the management alternatives, prioritize the actions, and develop an implementation plan for the actions, which eventually became the Lower Santa Ynez River Fish Management Plan (Plan). The process used to develop the Plan was broad-based, inclusive, and used a consensus approach to articulate and prioritize the recommended management actions. The intent of this process was to develop a Plan that was supported by the parties that had a vested interest in its successful implementation and long-term viability. The Plan incorporates an adaptive management strategy that will continue to evaluate data from the long-term monitoring program, public and agency input, and changing hydrological conditions, to assure the Plan's success.

As the Plan was being developed, Reclamation was involved in an Endangered Species Act, Section 7 consultation with NMFS to evaluate the impacts of Cachuma Project Operations on the southern California steelhead population in the lower Santa Ynez River. Many of the actions evaluated in this consultation were described in detail in the Plan. On September 11, 2000, NMFS issued a BO on the impacts of the proposed actions, and found that these actions would not jeopardize the continued existence of southern steelhead. The Plan was then evaluated to assure that the recommended management actions were consistent with the terms and conditions of the BO.

Conclusion

A substantial program has been undertaken since 1993 by Reclamation, the Cachuma Member Units, the California Department of Fish and Game, among others, together with the National Marine Fisheries Service to understand the conditions and habitat of the lower Santa Ynez River area in order to provide a reasonable balance in allocation of Santa Ynez River water between public trust resources and consumptive uses in the lower Santa Ynez River. It will be described more fully by Ms. Jean Baldrige and Mr. Charles Hanson.