

Opening Statement by Alan Seltzer

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4 The County of Santa Barbara ("County") appears in this Phase II proceeding to  
5 specifically address key hearing issues 3 and 7. As recognized by the State Water Resources  
6 Control Board ("Board") in its Draft Environmental Impact Report ("DEIR"), dated August  
7 2003, for Consideration of Modifications to the U.S. Bureau of Reclamation's Water Right  
8 Permits 11308 and 11310 to Protect Public Trust Values and Downstream Water Rights on the  
9 Santa Ynez River below Bradbury Dam (Cachuma Reservoir), recreational activities occurring  
10 in and around Lake Cachuma are public trust resources. (DEIR, p.3-4.) The County Parks  
11 Department manages these resources for the benefit of the public at the Lake Cachuma  
12 Recreation Area and the County Park under a lease with the U.S. Bureau of Reclamation  
13 ("Reclamation").

14 As the testimony of Supervisor Joni Gray, on behalf of the County Board of Supervisors,  
15 reflects, the County supports the following three major public policy goals at stake in this  
16 proceeding: 1) ensuring a reliable water supply; 2) protecting endangered species; and 3)  
17 protecting public recreation and related public trust resources at the lake and river. The County  
18 recognizes the challenges faced by the Board in balancing these sometime competing goals. The  
19 County believes that local solutions, developed within broad state and federal policy direction,  
20 are most effective in achieving resolution and serving the public interest.

21 The DEIR selects Alternative 3A as the environmentally superior alternative to balance  
22 the three policy goals identified by Supervisor Gray. (DEIR, p. 6-7.) This alternative would  
23 avoid any surcharge that would require relocation of recreational facilities at the County Park.  
24 (DEIR, p. 6-6.) However, as stated in the testimony of County Parks Director Terri Maus-  
25 Nisich, the County agrees with the DEIR's conclusion that the adverse impacts to recreational  
26 facilities at the Lake Cachuma County Park "can be mitigated through the development, funding  
27 and implementation of a facility relocation plan prior to surcharging." (DEIR, p. ES-4.)

1 After consultation with local agencies, in order to more effectively and fairly balance the  
2 interests affected by implementation of the proposed project, the County recommends the Board  
3 approve a phased surcharge of Lake Cachuma from the existing 0.75 feet to 1.8 feet, and  
4 subsequently to the full 3.0-foot surcharge as County Park facilities are modified. This would  
5 essentially phase the operation of the Cachuma project from DEIR Alternative 3A for the first  
6 two years of phasing, to Alternative 3B during the following 3 years, and Alternative 3C  
7 thereafter. The County's proposed phased alternative would avoid impacts to public recreation,  
8 minimize risk to water supply, and provide sufficient water to implement the September 2000  
9 Biological Opinion, best achieving a balance of the three major public interests affected by  
10 implementation of the Plan. The County's testimony address key hearing issues 3 and 7, and in  
11 doing so, explains how the County's phased surcharge alternative allows for relocation of  
12 critical and essential park recreational facilities.

13 Key hearing issue 7.b.asks: "Will approval of the change petitions adversely affect fish,  
14 wildlife or other public trust resources?" In the following testimony, the County establishes that  
15 the proposed surcharge of the Lake for revised release requirements will adversely impact public  
16 trust recreational resources managed by the County. The testimony of Parks Director Terri  
17 Maus-Nisich, Project Manager Coleen Lund, and Consultant Eric Flavell demonstrate that the  
18 1.8-foot or 3-foot surcharge proposed under Alternatives 3B, 3C, 4A or 4B will inundate and  
19 adversely impact County park facilities. Their testimony will demonstrate that a 3-foot  
20 surcharge will damage and render inoperative critical facilities essential for public health and  
21 safety, and that a 1.8-foot surcharge will prevent use of the Boat Launch Ramp, an essential  
22 operational recreation facility at the Lake. They will identify the affected park facilities, and the  
23 time and funds needed to relocate affected facilities before surcharge should be allowed. They  
24 will demonstrate that there are no interim or temporary measures that can reduce the time  
25 required to relocate critical and essential park facilities.

26 Key hearing issue 3 asks: "Should Permits 11308 and 11310 be modified to protect  
27 public trust resources?" Issue 3.b. asks more particularly what other measures, if any, are  
28 necessary to protect public resources? By its testimony, the County is requesting that the Board

1 condition the Water Rights permits in such a manner as to prohibit the Bureau from the 1.8-foot  
2 surcharge until the County has time to relocate its Boat Launch facilities and the 3-foot  
3 surcharge until County has time to modify or relocate critical health and safety facilities.

4 The Biological Opinion for Reclamation's revised operation and maintenance of the  
5 Cachuma project to address fish needs assumed phased surcharge over a five-year period, with  
6 the 1.8-foot surcharge occurring after two years, and the 3-foot surcharge occurring after five  
7 years. (DEIR, Appendix D, p. 7; see also DEIR p. 2-12.) Before the County can complete  
8 relocation of critical and essential operational facilities, the following milestones, each of which  
9 is beyond County's control, must first be completed: (1) certification of a legally adequate  
10 EIR/EIS for the Lower Santa Ynez River Fish Management Plan and Cachuma Project  
11 Biological Opinion for Southern Steelhead Trout by the Cachuma Operation and Maintenance  
12 Board (COMB) and the U.S. Bureau of Reclamation from which County may tier park facility  
13 relocation projects; (2) completion of Reclamation's Lake Cachuma Resource Management Plan  
14 and County Park lease renegotiations; and (3) funding of key County Park relocation projects.

15 Despite the uncertainty of these prerequisites, the County is willing to accept a 2-year  
16 and 5-year phased surcharge to allow for the staged relocation of County Park facilities. This  
17 staging would allow for a 1.8 surcharge after two years and a 3-foot surcharge after five years or  
18 when park facilities are modified. As the testimony of Robert Almy, the Manager of the Santa  
19 Barbara County Water Agency, makes clear, the probability of economic loss to the Member  
20 Units is relatively low when compared to the certainty of economic loss and adverse impacts to  
21 public trust recreational resources if the surcharge is allowed without first relocating park  
22 facilities.