Lompoc City Council Agenda Item

City Council Meeting Date: December 3, 2002

TO: Honorable Mayor and Members of the City Council

FROM: Gary P. Keefe, City Administrator
   E-mail address: g_keefe@ci.lompoc.ca.us

SUBJECT: EXECUTION OF SETTLEMENT AGREEMENT BETWEEN UNITED STATES BUREAU OF RECLAMATION, CACHUMA CONSERVATION RELEASE BOARD, SANTA YNEZ RIVER WATER CONSERVATION DISTRICT, SANTA YNEZ RIVER WATER CONSERVATION IMPROVEMENT DISTRICT NO. 1, AND THE CITY OF LOMPOC, RELATING TO OPERATION OF THE CACHUMA PROJECT

RECOMMENDATION: It is recommended that the Lompoc City Council authorize the Mayor to execute the attached Settlement Agreement, contingent upon execution by all other parties, excluding the United States Bureau of Reclamation.

DISCUSSION:

On January 6, 1999, the City of Lompoc received an invitation to talk about the resolution of Lompoc groundwater quality disputes from the Cachuma Conservation and Release Board (which includes the City of Santa Barbara, Goleta Water District, Montecito Water District, and Carpinteria Valley Water District), and the Santa Ynez River Water Conservation District, Improvement District No. 1. The Lompoc City Council accepted the invitation to talk on February 3, 1999, and on March 16, 1999 appointed Councilmembers Janice Keller and Michael Siminski to represent the City of Lompoc on the “Invitation to Talk” Ad Hoc Committee. The Santa Ynez River Water Conservation District joined and was represented by Directors John Piccioulo and David Pierce (who is also Chair of the Lompoc Utility Commission). The Cachuma Conservation and Release Board was represented by Jan Abel, (Board Member of the Montecito Water District), and, initially, Eleanor Langer, (Council member of the City of Santa Barbara). Santa Barbara City Councilmember Rusty Fairley replaced Ms. Langer. Board Members Harlan Burchardi and Matt Louden represented the Santa Ynez River Water District, Improvement District No. 1.
The first meeting was conducted on June 7, 1999, and the Committee approved a goal “to reach a win-win water management proposal for the State Board hearing”. The Ad Hoc Committee met on a monthly basis until February of 2000. On February 15, 2000, Lompoc City Council conceptually approved the co-mingling of State Water Project Water at the outlet works at Cachuma Reservoir during WR 89-18 downstream releases to eliminate the adverse water quality impacts of the Cachuma Project operation on the City’s water supply.

The next Ad Hoc Committee meeting was conducted on February 17, 2000, and Lompoc’s proposal was basically ignored in favor of discussions of concerns related to the Santa Ynez interest in the Above Narrows Account; the unfinished National Marine Fisheries Service (NMFS) Biological Opinion; USBR winter storm operation’s impact to Cachuma Project yield; flood liability; use of Lompoc’s groundwater model by the State Water Resources Control Board in completion of their environmental assessment on the Santa Ynez River; and Lompoc’s State Board protest regarding a proposed change in the place of use for project yield.

An Ad Hoc Committee meeting scheduled for early May of 2000 was postponed until August 30, 2000. Meetings were conducted in August, September, October, and November of 2000. The November meeting yielded concurrence in principle on elements of an agreement; however, that was the last Ad Hoc Committee meeting convened until November 25, 2002. During this time frame, considerable staff effort went into completing the Fishery MOU; reaction to the NMFS Biological Opinion and the acquisition of a seat for Lompoc on the Adaptive Management Committee; completion of the hydrology study for the State Water Resources Control Board’s Environmental Impact Report; appropriate percolation curves for Below Narrows Account releases; the Phase 1 Hearing before the State Water Resources Control Board (USBR’s Petition for a Change in Place of Use); and the language included in this proposed Settlement Agreement.

On November 25, 2002, all parties agreed to recommend approval of the attached Settlement Agreement to their governing boards. In the afternoon of November 25, 2002, the Board of Directors of the Cachuma Conservation and Release Board approved and signed the Settlement Agreement, contingent upon execution by the other parties, excluding the United States Bureau of Reclamation. On December 4, 2002, the Santa Ynez River Water Conservation has agendized this Agreement, and they are expected to authorize execution with contingencies similar to those of Cachuma Conservation and Release Board. The Santa Ynez River Water Conservation Improvement Distinct No. 1 is also preparing to agendize execution.

SUMMARY:

The attached Settlement Agreement supports Water Rights Order WR 89-18, conjunctive operation for fish releases in accordance with National Marine Fishery Services Biological Opinion, a method of determining appropriate percolation curves for Below Narrows Account credits, a method of lowering the total dissolved solids concentration at the Narrows, a method of reducing winter flood flow peaks, and waives Lompoc’s claims of water quality injury prior to the date of this Agreement (as long as this Agreement remains
in effect) and removes Lompoc’s protest of USBR’s petition for a change in the place of use of Cachuma project yield.

This a compromise agreement that has required considerable effort from staff, technical consultants, legal consultants and the elected officials appointed to the committee. The Lompoc Utility Commission and predecessor Water Commission have been kept appraised of this process and, although not a party to the actual discussions, have supported the agreement.

Gary P. Keefe
City Administrator