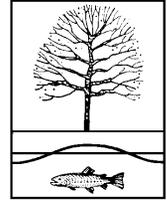


# SANTA BARBARA URBAN CREEKS COUNCIL

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October 15, 2003

State Water Resources Control Board  
Chairman Arthur Baggett  
1001 I Street  
Sacramento, CA 95812

## SANTA BARBARA URBAN CREEKS COUNCIL POLICY STATEMENT REGARDING CHANGES TO THE BUREAU OF RECLAMATION'S WATER RIGHTS PERMITS FOR THE CACHUMA PROJECT TO PROTECT PUBLIC TRUST RESOURCES IN THE RIVER AND TO PROTECT WATER RIGHTS DOWNSTREAM FROM BRADBURY DAM

Chairman Baggett and Board:

The Santa Barbara Urban Creeks Council (UCC) is a non-profit stream protection organization founded in 1989. We have over 3,000 supporters in this area, most of who use Santa Ynez River water. UCC does not want to see the river water used with little or no regard for the river's natural resources including steelhead, as it has been for years. Our organization was a plaintiff in the lawsuit that resulted in the listing of Southern California Steelhead as an Endangered Species. We have a significant interest in the public's natural resources along the Santa Ynez River, the largest waterway in our region. UCC supports taking all necessary measures to protect, recover and to the extent possible restore the steelhead population and its habitat in the river. We believe it is our community's and the State's duty and obligation to do so.

The primary impact of the dam is the blockage to steelhead migration, which is ongoing and occurs each and every year steelhead try to return to the run's natal spawning areas located primarily above Bradbury Dam. Fish passage has never been analyzed thoroughly and must be. Even before the dam was built, fish passage was identified as a necessary or important mitigation measure, but it was never undertaken. In our opinion, it is still a critical element in protecting steelhead as a public trust resource. Passage to spawning habitat above all dams in the watershed should be considered by the SWB.

Another significant ongoing effect is the loss of flows in the river below the dam. The proposal to release water pursuant to the Biological Opinion is not sufficient to protect steelhead as a public resource because the flows are only required to maintain steelhead, not restore the population. Given the 99% reduction of this fishery, more significant changes are necessary to ensure the population will be enhanced and protected for the public.

The SWB should closely consult with the California Fish and Game Department regarding protection of public trust resources and keeping fish in good condition pursuant to Fish and Game Code 5937, and with NMFS regarding what recovery and restoration of steelhead entails.

Studies are necessary to determine precisely what measures are necessary to protect steelhead and the river, including studies of fish passage, alternative water supplies, water conservation and the use of 89-18 water rights releases to support steelhead. The Bureau's permits should be modified to require these studies by date certain, or else there is no way to ensure they will be completed satisfactorily, will be implemented properly, or will result in the public trust resources will being protected.

The SWB should require that the Bureau's permits be reconsidered upon completion of these studies or other relevant studies such as the draft NMFS Recovery Plan for steelhead, so that the permits can be adapted as needed based on updated information regarding measures necessary for steelhead protection in the Santa Ynez River. Until the studies are completed, the SWB should require significantly greater flows than described in the BO to make sure that steelhead habitat is enhanced and the species and river is protected from the unmitigated impacts of the Cachuma Project.

UCC has been involved in steelhead issues in the Santa Ynez River as far back as 1993, when we documented numbers of steelhead in the river. We have educated the public and local decision makers about the plight of steelhead. We spurred much of the discussion and helped to initiate the studies that are being done now. The Steelhead Trout is the symbol of waterways in this region, but the species is highly endangered and cannot be considered protected for the public's use and are not in "good condition." Therefore, we support measures necessary to recover and restore steelhead to the maximum extent feasible. We support water conservation and alternative supplies as needed, and surcharging of the reservoir if needed to restore the balance between steelhead protection and other human uses of the river's water.

Thank you on behalf of the UCC membership for considering our comments in the decision on the fate of this steelhead run. The Santa Ynez River is important not just as a local resource, but to survival of Southern California Steelhead as a species. Many miles of prime spawning habitat above the dams will always exist, due remoteness and inaccessibility in the Los Padres wilderness. Taking the right steps now will ensure that this habitat will be returned to its highest usage, as the life sustaining refuge and heritage of Southern California Steelhead.

Sincerely,

Eddie Harris  
Vice President  
Santa Barbara Urban Creeks Council