



Santa Barbara County Public Works Department
Flood Control  Water Agency

September 3, 2003

Division of Water Rights
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000

Attn: Andrew Fecko

RE: Comments on the Draft EIR for Consideration of Modifications to the U.S. Bureau of Reclamation's Water Right Permits 11308 and 11310 (Applications 11331 and 11332)

Thank you for the opportunity to review the Draft EIR for "Consideration of modifications to the U.S. Bureau of Reclamation's Water Right Permits 11308 and 11310 (Applications 11331 and 11332) To Protect Public Trust Values and Downstream Water Rights on the Santa Ynez River below Bradbury Dam (Cachuma Reservoir)"

The comments below are focused on flooding issues brought up in the EIR and the corresponding mitigation measures.

While the EIR discusses the potential impacts on extending low flow releases, the discussions relating to involvement with the County Flood Control District are not adequate.

Of particular concern is the discussion in section 4.2.2.4 (page 4-25), which states;

The potential increase in flood hazard is considered a potentially adverse, but not significant impact, because the County FCD could take reasonable action to prevent damage to public infrastructure through its authority to conduct channel maintenance. The extent and magnitude of this potentially adverse impact is unknown, and may be offset by the reduction in uncontrolled spills, which can cause flooding.

Furthermore, on the next page, the EIR goes on to state;

4.2.3 MITIGATION MEASURES

The County FCD could mitigate for increased flood hazards due to increased riparian vegetation and the reduction in spill frequency under Alternatives 3A-C and 4A-B. No other mitigation is considered because no significant adverse hydrologic impacts would occur due to the project alternatives.

Several problems exist with the line of reasoning the EIR pursues. These statements lack any discussion related to issue of expanding a channel maintenance program in this area.

In fact the Flood Control District would not be able to expand channel maintenance in this region should vegetation growth result. The EIR fails to review the gamete of issues surrounding the proposed action of expanding channel maintenance below Bradbury Dam. The EIR apparently dismissed significant issues impacting the feasibility such as permitting, mitigation, land rights, and perhaps the most significant issue being cost.

Current funding in the Santa Ynez Flood Zone IS NOT adequate to address additional channel maintenance needs. The FCD has not conducted channel maintenance in this portion of the river. Given existing funding constraints, it is therefore not feasible to assume that the FCD can simply just add this work element to our program.

Several other feasibility issues were also missing from the discussion. For example, permitting such a project in itself would be cost prohibitive. Given the presence of endangered species, such as steelhead, makes it most difficult to deliver an effective program even if cost issues were not present. Also, as a side note, the voters turned down an assessment increase in the Santa Ynez Flood Zone in March of 1996. The proposed assessment increase DID NOT even include the costs for a channel maintenance program in the river.

Other issues that were missed include mitigation sites. Channel maintenance in the river would require significant land for mitigation. Such land is not readily available. In the Lompoc area, it was only through the cooperation of the City of Lompoc that land was made available for mitigation in this reach of the river. There is not a similar inventory of public land below Cachuma.

The Flood Control District is also familiar with the position many land owners retain relating to government access. As such, it is probable that any access would also require a significant right-of-way acquisition process.

In summary, the conclusions reached in the Draft EIR pertaining to the Flood Control District's ability to conduct channel maintenance are totally incorrect.

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The proposed mitigation measure is not feasible and does not consider the long list of hurdles that would prevent such an action. The Flood Control District is not mandated to conduct such work and the District lacks the capacity to consider such a project. Other agencies could do the work however. The State, USBR, or other local agencies could take this responsibility.

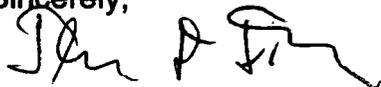
Thank you again for the opportunity to comment, I would welcome the opportunity to discuss these issues in depth with your staff and or EIR consultant. I would urge such a meeting so that you can clearly understand the issues at hand.

In either event, the EIR should be corrected to remove any suggestion that the County Flood Control District would be a mitigation measure for a particular impact. That said, the District is not suggesting that there will be a problem, however, should there be a problem, the assumption that the District will mitigate it is not accurate.

Please contact me at 805-568-3436 or by email at tfayram@co.santa-barbara.ca.us to discuss further.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Fayram', written in a cursive style.

Thomas D. Fayram
Deputy Public Works Director
Water Resources Division