



CACHUMA OPERATION AND MAINTENANCE BOARD

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December 5, 2001

KEYWORD	CACHUMA
FILE CODE	

Michael P. Jackson, Deputy Area Manager
 U. S. Bureau of Reclamation
 South-Central California Area Office
 1243 N Street
 Fresno, CA 93721

OFFICIAL FILE COPY

CODE	ACTION	SURNAME & DATE
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Dear Mr. Jackson:

Cachuma Operation and Maintenance Board (COMB), on behalf of the Cachuma Member Units, respectfully asks that you request a Federal Solicitor's opinion relative to Contract No. 14-06-200-600 Agreement to Administer Recreational Area (Agreement) dated January 12, 1953, between the United States of America, acting through the Bureau of Reclamation (Reclamation), and the County of Santa Barbara (County). The Agreement is for the administration of the Lake Cachuma recreation area by the County; the County's responsibilities are carried out by the County Parks Department. In particular, COMB believes that Reclamation may require that any recreation area facilities relocations that may be necessitated in the near future will be done at the County's expense.

Due to water quality issues, the County Parks Department has long had a need to relocate critical facilities at Lake Cachuma, including the recreation area's water treatment plant and sewage lift stations. In its original design of Cachuma Reservoir, Reclamation allowed for a surcharge of up to 10.6 feet during storm events. The storm of record in 1969 resulted in a reservoir surcharge of 5.0 feet, which inundated the recreation area facilities. The County Parks Department has known all along that history might repeat itself, and that these facilities needed to be relocated to a higher elevation. Inundation of the recreation area during storm events may also be of longer duration than in the past because of Reclamation's modified winter storm operations, which are fully supported by the County Flood Control District and call for increased surcharging of the reservoir to reduce releases from Bradbury Dam and lessen flood risk downstream. Recreation area inundation will also occur, with the pending modification of the radial gates at Bradbury Dam, when the reservoir is surcharged up to 3.0 feet towards the end of the last spill event in any given winter period, to impound water for environmental purposes. The Cachuma Project Biological Opinion (BO) issued by the National Marine Fisheries Service (NMFS) to Reclamation in September 2000 requires this latter surcharge. It is therefore necessary to address the issue of the recreation area facilities relocation at the County's expense in the very near future.

President, Jan Abel, Montecito Water District
Vice President, Robert Lieberknecht, Carpinteria Valley Water District
Directors, Larry Mills, Goleta Water District
Marty Blum, City of Santa Barbara
Matt Loudon, Santa Ynez River Water Conservation District, Improvement District #1
General Manager/Secretary of the Board, Robert E. Wignot, P.E.

EXHIBIT NO. DOT-28

In May 2000, an informational meeting was held with representatives from the County Parks Department to notify them that the Bradbury Dam radial gate modifications and the 3.0 ft. surcharge would be included by NMFS in the BO for Cachuma Project operations. The potential impacts to the Lake Cachuma recreation area were discussed; however, the fiduciary responsibility associated with the relocation costs of recreation area facilities was not addressed. The County Parks Department later completed a preliminary study identifying both critical and non-critical facilities that might be affected by surcharge of the reservoir, with an estimated total cost of more than \$10,000,000 for both relocating and improving those facilities. It is COMB's position that the Cachuma Member Units should not have to bear any of these costs.

There are several provisions in the Agreement that permit Reclamation to take actions that may affect the recreation area facilities. Article 5 reserves Reclamation's right to continue construction, operation and maintenance of any Federal reclamation project. Article 8 provides that Reclamation shall maintain jurisdiction over the land, and that the Reclamation Regional Director may determine that there is a need to use the premises in connection with the Cachuma Project. Article 9 addresses the issue of risk and damages being the County's sole responsibility.

Furthermore, as you are aware, the Agreement is for a period of 50 years, and is thus scheduled to be terminated in January 2003, unless renewed. As Reclamation now has the Resource Management Plan and Renewal Agreement process underway, COMB trusts that Reclamation and the Federal Solicitor's Office will concur that it would be very appropriate to include the matter of the County's responsibility for relocation costs of Lake Cachuma recreation area facilities in the process.

Please contact me at telephone 805-687-4011 if you have any questions.

Sincerely,



Robert E. Wignot
General Manager

cc: Cachuma Member Units