

**CONCEPTUAL FORM AND STRUCTURE  
FOR ORGANIZATION OF CCRB AND COMB**

**DRAFT 9/13/10**

The Cachuma Member Unit Managers have reviewed an option for “friendly” amendment to the COMB JPA in order to maintain a better organizational structure for all five Cachuma Member Units to “jointly” implement obligations under the Cachuma Master Contract, including the approved Fishery/Management Plan (FMP) and the 2000 Biological Opinion including any amended or new Biological Opinion (collectively BO) Projects, without requiring ID #1 participation in South Coast activities. The conceptual considerations for reorganization are summarized as follows:

1. The COMB JPA would be amended to provide that for COMB projects, operations and maintenance activities and facilities acquisition from the Tecolote intake tower south through the South Coast Conduit, all obligations, liability and financial responsibility would be born by the four South Coast Member Units, which would include a blanket indemnification for ID #1. For such projects, operations and maintenance and facilities acquisition, only South Coast Member Unit approval would be involved, and COMB agendas would be structured so ID #1 attendance would not be required for those items.

2. Confirm that the COMB JPA requires unanimous approval of all Member Units before COMB would seek to or acquire the operations, transfer or ownership of facilities north of the Tecolote intake tower, including but not limited to, the Bradbury Dam facility, the outlet works, control house, Hilton Creek watering system or other appurtenances used for impounding or releasing of water stored within the Cachuma Project.

3. The COMB JPA would also be amended to provide “Fishery Activities,” including the FMP, projects under the BO and activities included in 5 year plans developed pursuant to Master Contract Article 27 (MCA27), would be implemented through COMB, on behalf of Reclamation, subject to the following:

a. COMB would maintain an operations committee structure made up of all Member Unit Managers to provide early and ongoing review and recommendations for projects and activities to the COMB Board. For projects from the Tecolote intake tower south, only South Coast manager review will be involved and the Operations Committee agenda would be structured so ID #1 attendance would not be required for those items.

b. Funding for FMP, BO and MCA27 projects and activities would be through grants, MCA27 funds and County Water Agency funding, consistent with the 2001 MOU. Member Unit funding in excess of such amounts will require majority approval, except that a project over \$1 million will still require unanimous approval.

c. Subject to funding availability, COMB may implement (1) any project or activity in the FMP; (2) any mandatory project under the BO; (3) any project or activity for

which NMFS provides written confirmation that it qualifies as a credited replacement project or activity for any mandatory project or activity under the BO; (4) any project or activity in an unanimously approved MCA27 5 year plan; and (5) any other project or activity unanimously approved by COMB.

d. MCA27 plans will be formally developed and updated on a 5 year basis as called for by the Cachuma Master Contract. Initial approval and any update will require unanimous approval.

e. The addition or modification of any projects to or activities in the FMP implementation, including adaptive management type projects or activities, regulatory compliance and COMB implementation of a new, revised or amended Biological Opinion, shall require unanimous approval.

f. Unless unanimously approved, COMB will provide only administrative support<sup>1</sup> to the Member Units, individually or collectively with respect to the BO, reconsultation, and the Cachuma Permits pending before the SWRCB, including information on the status of project implementation, with advocacy for such matters being the responsibility of the Member Units, either individually or through partnership.

4. CCRB would remain in place, at least through the current SWRCB hearing process, including for responsibilities related to the 2002 Settlement Agreement.

5. The South Coast Member Units (which may choose to act through CCRB) and ID #1 may execute a Joint Defense and Cooperation Agreement(s) for advocacy of their common interests related to the BO, reconsultation, and the Cachuma Permits pending before the SWRCB, with each agency free to advocate their individual and unaligned interests.

6. Unless unanimously approved, COMB staff shall not be employed by or provide services to any other, or combination of, Cachuma Member Units.

7. The CCRB Board and ID #1 will affirm the responsibilities of CCRB and ID #1 under Section 4, Financial Arrangements, and Section 5, Administrative and Monitoring Support of the 2001 MOU are being assigned to and will be fulfilled by COMB.

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<sup>1</sup> "Administrative support" requires further definition. Chris Dahlstrom to provide mark-up based on current Joint Advocacy Agreement.