Mendocino County

Inland Water & Power Commission

P.O. Box 1247 • Ukiah, CA 95482

Phone (707) 391-7574 • Email: mciwpc@mendoiwpc.com

AGENDA Regular Meeting

Date: June 11, 2020 Thursday Time: 6:00 pm – Closed Session

6:30 pm – Open Session (time approximate)

Zoom online video conference:

https://us02web.zoom.us/j/82849892663 copy and paste into browser

Meeting ID: 828 4989 2663

Dial in by phone only: 669 900 6833

The Commission meeting will be held via video/teleconference. The public may observe and comment by phone or by Zoom webinar. If the public wishes to provide comment before the meeting on any of the agendized items, please email mciwpc@mendoiwpc.com by 5:00 pm Thursday June 11, 2020.

6:00 pm

CLOSED SESSION: Conference with Real Property Negotiators (Gov't Code §54956.8)

Property: PG&E Potter Valley Project

Agency Negotiators: Janet Pauli & David Aladjem

Negotiating Parties: IWPC and FERC Under Negotiation: Price and Terms

6:30 pm

- 1. Roll Call
- 2. Public Expression See information above for information on public expression
- 3. Minutes
 - a. Approval/Correction of minutes of the meetings of May 12 & 14, 2020
- 4. Consent Calendar
 - a. Approve expenses on billing statements for May 2020
 - b. Update on financial accounts
- 5. Commissioner Reports Reports by Commissioners on meetings attended or actions taken by their agencies as well as informational items, including:
 - a. Report from the Upper Russian River Stewardship Alliance regarding frost water use
 - b. Eel/Russian River Commission meeting update
 - c. North Coast Quagga/Zebra Mussel Prevention Consortium update
 - d. Update regarding actions and discussion of the state water bond issues
 - e. Report on Upper Russian River Water Agency JPA

- f. Report on the Upper Russian River Water Manager's meeting
- g. Discussion of ground water rights & Sustainable Groundwater Mgmt. Act (SGMA)
- h. Update on the City of Ukiah recycled water purple pipe project
- i. CalCannabis regulation update and related issues
- 6. Potter Valley Project
 - a. Status report and discussion of the Two-Basin Partnership efforts to license the Potter Valley Project
 - b. Update on current Lake Pillsbury releases to the Eel & Russian Rivers and related issues
 - c. Update on the Sandoval Study
- 7. Update on the IWPC Communication Program and Website
- 8. U.S. Army Corps of Engineers Feasibility Study on Coyote Dam Update on Corps' activities and input from Participating Members
 - a. Report on Lake Mendocino water levels and conditions at Coyote Valley Dam
 - b. Update on new Feasibility Study & possible funding
 - c. Progress on Congressman Huffman's 'Forecast Informed Reservoir Operation's bill
- 9. NMFS Listing of the Coho Salmon and Steelhead as Threatened
 - a. Executive Committee and/or Public Policy Facilitating Committee Reports
 - b. Biological Opinion Implementation Update
- 10. Discussions and reports of additional water supply sources and storage sites
- 11. State Water Resources Control Board Updates on various activities from the SWRCB
 - a. AB2121
 - b. D1610
- 12. Adjournment

PUBLIC EXPRESSION

The Commission welcomes participation in their meetings. Comments shall be limited so that everyone may be heard. This item is limited to matters under the jurisdiction of the Commission which are not on the posted agenda and items which have not already been considered by the Commission. The Commission limits testimony on matters not on the agenda to three (3) minutes per person. No action will be taken. Individuals wishing to address the Commission under Public Expression are welcome to do so throughout the meeting day. To best facilitate these items, please notify either the Chairman of the Commission or the Secretary of the Commission.

CLOSED SESSION

If agendized, the Commission may adjourn to a closed session to consider litigation, personnel matters, or real estate negotiations. Discussion of real estate negotiations may be held in closed session - Authority: Government Code Section 54956.8. Discussion of litigation or pending litigation may be held in closed session -- Authority: Government Code Section 54956.9. Discussion of personnel matters may be held in closed session -- Authority: Government Code Section 54957.

ADDITION TO THE AGENDA

(If any) in accordance with Section 54954.2 (b)(2) of the Government Code (Brown Act) Two-thirds Vote Required for Action Items. (Upon determination by a two-thirds vote of the legislative body, or, if less than two-thirds of the members are present, unanimous vote of those members present, that the need to take action arose after the Agenda was posted.)

Mendocino County

Inland Water & Power Commission

P.O. Box 1247 • Ukiah, CA 95482

Phone (707) 391-7574 • Email: mciwpc@mendoiwpc.com

draft MINUTES Special Meeting May 12, 2020

The meeting was called to order at 6:00 p.m. by Conference Call.

The following Commissioners were present by phone:

Janet Pauli—Chair (Potter Valley Irrigation District)

Carre Brown—Vice-Chair (Mendocino County Water Agency)

John Reardan—Commissioner (RRFCD)

Marvin Talso—Commissioner (Redwood Valley County Water District)

Juan Orozco--Commissioner (City of Ukiah)

The following individuals were present by phone:

David Aladjem—IWPC attorney

Public Expression

There were no public comments.

Closed Session

The Commissioners entered Closed Session at 6:04 p.m.

CLOSED SESSION: Conference with Real Property Negotiators (Gov't Code §54956.8)

Property: PG&E Potter Valley Project

Agency Negotiators: Janet Pauli & David Aladjem

Negotiating Parties: IWPC and FERC Under Negotiation: Price and Terms

The Commissioners came out of Closed Session at 7:08 p.m. No reportable action under the Brown Act was taken and the meeting was adjourned.

Mendocino County

Inland Water & Power Commission

P.O. Box 1247 • Ukiah, CA 95482

Phone (707) 391-7574 • Email: mciwpc@mendoiwpc.com

draft MINUTES

Regular Meeting May 14, 2020

The meeting was called to order at 6:00 p.m. via video conference by Chair Janet Pauli.

The following Commissioners were present on the call:

Janet Pauli—Chair (Potter Valley Irrigation District)

Carre Brown—Vice-Chair (County of Mendocino Water Agency)

John Reardan—Commissioner (Russian River Flood Control District)

Marvin Talso—Commissioner (Redwood Valley County Water District)

Commissioners not present:

Juan Orozco—Commissioner (City of Ukiah)

The following individuals were participants:

Granville Pool—Alternate Commissioner RVCWD

Sean White—City of Ukiah water staff

Elizabeth Salomone—RRFCD General Manager

Christopher Watt

Devon Jones—MCFB Manager

Simon Gertler—Attorney for Potter Valley Tribe

Guinness McFadden—Alternate Commissioner PVID

Sarah Reith

Bob Simpson

John Haschak

John Nagle, EJ Gallo

Nancy Horton—Lake Pillsbury Alliance

Glenn McGourty

Public Expression

Chair Pauli read out a list of video conferencing protocols and asked the participants adhere to them during the meeting. She explained that anything not currently on the agenda may be discussed at this time, however no action could be taken. She further advised that comments would be welcome throughout the meeting.

Sarah Reith explained that she was a reporter for KZYX and asked if anyone had any problem with her recording the meeting. The Commissioners had no issue with this.

Minutes

On a motion by Vice-Chair Brown, seconded by Talso, the minutes of the meeting of April 9, 2020 were unanimously approved.

On a motion by Commissioner Reardan, seconded by Vice-Chair Brown the minutes of the meeting of April 13, 2020 were unanimously approved.

Consent Calendar

On a motion by Vice-Chair Brown, seconded by Talso, the consent calendar items for April 2020 were unanimously approved.

Commissioner Reports

- a. <u>Report from the Upper Russian River Stewardship Alliance regarding frost water use</u>—Chair Pauli reported that there was a frost season this year and so some frost water was used. There were no issues that she was aware of.
- b. <u>Eel/Russian River Commission meeting update</u>—No report.
- c. <u>North Coast Quagga/Zebra Mussel Prevention Consortium update</u>—Vice-Chair Brown reported that Lake Mendocino was closed due to the COVID virus and so there is no boating activity at this time.
- d. Update regarding actions and discussion of the state water bond issues—No report.
- e. <u>Report on the Upper Russian River Water Agency JPA</u>—No meeting occurred in the last month.
- f. <u>Report on Upper Russian River Water Manager's meeting</u>—Salomne reported that the Willow Water District will send their Manager to attend the next JPA meeting.
- g. <u>Discussion of ground water rights & Sustainable Groundwater Mgmt Act (SGMA)</u>—Vice-Chair Brown reported that the May meeting was cancelled, though the Technical Advisory committee did meet.
- h. <u>City of Ukiah purple pipe recycled water program</u>—The irrigation season is coming up and the City is ready to supply the purple pipe water to their customers.
- j. <u>CalCannabis regulation and related issues</u>—The Supervisors voted not to go into phase 3 of the application process until April 2021. This was due to the CEQA report that needs to be done, a cumbersome ordinance process and lack of staff.

Potter Valley Project

a. Status report and discussion of the Two-Basin Partnership efforts to license the Potter Valley Project—Chair Pauli summarized the Planning Partners and the background to the PVP licensing process as follows:

The Planning Partners, made up of the Mendocino County Inland Water and Power Commission, Sonoma Water, Humboldt County, the Round Valley Indian Tribes and California Trout, filed a Feasibility Study Report with the Federal Energy Regulatory Commission (FERC), May 13, 2020, for licensing the Potter Valley Project.

If we had not met this deadline FERC would have directed Pacific Gas and Electric to begin the license surrender process (decommissioning). Decommissioning the Potter Valley Project would mean that all further negotiations about the future of the Potter Valley Project would be completely out of our local control. We would be allowed to comment, but the option of relicensing the Project would be lost. Decommissioning would initiate an uncertain path for the future of all the infrastructure of the existing Project...no hydro power license, no power plant or hydro power generation, no part of the project as we know it that would require ongoing maintenance, would remain. However, as part of the PG&E/FERC negotiations, and because of the expense of total removal (i.e. sediment management) and the risk and liability of owning Scott Dam, only part of Scott Dam would likely remain. Its height would be reduced to a point where it would continue to hold back sediment. If that were to be the case Scott Dam would no longer impound a significant water supply, and it would continue to block fish passage.

The Proposed Project Plan filed with FERC on May 13th is not a commitment. The Final License Application, which is currently due to FERC in April 2022 will outline the final Project Plan. Once filed with and accepted by FERC the Final Project Plan will become a commitment.

Between today and the April 2022 deadline there are many tasks to be completed including a series of studies that are necessary for us to understand whether the Proposed Plan will result in our Partnership's co-equal goals of water supply reliability and fishery restoration.

Pauli described how we have come to this place, what the Feasibility Study Report says and what happens next.

After PG&E withdrew their NOI to relicense the Potter Valley Project in January 2019, FERC formally asked if any entity wished to license the Project and set a July 2019 deadline for receipt of a new Notice of Intent to license.

The Planning Partners (referred to in the FSR as the NOI Parties) who came together last spring to prepare an NOI were the MCIWPC, Sonoma Water, California Trout and Humboldt County (the Round Valley Indian Tribes joined us after the NOI was filed). Prior to completing the NOI the Partners prepared a Planning Agreement that included eight shared objectives for attaining a Two-Basin Solution (based on a concept introduced by Congressman Huffman in 2017).

The shared Objectives form the basis of our Partnership and they include;

- (1) minimizing or avoiding adverse impacts to water supply reliability, fisheries, water quality, and recreation in both basins;
- (2) improving fish passage and habitat on the Eel River sufficient to support recovery of native anadromous fish populations, including passage at existing dam locations;
- (3) reliance on best available science and engineering analyses to evaluate options for restoration, water delivery, and hydroelectric generation under a new license;
- (4) collaboration on funding:
- (5) active participation of tribes and other stakeholders supportive of the Shared Objectives;

- (6) economic welfare of both basins;
- (7) continued hydroelectric generation; and
- (8) protecting tribal cultural, economic, and other interests in both basins.

The Planning Partners submitted an NOI to FERC by the deadline...it was accepted by FERC who then set the deadline of April 14, 2020 (extended to May 14, 2020) as the date we had to file a Feasibility Study Report with the following elements:

Proposed Regional Entity formation—This would be a new entity comprised of stakeholders that would be formed to hold the FERC license for the Potter Valley Project. The current Planning Partners include three local agencies, a non-profit organization, and one sovereign tribal nation and could not legally hold the FERC license. The new Regional Entity's board will likely include representatives of most, or all, of the Planning Partners, as well as other stakeholders. This may take the form of a Special District Authority. Additionally, the Regional Entity will be structured with the authority to levy charges or taxes and the authority to issue revenue bonds and engage in other financing arrangements.

Proposed Project Plan---described below.

Fisheries Restoration Plan---described below.

Application Study Plan---A series of studies required to clarify elements of the Proposed Study Plan

Financial Plan---Consists of many possible funding sources for capital costs and ongoing O&M expenses

Stillwater Sciences was hired as a consultant by the Partners to prepare a series of draft technical memoranda to be used by the Planning Partners as a preliminary analysis of several identified project plan alternatives. We were hampered by a very compressed time frame for the FERC deadline as well as limited funding contributed by the Planning Partners. The effort resulted in a preliminary project plan that will require completion of a series of studies to clarify the costs associated with the proposed plan, biological and hydrological elements of the proposed alternatives and whether or not water supply reliability can be attained.

Five alternatives were proposed for review in the technical memoranda.

Alt 1---- Eel River dams remain in place, preliminary analysis of fish passage projects, power generation remains.

Alt 2--- Scott Dam removed, Cape Horn Dam remains, power generation remains.

Alt 3--- Scott Dam and Cape Horn Dams both removed, power generation remains.

Alt 4--- Scott Dam and Cape Horn Dam remain, power generation removed.

Alt 5--- Scott Dam removed, Cape Horn remains, power generation removed.

The Planning Partners had their first workshop to review the alternatives described by the consultant team in early March. At that workshop Alt 4 and 5 were removed from consideration because they did not meet the shared object of continuing hydro power generation.

After preliminary analyses, much of which was based on the Ad Hoc Fish Passage and Water Supply Working Groups, it was recommended that Alternative 2 (called the "run of the river" scenario) be proposed as the Project Plan because it best met the goal of volitional fish passage at Scott Dam. Preliminary modeling of the water supply impacts of Alternative 2 have shown that, while certain elements need to be further studied and vetted, it appears a run of the river diversion could provide water supply reliability. There were several fish passage alternatives that were assessed with Scott Dam in place, including trap and haul, fish ladders, natural fish ways, floating surface collectors and tributary collectors. Preliminary engineering designs, cost estimates and analyses of the efficacy of these potential passage solutions were discussed as well as partial or total dam removal.

The Proposed Project Plan consists of several elements including:

Removal of Scott Dam Lake Pillsbury Sediment Management Lake Pillsbury Vegetation Management Van Arsdale Diversion Modifications Cape Horn Dam Fish Passage Modifications Revised Operational Plan

As part of attaining the co-equal goal of water supply reliability, but not as part of the Feasibility Study Report because it is not within the FERC license boundaries, is a plan for providing PVID's water supply...described below.

Also, outside of the FERC license boundaries is a report describing fishery restoration projects that might be undertaken in other parts of the Eel River watershed.

A large section of the analyses that will be undertaken include discussions of the costs of some of the project plan elements. An outline of these preliminary cost estimates is described here.

Scott Dam removal: \$30-\$120 million. Sediment management: \$25-\$100 million. Vegetation management: \$25-\$100 million.

Total Scott Dam removal estimated cost: \$80-\$320 million

Preliminary cost estimates for modifications to Cape Horn Dam and Van Arsdale include:

---Van Arsdale--- increasing the capacity of the diversion to 300 cfs, reduce fish entrainment and improve the bypass system: \$5 - \$20 million

---Cape Horn Dam--- Upstream and downstream passage improvements \$5-\$20 million Total Van Arsdale and Cape Horn Dam modification costs: **\$10-\$40 million**

Operational changes, Powerhouse upgrades and licensing costs: \$10--\$30 million

Total FERC Proposed Project Plan Costs \$100-\$400 million. Cost range indicates that there are a number of uncertainties.

Potter Valley Water Supply---Non-FERC element

Under a "run of the river" diversion plan no water would be diverted through the Project tunnel in the summertime. This necessitates another water supply for the Potter Valley Irrigation District. Two preliminary projects have been discussed and other alternatives have been identified but are yet to be reviewed. One plan would be to pump water back from Lake Mendocino to the north end of Potter Valley and into the PVID delivery system. The other would consist of a tributary dam somewhere in Potter Valley that would be filled during the winter from water diverted from the Eel River at high flows. The water stored in this lake would gravity feed into the PVID system. Other potential ideas that need to be considered would be a combination of plans, perhaps ground water extraction, multiple small tributary storage sites and perhaps an in valley storage area.

Very preliminary capital costs for these project options range from \$30-\$120 million. Most important here will be having an estimate of ongoing O&M costs. Whatever project is realized it must be affordable for the agricultural community of Potter Valley.

For all of the Proposed Project Plans there are many questions yet to be answered. The study plans are listed in the Feasibility Study Report that was filed with FERC.

Summary of Estimated Cost of Studies for the Project Plan--- FERC Approved Proposed Modifications Existing Studies AQ 1 - Hydrology and Project Operations Modeling \$272,000 \$770,000 AQ 2 -Water Temperature \$502,000 \$40,000 AQ 3 -Water Quality \$389,000 \$40,000 AQ 4 - Fluvial Processes and Geomorphology \$581,000 \$0 AQ 5 - Instream Flow \$445,000 \$0 AQ 6 - Lake Pillsbury Fish Habitat \$ 0 \$0 PVP Feasibility Study Report May 13, 2020 18 AQ 7 - Fish Passage \$1,431,000 \$42,000 AQ 8 - Fish Entrainment \$48,000 \$25,000 AQ 9 - Fish Populations \$142,000 \$185,000 AQ 10 - Special Status Amphibians and Aquatic Reptiles \$425,000 \$0 AQ 11 - Special Status and Invasive Aquatic Mollusks \$77,000 \$0 CUL 1 -Cultural Resources \$350,000 \$60,000 CUL 2 – Tribal Resources \$107,000 \$25,000 LAND 1 – Roads and Trails Assessment \$112,000 \$29,000 LAND 2 – Visual Resource Assessment \$113,000 \$24,000 LAND 3 – Hazardous Fuels Assessment \$148,000 \$0 REC 1 – Recreation Facility Assessment \$207,000 \$0 REC 2 – Reservoir Recreation Opportunities \$96,000 \$0 REC 3 – Whitewater Boating \$96,000 \$0 TERR 1 – Botanical Resources \$192,000 \$0 TERR 2 – Wildlife Resources \$231,000 \$0 New Studies AQ 12 - Dam Removal \$1,073,000 SE 1 - Socio-Economic Effects of Dam Removal \$ 180,000 Totals \$5,964,000 \$2,493,000 **Grand Totals:** \$8,457,000

Next Steps. Now that the Feasibility Study Report has been filed with FERC they will open a 45 day public comment period where anyone who wishes to file comments on the proposed modifications to PG&E's study plan as well as requests to intervene in this process can do so. As an intervener you will receive all FERC correspondence regarding the Potter Valley Project and the licensing process moving forward. We will be happy to provide information regarding the comment process.

After the comment period FERC will revise the Study Plan to be implemented by the Planning Partners. A summary of the results of the studies done by PG&E through 2018 will be filed with FERC this September.

The studies will be conducted through 2021 (and likely beyond).

The deadline for filing a Draft License Application with FERC is currently set for November 2021.

The Final License Application deadline for filing with FERC is April 2022. The current FERC license for the Potter Valley Project expires April 14, 2022.

Final Thoughts:

The Proposed Study Plan outlined here is based on preliminary technical and economic reports. There are many issues that will require further analysis. The results of the many studies that will be done, along with stakeholder input, will shape the Project moving forward. As mentioned earlier, the Project Plan will become a commitment only when the Final License Application is submitted to and approved by FERC

The Planning Partners are open to working with other interested parties, such as Lake County, and potentially the Wiyot Tribe, to become equal partners in the process.

You will very soon have an opportunity to comment to FERC. It is important for the Planning Partners to have support for moving into the FERC licensing process. You may disagree with the Proposed Project Plan...I am not sure if anyone is completely happy with this proposal. We have a long way to go to understand the costs and impacts of what has been proposed and to address the uncertainties. However, we now have an opportunity to be an integral part of the decision making. The alternative would be for us to watch as PG&E and FERC alone negotiate and control the future of the Potter Valley Project. Decommissioning is not an acceptable alternative.

We have very preliminary Technical and Economic information with broad ranges of potential costs so there are no conclusions on impacts or costs. The Studies and comments will shape this project going forward. Now that the process is public and the Partners are not constrained by the confidential agreements for most of the information, there is much more opportunity to have candid and open conversations with the public.

Public Comment

Horton asked what the timeframe was for FERC to request comments on the Feasibility Study Report. Pauli indicated that she was not given a date and asked her to look on the FERC website as it would be posted there.

Nagle asked what the annual expected water diversion to the Russian River basin was with the final project. Pauli responded that it may be about the same amount but at different times of the year. Right now, it is about 60,000 AF per year.

Reith asked where the money will be coming from to pay for this relicensing process. Pauli replied that to date they have depended upon initial funding from the Partners. There are also grants, Federal dollars, taxes, and possible bond financing that will be considered. Capital costs for changes at the project will be extensive. Ongoing O&M costs of \$5-10 million per year will be recovered in part by sale of the water. Everyone north of Dry Creek is dependent on the Potter Valley Project water. Those below Dry Creek may have differing participation levels.

Vice-Chair Brown stated that the people working on this have done an excellent job. Pauli relayed that the process will not be cheap to complete and there is a lot of work to do by the consultants to get to the Final License Application.

- b. <u>Update on current Lake Pillsbury releases to the Eel & Russian rivers</u>—Sonoma Water is working on a temporary variance to keep as much storage in the Lake as possible to protect the cold water pool.
- c. <u>Sam Sandoval Study</u>—No report.

Update on the IWPC Communication Program

a. <u>Website</u>—Jones reported that the first educational video on the PVP has been linked to the Farm Bureau website.

U.S. Army Corps of Engineers Feasibility Study on Coyote Dam

- a. <u>Report on Lake Mendocino water levels and conditions at Coyote Valley Dam</u>—Water levels were at higher levels than in previous drought years, with 11,000 AF more water storage due to FIRO operations.
- b. <u>Discussion of Feasibility Study (FS)</u>—The Corps has dropped the FS but asked for another NOI in case Federal funds become available. In the Ad Hoc meeting with Congressman Huffman, he stated that he will stay engaged with the Corps as he realizes the importance of raising Coyote Dam.
- c. Discussion of grant funding for the FS—No report.
- d. Progress on Huffman's Forecast Informed Reservoir Operations bill—Discussed above.

NMFS Listing of the Coho Salmon and Steelhead as Threatened

- a. Executive Committee and/or Public Policy Facilitating Committee Reports—No report.
- b. <u>Biological Opinion Implementation Update</u>—NOAA Fisheries will need to do a review in 2023.

<u>Discussions and Reports of Additional Water Supply Sources and Storage Sites</u> No report.

State Water Resources Control Board Items

AB2121—No report.

D1610—No report.

Adjourned at 7:25 pm.

Candace Horsley, IWPC staff

IWPC Financial Accounts

June 2020

Savings Bank: IWPC account (Quarterly statements)	\$ 1,032	As of 6/2/20
Savings Bank: Corps account (Monthly statements)	\$ 499	As of 6/2/20
Mendocino County Auditor's Office	\$165,659	As of 4/2020*

^{*}After May bills are paid, there will be: \$26,000 to complete Sandoval study; \$36,313 left of PVP funds; \$36,880 of operating funds.

MENDOCINO COUNTY INLAND WATER AND POWER COMMISSION

Billing Statement

May 2020

1. Staff Charges:

<u>Date</u>	<u>Description</u>	<u>Hrs</u>	<u>Rate</u>	<u>Amount</u>
5/12 &14	Meeting	3.00	\$18.00	\$ 54.00
5/15	Accounting	3.00	\$18.00	\$ 54.00
5/30	Minutes	1.50	\$18.00	\$ 27.00
May	Website downloads (6x)	2.50	\$18.00	\$ 45.00
May	Corps closeout and bank acct	3.00	\$18.00	\$ 54.00
May	Insurance quotes	1.50	\$18.00	\$ 27.00
May	Agenda packet	1.00	\$18.00	<u>\$ 18.00</u>
Subtotal				\$279.00

2. Miscellaneous:

SDRMA insurance annual premium	\$ 2,400.00
Downey Brand billing for April 2020	\$33,591.36
Thomas Johnson billing for May 2020	\$ 6,700.00
Jendi Coursey, website updates	<u>\$ 150.00</u>
Subtotal	\$42,841.36

TOTAL \$43,120.36