

AGENDA
Regular Meeting

Date: November 12, 2020 Thursday

Time: 6:00 pm – Open Session...Zoom
<https://us02web.zoom.us/j/89461654248>

Meeting ID: 894 6165 4248

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 November 12, 2020.

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 October 8, 2020
4. Consent Calendar
 - a. Approve expenses on billing statements for October 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
 - j. Discussion of individual water agency plans for possible water conservation efforts
6. Potter Valley Project
 - a. Status report and discussion of the Two-Basin Partnership efforts to license the Potter Valley Project
 1. Discussion and possible approval of the Second Amended Planning Agreement
 - b. Update on current Lake Pillsbury releases to the Eel & Russian Rivers and related issues

- c. Update on the Sandoval Study and possible approval of the Discussion of Hydrologic Characterization and Modeling for Evaluating Human and Environmental Water Supply Tradeoffs on the Upper Eel and Upper Russian River - Potter Valley Project proposal
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.)

Inland Water & Power Commission

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draft

MINUTES

Regular Meeting

October 8, 2020

Open Session

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

Closed Session

Pauli, Reardan, Froneberger, Schoeneman, Orozco, McFadden, Carre Brown, Granville Pool and Attorney Aladjem 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 7:02 p.m. No reportable action under the Brown Act was taken and the meeting was adjourned.

Open Session

The meeting was called to order at 7:03 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)

Tom Schoeneman—Commissioner (Redwood Valley Water District)

Juan Orozco—Commissioner (City of Ukiah)

The following individuals were participants:

David Aladjem—IWPC attorney for PVP

Matt Froneberger—Alternate RRFCD

Elizabeth Salomone—RRFCD General Manager

Devon Jones—MCFB Manager

Glenn McGourty—Public member

Granville Pool—Alternate RVWD

Chair Pauli moved up agenda items 6:1 & 2

1. Discussion and possible approval of the MOU for Cost Sharing for Integrated Licensing Process Consultant—Aladjem described the contents of the Agreement. It is a standard agreement to have each agency pay towards the funding of the consultants for the PVP studies. The Commissioners had previously approved the payment, so this is the formal motion to approve the MOU.

On a motion by Commissioner Reardan, seconded by Carre Brown to approve the Cost Sharing MOU was unanimously approved.

2: Review and discussion of the Second Amended Planning Agreement—Aladjem relayed that after the Partners first approved the Planning Agreement in the Spring of 2019, the Round Valley Tribes came in as a Partner and that precipitated the First Amended Planning Agreement. The Second Amendment is to develop the rules for how the Partners work together while they go through the FERC licensing process for the PVP.

The first three pages are recitals of what has happened in the past and how the agencies cooperated to get to this point in the process. Page 4, Paragraph 3 is important as it discusses the study report, implementation of the study plan, and behavior of the Partners towards each other and how they will work together with a balance between cooperation and making sure that the individual agencies needs are met. Paragraph 4 discusses potential funding needs. Paragraph 7 discusses relationship with legislative offices and how each agency has its own priorities, but they will be united on the JPA front.

Page 6b, headed Cooperative Agreement—if you make a commitment to FERC that is written into the license there is very little leeway from those requirements. However, the Cooperative section allows some more control and flexibility and allows discussion of issues by the Partners. The Partners attempted to raise the questions that should be included in this section. Th lot of varied and interesting points such as how the parties will work with Lake County and handle funding issues, some of which are quite controversial. These questions need to be addressed before submitting the license to FERC.

Page 11, subparagraph 18c. The original agreement stated that the Partners would vote by consensus. This can be very inefficient. The amendment discusses: 1. if there is a dispute, the parties need to identify the dispute with specificity, 2. try and reach a joint recommendation before taking it to the Steering committee. 3. go from a unanimous rule to a 4/5 rule which allows for the majority to agree but not hold up the process indefinitely, 4. this section also allows for a meet and confer discussion if there is a serious issue on the table.

Chair Pauli asked that each Commissioner take this Amendment back to their individual agencies for approval before the next IWPC meeting for approval by the IWPC Commissioners.

Jones asked if there were any rules regarding submitting information to the press by the individual agencies. Aladjem went over the various parts of the Amendment that would address this issue for the individual Partners.

Public Expression

Chair Pauli 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.

Salomone discussed SB 200 regarding funding for drinking water. She offered to work with anyone else that was a supplier of water and that may be interested in applying for funds.

Minutes

On a motion by Vice-Chair Brown, seconded by Reardan, the minutes of the meeting of September 10, 2020 were unanimously approved.

Consent Calendar

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

Commissioner Reports

a. Report from the Upper Russian River Stewardship Alliance regarding frost water use—No report.

b. Eel/Russian River Commission meeting update—No report.

c. North Coast Quagga/Zebra Mussel Prevention Consortium update—No report.

d. Update regarding actions and discussion of the state water bond issues—No report.

e. Report on the Upper Russian River Water Agency JPA—Salomone reported that the JPA met and considered the City of Ukiah application to join the JPA. The JPA Manager recommended not approving the application due to the controversy with the Sanitation District, who is now a member, but others felt that it would help communication between all parties if the City was part of the JPA. The Board will be continuing the conversation next month. Redwood Valley Water District asked if there would be any agency willing to help them with the IWPC financial contributions.

Froneberger asked if there had been any discussion about water supply. RVCWD has exhausted their surplus supply from RRFCD and are looking for other sources including Sonoma Water as they have the lion's share of water behind Coyote Dam. Schoeneman reported that they are following up with Sonoma Water and would appreciate contact assistance from RRFCD. Vice-Chair Brown asked that at the next IWPC meeting, each agency discuss their plans for water conservation if no rain has fallen. Salomone mentioned that she and Jones are working on a plan from the Water Resiliency Task Force which includes main diverters from the Russian River watershed to develop a conservation efforts report for the State Water Board.

f. Report on Upper Russian River Water Manager's meeting—No report.

g. Discussion of ground water rights & Sustainable Groundwater Mgmt Act (SGMA)—Vice-Chair Brown reported that they are still working on the Groundwater Sustainability Plan that needs to be turned in by 2022. They held public meetings for stakeholders and the public. They will be holding a Tribal meeting soon. She discussed that the representative from the URRWA JPA has not attended the meetings and she is hoping that someone can be appointed soon and come to the GSA meetings.

h. City of Ukiah purple pipe recycled water program—No report.

i. CalCannabis regulation and related issues—The BOS will have an all-day special meeting next Tuesday regarding cannabis and phase 3 of the cannabis ordinance, which is available online.

Potter Valley Project

a. Status report and discussion of the Two-Basin Partnership efforts to license the Potter Valley Project—Pauli reported that last Wednesday there was an Initial Study Plan meeting describing all of the studies to be performed by the consultants, which was very well attended virtually. Next Wednesday, the Partners will be submitting a summary of that meeting to FERC. In January, FERC will issue their opinion on the study plans and if approved the Partners could begin the studies depending on funding sources.

The next two items were discussed earlier in the agenda before Public Expression:

1. Discussion and possible approval of the MOU for Cost Sharing for Integrated Licensing Process Consultant
2. Review and discussion of the Second Amended Planning Agreement

b. Update on current Lake Pillsbury releases to the Eel & Russian rivers—Pauli reported that Lake Pillsbury variance ended on October 1st and all storage curves were met during the variance. All of the curves on Lake Mendocino are beginning to match the 2013-2014 drought situation. Without FIRO, the lake would be 22,000 AF lower than it is now.

c. Sam Sandoval Study—Chair Pauli and Dr. Sandoval have been discussing how to gather information outside of the PVP licensing studies which would provide an independent review of the impacts the IWPC agencies would experience. Since Sandoval has already done a lot of modeling of Lake Mendocino storage and Eel River, much of the data is already available and could be run through various models. Sandoval is putting together a proposal for IWPC specifically, titled Discussion of Hydrologic Characterization and Modeling for Evaluating Human and Environmental Water Supply Tradeoffs on the Upper Eel and Upper Russian River - Potter Valley Project. Pauli asked the Commissioners to review the proposal for discussion at the November meeting.

Update on the IWPC Communication Program

a. Website—No report.

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

a. Report on Lake Mendocino water levels and conditions at Coyote Valley Dam—Chair Pauli reported that the variance and FIRO operations have worked well to save water in the lake, but we are approaching the 2013-2014 drought storage scenarios.

b. Discussion of Feasibility Study (FS)—No report.

c. Discussion of grant funding for the FS—No report.

d. Progress on Huffman's Forecast Informed Reservoir Operations bill—No report.

NMFS Listing of the Coho Salmon and Steelhead as Threatened

a. Executive Committee and/or Public Policy Facilitating Committee Reports—No report.

b. Biological Opinion Implementation Update—Vice-Chair Brown has been given a heads up by NOAA that they will soon be updating the Biological Opinion and evaluating progress to date. It will be interesting to see what they will do with Lake Mendocino considering that the Corps of Engineers are in jeopardy under the Endangered Species Act (*Jeopardy Biological Opinion--the ability of the U.S. Fish and Wildlife Service or National Marine Fisheries Service to effectively stop outright or force significant changes to actions that jeopardize the continued existence of threatened or endangered species, an outcome expressly forbidden by section 7 of the Act*). Federal agencies must correct problems that jeopardize listed species, in this case Salmon/Steelhead.

Discussions and Reports of Additional Water Supply Sources and Storage Sites

No report.

State Water Resources Control Board Items

AB2121—No report.

D1610—No report.

Adjourned at 8:20 pm.

Candace Horsley, IWPC staff

IWPC Financial Accounts

November 2020

Savings Bank: IWPC account (Quarterly statements)	\$ 1,442	As of 11/7/20
Savings Bank: Corps account (Monthly statements)	\$ 0	As of 11/7/20
Mendocino County Auditor's Office	\$254,068	As of 9/30/2020*

*After October bills are paid, there will be: \$26,000 to complete Sandoval study; \$77,947.85 for the PVP. The total above does not yet reflect the \$100,000 annual payment that was made to the PVP Partners in October.

NOTES

County, City, RRFCD & PVID have paid the \$50,000 billed for PVP in June/July.

MENDOCINO COUNTY INLAND WATER AND POWER COMMISSION

Billing Statement

October 2020

1. Staff Charges:

<u>Date</u>	<u>Description</u>	<u>Hrs</u>	<u>Rate</u>	<u>Amount</u>
10/8	Meeting	2.50	\$18.00	\$ 45.00
10/9	Accounting	3.00	\$18.00	\$ 54.00
10/25	Minutes	1.00	\$18.00	\$ 18.00
Oct.	Website downloads	3.00	\$18.00	\$ 54.00
Oct.	Misc	3.00	\$18.00	\$ 54.00
	Agenda packet	1.50	\$18.00	<u>\$ 27.00</u>
	Subtotal			\$252.00

2. Miscellaneous:

CA Special Districts Association annual dues	\$ 500.00
Downey Brand billing for August 2020	\$26,968.91
Thomas Johnson billing for Sept. 2020	\$ 7,500.00
Jendi Coursey, website analytics	<u>\$ 75.00</u>
Subtotal	\$35,043.91

TOTAL **\$35,295.91**