

Inland Water & Power Commission

P.O. Box 1247 • Ukiah, CA 95482

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

AGENDA
Regular Meeting

Date: November 9, 2021 **TUESDAY**

Time: **6:00 pm – Open Session...Zoom link**

Join Zoom Meeting at-

<https://us02web.zoom.us/j/88088312683>

Meeting ID: 880 8831 2683

Dial in by phone only: 669 900-6833

6:05 – Closed Session

The meeting will be open to Commissioners only, during this time

6:30 pm – Rejoin Open Session (time approximate)

Same information as above for 6:00 pm

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 agenda items, please email mciwpc@mendoiwpc.com by 5:00 pm Tuesday, Nov. 9, 2021.

6:00 pm Open Session

6:05 pm CLOSED SESSION: Conference with Real Property Negotiators
(Gov't Code §54956.8)

Property: PG&E Potter Valley Project

Agency Negotiators: Janet Pauli & Scott Shapiro

Negotiating Parties: IWPC and FERC

Under Negotiation: Price and Terms

6:30 pm Open Session—approximate time

1. Roll Call
2. Public Expression - See information above for information on public expression
3. Minutes
 - a. Approval/Correction of minutes of the meeting of October 14, 2021
4. Consent Calendar
 - a. Approve expenses on billing statements for October 2021
 - b. Update on financial accounts
 - c. Adoption of Resolution No. 2021-B *Proclaiming a Local Emergency Persists, Re-ratifying the Covid-19 State of Emergency, and Re-authorizing Remote Teleconference Meetings of MCIWPC Pursuant to the Ralph M. Brown Act*
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. North Coast Quagga/Zebra Mussel Prevention Consortium update
 - c. Update regarding actions and discussion of the state water bond issues
 - d. Report on Upper Russian River Water Agency JPA
 - e. Report on the Upper Russian River Water Manager's meeting and Russian River Drought Working Group (RRDWG)

- f. Discussion of ground water rights & Ukiah Valley Groundwater Sustainability Agency (GSA)
 - g. Update on the City of Ukiah recycled water purple pipe project
 - h. CalCannabis regulation update and related issues
 - i. Discussion of individual water agency plans for 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. Continued discussion of PVP Ballot Measure
 - b. Update on current Lake Pillsbury releases to the Eel & Russian Rivers and related issues
 - c. Update on the Sandoval Study: 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 General Investigation 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 agendaized, 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

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MINUTES

Regular Meeting

October 14, 2021

Open Session

The meeting was called to order at 6:03 p.m. via video conference by Chair Janet Pauli.

Closed Session

Commissioners: Pauli, Reardan, Schoeneman, Orozco, McGourty, Klotter and attorneys Shapiro and Curtis 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 & Scott Shapiro

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.

Open Session was reconvened at 7:09 pm

The following Commissioners were present:

Janet Pauli—Chair (Potter Valley Irrigation District)

John Reardan—Vice-Chair (Russian River Flood Control District)

Glenn McGourty—Commissioner (County of Mendocino Water Agency)

Juan Orozco—Commissioner (City of Ukiah)

Tom Schoeneman—Commissioner (Redwood Valley County Water District)

The following individuals were participants:

Christian Curtis—County Counsel

Bree Klotter—Alternate RVCWD

Elizabeth Salomone—RRFCD General Manager

Carol Cinquini—Lake Pillsbury Alliance

Devon Jones-- MCFB Manager

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.

Minutes

On a motion by Vice-Chair Reardan, seconded by McGourty the minutes of the meeting of September 8, 2021 were unanimously approved.

Consent Calendar

On a motion by Vice-Chair Reardan, seconded by McGourty, the consent calendar items for September 2021 were unanimously approved.

Adoption of Resolution NO. 2021-A

PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE COVID-19 STATE OF EMERGENCY, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF MCIWPC PURSUANT TO THE RALPH M. BROWN ACT

On a motion by Commissioner McGourty, seconded by Reardan, Resolution 2021-A was 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. **Motion by Commissioner McGourty, seconded by Reardan to take this item off the agenda. Unanimously approved.**

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 meeting was cancelled this month.

f. Report on Upper Russian River Water Manager’s meetings and RR Drought Working Group (RRDWG)—Salomone reported that the RRDWG is working on a draft of a voluntary conservation agreement including the geographic scope of the tributaries or just Russian River and what the triggers will be for conservation efforts to kick in. The State Water Board is helping to fund the effort.

g. Discussion of ground water rights & Sustainable Groundwater Mgmt Act (SGMA)—The meeting was cancelled due to lack of quorum. Salomone reported that the TAC is reviewing the comments that were submitted on the Groundwater Management Draft Plan.

h. City of Ukiah purple pipe recycled water program—water was trucked over to the coast meeting all needs until Ft. Bragg was able to start supplying water again as temperatures went down and there was a decrease in evaporation and their desalination plant is now online. McGourty relayed that State grants will cover domestic water hauling but not for commercial uses.

i. CalCannabis regulation and related issues—Commissioner McGourty reported that there is now a system for applicants to apply for grow permits. They are also talking with the groups that fought against the new ordinance to determine what could be done to change the old/current ordinance to improve it.

j. Discussion of individual water agency plans for water conservation efforts—McGourty relayed that there is to be a Drought Funding workshop on Friday from 1 to 2:30 pm to help water purveyors to apply for grants.

Vice-Chair Reardan relayed that RRFCD is investigating a potential 5 to 12,000 AF reservoir on the north fork of Hensley Creek to capture high water flows. It is a promising site for a reservoir to help Inland Mendocino County that will also assist in preserving groundwater resources and providing a backup reserve to Lake Mendocino. They are working with Congressman Huffman

and McGuire for support and to see if they can overcome the environmental hurdles before they get too far into the process.

Salomone reported she is leading a tour with the Director of the Association of CA Water Agency (AQWA) that is going to look at Lake Mendocino conditions and Hensley Creek potential reservoir site. They could be a good partner in funding if the project moves forward. They have two grant applications in with the State Water Board to capture high water flows to recharge groundwater through large Ag ponds and/or the Hensley reservoir project. There are also funds to provide incentives for community water system improvements such as high efficiency appliances and water faucets.

Engineers have predicted that with the current level of releases, Lake Mendocino will be dewatered by February unless there are some significant rains before that time. One of the main issues is how much rain would be required to recover from the drought.

Potter Valley Project

a. Status report and discussion of the Two-Basin Partnership efforts to license the Potter Valley Project—Chair Pauli reported that the Partners had asked FERC for an abeyance in the process until May, which was denied and requested that the Partners file a final license application by April. This would be impossible for the Partners to do as the studies have not been completed to determine the feasibility of taking the project over. If FERC does not receive the final license application by April 14, they may ask PG&E to begin a license surrender process.

Last week PG&E had a serious problem with the PVP transformer bank equipment with the estimated cost of repair between \$5-10 million and may take between 12 and 24 months to fix. As it looks like the PVP may be down in the winter months, only 45 cfs versus the normal 270 cfs, will be going through the project this winter as the power plant will be out of commission. The 40 cfs is required for instream fish flows and the PVP contract requires 5 cfs for stock flows. The bypass may be used as it can divert 135 cfs versus the 45 cfs through the project. As a result, inflow to Lake Mendocino will be greatly diminished.

Discussion of the PVP ballot measure—The consultants are on target with moving forward on the ballot issue to determine what kind of tax would be the best for the ballot's success and future funding. They will be polling the community in advance of the measure to determine what the public interest is in funding these water projects. The County Ag department was very helpful in developing an IWPC boundary map and list of associated land parcels.

b. Update on current Lake Pillsbury releases to the Eel & Russian rivers—The inflow to Lake Pillsbury is currently -1 cfs. They base the inflow to Lake Pillsbury on the height of the water at the dam because they don't have accurate gauges at all of the tributaries. So, while there may be some water coming into the lake the evaporation is much more than the inflow...so the lake level decreases.

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—No report.

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—No report.

b. Discussion of Feasibility Study (FS)—Federal funding for 2023 has been approved.

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—No report.

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 8:25 p.m.

Candace Horsley, IWPC staff

IWPC Financial Accounts
November 2021

Savings Bank: IWPC account (Quarterly statements)	\$1,708	As of 11/2/2021
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Mendocino County Auditor's Office	\$202,104	As of 9/3/2021
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After October bills are paid, we will have \$105,876 in the PVP account.

MENDOCINO COUNTY INLAND WATER AND POWER COMMISSION

Billing Statement

October 2021

1. Staff Charges:

<u>Date</u>	<u>Description</u>	<u>Hrs</u>	<u>Rate</u>	<u>Amount</u>
10/14	Meeting	2.50	\$18.00	\$ 45.00
10/15	Accting & meeting follow-up	5.00	\$18.00	\$ 90.00
10/29	Minutes	1.00	\$18.00	\$ 18.00
Oct.	Website maint.	4.00	\$18.00	\$ 72.00
Oct.	Ballot measure/meetings/GIS	9.00	\$18.00	\$162.00
11/3	Agenda packet	2.00	\$18.00	<u>\$ 36.00</u>
	Subtotal			\$423.00

2. Miscellaneous:

CSDA annual dues	\$ 500.00
Downey Brand billing for Sept. 2021	\$10,461.00
Tom Johnson billing for Oct. 2021	\$ 6,755.00
Jendi Coursey, analytics Oct. 2021	<u>\$ 75.00</u>
Subtotal	\$17,791.00

TOTAL

\$18,214.00

MENDOCINO COUNTY INLAND WATER AND POWER COMMISSION

RESOLUTION NO. 2021-B

PROCLAIMING A LOCAL EMERGENCY PERSISTS, RE-RATIFYING THE COVID-19 STATE OF EMERGENCY, AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF MCIWPC PURSUANT TO THE RALPH M. BROWN ACT.

WHEREAS, the MCIWPC is committed to preserving and nurturing public access and participation in meetings of the Board of Commissioners; and

WHEREAS, all meetings of the MCIWPC are open and public, as required by the Ralph M. Brown Act (Gov. Code, §§ 54950 – 54963) (“Brown Act”), so that any member of the public may attend, participate, and watch the MCIWPC’s legislative body conduct its business; and

WHEREAS, Assembly Bill 361 added Government Code section 54953(e) to make provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the MCIWPC’s boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Board of Commissioners previously adopted a Resolution, number 2021-A on October 14, 2021 finding that the requisite conditions exist for MCIWPC to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in Section 54953(e), the Board of Commissioners must reconsider the circumstances of the state of emergency that exists in MCIWPC, and the Board of Commissioners has done so; and

WHEREAS, such conditions persist in MCIWPC, specifically, the March 4, 2020 State of Emergency Proclamation remains active in California due to the threat of COVID-19; and

WHEREAS, the Mendocino County Public Health Officer issued an order regarding the highly transmissible Delta Variant of COVID-19, recommending vaccinated and unvaccinated persons to mask and maintain social distance until amended or rescinded by further orders by the Health Officer; and

WHEREAS, the Board of Commissioners does hereby find that the ongoing risk posed by the highly transmissible COVID-19 virus has caused, and will continue to cause, conditions of peril to the safety of persons within MCIWPC that are likely to be beyond the control of services, personnel, equipment, and facilities of the MCIWPC; and

WHEREAS, as a consequence of the local emergency persisting, the Board of Commissioners does hereby find that the MCIWPC shall continue to conduct its meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that the Board shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, all meeting agendas, meeting dates, times, and manner in which the public may participate in the public meetings of the MCIWPC and offer public comment by telephone or internet-based service options including video conference will continue to be posted on the MCIWPC website and physically outside of the MCIWPC office.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF MCIWPC DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Affirmation that Local Emergency Exists. The Board has reconsidered the conditions of the state of emergency and proclaims that a local emergency persists throughout the MCIWPC because the high risk of transmissibility of COVID-19 continues to pose an imminent risk to the safety of persons in the MCIWPC.

Section 3. Re-ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. MCIWPC staff are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) December 9, 2021 or such time the Board of Commissioners adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the MCIWPC may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Commissioners of MCIWPC this 9th day of November, 2021, by the following vote:

AYES:

NOES:

ABSENT: