

Inland Water & Power Commission

P.O. Box 1247 • Ukiah, CA 95482

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

AGENDA
Regular Meeting

Date: February 10, 2022 Thursday

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

Join Zoom Meeting at-

<https://us02web.zoom.us/j/81406135336>

Meeting ID: 814 0613 5336

Dial in by phone only: 669 900-6833

6:05 – Closed Session

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

6:45 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 Thursday, Feb. 10, 2022.

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

6:45 pm Open Session—approximate time

1. Roll Call
2. Public Expression - See information above for information on public expression
3. Adoption of policy to support member agencies to discuss IWPC closed session items in their own agencies closed sessions: It is the policy of the Board of Directors of the Mendocino County Inland Water and Power Commission to support its Directors in providing briefings to the legislative bodies of MCIW&PC Member Agencies, including briefings by the Directors to the Member Agencies in closed session for items addressed by MCIW&PC in closed session, pursuant to California Government Code section 54956.96.
4. Minutes
 - a. Approval/Correction of minutes of the meeting of January 13, 2022
5. Consent Calendar
 - a. Approve expenses on billing statements for January 2022
 - b. Update on financial accounts
 - c. Adoption of Resolution No. 2022-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*
6. 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
7. 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
 2. Funding requirements for 2022
 - 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
 8. Update on the IWPC Communication Program and Website
 9. 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
 10. 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
 11. Discussions and reports of additional water supply sources and storage sites
 12. State Water Resources Control Board - Updates on various activities from the SWRCB
 - a. AB2121
 - b. D1610
 13. 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

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draft

MINUTES

Regular Meeting

January 13, 2022

Open Session

The meeting was called to order at 6:01 p.m. via video conference by Chair Janet Pauli.

Closed Session

Commissioners: Pauli, Reardan, Schoeneman, Brown, Mulheren, McGourty, McFadden, Froneberger, Klotter and attorney Shapiro entered Closed Session at 6:02 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 6:50 p.m. No reportable action under the Brown Act was taken.

Open Session was reconvened at 6:51 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)

Jim Brown—Alternate Commissioner (City of Ukiah)

Tom Schoeneman—Commissioner (Redwood Valley County Water District)

The following individuals were participants:

Bree Klotter—Alternate RVCWD

Matt Froneberger—Alternate RRFCD

Carol Cinquini—Lake Pillsbury Alliance

Nancy Horton—Lake Pillsbury Alliance

Sean White—City of Ukiah water staff

Devon Boer--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 Schoeneman the minutes of the meeting of December 9, 2021 were unanimously approved.

Consent Calendar

On a motion by Vice-Chair Reardan, seconded by Schoeneman, the consent calendar items for December 2021 were unanimously approved, including Adoption of Resolution No. 2022-A

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

Commissioner Reports

- a. Report from the Upper Russian River Stewardship Alliance regarding frost water use—CSLI is asking if anyone has any change in their acreage, water sources or water diversion facilities for either main stem or tributary use to update the data before frost water use.
- b. North Coast Quagga/Zebra Mussel Prevention Consortium update—No report.
- c. Update regarding actions and discussion of the state water bond issues—No report.
- d. Report on the Upper Russian River Water Agency JPA—No report.
- e. Report on Upper Russian River Water Manager’s meetings and RR Drought Working Group (RRDWG)—No report.
- f. Discussion of ground water rights & Ukiah Valley Groundwater Sustainability Agency (GSA)—Commissioner McGourty reported that the Plan was filed for review with the Department of Water Resources and have submitted a RFP for a contracted UVGSA manager.
- g. City of Ukiah purple pipe recycled water program—White reported that the storage reservoirs are full, and they are ready for the frost season.
- h. CalCannabis regulation and related issues—McGourty reported that there is money available through County grant funds for growers that felt they were affected by the war on drugs program.
- i. Discussion of individual water agency plans for water conservation efforts—Reardan reported that the RRFCDC are applying for grant funds to do a test of an aqua recharge program.

Potter Valley Project

a. Status report and discussion of the Two-Basin Partnership efforts to license the Potter Valley Project—

Discussion of the PVP ballot measure—the Godbe consultants have prepared a survey for the community to find out the opinions of the public on water issues, funding water projects and what type of tax would be the most palatable. It is a real art in developing these surveys to get true accuracy in the results.

Funding needs—Chair Pauli relayed that for the next year IWPC will need to fund the PVP consultants, ballot measure consultants, and matching funds for grants received for PVP studies. IWPC is requesting \$45-50,000 per agency for the year. The Commissioners will be going to their agency boards to ask for continued funding.

b. Update on current Lake Pillsbury releases to the Eel & Russian rivers—Chair Pauli reported that the new storage graphs on the various lakes are updated every week on the IWPC website. Lake Sonoma is the lowest it has ever been since it was built. Lake Mendocino is at a better level than last year, but only at about a third of what it could be at this date. Lake Pillsbury is spilling since December 16 and hadn't spilled since June 2019. Releases at Scott Dam are at 885 cfs; Van Arsdale is at 1127 cfs; coming through the PVP is 46 cfs instead of the usual 240 cfs if the turbines weren't down. PG&E could be releasing 140 cfs. Both agencies and tribes wrote letters in support and are meeting to see if they can convince PG&E to release the higher amount. However, there were an equal number of letters in opposition to increased flows. Congressman Huffman contacted PG&E and urged them to increase the flows.

By the end of the month the Partners need to submit another update to FERC on funding efforts and where they are on the license application. There has been no feedback from FERC on the Partners update submittal from November 2021.

Pauli discussed the continued discussions on aerial fly-over surveys looking for groundwater in Potter Valley. Issues include vineyards and livestock but there are other ways to determine groundwater sources. They have given a proposal to Potter Valley on doing a survey, which is somewhat expensive, but would be a precursor to going in with well drilling rigs and would reduce the costs of drilling a dry well. Reardan mentioned that this might be a good method for Redwood Valley also to see if there are potential areas for well drilling there. Schoeneman relayed that the survey helicopter had also gone into Redwood Valley, but the results haven't come in yet.

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—Lake levels are at about 30% of where it would be in normal years.

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—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.

New Business

- a. Election of Officers—**Motion by Reardan, seconded by McGourty for Pauli to be Chair, passed unanimously. Motion by McGourty, seconded by Schoeneman for Reardan to be Vice-Chair, passed unanimously.**

Adjourned at 8:10 p.m.

Candace Horsley, IWPC staff

IWPC Financial Accounts
February 2022

Savings Bank: IWPC account	\$1,557	As of 2/3/2022
Mendocino County Auditor's Office	\$136,369	As of December 16, 2021

After January bills are paid, we will have \$25,385 in the PVP account.

MENDOCINO COUNTY INLAND WATER AND POWER COMMISSION

Billing Statement

January 2022

1. Staff Charges:

<u>Date</u>	<u>Description</u>	<u>Hrs</u>	<u>Rate</u>	<u>Amount</u>
1/13	Meeting	2.25	\$18.00	\$ 40.50
12/10	Accting & meeting follow-up	6.00	\$18.00	\$108.00
1/04	Minutes	1.00	\$18.00	\$ 18.00
Dec.	Website maint.	4.00	\$18.00	\$ 72.00
Dec.	Godbe/PG&E/misc	9.00	\$18.00	\$162.00
Jan.	1099 online processing	1.50	\$18.00	\$ 27.00
1/9	Agenda packet	2.00	\$18.00	<u>\$ 36.00</u>
	Subtotal			\$463.50

2. Miscellaneous:

Yearli billing for 1099's	\$ 21.96
Downey Brand billing for Dec. 2021	\$ 7,379.00
Tom Johnson billing for Jan. 2022	\$ 2,821.00
Jendi Coursey, analytics & annual website hosting (\$420.00) 1/2022	<u>\$ 532.50</u>
Subtotal	\$10,754.46

TOTAL

\$11,217.96

MENDOCINO COUNTY INLAND WATER AND POWER COMMISSION

RESOLUTION NO. 2022-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 on September 29, 2021 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 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 10th day of February 2022, by the following vote:

AYES:

NOES: None

ABSENT: None

ABSTAIN: None