

Mendocino County

Inland Water & Power Commission

P.O. Box 1247 • Ukiah, CA 95482

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

A G E N D A
Regular Meeting

Place: Zoom virtual attendance
Date: January 12, 2023 Thursday
Time: 6:00 pm—Open Session...Zoom Link
Join Zoom Meeting at-
<https://us02web.zoom.us/j/83739847200>
Meeting ID: 837 3984 7200
Dial in by phone: 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 agenda items, please email mciwpc@mendoiwpc.com by 5:00 pm Thursday, January 12, 2023.

6:00 pm Open Session

- 1. Roll Call**
- 2. Public Expression** - See end of agenda for information on public expression
- 3. Minutes**
 - a. Approval/Correction of minutes of the meeting of December 8, 2022
- 4. Consent Calendar**
 - a. Approve expenses on billing statements for December 2022
 - b. Update on financial accounts
 - c. Adoption of Resolution No. 2023-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 Brown Act*
- 5. Commissioner Reports** — Reports by Commissioners/Staff on meetings attended or actions taken by their agencies as well as informational items. Each Commissioner will be given an opportunity to speak on any activities of interest regarding drought response, groundwater updates, committee meetings etc. that are relevant to the IWPC members
 - a. PowerPoint presentation on the Groundwater Sustainability Agency, winter update—Beth Salomone

- 6. Report from the Ad Hoc Committee**
- 7. Potter Valley Project**
 - a. Status report and discussion on the Potter Valley Project
 - b. Continued discussion of funding ongoing PVP negotiations between MCIWPC, FERC and PG&E
- 8. U.S. Army Corps of Engineers Feasibility Study for Raising Coyote Dam**
 - a. Approval of 2023 Notice of Intent for Coyote Dam General Investigation renewal letter for the U.S. Army Corps of Engineers
- 9. NMFS Listing of the Coho Salmon and Steelhead as Threatened**
 - a. Public Policy Facilitating Committee Reports
 - b. Biological Opinion Implementation Update
- 10. New Business**
 - a. Election of Officers
 - b. Discussion of location for IWPC in-person meetings
- 11. 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.)

draft
MINUTES
Regular Meeting
December 8, 2022

Open Session

The meeting was called to order at 6:07 p.m. via Zoom video conference by Chair Janet Pauli.

The following Commissioners were present:

Janet Pauli—Chair (Potter Valley Irrigation District)
John Reardan—Vice-Chair (Russian River Flood Control District)
Juan Orozco—Commissioner (City of Ukiah)

The following Commissioners were absent:

Glenn McGourty—Commissioner (County of Mendocino Water Agency)
Tom Schoeneman—Commissioner (Redwood Valley County Water District)

The following individuals were participants:

Chris Watt—Alternate Commissioner RRFCD
Sean White—City of Ukiah Director of Water & Sewer
Bree Klotter—Public member

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 Orozco, the minutes of the meeting of November 10, 2022 were unanimously approved.

Consent Calendar

On a motion by Vice-Chair Reardan, seconded by Orozco, the consent calendar items for November 2022 and Adoption of Resolution No. 2022-K 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 were unanimously approved.

Commissioner Reports

No report.

Report from the Ad Hoc Committee

No report.

Potter Valley Project

NMFS sent a letter to FERC in March 2022 after PG&E stated that they were going to do a license surrender for the PVP. NMFS asked that the PVP license be reopened, and they requested eight interim measures be implemented to protect the fisheries. In July, PG&E responded back and stated that the

license hadn't changed and there were several measures NMFS proposed that were already being implemented. PG&E discussed every one of NMFS interim measures and determined that they were not valid requirements, though they agreed that would not oppose some of the measures, some of which were already underway. On November 16, FERC asked for motions to intervene, and comments or protest on whether to open the license for a new consultation. The motion to intervene must be received by FERC by December 16. **Motion by Vice-Mayor Reardan, seconded by Orozco to file a motion for intervention with FERC, was unanimously approved.**

Pauli reported that the Drought Working Group met earlier this month and there are no changes to the variance as there hasn't been enough inflow to Lake Pillsbury to get to the 36,000 AF, so only 11 cfs is coming through the PVP right now. There has been increased flows due to the recent rainstorms with 140 cfs being released below Cape Horn Dam. Fish counts have started as the fish are returning. There were 197 Chinook counted at Cape Horn dam fish ladder.

a. Status report and discussion of the Potter Valley Project and Funding efforts—Pauli reported that the Ad Hoc is working on some new ideas for funding. The projects of the DWR grant are progressing slowly forward. The Russian River Water Forum (RRWF) interviews are almost completed, and they will be giving a report on the results at the next RRWF meeting. The Facilities Assessment project progress is taking longer than expected as details and approval of the project plan outline continues, and PG&E still is not allowing anyone to inspect the facilities.

b. Continued discussion of funding ongoing PVP negotiations between MCIWPC, FERC and PG&E— No report will be available until PG&E starts working with their surrender and decommissioning consultant.

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

Pauli is planning on contacting the USACE after the first of the year to see what is happening with the Federal funding of the new Feasibility Study.

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.

State Water Resources Control Board Items

No report.

Adjourned at 6:35 p.m.

Candace Horsley
IWPC Staff



MENDOCINO COUNTY INLAND WATER & POWER COMMISSION

P.O. Box 1247, Ukiah CA 95482 • mciwpc@mendoiwpc.com

Lieutenant Colonel Kevin Arnett
Commander, San Francisco District
450 Golden Gate Avenue, 4th Floor Suite 5140
P.O. Box 36152
San Francisco, CA 94102-3404

January 12, 2023

Dear Lieutenant Colonel Arnett:

Mendocino County Inland Water & Power Commission (MCIWPC) is willing and able to participate as the Sponsor for the Coyote Valley Dam General Investigation (GI) study in partnership with the U.S. Army Corps of Engineers (USACE), to cooperatively investigate raising Coyote Valley Dam at Lake Mendocino to determine if there is a Federal interest in increasing flood damage reduction and to provide an increase in the water supply for municipal, industrial, agricultural and recreational purposes in the Russian River, Mendocino County, CA.

Our agency understands that a study cannot be initiated unless it is selected as a new start study with associated allocation of Federal funds provided through the annual Congressional appropriations process. If selected, we intend to sign a Feasibility Cost Sharing Agreement (FCSA) to initiate the study with USACE. It is our understanding that the FCSA targets completion of the feasibility study within 3 years at a total cost of no more than \$3 million. After signing the FCSA, a Project Management Plan will be developed and agreed upon by MCIWPC and USACE. The study will be conducted and managed by USACE. The cost-sharing for the study is based on a 50% contribution by the Federal government, with our agency's 50% contribution provided in cash, or by a portion or all of the contribution provided through in-kind non-monetary services.

MCIWPC is aware that this letter constitutes an expression of intent to initiate a study partnership to address the specified water resources problems and is not a contractual obligation. We understand that work on the study cannot commence until it is included in the Administration's budget request, funds are appropriated by the Congress, and an FCSA is signed. It is understood that we or USACE may opt to discontinue the study at any time after the FCSA is signed but will commit to work together as partners from the scoping phase, and subsequent decision points throughout the feasibility study, on providing the necessary support to risk-informed decision making. If it is determined that additional time or funding is necessary to support decisions to be made in order to complete the study, our agency will work with USACE to determine the appropriate course of action.

If you require additional information, please contact Janet Pauli at pauli@mendoiwpc.com or 707 391-7574.

Sincerely,

A handwritten signature in cursive script that reads "Janet K. F. Pauli".

Janet Pauli Chair, MCIWPC

IWPC Financial Accounts
January 2023

Savings Bank: IWPC account	\$ 1,153	As of 1/5/2023
Mendocino County Auditor's Office	\$202,437	As of June end 2022, draft

After December 2022 bills are paid, we will have \$109,466 in the PVP account.

MENDOCINO COUNTY INLAND WATER AND POWER COMMISSION

Billing Statement

December 2022

1. Staff Charges:

<u>Date</u>	<u>Description</u>	<u>Hrs</u>	<u>Rate</u>	<u>Amount</u>
12/8	Meeting	.75	\$18.00	\$ 13.50
12/9	Accounting & meeting follow-up	3.00	\$18.00	\$ 54.00
12/27	Minutes	1.00	\$18.00	\$ 18.00
Dec.	Website maint.	5.00	\$18.00	\$ 90.00
Dec.	Grants,1099's, meetings, misc.	10.00	\$18.00	\$180.00
1/8	Agenda packet	4.00	\$18.00	<u>\$ 72.00</u>
	Subtotal			\$427.50

2. Miscellaneous:

Downey Brand for Nov. 2022	\$ 4,433.00
Tom Johnson, Dec. 2022	\$ 1,519.00
Jendi Coursey, website analytics, Nov. & Dec. 2022	<u>\$ 168.75</u>
Subtotal	\$ 6,120.75

TOTAL **\$6,548.25**

MENDOCINO COUNTY INLAND WATER AND POWER COMMISSION

RESOLUTION NO. 2023-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.

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 12th day of January 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN: