

**Inland Water & Power Commission**

P.O. Box 1247 • Ukiah, CA 95482

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

**AGENDA**  
**Regular Meeting**

**Date: November 14, 2019 Thursday**  
**Time: 6:00 p.m.**  
**Place: Conference Room 5**  
**City of Ukiah Civic Center Annex**  
**411 West Clay**  
**Ukiah, CA 95482**

(All items are considered action items unless otherwise noted)

1. Roll Call
2. Public Expression - See end of agenda for information on public expression
3. Minutes
  - a. Approval/Correction of minutes of the meetings of October 10 & 17, 2019
4. Consent Calendar
  - a. Approve expenses on billing statements for October 2019
  - 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 NOI Partners 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 Feasibility Study & meetings with the Corps of Engineers
  - c. Discussion of researching grant funding for the Feasibility Study match
  - d. 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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draft

**MINUTES**

Regular Meeting

October 10, 2019

The meeting was called to order at 6:00 p.m. in Conference Room 5, located in the City of Ukiah Civic Center Annex, 411 West Clay, Ukiah, CA 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)  
Carre Brown—Commissioner (Mendocino County Water Agency)  
Marvin Talso—Commissioner (Redwood Valley County Water District)  
Juan Orozco—Commissioner (City of Ukiah)

The following individuals were present:

Elizabeth Salomone—RRFCD General Manager  
James Green—Public member, Deerwood  
Phil Williams—Water Attorney, City of Ukiah  
Sean White—City of Ukiah staff  
John McCowen—Alternate County of Mendocino  
Devon Jones—MCFB General Manager  
Christian Curtis—Attorney, County of Mendocino

**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 Commissioner Carre Brown, seconded by Talso, the minutes of the meeting of September 5 were unanimously approved with the following change: P. 2, item g, line 3—BOS should be BOD.**

**Consent Calendar**

**On a motion by Commissioner Carre Brown, seconded by Reardan, the consent calendar items for September 2019 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—There will be a meeting in November or December 2019.
- c. North Coast Quagga/Zebra Mussel Prevention Consortium update—Commissioner Carre Brown discussed the Prevention Plan for the Mill Creek Ponds which will be soon be going out for comment.
- d. Update regarding actions and discussion of the state water bond issues—No report.
- e. Report on the Upper Russian River Water Agency JPA— No report.
- f. Report on Upper Russian River Water Manager’s meeting—Commissioner Carre Brown reported that at the meeting there were updates given on the PVP, FIRO at Lake Mendocino, and lake levels at Mendocino and Sonoma.
- g. Discussion of ground water rights & Sustainable Groundwater Mgmt Act (SGMA)—The next meetings will be held on October 15 starting at 1:30 for the BOD meeting and then at 5:30 for the Tribal meeting. They will be going over the Sustainability Plan and what level of engagement the Tribes will want to have in the process.
- h. City of Ukiah purple pipe recycled water program—White reported that the whole pipeline is charged, and they are delivering to the far north and south. Once the grape harvest is over the rest of the customers will be hooked up. 25 million gallons have been delivered since September 6<sup>th</sup>.
- j. CalCannabis regulation and related issues—The growing of hemp may be another topic of discussion at the BOS. It was mentioned that there may be an issue with cannabis and hemp odor affecting the flavor of grapes in the vineyards.

## **Potter Valley Project**

- a. Status report and discussion of the NOI Partners efforts to license the Potter Valley Project—Chair Pauli reported that David Aladjem has asked IWPC to hold a Special meeting next week that would include a Closed Session for Potential Litigation. The Commissioners agreed to hold the meeting on Thursday, October 17 at 6 pm.

The consultant, Still Water, has been hired and a scope of work for them to prepare the Feasibility Study (FS) is just about completed. The Partners have been looking at all the scenarios that had been put forward by the Huffman’s Ad Hoc fish passage and water supply groups. They are only considering the potential options that include a 2-basin solution. There are several potential options that are still on the table. The goal is to get a FS in place so that before next April the NOI Partners will have decided whether or not to move forward to

relicense the PVP and what the costs would be. Additionally, they will need to determine what it would take to form the Regional Entity and what its structure would look like.

Pauli updated the group on the sediment study at Lake Pillsbury which the NOI Partners could use for the April FS. The Coastal Conservancy has hired Geosyntec Consultants to perform the study, but they need to get it done before the heavy rains or they won't be able to start again until June. At first PG&E refused to grant them access but they have now given permission and sent a letter to FERC requesting that the consultants be allowed to do the study and why it needs to be done. The study would include whether there are toxins present or not.

Another area that the Partners are working on is the concept of Common Interest Agreements (CIA) for other entities that are concerned about the process and want to be part of it but would not be one of the main Partners. Common Interest (CI) parties could provide technical assistance and expertise, information, data and input. Each of the 5 Partners could sponsor CI's. Initial discussions were that IWPC would sponsor the PV Tribes, MCFB, Cities of Healdsburg, Geyserville, and Cloverdale. Sonoma County would sponsor the City of Santa Rosa, Northern Marin Water District, the Dry Creek Tribe, SCFB and a couple of their larger contractors. Humboldt County would sponsor HCFB, cities of Fortuna and maybe Rio Dell. The Round Valley Tribe would sponsor the Wiyot and Bear River Tribes. Cal Trout would sponsor Trout Unlimited and the Nature Conservancy.

Williams suggested that a strongly worded Non-disclosure language be included in the CIA. Also, if a CI violates the terms of the agreement by disclosing information or data that is confidential, that in addition to having their status revoked there may be financial consequences.

Planning Agreement Partners are also having a discussion on how many Planning Agreement Parties they want in the Group. Lake County is anxious to join and has approved the \$100,000 funding and Planning Agreement. The Wiyot and Dry Creek Tribes may be interested in the Common Interest agreements. The Friends of the Eel River have sent a letter to the PA Parties that they want to be a full partner and will pay the fee. The Partners will need to decide how many they want to be in the Partners Group and what the benefits would be in having any particular entity on the board.

After discussion, the IWPC Commissioners confirmed that they will nominate Lake County as a Partner if they contribute the required funding and sign the Planning Agreement. The Commissioners felt that Lake County has a vested interest in the future of the Potter Valley Project. Lake Pillsbury stores water that originates in the headwaters of the Upper Mainstem Eel River. Both the headwaters and Lake Pillsbury are in Lake County. Politically no county should be able to make decisions about major infrastructure changes in another county without requiring participation in the process by the potentially affected county. To exclude Lake County now would slow the entire licensing process down later.

IWPC agreed that adding the Friends of the Eel River to the Planning Agreement Partners was not in the best interests of the Feasibility Study process.

Pauli was invited on a tour of the Clackamas River to view what they have done with fish transport on a three dam system. The dams were built for hydropower and they have a renewed FERC license which requires improved fish passage. They had already built a fish ladders to get the adult fish up the river, but the issue was getting the juvenile fish back down. So, \$90 million later they have completed collectors that are state of the art and very successful.

b. Update on current Lake Pillsbury releases to the Eel & Russian rivers—Chair Pauli reported that Lake Pillsbury releases are still remarkable, and the water levels are good.

c. Sam Sandoval Study—No report.

### **Update on the IWPC Communication Program**

a. Website—Chair Pauli and Jones have been working with Jendi Coursey on developing a more active website. They are discussing having a new site called ‘Our Shared Water’ that would have information on the PVP and have IWPC agendas, minutes and information. Coursey would develop the site and then IWPC staff would handle the updates. The Farm Bureau would be willing to pay for half of the costs to develop this website. We will discuss the proposal by Jendi Coursey at our next meeting.

### **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)—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. Review and discussion of potential logo for IWPC—Chair Pauli is working with Karen Adair on a new logo for IWPC.

The meeting was adjourned at 7:25 pm.

Candace Horsley  
IWPC staff

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**MINUTES**

Special Meeting

October 17, 2019

The meeting was called to order at 6:00 p.m. in Conference Room 5, located in the City of Ukiah Civic Center Annex, 411 West Clay, Ukiah, CA by Chair Janet Pauli.

The following Commissioners were present:

Janet Pauli—Chair (Potter Valley Irrigation District)  
Matt Froneberger—Alternate Commissioner (RRFCD)  
Carre Brown—Commissioner (Mendocino County Water Agency)  
Marvin Talso—Commissioner (Redwood Valley County Water District)  
Juan Orozco--Commissioner (City of Ukiah)

The following individuals were present:

Christian Curtis—Attorney County of Mendocino  
John McCowen—Alternate Commissioner, County of Mendocino Water  
Devon Jones—MCFB Director

**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.

The Commissioners entered Closed Session at 6:05 pm.

3. CLOSED SESSION: Conference with Legal Counsel. Potential initiation of litigation pursuant to Gov't Code section 54956.9(d) (4): 1 case.

4. CLOSED SESSION: Conference with Legal Counsel. Anticipated litigation pursuant to Gov't Code section 54956.9 (d) (2): 1 case

The Commissioners came out of Closed Session at 6:43 pm.

The Commission met in closed session with legal Counsel to consider the initiation of litigation. After accepting an assignment of a potential claim from PVID, the Commission voted unanimously to initiate litigation by filing a claim against PG&E in the PG&E bankruptcy proceedings. The claim is for Anticipatory Breach of Contract, for Waste of the PVP and other related claims which constitutes the initiation of litigation under the Brown Act. Counsel has been directed to file the claim tomorrow and will do so.

5. Discussion and possible approval of website enhancements—Curtis reported that the Go West contract was reviewed, and he felt that IWPC had ownership of the deliverables, but it doesn't expressly consider modifications to the website after termination of the agreement. He felt that Go West should be contacted to get something in writing that confirms that modifications could be made after the contract is terminated. An email would be sufficient. Chair Pauli will contact Go West to discuss termination and get a confirmation in writing.

The cost estimate for the deliverables in the new contract with Jendi Coursey is around \$6,000 and IWPC would pay \$3,000 with the Farm Bureau paying the other half. **Motion by Commissioner Talso, seconded by Froneberger to authorize the Chair to move forward on the website enhancements with Jendi Coursey and to contact Go West for cessation of contract. Unanimously approved.**

6. Discussion and possible approval of new IWPC logo—Pauli handed out the draft logo to the Commissioners for their review. The Commissioners agreed to have the proposed logo be used for IWPC from now on. Curtis suggested buying the copyright from the designer.

The meeting was adjourned at 7:09 pm.

Candace Horsley  
IWPC staff

## **IWPC Financial Accounts**

November 2019

Savings Bank: IWPC account (Quarterly statements)	\$ 868	As of 11/10/19
Savings Bank: Corps account (Monthly statements)	\$ 576	As of 11/10/19
Mendocino County Auditor's Office	\$ 199,830	As of 9/2019*

\*Included in total is \$26,000 to complete Sandoval study; \$100,000 for NOI Partners

2019/20 dues of \$2,000 and \$50,000 for PVP: All agencies have paid but \$104,000 will show up in Oct. statement.

# MENDOCINO COUNTY INLAND WATER AND POWER COMMISSION

## Billing Statement

October 2019

### ***1. Staff Charges:***

<u>Date</u>	<u>Description</u>	<u>Hrs</u>	<u>Rate</u>	<u>Amount</u>
10/10 & 17	Meetings	2.75	\$18.00	\$ 49.50
10/11	Accounting/misc	1.50	\$18.00	\$ 27.00
11/9	Minutes	1.50	\$18.00	\$ 27.00
11/4-8	New email and website setup	5.00	\$18.00	\$ 90.00
11/10	Agenda packet	1.00	\$18.00	<u>\$ 18.00</u>
	Subtotal			\$211.50

### ***2. Miscellaneous:***

Downey Brand billing for September 2019	\$16,767.87
Tom Johnson billing for October 2019	5,800.00
Jendi Coursey, new webpage design down payment	2,900.00
Go West webmaster final bill	418.67
Supplies, file folders & poly tote	<u>26.98</u>
Subtotal	\$25,913.52

**TOTAL**

**\$26,125.02**