

Inland Water & Power Commission

P.O. Box 1247 • Ukiah, CA 95482

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

AGENDA
Regular Meeting

Date: October 14, 2021 Thursday

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

Join Zoom Meeting at-

<https://us02web.zoom.us/j/81887202466>

Meeting ID: 818 8720 2466

Dial in by phone only: 669 900-6833

6:05 – Closed Session

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

7:00 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, Oct. 14, 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

7:00 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 September 8, 2021
4. Consent Calendar
 - a. Approve expenses on billing statements for September 2021
 - b. Update on financial accounts
 - c. 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

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 & Ukiah Valley Groundwater Sustainability Agency (GSA)
 - 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 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

September 8, 2021

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, Orozco, McGourty, and attorneys Shapiro and Dreher 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 6:58 p.m. In Closed Session during the MCIWPC meeting of September 8, 2021 the Commission unanimously approved a form of agreement, subject to Bankruptcy Court approval, between the Commission and PG&E that (1) provides that nothing about PG&E's bankruptcy case or the terms of its confirmed chapter 11 plan can or will be used in defense of any claims MCIWPC may have against PG&E, now-existing or in the future and (2) provides that the litigation over the claim filed by the Commission in PG&E's bankruptcy case can take place in the future if needed, without the need to litigate allowance of the bankruptcy claim at this time. Both parties (PG&E on the one hand and the Commission on the other) have reserved all rights, claims, and defenses with respect to claims related to the Potter Valley Project.

Open Session was reconvened at 7:00 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:

Nancy Horton

Sarah Reith

Elizabeth Salomone—RRFCD General Manager

Carol Cinquini

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 Commissioner Schoeneman, seconded by Orozco the minutes of the meeting of August 12, 2021 were unanimously approved.

On a motion by Commissioner McGourty, seconded by Schoeneman, the minutes of the meeting of August 30, 2021 were unanimously approved.

Consent Calendar

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

Commissioner Reports

a. Report from the Upper Russian River Stewardship Alliance regarding frost water use—All deadlines have passed.

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—There may be some funding available in the future, but nothing at this time.

e. Report on the Upper Russian River Water Agency JPA—Salomone reported that the general consensus was to hold an all-member board workshop to discuss consolidation and to give each agency a chance to air their issues.

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

g. Discussion of ground water rights & Sustainable Groundwater Mgmt Act (SGMA)—Commissioner McGourty reported that Sept. 22nd is the deadline for the Plan review. The County is approving additional funding to keep the GSA going. The GSA is asking all it's members for an additional \$4,000 for groundwater monitoring. They are also working with Sonoma Water on state funding resources. The Ukiah Valley Groundwater Sustainability Agency's Groundwater Sustainability Plan (GSP) is now available for public review through September 24, 2021. For the GSP draft and reviewing instructions, visit: <https://www.mendocinocounty.org/government/affiliated-agencies/ukiah-valley-basin-gsa/groundwater-sustainability-plan>

h. City of Ukiah purple pipe recycled water program—Commissioner Orozco reported that today was the first shipment of water from the City to the coastal towns that have run out of water. They are estimating that it will take 20 trucks a day delivering water to meet the need.

i. CalCannabis regulation and related issues—Commissioner McGourty reported that the County is still performing enforcement but with the recent referendum the Board needs to decide whether to rescind the new ordinance or take it to the voters. He is rather disappointed as the BOS had worked very hard on the new Ordinance to include enforcement, fines and assurances to protect the environment.

j. Discussion of individual water agency plans for water conservation efforts—Chair Pauli reported that the State Board enforcement staff are out checking the status of many curtailed water rights. Salomone reported that most people are responding to the curtailment order. For those that haven't responded, she and Jones are contacting them to help them understand that they need to respond even if they are not pumping water. The RRFCD was one of the first agencies to be inspected in Mendocino County. They were in compliance and had fulfilled several of the other requirements requested from the state. Most of the inspections reveal that the majority of water users are complying with the order. RRFCD has a schedule in place for water diversion so that there are no large spikes in water use which would require higher releases from Lake Mendocino.

Schoeneman reported that Redwood Valley is using about 50% of the water that they used last summer. Pauli stated that some PVID customers have had to cease receiving water deliveries because they have already used up all of their allotment.

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 Partnership submitted a request to FERC for an eight month abeyance to figure out funding options for studies that are being required. They also need time to discuss and investigate a license surrender option and what the risks and liabilities would be. Also needed is a determination of what the impacts would be if Scott Dam were to be removed, but it takes time and money to study these questions.

Discussion of the PVP ballot measure—Horsley is working with the consultants to finalize the contract and insurance requirements. She is hoping to have the document completed and signed by Thursday. They will be joining the IWPC meeting in October to go over the steps with the Commissioners. Pauli will be working on a list of names for a committee to work with the consultants to determine the scope of the funding request and what will be needed to meet the objectives.

b. Update on current Lake Pillsbury releases to the Eel & Russian rivers—Pauli reported that there is 25,022 AF in Lake Pillsbury thanks to the variance that was put in place. The PVID season will end on October 15. Currently there is 49 cfs coming out of Scott Dam, and 30 cfs flowing through the PVP.

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)—If Federal funding comes through, IWPC’s local share will be \$1.5 million. This is another reason it would be good to have the ballot measure in place.
- 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 8:00 p.m.

Candace Horsley, IWPC staff

IWPC Financial Accounts
September 2021

Savings Bank: IWPC account (Quarterly statements)	\$1,708	As of 10/10/2021
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Mendocino County Auditor's Office	\$257,407	As of 6/2021
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After September bills are paid, we will have \$123,092 in the PVP account.

MENDOCINO COUNTY INLAND WATER AND POWER COMMISSION

Billing Statement

September 2021

1. Staff Charges:

<u>Date</u>	<u>Description</u>	<u>Hrs</u>	<u>Rate</u>	<u>Amount</u>
9/8	Meeting	2.00	\$18.00	\$ 36.00
9/9	Accting & meeting follow-up	5.00	\$18.00	\$ 90.00
9/25	Minutes	1.00	\$18.00	\$ 18.00
Sept.	Website maint.	5.00	\$18.00	\$ 90.00
Sept.	Ballot measure/GIS mapping	11.00	\$18.00	\$198.00
10/10	Agenda packet	1.50	\$18.00	<u>\$ 27.00</u>
	Subtotal			\$459.00

2. Miscellaneous:

Downey Brand billing for August 2021	\$16,557.11
Tom Johnson billing for August 2021	\$ 4,725.00
Tom Johnson billing for Sept. 2021	\$ 6,020.00
Jendi Coursey, analytics Sept. 2021	<u>\$ 93.75</u>
Subtotal	\$27,395.86

TOTAL

\$27,854.86

MENDOCINO COUNTY INLAND WATER AND POWER COMMISSION

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.

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, such conditions now exist in the MCIWPC, specifically, on March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency to exist in California due to the threat of COVID-19; despite sustained efforts, the virus continues to spread and has impacted nearly all sectors of California; 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 the MCIWPC that are likely to be beyond the control of services, personnel, equipment, and facilities of the MCIWPC, and desires to proclaim a local emergency and ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency, the Board of Commission does hereby find that MCIWPC shall 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 are 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. Proclamation of Local Emergency. The Board hereby proclaims that a local emergency now exists throughout the MCIWPC, and 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 the MCIWPC.

Section 3. 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 November 13, 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 14th day of October, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN: