

AGENDA
Regular Meeting

Date: April 14, 2022 Thursday

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

Join Zoom Meeting at-

<https://us02web.zoom.us/j/89953722249>

Meeting ID: 89953722249

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, April 14, 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—time approximate

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 February 10, 2022
4. Consent Calendar
 - a. Approve expenses on billing statements for Feb. & March 2022
 - b. Update on financial accounts
 - c. Adoption of Resolution No. 2022-C *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
 - 2. Funding requirements for 2022
 - 3. Discussion and possible approval to allow selected staff to attend Closed Sessions as requested by Commissioners
 - 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. Annual Notice of Intent letter for the Corps renewed
 - b. Report on Lake Mendocino water levels and conditions at Coyote Valley Dam
 - c. Update on new General Investigation Study & possible funding
 - 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 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.)

Inland Water & Power Commission

P.O. Box 1247 • Ukiah, CA 95482

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

draft

MINUTES

Regular Meeting

February 10, 2022

Open Session

The meeting was called to order at 6:00 p.m. via video conference by Chair Janet Pauli.

Closed Session

Commissioners: Pauli, Reardan, Schoeneman, Orozco, Brown, McGourty, Klotter and attorney Shapiro entered Closed Session at 6:01 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 6:51 p.m. No reportable action under the Brown Act was taken.

Open Session was reconvened at 6:52 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:

Jim Brown—Alternate City of Ukiah

Bree Klotter—Alternate RVCWD

Nancy Horton—Lake Pillsbury Alliance

Sarah Reith

Sean White—City of Ukiah water staff

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.

Adoption of Policy in support member agencies to discuss IWPC closed session items in their own agencies closed sessions—Attorney Shapiro discussed that JPAs are created to do work on behalf of their member agencies. When IWPC agendizes a Closed Session, each agency representative is asked to go discuss the topic in closed session with their agencies and keep the members up to date on the issues. This policy would allow member agencies to have closed sessions whereby a representative from IWPC could attend the session and give information as

needed. **On a motion by Vice Chair Reardan, seconded by McGourty the following policy was unanimously approved by the Commissioners:** 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 MCIWPC Member Agencies, including briefings by the Directors to the Member Agencies in closed session for items addressed by MCIWPC in closed session, pursuant to California Government Code section 54956.96.

Minutes

On a motion by Vice-Chair Reardan, seconded by Schoeneman the minutes of the meeting of January 13, 2022 were approved, with Orozco abstaining.

Consent Calendar

On a motion by Vice-Chair Reardan, seconded by McGourty, the consent calendar items for January 2022 were unanimously approved, including 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

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 water use, to update their data before frost water use begins.
- 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—The members are meeting with the City of Ukiah on current issues as they agree that cooperation between agencies is needed for the future.
- 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 County has contracted with Yoast West to administer the GSA. The first report to the state from the Agency is due in April.
- g. City of Ukiah purple pipe recycled water program—White reported that some of the pear growers are requesting recycled water due to the lack of rain. The design for Phase 4 is complete and they are working on wrapping up the funding for this phase.
- h. CalCannabis regulation and related issues—McGourty reported that the county is getting the legacy growers through the portal to obtain a license and then a second round of license applications will become available.
- i. Discussion of individual water agency plans for water conservation efforts—Lake Sonoma is at the lowest level it has ever been at this date. Lake Mendocino is only at 42,000 AF.

Potter Valley Project

a. Status report and discussion of the Two-Basin Partnership efforts to license the Potter Valley Project— The required filing to FERC stating the Partners could not meet the April deadline for a final license application for the PVP was sent on time. So far, they have not heard back from FERC.

Chair Pauli reported that PG&E has sent a letter stating that they will be repairing the turbines at the PVP and believe that they can recoup the cost of doing so. Unfortunately, they have not increased the flows through the PVP to 140 cfs versus the 46 cfs that is currently going through to the Russian River. We now have missed the window for 7,000 additional acre feet in Lake Mendocino. An increase will be seen in March to 140 cfs.

Discussion of the PVP ballot measure—In just one week, the consultants have acquired 198 completed surveys. Their goal is to obtain 300 to 400 surveys returned.

Funding needs—Chair Pauli relayed that the County Board of Supervisors and the PVID have approved \$50,000 for IWPC funding in their budget. The RRFCD has approved \$25,000 for this fiscal year and will discuss the additional \$25,000 for the 2022/23 fiscal year is. The City of Ukiah will be discussing the funding next Wednesday. Brown asked that Pauli and White discuss the needs so that it may be transmitted to the Council. Redwood Valley will discuss the funding request next Thursday and they are requesting Pauli to talk to the board about what the funds would be used for at that meeting.

b. Update on current Lake Pillsbury releases to the Eel & Russian rivers—Discussed above.

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 Mendocino is already losing storage again due to the lack of rain, but it is about 14,000 AF more than where it was last year.

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

Vice Chair Reardan relayed that the RRFCD had a biological assessment of the Hensley Creek potential site and there were no endangered species identified. The biologist stated that the building of a reservoir at that site could potentially improve the situation for the fauna.

State Water Resources Control Board Items

AB2121—No report.

D1610—No report.

Nancy Horton asked if people should comment to FERC on the PVP issue even though no comments have been solicited by FERC. Pauli responded that FERC has no responsibility to respond to anyone until a formal comment period is posted.

Adjourned at 7:53 p.m.

Candace Horsley, IWPC staff

IWPC Financial Accounts

April 2022

Savings Bank: IWPC account	\$1,437	As of 4/11/2022
Mendocino County Auditor's Office	\$73,532	As of February 2022

After March bills are paid, we will have \$58,724 in the PVP account.

Agency Payments:

\$50,000 per agency billed March 2022 (RRFCD broken into 2-\$25,000 payments)

Pd—PVID	\$50,000	3.15.22
Pd—RRFCD	\$25,000	3.22.22
Pd—City of Ukiah	\$50,000	4.01.22

MENDOCINO COUNTY INLAND WATER AND POWER COMMISSION

Billing Statement

February 2022

1. Staff Charges:

<u>Date</u>	<u>Description</u>	<u>Hrs</u>	<u>Rate</u>	<u>Amount</u>
2/10	Meeting	2.00	\$18.00	\$ 36.00
2/11	Accting & meeting follow-up	6.00	\$18.00	\$108.00
2/24	Minutes	1.00	\$18.00	\$ 18.00
Feb.	Website maint.	4.00	\$18.00	\$ 72.00
Feb.	Godbe meetings/state report/insurance renewal reports/Corp letter/billing	10.00	\$18.00	\$180.00
3/6	Agenda packet	2.00	\$18.00	<u>\$ 36.00</u>
	Subtotal			\$450.00

2. Miscellaneous:

Downey Brand billing for Jan. 2022	\$ 6,379.50
Tom Johnson billing for Feb. 2022	\$ 2,495.50
Jendi Coursey, analytics	<u>\$ 75.00</u>
Subtotal	\$ 8,950.00

TOTAL

\$9,400.00

MENDOCINO COUNTY INLAND WATER AND POWER COMMISSION

Billing Statement

March 2022

1. Staff Charges:

<u>Date</u>	<u>Description</u>	<u>Hrs</u>	<u>Rate</u>	<u>Amount</u>
3/11	Accounting	3.00	\$18.00	\$ 54.00
Mar.	Website maint.	4.00	\$18.00	\$ 72.00
Mar.	Godbe meetings; billing; misc.	13.50	\$18.00	\$243.00
4/10	Agenda packet	3.00	\$18.00	<u>\$ 54.00</u>
	Subtotal			\$423.00

2. Miscellaneous:

Godbe research consultants (Godbe, NBS, TBWBH) Final	\$22,275.00
Downey Brand billing for Feb. 2022	\$ 5,194.00
Tom Johnson billing for March 2022	\$ 5,316.50
Jendi Coursey, analytics	<u>\$ 93.75</u>
Subtotal	\$32,879.25

TOTAL

\$33,302.25



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

March 10, 2022

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 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,

Janet Pauli Chair, MCIWPC

MENDOCINO COUNTY INLAND WATER AND POWER COMMISSION

RESOLUTION NO. 2022-C

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 14th day of April, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN: