

**Inland Water & Power Commission**

P.O. Box 1247 • Ukiah, CA 95482

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

**AGENDA**  
**Regular Meeting**

**Place:** Conference Center, 200 S. School Street, Chenin Blanc Room  
**In addition:** Zoom virtual attendance  
**Date:** May 12, 2022 Thursday  
**Time:** 4:00 to 6:00 pm—Closed Session Workshop—in person and Zoom  
6:00 pm – Open Session...in person and Zoom

Join Zoom Meeting at-

<https://us02web.zoom.us/j/86853839296>

Meeting ID: 86853839296

Dial in by phone only: 669 900-6833

The Commission meeting will be held in person and 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 agendized items, please email [mciwpc@mendoiwpc.com](mailto:mciwpc@mendoiwpc.com) by 5:00 pm Thursday, May 12, 2022.

4:00 pm Open Session

4:02 pm CLOSED SESSION: Conference with Real Property Negotiators  
(Gov't Code §54956.8)

Property: PG&E Potter Valley Project

Agency Negotiators: Janet Pauli, Tom Johnson & Scott Shapiro

Negotiating Parties: IWPC and FERC

Under Negotiation: Price and Terms

6:00 pm Open Session—time approximate

1. Roll Call
2. Public Expression - See end of agenda for information on public expression
3. Delegate authority to Chair Pauli to approve a conflict of interest waiver recognizing that Downey Brand attorney Scott Shapiro is representing NCIW&PC while recently hired Downey Brand attorney Megan Somogyi is representing Sonoma County Water Agency on PUC issues.
4. Minutes
  - a. Approval/Correction of minutes of the meeting of April 14, 2022
5. Consent Calendar
  - a. Approve expenses on billing statements for April 2022
  - b. Update on financial accounts
  - c. Adoption of Resolution No. 2022-D *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 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  
April 14, 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, McGourty, Klotter, Froneberger; Staff Beth Salomone, Sean White; Tom Johnson and attorneys Shapiro and Curtis entered Closed Session at 6:06 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 7:07 p.m. No reportable action under the Brown Act was taken.

**Open Session** was reconvened at 7:08 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:

Bree Klotter—Alternate RVCWD

Sean White—City of Ukiah water staff

Beth Salomone---RRFCD Manager

Matt Froneberger—Alternate RRFCD

Christian Curtis—Mendocino County Counsel

CJ Watt

Sarah Reith

**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 February 10, 2022 were approved.**

### **Consent Calendar**

**On a motion by Vice-Chair Reardan, seconded by Schoeneman, the consent calendar items for February & March 2022 were unanimously approved, including 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**

### **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 on either the main stem or tributaries to update their data before frost water use begins. There was a recent issue whereby more water was diverted than had been reported.
- b. North Coast Quagga/Zebra Mussel Prevention Consortium update—McGourty reported that the Board of Supervisors sent a letter supporting the continuation of the program.
- 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)—Pauli reported that the Drought Working Group may be meeting in the near future.
- f. Discussion of ground water rights & Ukiah Valley Groundwater Sustainability Agency (GSA)—Commissioner McGourty reported that the Agency is going to start meeting quarterly rather than monthly.
- g. City of Ukiah purple pipe recycled water program—White reported that they delivered about two million gallons for the first frost protection events.
- h. CalCannabis regulation and related issues—McGourty reported that the Cannabis program is working through about 900 license applications from the original submittals. Once they have completed that round, applications will open up for new subscribers.
- i. Discussion of individual water agency plans for water conservation efforts—No report.

### **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—Pauli discussed the need to move to a sales tax funding source that would be put on the ballot by the County Supervisors. There is a very short timeframe to get it on the November ballot. Supervisor McGourty is working with IWPC and the consultants to try and put the process together. An educational campaign would be put in

place on how these funds would be beneficial for the entire county. The funds would go to water infrastructure projects all across the county.

Curtis explained that the Mendocino Water Agency couldn't put out a general tax, only a special tax, which would require a super majority. If a general tax is put on the ballot, which requires just a majority vote, a specific project cannot be indicated on the ballot.

Funding needs—A general discussion on funding needs ensued.

Agency Staff attending IWPC Closed Sessions—Pauli suggested that she will leave it up to Commissioners as whether their agency staff would come into Closed Session or not. The PG&E negotiations will be held in Closed Session, but other topics will now be open for public discussions. PG&E will continue to run the PVP until the FERC process is complete.

b. Update on current Lake Pillsbury releases to the Eel & Russian rivers—Releases are on a normal schedule at this point for Lake Pillsbury. Only 59 cfs is going 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—McGourty reported that he and Janet will be meeting with Sandoval to discuss potential hydrological modeling work that may be helpful to have.

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

a. Website—Pauli reported that several videos have been developed regarding the PVP which should be put on the website in the next couple of weeks.

### **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)—The Corps gave us three days to get them another Notice of Intent for the Coyote Dam Feasibility Study. An updated letter was prepared, based on the letters previously sent to them each year, and delivered after the March IWPC meeting was cancelled. Huffman is very supportive of Federal funding for the FS which IWPC will be required to match as the local sponsor.

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—The next meeting will be held May 4.

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.

Salomone reported on the meeting with the State Board today on the drought and where we are with water availability. If the recommendations are approved, every water right holder will receive notice and they must look online to see if the right is curtailed. There will be a voluntary water users' program with conservation rates for water right holders who will agree to conserving a certain percentage. The workshop is online for viewing.

Adjourned at 8:18 p.m.

Candace Horsley, IWPC staff

## IWPC Financial Accounts

May 2022

Savings Bank: IWPC account	\$1,404	As of 5/8/2022
Mendocino County Auditor's Office	\$123,532*	As of March 2022

\*After April bills are paid, we will have \$96,989 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**

April 2022

***1. Staff Charges:***

<u>Date</u>	<u>Description</u>	<u>Hrs</u>	<u>Rate</u>	<u>Amount</u>
4/14	Meeting	2.50	\$18.00	\$ 45.00
4/15	Accounting & meeting follow-up	3.00	\$18.00	\$ 54.00
5/6	Minutes	1:00	\$18.00	\$ 18.00
April	Website maint.	3.00	\$18.00	\$ 54.00
April	Godbe meetings; City; misc.	4.50	\$18.00	\$ 81.00
5/8	Agenda packet	4.00	\$18.00	<u>\$ 72.00</u>
	Subtotal			\$324.00

***2. Miscellaneous:***

Downey Brand billing for March 2022	\$ 7,938.00
Tom Johnson billing for April 2022	\$ 3,797.50
Jendi Coursey, analytics	<u>\$ 131.25</u>
Subtotal	\$11,866.75

**TOTAL** **\$12,190.75**



# **MENDOCINO COUNTY INLAND WATER AND POWER COMMISSION**

## **RESOLUTION NO. 2022-D**

### **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 May, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN: