

AGENDA
Regular Meeting

Place: Zoom virtual attendance
Date: August 11, 2022 Thursday
Time: 6:00 pm—Open Session...Zoom Link
Join Zoom Meeting at-
<https://us02web.zoom.us/j/88382293728>
Meeting ID: 883 8229 3728
Dial in by phone only: 669 900-6833

6:05 pm– 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, August 11, 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

7:00 pm **Open Session** (Time approximate)

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 July 14, 2022
4. Consent Calendar
 - a. Approve expenses on billing statements for July 2022
 - b. Update on financial accounts
 - c. Adoption of Resolution No. 2022-G *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 on the Potter Valley Project
 - 1. Continued discussion of PVP funding
 - 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 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.)

Mendocino County

Inland Water & Power Commission

P.O. Box 1247 • Ukiah, CA 95482

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

draft

MINUTES

Regular Meeting

July 14, 2022

Open Session

The meeting was called to order at 6:08 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)

Tom Schoeneman—Commissioner (Redwood Valley County Water District)

Those not present:

Glenn McGourty—Commissioner (County of Mendocino Water Agency)

The following individuals were participants:

Chris Watt—Alternate (Russian River Flood Control District)

Beth Salomone---RRFCD Manager

Carre Brown

Bree Klotter—Alternate Commissioner (Redwood Valley County Water District)

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 Reardan, seconded by Orozco the minutes of the meeting of June 9, 2022 were unanimously approved.

Consent Calendar

On a motion by Reardan, seconded by Schoeneman, the consent calendar items for June 2022 were unanimously approved with an additional amount of \$225 for Jendi Coursey for a total of \$300; and Adoption of Resolution No. 2022-F 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—No report.

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—No report.

e. Report on Upper Russian River Water Manager's meetings and RR Drought Working Group (RRDWG)— Salomone reported that the Mendocino Voluntary Water Sharing Agreement group had their first meeting this week where the Plan was reviewed. The Steering Committee is reforming to meet monthly and to adapt the Plan, when necessary, if anyone is interested in participating.

f. Discussion of ground water rights & Ukiah Valley Groundwater Sustainability Agency (GSA)—Salomone reported that they have received proposals for legal counsel for the GSA. The next step will be to conducting a fee study to maintain operations of the GSA as required by SIGMA. An implementation grant is available for doing projects, so they are reviewing ideas for a grant application.

g. City of Ukiah purple pipe recycled water program—White sent an email that the recycled water demand has been very high, and they have distributed approximately 220 million gallons to date.

h. CalCannabis regulation and related issues—No report.

i. Discussion of individual water agency plans for water conservation efforts—Salomone relayed that the State passed a regulation that precludes watering lawns that are non-functional turf areas, such as grass areas around retail stores. Functional turf examples are parks, playgrounds etc. It is up to the water provider to do outreach and keep track of inappropriate watering of turf.

Potter Valley Project

Status report and discussion of the Potter Valley Project and Funding efforts— Pauli reported that our efforts to have support from the Board of Supervisors for a general sales tax failed. We are continuing to push for additional funding from the County for the Russian River area. We are asking for bridge funding that would be used during the time it would take to form a regional entity that would have the ability to negotiate with PG&E for infrastructure and to acquire the water right so that all water users would be charged for the use of the water from the PVP.

PG&E has filed a plan with FERC delineating the time period for getting through certain goals and steps for the decommissioning process. If FERC approves the timeline, there will be a final license plan. They estimate that getting through this phase would be 2 ½ years. In the meantime, SW and IWPC are working on a path forward in the surrender process though it is not clear yet what that would be.

PG&E has also filed another document essentially denying the request from NMFS to open up a new Section 7 consultation (where a Federal agency is concerned about a situation that would constitute a 'taking' under the Endangered Species Act). PG&E has been complying with all the legal requirements since the initial Section 7 consultation which was completed in 2004. PG&E is stating that all of the license condition requirements under that consultation will remain in place for the life of the project.

PG&E may try to change the storage levels allowed for Lake Pillsbury so that they don't need to keep doing variances every year. However, it probably might require an EIS because it would change the license requirements.

The Round Valley Tribes filed a letter on July 5th supporting NMFS's interim measures, though the Section 7 was not mentioned.

So far, there has not been an update from PG&E on the repair of the transformer.

b. Update on current Lake Pillsbury releases to the Eel & Russian rivers—Pauli reported that there is 28 cfs coming into Lake Pillsbury while 143 cfs is being released. At the PVP, 119 cfs is being diverted with 75 cfs of that amount being required by the NMFS as the required minimum flow.

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—There is a new video on the website under PVP, Geography tab.

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—There have not been any more meetings until they hear about the PG&E surrender plan. Congressman Thompson will soon have Lake County in his District and he is already reaching out to Lake County regarding their issues.

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

Reardan reported that the asking price for the land at Hensley Creek was beyond the ability of the agency to cover. Salomone reported that Laurel Marcus has a grant to determine where the

best places are for aqua recharge. The DWR grant that the Two Basin Partners received is to determine groundwater sources and possible storage reservoir space in Potter Valley. This could also be an alternate storage site to augment Lake Mendocino water levels.

State Water Resources Control Board Items

AB2121—No report.

D1610—The idea to modify D1610 doesn't make sense with so little water in the Russian River. The Biological Opinion will be updated, and the Section 7 consultation will be reinitiated in the next few years. The operation of Warm Springs dam was shown to cause jeopardy and SW has spent millions for restoration on Dry Creek. The BO also showed that operation of Coyote Dam caused jeopardy on the Russian, but nothing has been done. The Corps of Engineers has suggested the way to deal with this, is to raise Coyote Dam.

Adjourned at 6:55 p.m.

Candace Horsley, IWPC staff

IWPC Financial Accounts
August 2022

Savings Bank: IWPC account	\$1,288	As of 8/5/2022
Mendocino County Auditor's Office	\$218,657	As of May end 2022

After July bills are paid, we will have \$136,455 in the PVP account.

MENDOCINO COUNTY INLAND WATER AND POWER COMMISSION

Billing Statement

July 2022

1. Staff Charges:

<u>Date</u>	<u>Description</u>	<u>Hrs</u>	<u>Rate</u>	<u>Amount</u>
7/14	Meeting	1.00	\$18.00	\$ 18.00
7/15	Accounting & meeting follow-up	3.00	\$18.00	\$ 54.00
7/30	Minutes	1.00	\$18.00	\$ 18.00
July	Website maint.	5.00	\$18.00	\$ 90.00
July	Domains, fee review, misc	8.00	\$18.00	\$144.00
8/7	Agenda packet	4.00	\$18.00	<u>\$ 72.00</u>
	Subtotal			\$396.00

2. Miscellaneous:

P.O. Box annual fee	\$ 166.00
IWPC laptop repair	\$ 79.00
Downey Brand for June 2022	\$ 3,347.18
Tom Johnson billing for July 2022	\$ 1,302.00
Jendi Coursey, analytics & training	<u>\$ 150.00</u>
Subtotal	\$ 5,044.18

TOTAL

\$5,440.18

MENDOCINO COUNTY INLAND WATER AND POWER COMMISSION

RESOLUTION NO. 2022-G

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 11th day of August, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN: