

**AGENDA**  
**Regular Meeting**

**Place:** Zoom virtual attendance  
**Date:** September 8, 2022 Thursday  
**Time:** 6:00 pm—Open Session...Zoom Link  
Join Zoom Meeting at-  
<https://us02web.zoom.us/j/83089962707>  
Meeting ID: 830 8996 2707

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](mailto:mciwpc@mendoiwpc.com) by 5:00 pm Thursday, September 8, 2022.

**6:00 pm Open Session**

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 August 11, 2022
4. Consent Calendar
  - a. Approve expenses on billing statements for August 2022
  - b. Update on financial accounts
  - c. Adoption of Resolution No. 2022-H *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 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

August 11, 2022

**Open Session**

The meeting was called to order at 6:02 p.m. via Zoom video conference by Chair Janet Pauli.

**Closed Session**

Commissioners: Pauli, Orozco, Reardan, Schoeneman, McGourty, Watt; Staff Salomone, White; and attorney Shapiro entered Closed Session at 6:03 p.m.

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

Property: PG&E Potter Valley Project

Agency Negotiators: Janet Pauli and Scott Shapiro

Negotiating Parties: IWPC and FERC

Under Negotiation: Price and Terms

The Commissioners came out of Closed Session at 7:00 p.m. No reportable action under the Brown Act was taken.

**Open Session** was reconvened at 7:02 pm

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)

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

Sean White—City of Ukiah Director of Water & Sewer

Devon Boer—MCFB Executive 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.

Schoeneman discussed a column in the UDJ that was about saving Lake Pillsbury and Cape Horn dam.

**Minutes**

**On a motion by Orozco, seconded by Schoeneman the minutes of the meeting of July 14, 2022 were unanimously approved.**

### **Consent Calendar**

**On a motion by McGourty, seconded by Schoeneman, the consent calendar items for July 2022 and 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 were unanimously approved.**

### **Commissioner Reports**

- a. Report from the Upper Russian River Stewardship Alliance regarding frost water use—Reports are due by August 16<sup>th</sup>.
- 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)—No report.
- f. Discussion of ground water rights & Ukiah Valley Groundwater Sustainability Agency (GSA)—McGourty relayed that they interviewed the candidates for the Agency’s legal services. Case law is practically non-existent in this area as the GSA’s are new entities.
- g. City of Ukiah purple pipe recycled water program—White reported that they are getting low on recycled water reserves, which is typical for this time of year.
- h. CalCannabis regulation and related issues—McGourty relayed that the legal marijuana industry is tanking and so some of the smaller farmers are consolidating. Regarding groundwater wells, the County is still working out the policy issues on well permits. They will be taking public input on the draft ordinance. Boer has concerns about the use of groundwater for Ag users as many of the livestock ranchers have to haul water at this time of year due to drought.
- i. Discussion of individual water agency plans for water conservation efforts—White reported that the city will be updating their truck water hauling facility in the next month to include card locks to better track usage and destination. They want to make sure that the people that are filling their trucks are permitted and it isn’t being taken illegally. Only 1.5% of the total recycled water is being trucked.

### **Potter Valley Project**

Status report and discussion of the Potter Valley Project and Funding efforts—Pauli reported that the effort to have funding for water concerns countywide on the ballot has failed. It is imperative that the efforts underway with the DWR grant funding in respect to a Russian River Water Users Forum move forward as that will lead into the formation of a legal entity. This entity will negotiate with PG&E, acquire the water right, and monetize the value of the water. Kerns and West have been hired as consultants to move this effort forward. One of the first tasks will be to do interviews with those that are dependent on the water in this watershed including Ag users, domestic users, tribal groups etc. IWPC will need to gather additional funding for the coming year. Current expenses have gone down as the need for attorney and Tom Johnson have

been reduced as the Partnership is no longer meeting. Johnson is working as the project manager of the facilities assessment portion of the DWR grant. He will be looking at the various scenarios of water flow regime change and how they will affect the ability to divert water. Watt asked that update reports be given to the Commissioners as progress continues.

McGourty mentioned that they had a meeting with Supervisor Gjerde whose response to the need for funding assistance from the county was that all of the water agencies especially Ag users should raise their rates to pay for the millions of dollars that are needed. There seems to be some basic misunderstanding on his part regarding who uses the water and how the different agencies costs are calculated. The request for funding assistance was for bridge funding to develop the regional entity that would monetize the water. IWPC has already put in \$2.5 million towards saving the PVP water supply. The renewed Corps Feasibility study will require \$1.5 million as the local share in 2023, and the five members of IWPC cannot be expected to foot this bill by themselves. In the meantime, we need to find out the elements of acquiring the water right from PG&E.

b. Update on current Lake Pillsbury releases to the Eel & Russian rivers—Pauli reported that PG&E requested a variance in the flows to maintain 30,000 AF cold water pool in Lake Pillsbury in September so that cold water can continue to be released at the base of the dam. The variance would go down from 75 cfs to 5 cfs coming out of Lake Pillsbury. Subsequently, PG&E revised the variance to go from 75 cfs to 20 cfs, but FERC ignored the second request. The drought working group asked that the releases go up to 15-25 cfs. NMFS did not agree to anything above 5 cfs and therefore it was assumed that Lake Mendocino would be negatively affected and water right curtailments would need to be put in place. The PVID is still getting 50 cfs. Water releases to the Eel were never reduced.

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—Sean White has filed a 60 day notice to the ACOE that they are in violation of the ESA. They have ignored the jeopardy opinion from the biological opinion for operation of Coyote Valley Dam.

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—The ten year update of the B.O. should be initiated next year.

**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 8:35 p.m.

Candace Horsley, IWPC staff

**IWPC Financial Accounts**

September 2022

Savings Bank: IWPC account	\$ 1,275	As of 9/4/2022
Mendocino County Auditor's Office	\$218,657	As of May end 2022

After August bills are paid, we will have \$131,517.35 in the PVP account.

**MENDOCINO COUNTY INLAND WATER AND POWER COMMISSION**

**Billing Statement**

August 2022

***1. Staff Charges:***

<u>Date</u>	<u>Description</u>	<u>Hrs</u>	<u>Rate</u>	<u>Amount</u>
8/11	Meeting	2.50	\$18.00	\$ 45.00
8/12	Accounting & meeting follow-up	3.00	\$18.00	\$ 54.00
8/30	Minutes	1.00	\$18.00	\$ 18.00
August	Website maint.	5.00	\$18.00	\$ 90.00
August	Meetings, misc.	4.00	\$18.00	\$ 72.00
9/5	Agenda packet	4.00	\$18.00	<u>\$ 72.00</u>
	Subtotal			\$351.00

***2. Miscellaneous:***

Downey Brand for July 2022	\$ 4,938.10
Jendi Coursey, website analytics	<u>\$ 75.00</u>
Subtotal	\$ 5,013.10

**TOTAL**

**\$5,364.10**



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

## **RESOLUTION NO. 2022-H**

### **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 8th day of September 2022 by the following vote:

AYES:

NOES:           None

ABSENT:       None

ABSTAIN:      None