

Mendocino County

***Inland Water & Power Commission***

P.O. Box 1247 • Ukiah, CA 95482

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

**A G E N D A**  
**Regular Meeting**

**Place:** County UCCE Farm Advisor/Ag building meeting room  
890 N. Bush St., Ukiah

**Date:** December 14, 2023 **Thursday**

**Time:** 6:00 pm—Hybrid meeting **Zoom Link**

Join Zoom Meeting at-- <https://us02web.zoom.us/j/86088563934>

Meeting ID: 860 8856 3934

Dial in by phone: 669 900-6833

**Open Session**

**1. Roll Call**

- 2. Public Expression** - The Commission meeting will be held in person and by video/teleconference. The public may observe and comment in person or by Zoom. See end of agenda for additional information on public expression

**3. Minutes**

- a. Approval/Correction of meeting minutes for November 17 & 30, 2023

**4. Consent Calendar**

- a. Approve expenses on billing statement for November 2023  
b. Update on financial accounts

- 5. Commissioner Reports** — Reports by Commissioners/Staff on meetings attended or actions taken by their agencies as well as informational items. Each Commissioner will be given an opportunity to speak on any activities of interest regarding drought response, groundwater updates, committee meetings etc. that are relevant to the IWPC members.

**6. Update on the Russian River Water Forum**

## **7. Potter Valley Project**

- a.** Status report and discussion on the Potter Valley Project
  1. Discussion and possible approval of IWPC comment letter to PG&E
- b.** Continued discussion of funding ongoing PVP negotiations between MCIWPC, FERC and PG&E

## **8. U.S. Army Corps of Engineers Feasibility Study for Raising Coyote Dam**

- a.** Update on Federal funding for the Feasibility Study

## **9. NMFS Listing of the Coho Salmon and Steelhead as Threatened**

- a.** Public Policy Facilitating Committee Reports
- b.** Biological Opinion Implementation Update

## **10. 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.)

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draft  
**MINUTES**  
Special Meeting  
November 17, 2023

**Open Session**

The meeting was called to order at 4:02 p.m. in the County Ag conference room 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)  
Mari Rodin—Commissioner (City of Ukiah)  
Bree Klotter—Alternate Commissioner (Redwood Valley County Water District)  
Glenn McGourty—Commissioner (County of Mendocino Water Agency)

The following individuals were participants:

Online: Scott Shapiro, Jeanne Zolezzi  
Present—Phil Williams, Chris Watt

**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 Klotter, the minutes of the meetings of October 10, 23, & 31 were unanimously approved.**

**Consent Calendar**

**On a motion by McGourty, seconded by Reardan, the consent calendar items for October 2023 were unanimously approved, with the addition of a \$500 payment to CSDA.**

**Special Presentation and update from Special Counsel on the Potter Valley Project license and acquisition process**

—Shapiro reported that discussion of a modified proposal for PG&E regarding acquisition of the diversion infrastructure of the Potter Valley project has been underway for several months between an expanded group of stakeholders. The goal is to have this final proposal be included in PG&E draft license surrender application for the Potter Valley Project. The document can be found on the IWPC website. The members that signed onto this proposal are CA Department of Fish and Wildlife, IWPC, Sonoma Water (SW), Round Valley Indian Tribes, CalTrout, Humboldt County, and Trout Unlimited. Shapiro continued to discuss the details of the Proposal. The document has objectives of improving fish passage and continuing the diversion to the Russian River

along with an Eel River restoration plan. A regional entity would be formed to acquire, construct and operate a new diversion facility and to ensure volitional fish passage at the site.

PG&E has submitted their Initial Draft Surrender Application and Conceptual Decommissioning Plan. Page 12 reveals what their plan is and that our JPA proposal is included in their Plan. PG&E is requesting comments by Dec. 22<sup>nd</sup>.

**Motion to direct staff to prepare a detailed bullet point evaluation of the proposed PG&E decommissioning Plan, made by McGourty, seconded by Reardan was unanimously approved.**

Staff has been working with County of Sonoma, SW, and IWPC creating the regional entity as required by the Proposal which will be called the Eel-Russian Project Authority. The entity will acquire, construct, and take ownership of the new facility and operate it. Shapiro went through the major components of the draft document. This Agreement will be on IWPC's next agenda for approval by the Commissioners. The Board will consist of 2 IWPC representatives, 1 Sonoma County Supervisor, 1 Sonoma Water representative, and 1 Round Valley Indian Tribe member.

### **Commissioner Reports**

No reports.

### **Report on the Russian River Water Forum (WF)**

Pauli reported that the next meeting will be on December 7<sup>th</sup> at the Ukiah Conference Center. After that, the next meeting will be in May or June. Due to lack of funding, the meetings will be spaced out further than previously scheduled.

### **Potter Valley Project**

- a. **Status report and discussion on the Potter Valley Project**  
Request for Potter Valley Tribal consultation regarding the proposed transfer of the Potter Valley Project—Shapiro discussed the provisions of law that create mandatory provisions for consultation with Native American tribes. It is not clear which one of these provisions the Potter Valley Tribes letter is part of, but he recommends that we meet with the Tribe and find out what their goals are and if they are willing to support our proposal to PG&E.
- b. **Continued discussion of funding ongoing PVP negotiations between MCIWPC, FERC and PG&E**—No report.

### **U.S. Army Corps of Engineers Feasibility Study on Coyote Dam**

- a. 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.

Adjourned at 5:00 p.m.

Candace Horsley  
IWPC Staff

*Mendocino County*

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draft  
**MINUTES**  
Special Meeting  
November 30, 2023

**Open Session**

The meeting was called to order at 5:03 p.m. in the County Ag conference room 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)  
Mari Rodin—Commissioner (City of Ukiah) (5:25)  
Tom Schoeneman —Commissioner (Redwood Valley County Water District)  
Glenn McGourty— Commissioner (County of Mendocino Water Agency)

The following individuals were participants:

Online: Scott Shapiro, Jeanne Zolezzi, Gregg Young  
Present—Phil Williams, Bree Klotter, Cliff Paulin, Sean White

**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.

**Potter Valley Project**

Consideration and approval of Eel-Russian Project Authority (ERPA)—Shapiro put the draft Joint Exercise of Powers Agreement on the screen for the participants to review. He went through the highlights of the document including that the Brown Act will apply. The JPA has a listing of powers, governance, membership and how the meetings will be run.

The members will consist of two from IWPC, one from Sonoma Water (SW), one from Sonoma County and one from the Round Valley Indian Tribe (RVIT).

Gregg Young from the Potter Valley Tribe (PVT) had submitted several comments in writing before the meeting. Shapiro went over the comments verbally. He relayed that this entity will be an interim entity until a final agency is established. He recommended that few changes be made right now to the draft JPA agreement as it has been vetted by the attorneys and agencies and they don't want to delay the process due to PG&E time frames.

As to the PVT question as to why the RVIT is a voting member, though the PVT has a lot of land in the Van Arsdale dam area, the RVIT was an original partner in the Two Basin group; their upstream reservation has the senior water right on the Eel; and since 1972 when the last license was negotiated, the RVIT was one of two entities that had conditioning authority on the licensing that FERC deferred to.

Issues for further review include the concept of adding Indian Tribes into the list of agencies that the JPA may be contracting or interacting with. Shapiro will discuss this addition with SW.

**Motion to approve the Nov. 9, 2023 draft of the Joint Exercise of Powers Agreement to create the Eel-Russian Project Authority, including the concept of adding Indian Tribes into the list of agencies that the JPA may be contracting or interacting with, was made by McGourty, seconded by Reardan and was unanimously approved.**

**Pauli opened the floor for nominations to appoint representatives, alternates and counsel to the ERPA Board: Rodin nominated Pauli as a representative, seconded by Reardan which was unanimously approved.**

Reardan self-nominated, to be the second representative, seconded by Schoeneman.

**McGourty self-nominated, seconded by Rodin.**

Reardan withdrew his nomination, with Schoeneman agreeing.

**There was unanimous approval for McGourty being the second representative.**

**McGourty nominated Reardan as an alternate, seconded by Rodin, which was unanimously approved.**

**McGourty nominated Klotter as an alternate, seconded by Reardan, which was unanimously approved.**

**Motion by McGourty, seconded by Rodin to approve IWPC Counsel Shapiro to act as co-counsel to the ERPA JPA was unanimously approved.**

**Comment letters to PG&E's initial draft surrender application:** Shapiro recommends attaching our Proposal for the New Eel-Russian Facility with our comments to PG&E so that it becomes part of the record. Individuals are asked to submit letters focusing on, and showing support for, the Proposal and encouraging PG&E's continued consideration and acceptance

### **Commissioner Reports**

No reports.

Adjourned at 5:01 p.m.

Candace Horsley  
IWPC Staff

**IWPC Financial Accounts**  
December 2023

Savings Bank: IWPC account	\$548	As of 12/10/2023
Mendocino County Auditor's Office	\$112,387	As of May end 2023

After November 2023 bills are paid, we will have \$175,212 in the PVP account.

\*Agencies that have paid the 6/2023 invoiced \$50,000:  
PVID, RRFC, County of Mendocino, City of Ukiah  
--RVCWD pd \$25,000



**MENDOCINO COUNTY INLAND WATER AND POWER COMMISSION**

**Billing Statement**

November 2023

***1. Staff Charges:***

<u>Date</u>	<u>Description</u>	<u>Hrs</u>	<u>Rate</u>	<u>Amount</u>
11/17 & 30	Meetings	3.50	\$18.00	\$ 63.00
11/18	Accounting & meeting follow-up	6.00	\$18.00	\$108.00
11/28	Minutes	3.00	\$18.00	\$ 54.00
Nov.	Website main. & updates	8.00	\$18.00	\$144.00
Nov.	Misc, insurance, records requests	23.00	\$18.00	\$414.00
Nov.	Public communications	6.00	\$18.00	\$108.00
Nov.	Agenda packets	5.00	\$18.00	\$ 90.00
	Subtotal			\$981.00

***2. Miscellaneous:***

Supplies: Stamps	\$ 33.00
Downey Brand for October 2023	\$14,925.50
Tom Johnson for November 2023	\$ 2,820.00
Jendi Coursey November 2023 website	\$ 125.00
Subtotal	\$17,903.50

**TOTAL**

**\$18,884.50**