



North Coast Resource Partnership (NCRP)

Policy Review Panel (PRP) & Technical Peer Review Committee (TPRC)

October 16, 2014; 10 am – 3 pm; River Lodge Conference Center, Fortuna

MEETING SUMMARY

I Welcome and Introductions

PRP Chair, Jake Mackenzie convened the meeting at 10 am and welcomed all participants including new PRP and TPRC members. Meeting participant introductions were made (see attendee list below).

The following PRP members formed the quorum: Jake Mackenzie, Supervisor Morris, Edwin Smith, Supervisor Sundberg, Supervisor Lovelace, Supervisor McCowen, Supervisor Gjerde, Leaf Hillman, Supervisor Bennett, and Supervisor Carrillo

II Review and Approve Agenda

Unanimous

III Public Comment for items not on the agenda

None

The meeting notes reflect that at 10:16 am the group participated in Great American ShakeOut as led by Supervisor Sundberg

IV NCRP PRP Project Selection Process

i. Department of Water Resources IRWM Update

Margie Graham, DWR Northern District provided a presentation and update regarding DWR IRWM including:

- It is expected that the 2014 Drought Solicitation final award will be announced in late October/early November. Margie presented a map showing recommended funding of IRWM regions. Award letters will be sent out following the award announcement and final awards will be conditional based on receipt of materials that will be listed in the award letter. Grantees will have 30 days to respond.

- She handed out information about the Cal Water Action Plan and described that the Action Plan outlines actions related to water sustainability, conservation and resiliency.
- AB 52 was recently signed requiring consultation with Tribes regarding cultural resources. Work can only move forward once both parties have signed off.
- New groundwater legislation, including CASGEM will require new processes. She recommended working closely with Northern District DWR staff members who are familiar with the on-the-ground requirements.
- Margie provided the anticipated schedule for the next round of funding. Guidelines and PSPs will be made available in the summer of 2015 pending other direction from the Governor and legislation.

ii. Discussion/Debrief: NCRP 2014 Drought Solicitation

Chair Mackenzie provided some background information and a description of the NCRP 2014 Drought Solicitation process.

- At the April NCRP meeting in Yreka, the PRP directed staff to move forward with a NCRP 2014 Drought Solicitation with a funding cap of \$8.7 million. The PRP also approved the Project Review and Selection Process Guidelines.
- In May, the NCRP received 23 Drought Project proposals with a request of IRWM funds totaling of almost \$20 million.
- In June the TPRC conducted two days of meetings to review the Drought Project proposals. The TPRC came to consensus on recommending funding for a list of projects in the amount of \$6,039,720.
- On June 13, the PRP conducted a conference call meeting to consider the TPRC recommendation and finalized the portfolio of NCRP IRWM 2014 Drought Priority Projects for a total of 8.7 million by majority vote.

Chair Mackenzie recommends that in the future that the PRP meet in person to decide on any funding decisions. The accelerated schedule put a burden on everyone.

iii. Ongoing process improvement

Sandra Perez, TPRC Co-chair described the TPRC project review process as:

- The Guidelines were reviewed and approved by the PRP as developed by TPRC and the Project Review ad hoc committee.
- The TPRC reviewed the projects based on the criteria in the guidelines and provided scores to staff based on their review.
- The TPRC allowed for questions of project proponents to clarify information in each proposal. Having to digest new information in such a compressed fashion was challenging and some projects introduced new or changed projects through that process.
- During the TPRC debrief, the TPRC decided that the supplemental information was a burden and not practical.

- The TPRC also identified during the TPRC de-brief that they would like more information and specificity from the PRP.

Other TPRC members described that participating in the project review meeting via conference call was challenging and suggested that TPRC members should be required to meet in person during these important meetings.

Chair Mackenzie stated that this reinforces his suggestion that the TPRC project review and PRP review meetings to finalize the project portfolio need to be conducted in person. Other PRP members discussed the importance of striving towards consensus for the funding decisions per the standard set by Supervisor Smith. PRP members suggested that in the future it is important to do everything in our power to avoid concerns related to transparency in the decisions made by the TPRC and/or PRP. Any compromised perception of how the coalition works together would be a setback. It was noted that these conversations were an important part of the continuous improvement process and as a way to reaffirm the NCRP's collaboration and commitment to transparency.

Staff Direction: Chair Mackenzie directs staff to work with the TPRC and Executive Committee to come up with improvements to the project review and selection process for consideration as an update to the NCRP Project Review and Selection Process Guidelines during the next NCRP meeting.

V North Coast Tribal Engagement Presentation

Sherri Norris, California Indian Environmental Alliance; Javier Silva, Sherwood Valley Rancheria provided a presentation regarding Tribal outreach, coordination and representation in the North Coast region to date. The presentation can be found at:

http://www.northcoastresourcepartnership.org/app_folders/view/8383

Sherri Norris stated that it had been an honor to work with the North Coast Tribes and she was impressed with the skill sets of the staff and Tribal members working in the various Tribal departments. She introduced the District Tribal Coordinators. This team and the NCRP Tribal reps are the folks conducting the outreach to the 34 Tribes in the North Coast Region. Marrissa Fierro provided some information about the Pit River Tribe and the Tribe's involvement in three IRWM regions.

Chair Mackenzie thanked the team for all their work. John Corbett, RWQCB thanked the team for their work to coordinate the North Coast IRWM Plan review and input.

VI NCRP Nominations and Elections

Chair Mackenzie noted that there had been some changes to the NCRP governing body including the new Tribal representatives as introduced by Sherri and Javier. He was recently informed that Mark Lancaster would be acting as the alternate member for the TPRC and PRP for Trinity County. Earlier this summer Supervisor Armstrong resigned from the PRP and Executive Committee. He stated that she has been an invaluable member of the NCRP who helped to articulate the foundational guidelines of the partnership especially as it relates to respect for local autonomy.

i. NCRP Executive Committee Member Resolution: Supervisor Armstrong

Chair Mackenzie read and signed a resolution of appreciation for Marcia Armstrong. The resolution can be found at: http://www.northcoastresourcepartnership.org/app_folders/view/8383. Supervisor Grace stated that Marcia Armstrong would be pleased and honored to receive the resolution and would ensure that the resolution will be presented to Supervisor Armstrong during a Siskiyou County Board of Supervisor meeting.

ii. NCRP Nominations and Elections: PRP Chair, PRP Vice Chair, Executive Committee and TPRC Co-Chair

Motion: Supervisor McCowen moved that Jake Mackenzie and Supervisor Morris are re-nominated and approved as Chair and Vice Chair.

Unanimous

Motion: Chair Mackenzie moved to nominate and approve Supervisor Bennett as the third member of the Executive Committee

Second: Supervisor McCowen

Unanimous

Motion: Chair Mackenzie moved to nominate and approve Wayne Haydon and Sandra Perez continue as TPRC Co-Chairs.

Second: Supervisor McCowen

Unanimous

The PRP formally provided thanks and gratitude to Wayne Haydon and Sandra Perez for their diligent work as TPRC Co-Chairs

Public Comment:

Earl Crosby suggested that the Tribal representatives be asked about their interest.

PRP members suggested that the Executive Committee consider options to ensure Tribal voice.

Staff Direction: Chair Mackenzie directs staff to set up an Executive Committee meeting to consider the suggestion and craft a recommendation or options for PRP consideration during the next NCRP meeting.

VII NCRP Panel on Marijuana Cultivation: Impacts, Strategies, Upcoming Legislation & Economic Opportunities

Panel Chair & Vice-chair Supervisor Morris provided opening remarks about the topic and explained that the panel is not intended to be a comprehensive panel discussion as that would take more time than allotted. The panel will look at economic and environmental impacts - both good and bad, as well as potential solutions and approaches.

Peggy O'Neill, Director & Nicole Sager, Senior Planner, Yurok Tribe Planning Department provided a presentation about the recent Operation Yurok. Peggy O'Neill stated that the Yurok Tribe has a zero tolerance policy on Tribal lands. Many Tribal members do not have electricity and are dependent on surface water as their water source. Additionally, the Yurok have been working for decades on fisheries

enhancement. This year, the drought has exacerbated a number of issues related to marijuana cultivation. It is perceived that Tribal land is lawless and the Tribe found that there was increased use of Tribal land for marijuana cultivation. The objective of Operation Yurok was not to arrest people or confiscate plants, but to stop illegal water diversions and storage before a major fish kill occurred. The Tribe has seen water tank levels falling from direct diversions. The presentation can be found at: http://www.northcoastresourcepartnership.org/app_folders/view/8383.

Cris Carrigan, Director, Office of Enforcement, State Water Resources Control Board provided a presentation about Water Board's pilot program to develop a permitting mechanism to provide incentives for growers to properly apply for water permits and subsequently punishing those that are not complying with the regulations. The Water Board is not an enforcement agency and is unable to do anything about 'trespass grows' but will partner with authorities and other agencies to conduct enforcement and penalize. They want to provide education and outreach to help folks to be able to do legal grows on private lands. The presentation can be found at: http://www.northcoastresourcepartnership.org/app_folders/view/8383.

Matt St John, Executive Officer, Regional Water Quality Control Board, Region 1 provided a presentation regarding the RWQCB regulatory program pilot project which includes: coordination with agencies, outreach/education, regulation, and enforcement. The program may include a waiver of waste discharge requirements which will be tiered and/or conditional based on threat to water quality. The guidelines for this order will be released for public review and consideration by the Board in mid 2015. The RWQCB anticipates a good deal of public input as this is a major change to the approach concerning marijuana cultivation. The presentation can be found at: http://www.northcoastresourcepartnership.org/app_folders/view/8383.

Hezekiah Allen, Executive Director, Emerald Growers Association provided a presentation about the potential economic benefits of legalizing marijuana cultivation. The presentation can be found at: http://www.northcoastresourcepartnership.org/app_folders/view/8383.

Discussion of the topic included the following points:

- There was a suggestion that California Department of Food and Agriculture/County Agricultural Commissioner's Office would be agencies that should be involved in crafting solutions. It was noted that working with state agencies is the first step.
- There was concern expressed about how to deal with those who do not support legalization especially if it would mean a reduction in price.
- A request was made for a field trip to look at farmers in the region who are using BMPs to cultivate marijuana with environmental sensitivity.
- Shasta County has had some success reviewing and changing county codes overtime to create codes that have teeth and are enforceable. Currently county codes are widely different making it easy for illegal grows to get through the cracks. Standardizing county codes throughout the state was suggested.

- The state needs to come up with solutions to mediate for clean up after trespass grows on private and public land. Currently many landowners are profiting from the grow operations, but are legally not responsible for the cleanup.
- It was discussed that 'boots enforcement' historically has not worked. Someone suggested that the Campaign Against Marijuana Planting (CAMP) program is a "starving failure". Enforcement is not how you start but how you end up. Enforcement alone will not work, but is important as part of the toolbox. A suggestion was made to focus on large cartels and major grows.
- There was concern expressed that we will never have enough funding to enforce proper management of all the grow operations. We should be looking at an integrated management approach such as creating zoned areas that would allow for tiered agricultural incentives including tax reductions for those using BMPs. The proposed SWRCB permit program is a big carrot that incentivizes BMPs. There was support for the agencies to regulate the practices not the product.
- There was discussion about the county's role in the permitting process and whether there should be a state lead agency that oversees all aspects of the permitting, regulation and enforcement of the practices and product. Some felt that the practices were land use issues and should be regulated at the county level.
- The Humboldt Bay Water District has partnered with California Fish and Wildlife to fund research in the Mad River watershed to quantify marijuana cultivation impacts. If there is interest to test the pilot SWRCB or RWQCB projects and related enforcement in the Mad River watershed, HBMD would be happy to partner.

Staff Direction: Chair Mackenzie directs staff to work with Judy Morris and the Executive Committee to develop discussion topics and potential next steps for the NCRP regarding the marijuana topic during the next NCRP meeting.

VIII Water & Wastewater Service Provider Outreach & Support Program – Workshops, Toolbox, and Demo Projects

Jennifer Jenkins Kuszmar, Humboldt County provided an overview and background information about the program and grant. The objective of the program has been to contact small, rural service providers to identify unmet project needs and provide technical support and tools to help sustain safe and effective water and wastewater service into the future.

Rebecca Crow, GHD described that GHD was selected as part of a competitive RFP process to develop the Toolbox for small water and wastewater service providers and develop demonstration projects. She provided a presentation about the Toolbox which is intended to help small utilities develop a "first order" understanding of what their options are, how they should begin to budget, where to find funding opportunities, and how to get help. The presentation can be found at:

http://www.northcoastresourcepartnership.org/app_folders/view/8383.

IX Updates

i. Legislative news

Anne DuBay, Sonoma County Water Agency provided a presentation regarding upcoming legislative topics during what some have called the ‘Year of Water’:

- Proposition 1 - Water Bond coalition was instrumental in getting an additional \$5 million to the North Coast for a total allocation of \$26.5 through the IRWM program. There are other funding opportunities through Proposition 1 that may be available for the North Coast.
http://www.water.ca.gov/waterbond/Regional_Bond_Summary_2014_Final_web_2.pdf
- Sustainable Groundwater Management Act (composed of 3 bills) is intended to increase local control and protection of groundwater basins throughout the state and requires the formation of new local groundwater sustainability agencies responsible for developing locally-based groundwater management plans for their jurisdictions. The legislation also provides for limited state intervention as necessary to ensure that groundwater resources are being protected and allows DWR to add to the CASGEM med/high priority list.
<http://www.acwa.com/news/groundwater/governor-brown-signs-sustainable-groundwater-management-act>
- SB 985, Pavley. Stormwater Resource Planning bill would require the development of a Stormwater Resource Plan to be integrated into a regional IRWM Plan “to identify in the plan opportunities to use existing publicly owned lands and easements to capture, clean, store, and use stormwater and dry weather runoff either onsite or offsite”. The bill would provide for Proposition 1 grants to fund stormwater and dry weather runoff capture projects.
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB985
- AB 1249, Salas. Integrated regional water management plans: nitrate, arsenic, perchlorate, or hexavalent chromium contamination. This bill would require that regional IRWM Plan would include management strategies for areas within a region that have nitrate, arsenic, perchlorate, or hexavalent chromium contamination.
http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml;jsessionid=ab926c68a39db7bde92479a6c7ed?bill_id=201320140AB1249

ii. Regional Administrator & Strategic Growth Council Sustainable Communities Grant Update

Per meeting materials:

- Prop 50 Round 2 Agreements (4 projects, 2 Grant Agreements, ~\$5 million total)
 - Requesting an extension of the Grant Term for the Mendocino Land Trust Project. Numerous issues resulted in a delay of project construction on both agreements. On one of the MLT projects, significant revisions to the Work Plan are proposed as

construction of the originally proposed project (installation of a bridge) cannot feasibly be completed in even an extended time frame.

- Additional time is being requested for Gold Ridge RCD and Mendocino County RCD projects as each project sponsor has remaining grant funds and with additional time can complete additional work.
- Prop 84 Round 1 (18 projects, \$8.2 million)
 - \$1.3 million expended to date
 - Payments from DWR coming in less than 60 days
- Prop 84 Round 2 (13 Projects, \$5.3 M)
 - Grant Agreement executed in September
 - Orientations for Project Proponents/Local Project Sponsors conducted on October 3 & 6
 - First invoice to DWR will be submitted in November
- Prop 84 Drought Expedited
 - Anticipated announcement of funding award from DWR in late October/Early November

Planning Grants:

- **DAC** – Grant progress is going well. Tool Kit to be uploaded to the web in the coming weeks, demonstration projects are underway. Presentation at PRP meeting will provide additional updates and information
- **Prop 84 Planning** – Grant Term ends in December. May seek additional time to complete local planning efforts via contracts as selected by TPRC/PRP
- **Strategic Growth Council** – Grant Agreement between Department of Conservation and County of Humboldt has been signed. Anticipated execution of contract between County of Humboldt and West Coast Watershed by the end of October. WCW, County of Humboldt and DOC Grant Manager met in September to discuss, kicking off the grant, proposed work plan as described in the Grant Agreement, current trends with Strategic Growth Council and opportunities for the North Coast. Grant runs through May 2017.

iii. **New NCRP website:** see <http://www.northcoastresourcepartnership.org/>

iv. **Executive Committee, PRP direction and staff action**

Per meeting materials:

EXECUTIVE COMMITTEE ACTION

Executive Committee Action documents and materials can be found at:

<http://www.northcoastirwmp.net/docs.php?ogid=1000002628>

Chair Mackenzie provided NCRP overview presentations to the following organizations:

- USEPA Tribal Operations Committee Meeting, May 1
- Eel Russian River Commission meeting, May 8

On May 15, the Executive Committee submitted a comment letter regarding the draft 2014 Drought Grant Proposal Solicitation Package (PSP) and Draft 2014 IRWM Guidelines to DWR.

In September, the Executive Committee developed and reviewed an appreciation resolution Supervisor Armstrong and gratitude letters to PRP alumni Carol Cook and TPRC alumni Sarah Beesley.

In September, the Executive Committee developed and reviewed a letter of support for grant proposals for continued NCRP Tribal Engagement work submitted by the California Indian Environmental Alliance to California EPA.

In June, the Executive Committee developed and reviewed a letter to Craig Blencowe, Chair, Mendocino County Resource Conservation District in response to a letter from Mr. Blencowe dated June 17, 2014 regarding the PRP Recommended Funding for NCRP 2014 Drought Priority Partnerships.

STAFF DIRECTION FROM NCRP MEETING, APRIL 2014

Supervisor Armstrong requested that staff follow up regarding project funding impacts to other jurisdictions within a county if the county does not adopt the North Coast IRWM Plan. Staff contacted DWR staff in April 2014 and was informed that DWR would not restrict funding to jurisdictions within a county if the county does not adopt the North Coast IRWM Plan as long those individual jurisdictions adopted the Plan. The NCRP governing bodies would need to redefine their Regional Water Management Group and IRWM boundary.

The PRP directs staff to move forward with a NCRP 2014 Drought Solicitation with a funding cap of \$8.7 million. NCRP 2014 Drought Project sponsors and staff developed application materials which were submitted to DWR on July 21.

X Public Comment

Chair Mackenzie welcomed and invited staff from the Water Board to attend the NCRP quarterly meetings on a regular basis

XI Next NCRP meeting date: January 15, 2015, Ukiah

XII ADJOURN

The meeting adjourned at 2:40 pm.

Meeting Attendees

Policy Review Panel Members

Chair: Jake Mackenzie, Council Member, City of Rohnert Park, Sonoma County
Vice-Chair: Supervisor Judy Morris, Trinity County
Edwin Smith, Bear River Band of the Rohnerville Rancheria, Central District
Supervisor Ryan Sundberg, Humboldt County
Supervisor Mark Lovelace, Humboldt County
Supervisor John McCowen, Mendocino County
Supervisor Dan Gjerde, Mendocino County
Leaf Hillman, Karuk Tribe, Northern District
Alternate: Vernon Ward, Pit River Tribe, Northern District
Supervisor Grace Bennett, Siskiyou County
Supervisor Efren Carrillo, Sonoma County

Technical Peer Review Committee Members

Co-Chair: Sandra Perez, Five Counties Salmonid Conservation Program, Trinity County
Javier Silva, Sherwood Valley Rancheria, Central District
Carol Rische, General Manager, Humboldt Bay Municipal Water District, Humboldt County
Hank Seemann, Deputy Director, Environmental Services, Public Works Department, Humboldt County
Toz Soto, Karuk Tribe, Northern District
Alternate: Marissa Fierro, Pit River Tribe, Northern District
Richard Tinsman, Planning Division, Siskiyou County
Dale Roberts, Engineer, Sonoma County Water Agency, Sonoma County
Co-Chair: Wayne Haydon, Certified Engineering Geologist, Sonoma County
Wes Scribner, Weaverville Community Services District, Trinity County

Other Attendees

Ann DuBay, Sonoma County Water Agency
Susan Haydon, Sonoma County Water Agency
Margie Graham, Northern District, California Department of Water Resources
John Corbett, Chair, Northern Regional Water Quality Control Board
Peggy O'Neill, Director, Yurok Tribe Planning Department
Nicole Sager, Senior Planner, Yurok Tribe Planning Department
Matt St John, Executive Officer, Regional Water Quality Control Board, Region 1
Cris Carrigan, Director, Office of Enforcement, State Water Resources Control Board
Hezekiah Allen, Executive Director, Emerald Growers Association
Sherri Norris, California Indian Environmental Alliance
Earl Crosby, Karuk Tribe
Nina Hapner, Kashia Band of Pomo Indians
Sungnome Madrone, Mattole Salmon Group
Rebecca Crow, GHD
Barbara Kennedy, Weott Community Services District
Hollie Hall, Hollie Hall & Associates
Donna Rupp, Trinity County Resource Conservation District
Rocky Vogler, City of Santa Rosa
Jennifer Jenkins Kuszmar, Humboldt County
Devin Theobald, Humboldt County
Katherine Gledhill, West Coast Watershed