

**Humboldt Bay Municipal Water
The Wharfinger Building
1 Marina Way
Eureka, CA**



**Minutes for Special Meeting of the Board of Directors
February 12, 2024**

1. ROLL CALL

President Latt called the meeting to order at 5:32 pm. Director Rupp conducted the roll call. Directors Fuller, Latt, Lindberg, Rupp, and Woo were present. General Manager John Friedenbach, and Board Secretary Contessa Dickson were present. Mary Gelinas was also present as facilitator.

2. FLAG SALUTE

President Latt led the flag salute.

3. ACCEPT AGENDA

ACTION: Motion to accept agenda

Maker: Director Lindberg Second: Director Woo Vote: 5-0 approve

4. PUBLIC COMMENT

No comment was received.

5. CONTINUING BUSINESS

5.1 Water Resource Planning

a. Instream Flow workshop

Non action item

Ms. Gelinas introduced the topic for the evening, discussing the outline, and expected outcomes.

i. WRP history

Non action item

Director Woo presented the history of Water Resource Planning.

ii. Water Rights

Non action item

Mr. Friedenbach introduced Austin Cho with Downey Brand who attended via phone. Mr. Cho spoke about the District's water rights and described what the upcoming reallocation could mean. He recapped those rights as it pertains to the Water Resource Planning 1707 Instream Flow dedication. He discussed the importance and the District's desire of maintaining local control of those water rights. A few clarifying questions were asked by the public and addressed by Mr. Cho.

iii. Instream Flow PowerPoint presentation

Non action item

Director Fuller presented the Instream Flow Dedication PowerPoint (attached). She discussed the District's mission, water use history, and next steps in the process. Director Fuller discussed the current flows from Ruth to Essex, the history of the District's water rights, and the components of the Instream Flow dedication.

Instream Flow Workshop

Questions of Clarification

Industrial & Transport

- Are the flows reserved for industrial, use currently flowing to the ocean, is this costing the District money?
- How many GPD is being sold or “transported” to local CSD (Manilla, Blue Lake, Arcata, etc.)
- How to prevent transport out of local area/Humboldt County
- How much industrial water for the fish farm?
- Allocation to munis-within or without of Humboldt County?
- If approved, would the 1707 petition dedication be subject to distribution if, say, a new industrial use sought some (or all) of the water that was dedicated in the petition (i.e. the 20 MGD)

Instream Flow Dedication

- Is dedication from Ruth to Essex or Ruth to mouth?
- Why not dedicate more to instream flow?
- If approved, would the 1707 petition dedication be subject to distribution if, say, a new industrial use sought some (or all) of the water that was dedicated in the petition (i.e. the 20 MGD)
- Can Instream Flow dedication offset costs of infrastructure?
- How does the proposed Instream Flow dedication vary from natural flow?
- What studies are needed to determine instream flow impact?
- What would the impact be if instream water right did not exist in reach between hydro dam & diversion?
- Will temperature regulation of Instream Flows be a parameter affecting fish health (salmon, lamprey, trout, Sturgeon and albacore)
- Can Instream Flow model natural flow?

Release

- Why is the full water right not being release down channel currently?
- How would approval of this 1707 petition affect the District’s existing releases/flow regimen from Ruth?
- What is the minimum release required from Ruth (MGD/CFS) to meet the District’s average total domestic use? (“partial day delivery”)
- What is the minimum flow out of the dam required for power generation?
- If the 1707 petition is approved, can the flow out of Ruth be increased to augment industrial use?

Water Rights/support

- Why is the full water right not being release down channel currently?
- Can this 1707 be supported by the governor?
- How do we please the state?

- How do the voluntary agreements affect the process? (avoid litigation)
- What is the difference between permits and licensing of water rights
- Why Tribal beneficial resources not included in 1707 petition?
- The water rights run out in 2029, this process could take 20 years.
- NOAA has revoked support-want detailed analysis of flows, env. Effects etc. resolution?
- Since HBMWD is a great steward & entered this process- we want to retain local control, do you think the state will be favorable to our request?

Public/monitoring

- How unique is this? How well known is this to general public?
- Will this require monitoring such as gauging stations?
- What is a beneficial use?
- Could the public see the water quality and biological studies that were completed?
- Will this require monitoring such as gauging stations

Environment

- Is there flexibility on 20 MGD water use depending on season?
- Will temperature regulation of Instream Flows be a parameter affecting fish health (salmon, lamprey, trout, Sturgeon and albacore)

LIKES

-Water Rights

- Preserving local/public control of water rights (many of this comment)
- Supporting other riparian water rights, uses channel
- Protecting water rights
- Prevent others from taking our water
- Pursuing Instream Water rights

-River

- Climate change resilience of keeping water in Baduwat.
- Respect for nature
- Keeps river open and flowing to ocean
- Keeps water in the river
- Recreational opportunity
- Approval of the petition could benefit the river ecosystem
- Ancillary benefits-recreation, fishing
- That the District is willing to try putting water in the river

-Environment

- Declining impact of pot industry on water quality.
- Wildlife benefits

- Good stewards/HCP
- Environmental benefits
- Benefit to Salmon Fisheries

-Water Control & Water Use

- Great water use
- Local control of water
- Not water bagging
- We don't have Water Board dictating our flows
- That it stays local
 - Retaining local control (many of this comment)

-HBMWD

- Level of knowledge of the Board
- This process!
- Not as concerned revenue stream

Concerns

Industrial & Transport

- Is there concern about losing the industrial use water portions since its not being fully used
- Will industrial development at harbor affect in-stream dedication?
- Will water be available for industrial diversion?
- 35 MGD being "transported" to other public agencies such as San Francisco or the Central
- Transport out of local area to vineyards, agriculture: Marin/Sonoma
- 27% is not enough to prevent water transport to public agency
- If another entity tries to claim our water
- Water division- can we increase Instream Flow and decrease transport to increase flow the estuary?

Environmental

- Could there be detrimental effects on fish if the 1707 petition is denied? (e.g. increased water temps, increase in concentration of pollutants, etc.)
- Freshwater aquaculture?
- Wind power industry will damage good use of water in a healthy bay eco-system
- Will aquaculture divert aqua from instream flow?
- Are there issues below the pumps that are different than above the pumps?
- Similarly at the dam and above the dam?
- Keep flow high enough to keep river clean from human degradation
- In extreme drought how can we be sure there is enough water for instream flow?
- How much water instream is too much? (seasonal)

- Too much flow in the Mad River in the summer (major deviations in the hydrograph)
- Changes in the estuary salinity
- If no 1707, will lose fish populations and estuary conditions will decline
- We assume that the river needs our dam to maintain summer flows for fish, The fish were here before the dam
- Maintaining water and habitat above the dam
- Fire (Ruth Lake)- threat to water quality
- Timing of releases and quantity to mimic natural flows
- More flow data/fish surveys/models for mouth of river
- Access to petition for change/biological studies
- High turbidity in Mad River from surface run off
- Concern for the (Salmon) fisheries effect Instream Flow needs from Essex to the ocean?
- How can it be determined the impact of seasonal migration barriers with flow

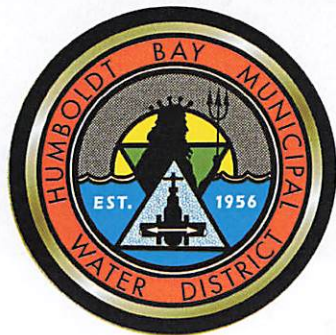
Munis/Admin/control

- Is that current use? Municipals: Arcata, Eureka, etc.?
- Continual outreach to tribes re: flow dedication process
- How often does this permit need to be renewed? (we need to say its permanent)
- Are we locking up rights that could address other beneficial uses?
- Increasing state-wide pressure for our water
- Litigation
- Administration changes/reevaluation
- Process taking too long
-

Flow/data

- Need more data (flow)
- How can it be determined the impact of seasonal migration barriers with flow
- Lack of flow data
- Valley. Especially with Eel River Dam removal and changing water rights in that basin.
- More flow data from tributaries-no flow gauges
- More flow data/fish surveys/models for mouth of river

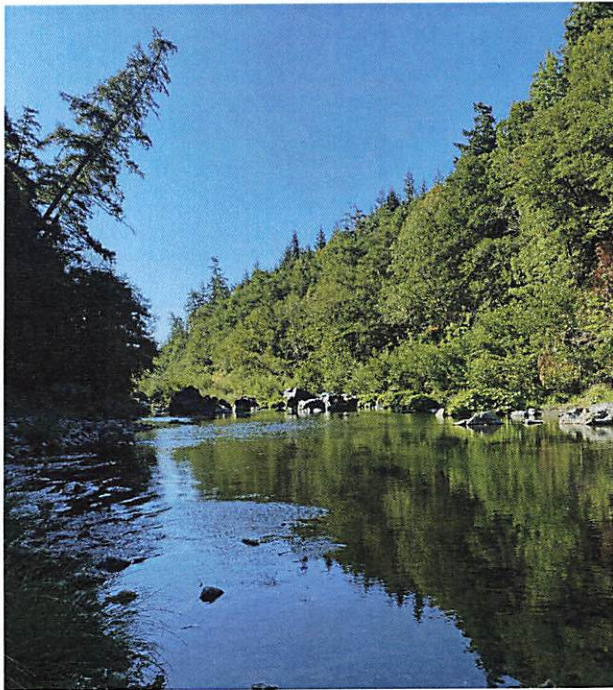
Humboldt Bay Municipal Water District's Petition for Instream Flow Dedication



February 12, 2024 Public Workshop



Key Points



- HBMWD is diligently pursuing the full beneficial use of its water rights, under what we call the “one mill scenario” (releasing as if one pulp mill were still operating). The additional flow is released for environmental benefit.
- Without this permit change- called a Petition for Change under Water Code section 1707- the District could be forced to reduce releases.
- The Petition for Change would preserve more of the District’s water rights under California’s “use it or lose it” water rights system.



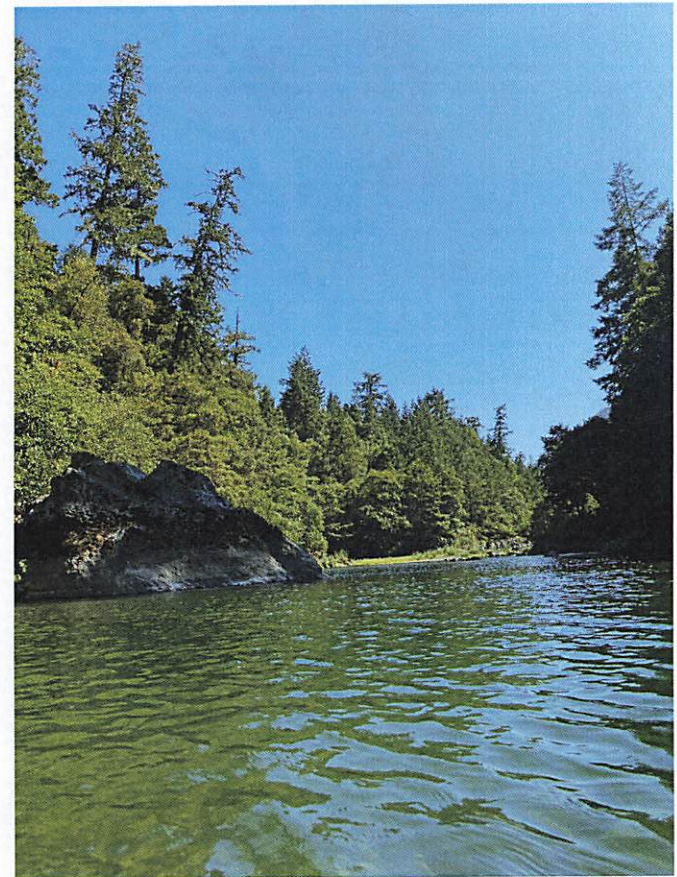
Presentation Outline

- HBMWD Mission
- Water Use History & Water Resource Planning
- District Operations
- Instream Flow Dedication
- Next Steps

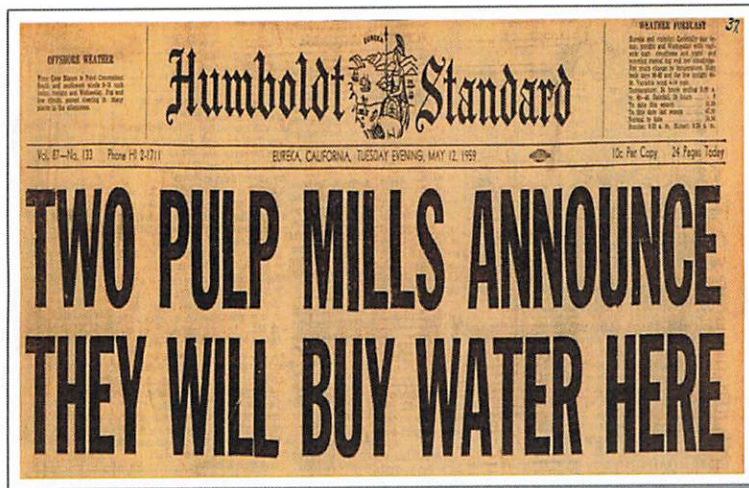


Humboldt Bay Municipal Water District's Mission

Reliably deliver high quality drinking water to the communities and customers we serve in the greater Humboldt Bay Area at a reasonable cost; reliably deliver untreated water to our wholesale industrial customer(s) at a reasonable cost; and protect the environment of the Mad River watershed to preserve water rights, water supply and water quality interests of the District.



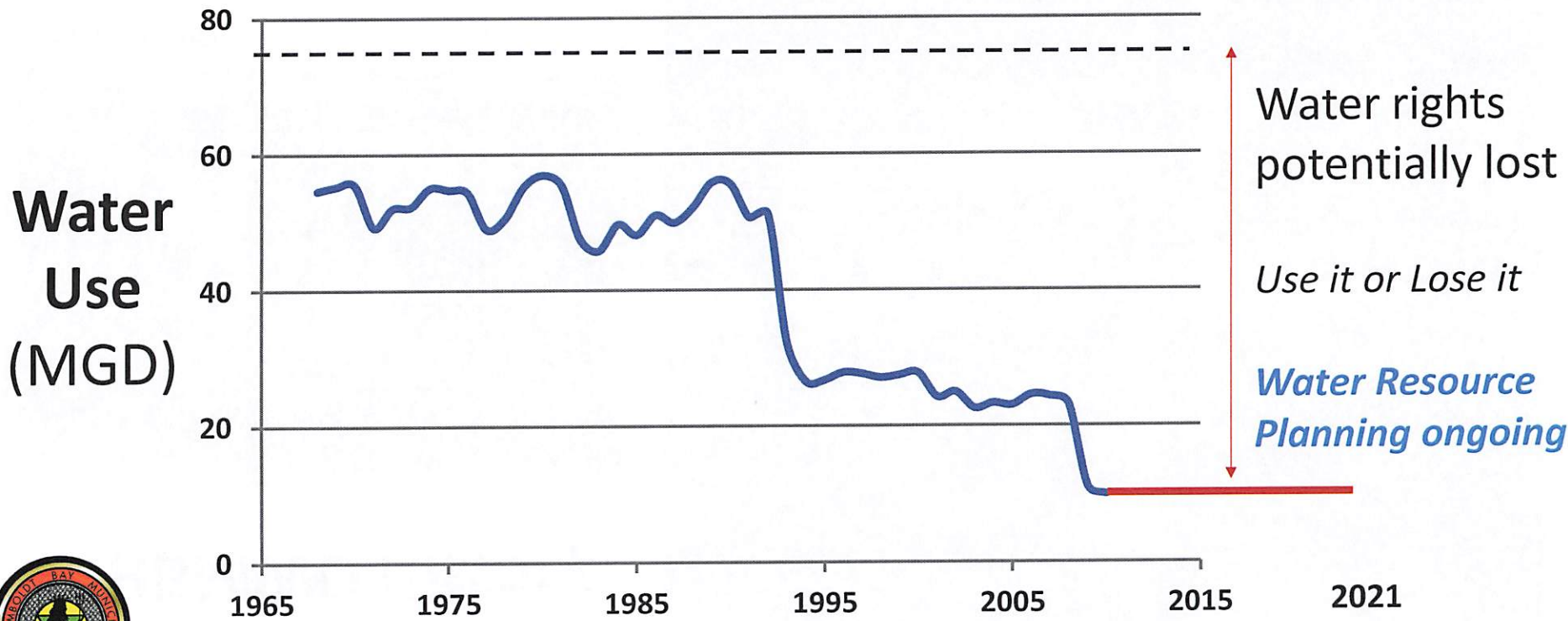
HBMWD History



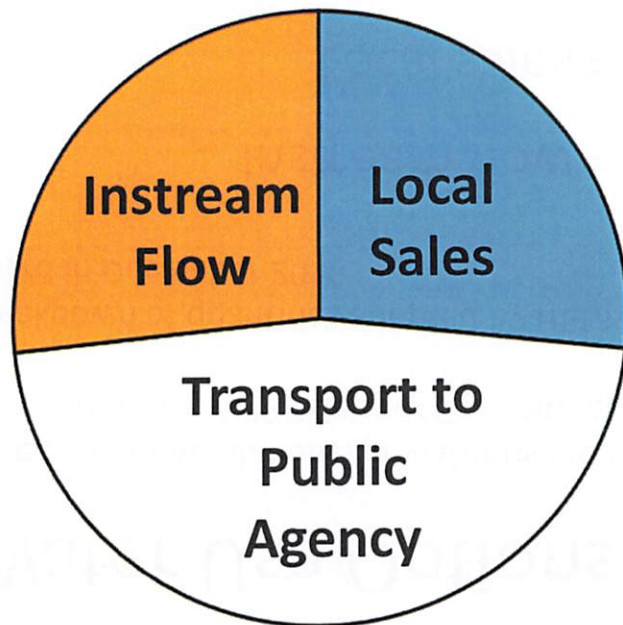
May 12, 1959



HBMWD Water Use



Water Resource Planning Advisory Committee



A selected group of District, municipal customer, and other stakeholder group representatives met regularly for over a year to reach consensus on recommended water uses.

The highest priority for the group was keeping the water rights under local control.



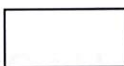
Potential Allocation of Water Use Options

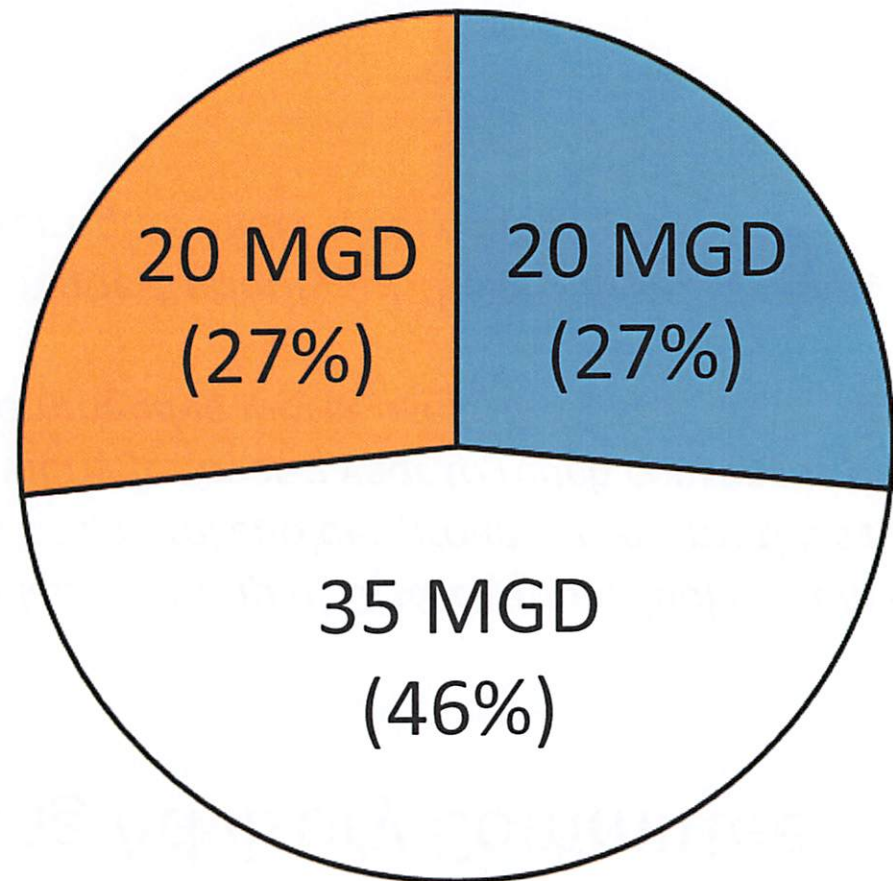
Three recommendations for water use to the Board from the WRP Advisory Committee.

Breakdown of quantities adopted by HBMWD Board in December 2016.

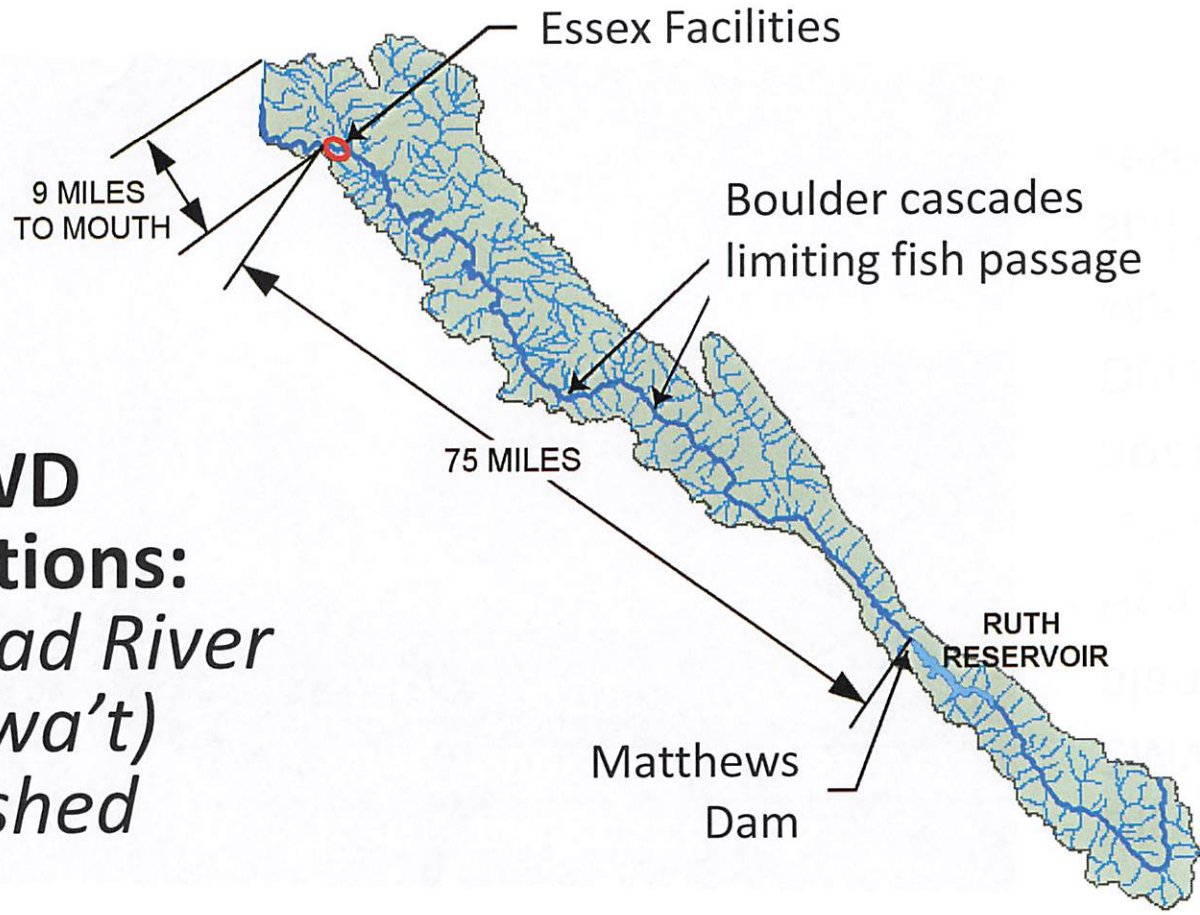
Instream flow = 

Local sales = 

Transport to a public agency = 

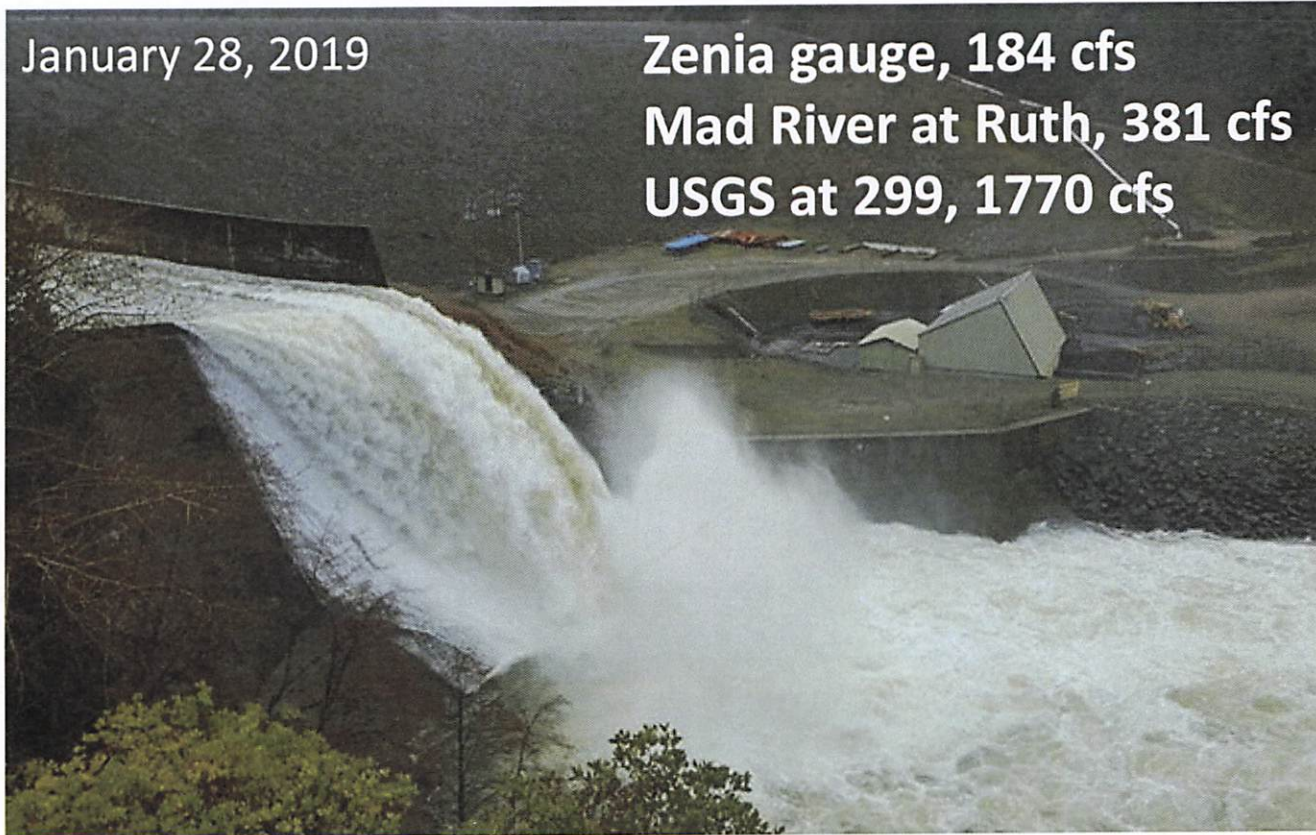


HBMWD
Operations:
The Mad River
(Baduwa't)
watershed



January 28, 2019

Zenia gauge, 184 cfs
Mad River at Ruth, 381 cfs
USGS at 299, 1770 cfs



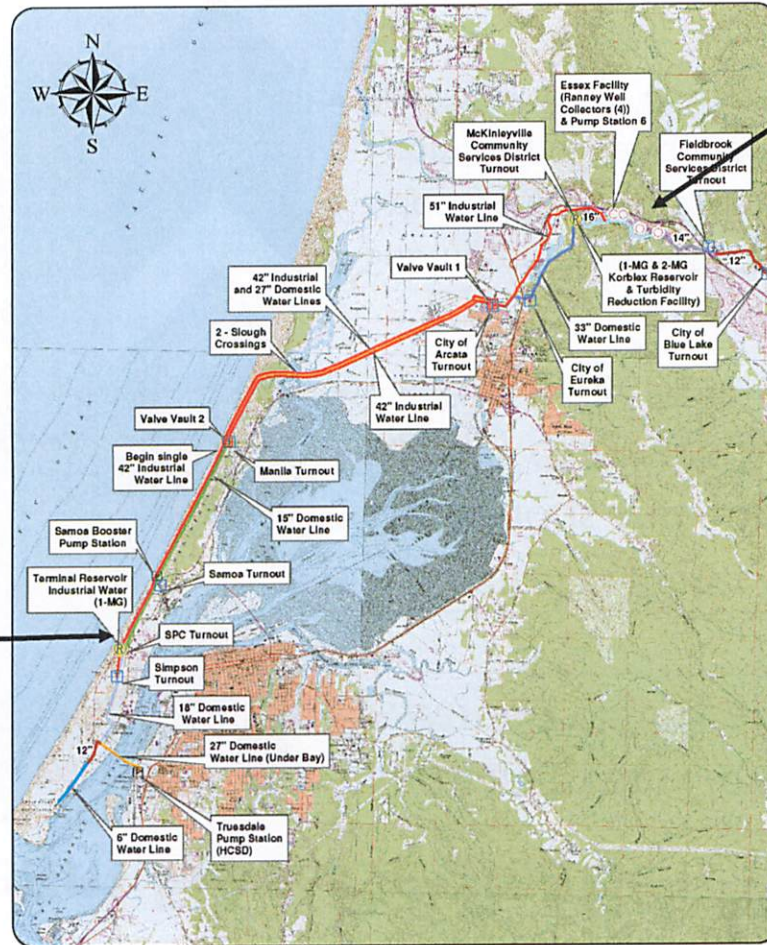
- District operates 2MW hydropower plant.
- Hydroplant releases in steps, not pulses.
- During Winter, Matthews Dam spills once reservoir is full.



HBMWD Distribution Infrastructure

2 systems:
Domestic &
Industrial

Samoa
Peninsula



Essex Facility
Surface diversion and
Ranney Wells

Mad River



Instream Flow Dedication Process



2018

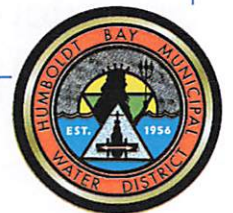
- Form Instream Flow Committee
- Awarded WCB Grant

2018-
2023

- Biological & Water Quality Studies
- Operations and Consumptive Use Analyses
- Agency Outreach & Public Engagement
- Draft Project Description

2023-

- Submitted draft Petition for Change documents
- Addressing comments on draft Petition
- Submit Final Petition for Change
- Approval of our Petition before 2030



Instream Flow Project Funding

\$693,408

**grant
funding**



In-kind support
from:



Stillwater Sciences

Potential Benefits of Instream Flow Dedication



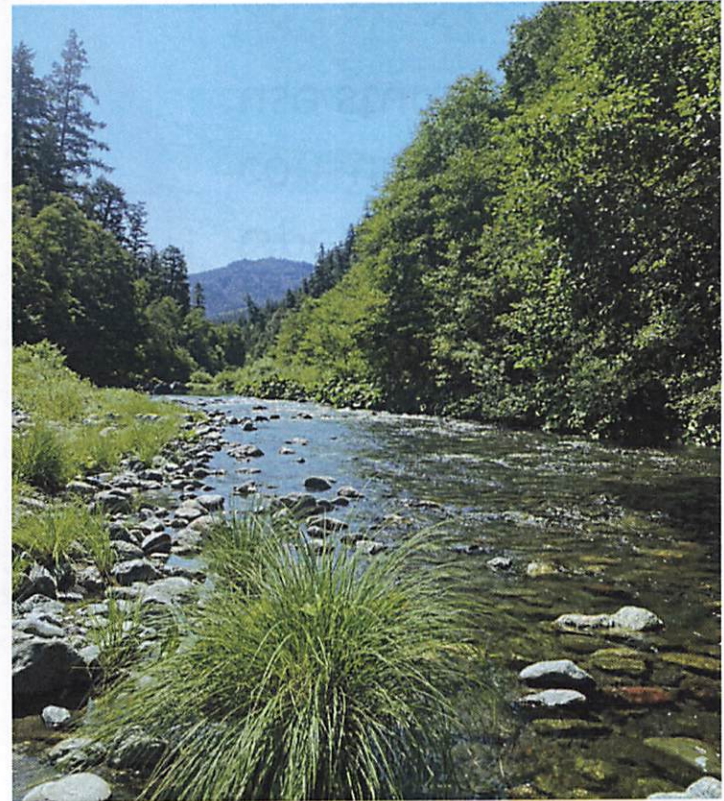
Mad River Summer Steelhead photo from Jacob Pounds

- Habitat Quality improvements:
 - Increased holding habitat for adult summer steelhead
 - Improved shallow river edgewater rearing habitat for juvenile salmonids
 - Expanded habitat for egg and juvenile life stages of yellow-legged frogs

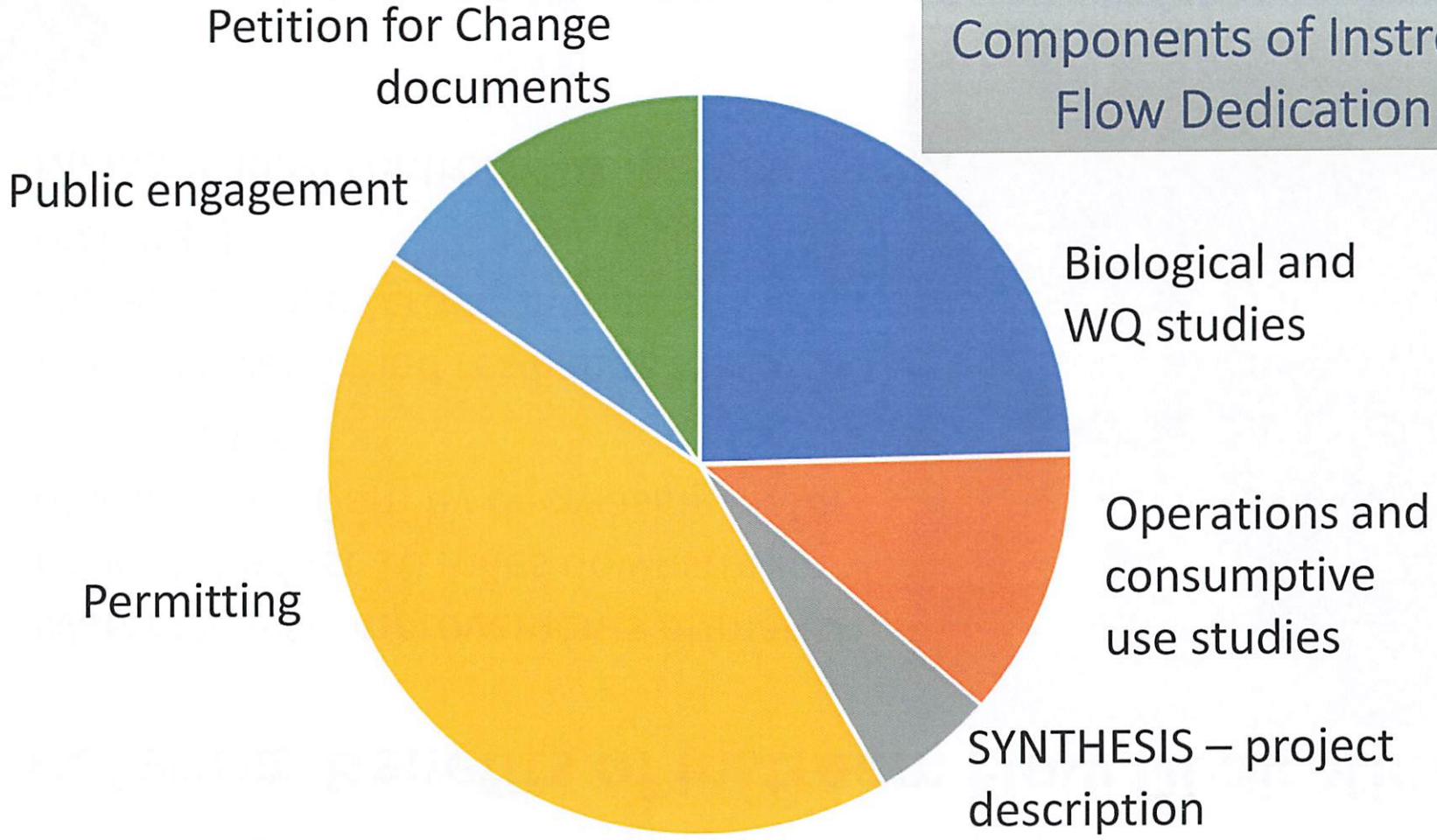


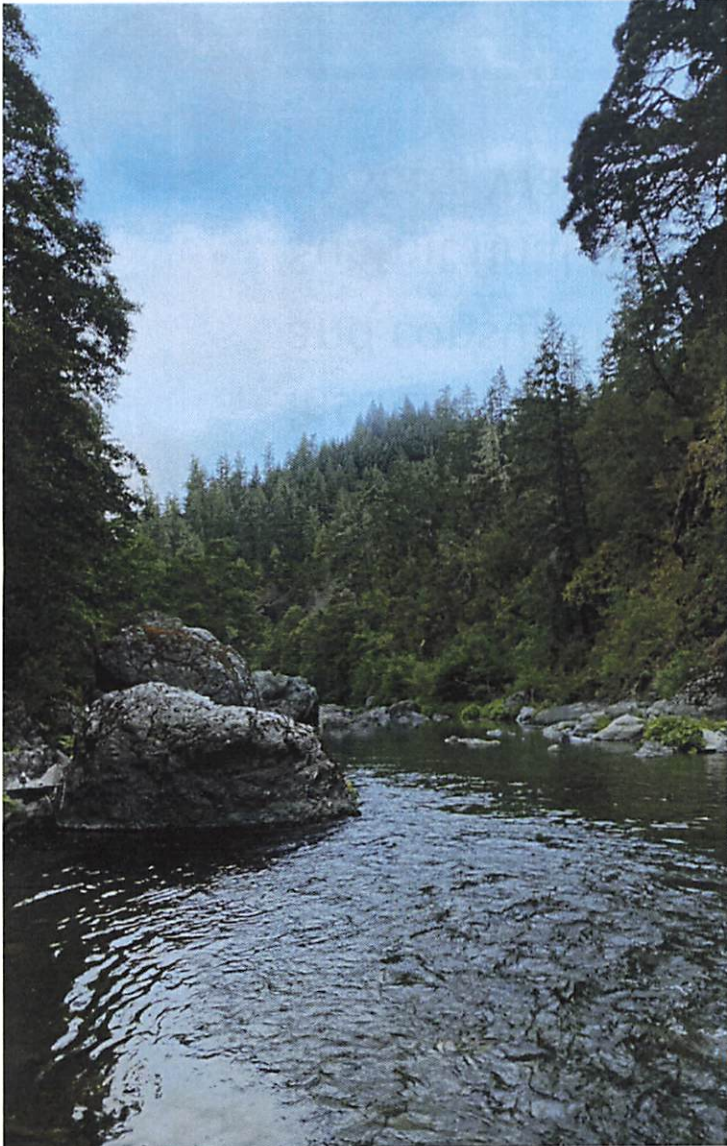
Potential Benefits of Instream Flow Dedication

- Water Quality improvements primarily benefit the first 10 miles downstream of Matthews Dam by decreasing water temperature.
- Improve watershed resilience to climate change (groundwater recharge)
- Maintain local control of water right



Components of Instream Flow Dedication





Challenges

- Consumptive use analysis data gaps.
- Lack of data on tributary inputs.
- Proposed “change” is current operation.



Next Steps

- Update webpage info and consider community feedback.
- Address comments from NOAA Fisheries and State Water Board.
- Finalize Petition for Change with Instream Flow Committee, Board, and consultants.
- Submit final Petition for Change to State Water Board.



Thank You



HBMWD Instream Flow Committee:

Michelle Fuller – HBMWD Vice President
Fuller@hbmwd.com

Sheri Woo, PE – HBMWD Director

John Friedenbach – General Manager

hbmwd.com

Check website for meeting info,
reports, and contact us!



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iv. Public discussion / breakout session

Non action item

Ms. Gelinas asked for everyone to discuss their questions, likes, and concerns about the District's Instream Flow Dedication as presented. See summaries attached.

v. Summary

Non action item

Many questions were asked by the public and answered by Mr. Friedenbach and members of the Board.

ADJOURNMENT

The meeting adjourned at 7:29 pm.

Attest:



Neal Latt, President



J. Bruce Rupp, Secretary/Treasurer