



HUMBOLDT BAY MUNICIPAL WATER DISTRICT
828 7th Street, Eureka



Minutes for Meeting of Board of Directors
November 10th, 2022

District 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. Protect the long-term water supply and water quality interests of the District in the Mad River watershed.

A. ROLL CALL

President Woo called the meeting to order at 9:00 AM. Director Rupp conducted the roll call. Directors Fuller, Latt, Lindberg, Rupp, and Woo were present. General Manager John Friedenbach, Superintendent Dale Davidsen, and Business Manager Chris Harris were also present. Legal Counsel Ryan Plotz, District Engineer Nathan Stevens, and Michael O’Conner (R.J. Ricciardi, Inc.) participated via Zoom. GM John Friedenbach was excused briefly to attend a meeting with the USDA Forest Service as described in Correspondence item #7.1.

B. FLAG SALUTE

President Woo led the flag salute.

C. ACCEPT AGENDA

Agenda was accepted as written on motion by Director Latt, seconded by Director Lindberg. The Board voted 5-0 to approve the agenda with the edits requested.

D. MINUTES

On motion by Director Latt, seconded by Director Rupp, the Board voted 5-0 to approve the Minutes of the October 8, 2022, Regular Meeting with edits requested.

E. PUBLIC COMMENT

No public comment was received.

F. CONSENT AGENDA

President Woo requested that staff ensures the source be prominent in all news articles. On a motion by Director Rupp, seconded by Director Lindberg, the Board voted 5-0 to approve the Consent Agenda.

G. CORRESPONDENCE

Letter from HBMWD: RE: Mad River August Complex Restoration Project #60286 to US Forest Service

The District sent a letter of objection to the US Forest Service’s project #60286. The proposed project area is comprised of 56,000 acres under Mad River in the Six Rivers National Forest and this restoration project only addresses about 14% of that area. Concerns about water quality, sediment erosion that can impact the lake, hazard trees getting past the boom, and potential damage to the Dam are why the Forest Service must increase the footprint and timing of this project. During the Board meeting, GM Friedenbach excused himself to participate in the Objection Hearing with the USDA Forest Service regarding the project to provide oral testimony. The determination from the hearing will be published at a later date.



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H. CONTINUING BUSINESS

Water Resource Planning

Local Sales

Nordic Aquafarms

A Lost Coast Outpost article released November 9th, 2022 reported a lawsuit was filed by an informal group *Citizens Protecting Humboldt Bay* against Humboldt County alleging that the Board of Supervisors violated the California Environmental Quality Act (CEQA). The article also states that five appeals have been filed with the California Coastal Commission regarding the project. This may delay Nordic's progress in acquiring the Conditional Use Permit process.

Trinidad Rancheria Mainline Extension

GM Friedenbach provided an update on the progress of the water line extension. The Rancheria submitted a letter to CalTrans requesting the placement of the water line on the 101 bridge crossing Little River. The District received an email from Don Allan, a resident of Westhaven, who opposed the water line being included in the Little River trail project. CalTrans' recommendation was to request attaching the pipeline to the bridge separate from the trail. Director Latt stated that our District is not forcing water on anybody and expressed that the District did a very thoughtful approach in inquiring to each potentially affected governmental entity, including Westhaven and the City of Trinidad, as to whether each was interested in participating, both indicating they weren't, although Westhaven Fire District indicated that they would want potentially to hook up to the pipeline for their fire protection if the pipeline was built. Director Latt stated that under federal law as a recognized federal tribe, the Trinidad Rancheria has a legal right to economic development and that their request arises directly from that right. The Directors expressed support and agreement with Director Latt's comments.

Transport:

GM Friedenbach included an article outlining the recent contribution of \$30M from the Biden Administration to the Sites Reservoir Project from the Bipartisan Infrastructure Law.

Instream Flow

GM Friedenbach introduced the draft narrative for the District's Petition for Change, dedicating a portion of our existing water rights to Instream Flow's beneficial use from Matthews Dam to Essex, about 70+ miles of river. This has been discussed with local regulators. GM Friedenbach presented the draft narrative to the Board for consideration and review. Staff will contact the Water Board regarding a formal petition submittal. The actual form required is modest but the District will also attach information including this narrative and studies.

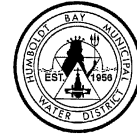
President Woo gave an informative description of the information included in the draft narrative. Our water rights are outlined on page 1. Summed up by GM Friedenbach as the diversion of water for storage at Matthew's Dam and it is released and "rediverted" at Essex.

Director Latt suggested that the paragraph on page 4 regarding Cannabis cultivation distinguish between legal and illegal Cannabis production because there are farms within the watershed that are legal and regulated and the concern should clarify that the District is not against all Cannabis cultivation but rather the impact of the problematic, unregulated cultivation.

President Woo also advised that this will have a coordinated agreement with the District Habitat Conservation Plan (HCP). She also pointed out that the unique fashion of operation of the Dam is clearly outlined.



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J. **REPORTS (from Staff)**

Legal

CLOSED SESSION – Anticipated Litigation: Initiation of litigation under paragraph (4) of subdivision (d) of § 54956.9 (DTSC) President Woo recused herself from participation in the Closed session due to a conflict of interest. Closed session lasted from 11:30 AM to 12:02 PM. No public comment was received before entering the Closed session. Director Latt reported that Staff was directed to draft letters to DTSC regarding the October 22nd groundwater test results and the November 4th site visit.

CLOSED SESSION - Conference with Legal Counsel – – Anticipated Litigation: Initiation of litigation pursuant to paragraph (4) of subdivision (d) of § 54956.9 (Van Duzen) Case # CV2201489

Vice-President Latt recused himself from participation in Closed session due to a conflict of interest. Closed session lasted from 1:30 PM to 1:38 PM. No public comment was received before entering the Closed session. President Woo reported there was no reportable action.

Engineering

12kV Switchgear Relocation (\$858,332 District match)

Switchgear manufacturer Eaton provided a revised arc flash electrical study that is being reviewed. Mr. Stevens and staff have identified various additional corrections that need to be incorporated into a revised study due to system changes that are not a part of the 12kV project itself. Various electrical upgrades performed by Humboldt Bay staff were not included in the original arc flash study. Additionally, Mr. Stevens reported that the final piece of equipment for the 12kV project is anticipated to ship around the middle of November. Once that is received, the Notice of Completion will be issued in December or January.

Collector Mainline Redundancy Project

Mr. Stevens said that CalOES has not responded to the District's grant deadline extension request.

TRF Generator Project (\$517,819 District match)

Another RFI was received from CalOES. Response to that request is included in the Board Packet. The request was simple in nature, requesting clarification on the future Geotech borings. Pictures were sent that caused some confusion regarding the timing of the 3-acre conversion and how that dovetails with the future generator project.

Matthews Dam Advance Assistance Seismic Stability Project

The Seismic Stability Project at Ruth received an RFI that inquired if any cultural resource investigations or record search was completed regarding the project area. Jamie Roscoe from the Historic Preservation Commission was contacted. The response, included in the Board Packet, states that the dam is not a designated historic property. Mr. Stevens is hopeful that an award letter will be received for this project.



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Mr. Davidsen and Mr. Palmero attended the AWWA Fall Conference in Sacramento from October 24th to the 26th. Mr. Davidsen thanked the directors for supporting their attendance at the conference and relayed that it was very educational and informative.

K. **MANAGEMENT**

Current Reservoir Conditions: DWR

Mr. Friedenbach included the current reservoir conditions for reference. The document included in the Board Packet shows California reservoir levels during the week of October 24th.

NCRPL Vision for North Coast Resilience

North Coast Resource Partnership is looking for input on the Vision for North Coast Resilience from November 1st through the 21st. GM Friedenbach pointed out the link and offered to review any inclusion the Board would like to make.

GM Friedenbach also provided an update regarding the NCRP Proposition 1 IRWM Round 2 Grant for Collector 2 Lateral rehabilitation. Staff applied for the grant asking for \$900k, scalable to \$700k depending on available funds. He also informed the directors that the RFP for the project goes out for bid in the first part of December and Staff is anticipating multiple bids.

L. **DIRECTOR REPORTS & DISCUSSION**

“Highline Lake is officially ‘infested’ with invasive zebra mussels CPW confirms state’s first known population”

Director Lindberg spoke briefly regarding the ease with which this invasive species has made its way to Colorado. Colorado Parks and Wildlife recently discovered a single adult zebra mussel in Highline Lake which potentially put everything downstream of Grand Junction at risk.

M. **ACWA**

Director report out

Director Rupp advised the Board that he will be attending an ACWA meeting in Sacramento on November 17th and 18th which will be the final steps in laying the groundwork for the operation of the foundation.

Coalition Letter to California Resources Board to “Commercially Available”

GM Friedenbach called attention to a memo sent to CARB (California Air Resources Board) calling for the formal definition of the term “Commercially Available” regarding fleet vehicle configurations and requirements as a realistic plan.

Comment Letter to California Air Resources Board RE: Local Government Fleet

ACWA submitted a comment letter regarding the Draft Regulatory Language for the Advanced Clean Fleets Regulation State and Local Government Agency Fleet Requirements with deadlines that are approaching quickly. Concern was expressed regarding the available inventory, the cost of that inventory, and the current affordability for government entities concerning the timeframes the current plan holds in place.

State Water Board Adopts Water Loss Regulation

GM Friedenbach brought attention to the State Water Board adopting regulations in which the standard indoor residential use projected at 47 GPCD by 2025 and 42 GPCD by 2030 is extremely low considering Arcata averages about 50 GPCD and they are the lowest consumers in Humboldt County. The Board questioned the current standard and penalty, and how to encourage the conservation mindset.



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Letter to ACWA Public Water Agency Members – ACWA’s 2023 Membership Dues* – discuss

Director Rupp and GM Friedenbach agreed that this subject has been discussed in previous Board Meetings. Director Rupp is hopeful that the process of budgeting and setting ACWA membership dues determination amount will improve in the future.

N. ACWA – JPIA

Important Information about the 2022/23 ACWA JPIA Liability Program Renewal

Director Rupp reiterated that the Liability program will be increasing by 10% as discussed with the Board previously.

CWIF Board of Directors Meeting

CWIF declared dividends of 3 million dollars at the end of the fiscal year, which goes back into the JPIA to reduce the cost of insurance.

ORGANIZATIONS ON WHICH HBMWD SERVE

RCEA October News and Updates

President Woo advised the RCEA does a News and Update flyer every month which should be available on the website.

RCEA Board of Directors Draft Meeting Minutes 9/22/22

President Woo stated that biomass power was a big topic of discussion last month.

RREDC Special Meeting of Loan Committee Agenda 10/24/22

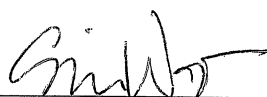
Director Latt spoke about the Executive Meeting with H.C.A.O.G’s Executive Director, Beth Burks speaking about Regional Efforts Integrating Housing and Transportation. Ms. Burks spoke about the distribution of \$9 million that the County receives to transportation entities. They are creating a website that tracks the average current rent in the area, which is currently \$987 for 1 bedroom unit. The average hourly income is \$18.98/hour.

Director Latt also mentioned the Indianola undercrossing project starts next year.

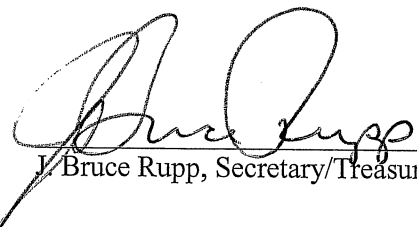
ADJOURNMENT

The meeting adjourned at 3:22 pm.

Attest:



Sheri Woo, President



Bruce Rupp, Secretary/Treasurer