



## Order of Business

1. Call to Order / Pledge of Allegiance
2. Roll Call
3. Approval of Agenda
4. Closed Session



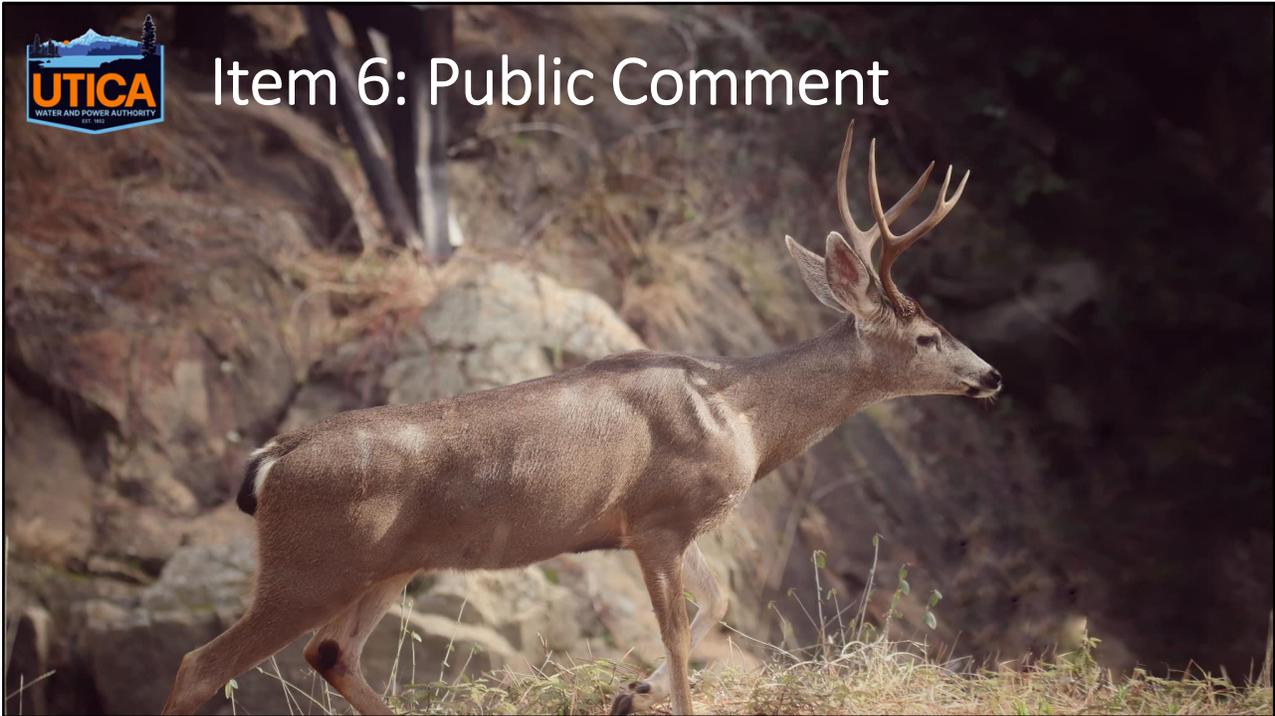
## Closed Session

- A. Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (d)(2) of Government Code section 54956.9. - two potential cases
  
- B. Public Employee Performance Evaluation. Government Code §54957. General Manager



## Reportable Action from Closes Session

Does the Board have anything to report from Closed Session?





## Item 8A: Water Contractor Addendums

### Water Contractor Addendum

The Budget Committee made the following recommendations:

1. Increase water contractor acre-foot ag rates by 3%
  - Above Murphys Powerhouse: \$69.16
  - Below Murphys Powerhouse: \$28.21
2. Increase administration fee by 10%
  - \$340 to \$374 – increase of \$34
3. Add Late Fee Language

## Proposed Late Fee Language

In the event the Water Contractor fails to make payment within 30 days of the invoice due date, a late fee of 5% of the total invoice amount will be applied each month on the first day of the month until the past-due balance is paid in full. Contractors may make a written request for a payment plan to the Administration Department. If the payment plan is approved by the Administration Department in writing, and payments are not made per the payment plan, a late fee of 5% will be applied to the remaining delinquent balance each month on the first day of the month until the past-due balance is paid in full.

## Staff recommendation

Seeking a motion:

- I move to approve a 3% increase in the per acre-foot charge for irrigation water contractors, a 10% increase in the UWPA administration fee, and add the late payment fee language proposed by staff to the 2024-2025 irrigation season contract addendum.



## Tryon Water Allocation Request

- Tom Tryon has been an irrigation contractor with Utica since August 2001.
- Mr. Tryon's current contract amount is for 10 AF
- The water is used for irrigated pasture
- Mr. Tryon is requesting an increase in allocation to 100 AF, due to leasing his property to ranchers who wish to expand the irrigated pasture area

## Staff recommendation

Seeking a motion:

- I move to approve Tom Tryon's requested water allocation increase from 10 acre-feet to 100 acre-feet for the 2024-2025 irrigation season.



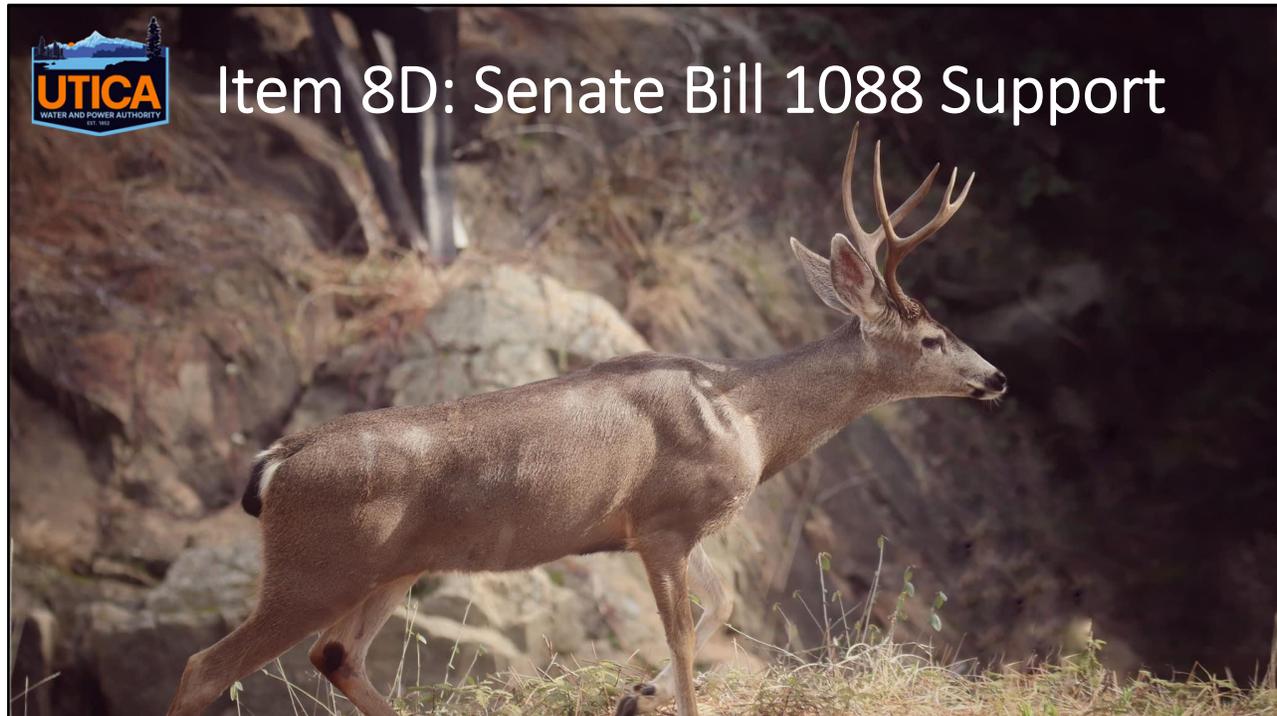
## Petty Cash Policy

- One of the items on Utica's work plan is updating policies
- In order to ensure the Authority is following best practices with tracking and accountability for small expenses, staff is presenting an updated petty cash policy for Board consideration
- This new policy is consistent with general best practices and will serve as a clear and consistent guide for Authority staff to follow

## Staff recommendation

Seeking a motion:

- I move to adopt Resolution 2024-02 approving the Utica Petty Cash Policy, as included in the agenda packet.



## SB 1088: Alvarado-Gil: Support

- SB 1088 would establish a Rural and Small Community Fire Resilience Program within the Governor's Office of Emergency Services (Cal OES)
- It would develop a program for the distribution of state matching funds to communities within the Wildland Urban Interface (WUI) to improve water system infrastructure
- It would provide state matching funds for wildfire defense and protect rural communities with the purpose of improving water infrastructure
- Utica staff will see Sen. Alvarado-Gill at an upcoming event in Columbia

## Staff Recommendation

Seeking a motion:

- I move to authorize the Utica Board Chair to sign the attached letter of support for SB 1088: Alvarado-Gil: Office of Emergency Services: Water System Infrastructure Improvements



## Highway 4 Unit Meetings

- Over the past few months, the managers of Utica, COA, UPUD, and CCWD have met
- The purpose of these meetings is to ensure communication is good between the agencies and look for partnership opportunities
- During these meetings, CCWD proposed a joint study of the Highway 4 Corridor

## Highway 4 Unit Meetings

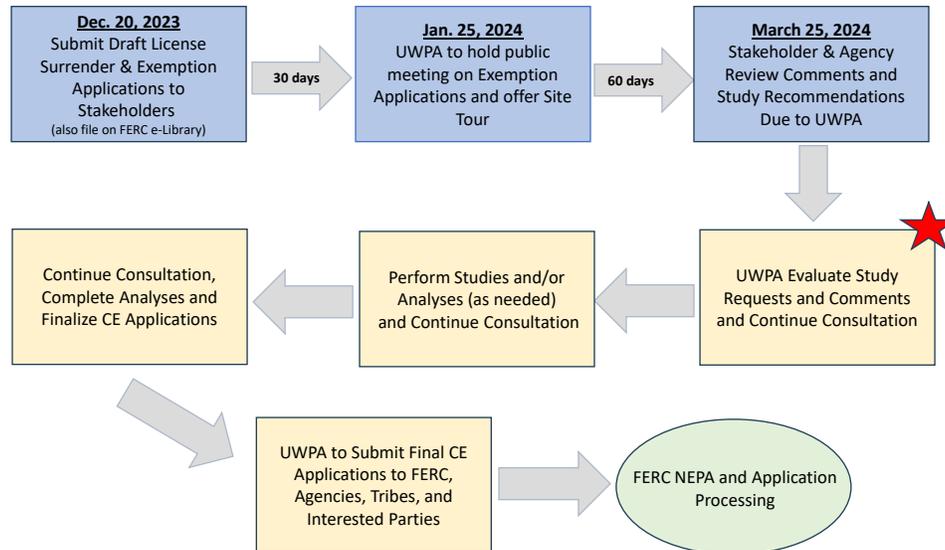
- CCWD is developing a scope of work for the proposed study
- Some of the items discussed that have been proposed for the scope are as follows:
  1. Water supply sources, reliability, and delivery efficiencies
  2. Partnering on grant applications / funding
  3. Proactive actions to protect water supply from emergencies
  4. Emergency response planning and partnerships
  5. JPA Governance

## Next Steps

- A resolution is being written that will support the effort for Highway 4 water agencies to work together
- This resolution will be brought to the various Boards for review and consideration in the coming months
- Once a draft scope of work for a study is finalized, that will also be brought to the various boards for consideration
- Additional opportunities for partnership will be identified in future meetings



## FERC Exemption Timeline



## High Level Comment Review

As of Tuesday March 26, 2024, Utica had received 26 comment letters

### Comment Letter Breakdown

1. Oppose: 1
2. Neutral: 3
3. Support: 22
4. Additional letters expected: 1 – 10

## Support Letters

- |  |   |
|--|---|
| 1. Dogtown Ditch Association           | 14. Larry Thompson                        |
| 2. Bottomley Family Trust              | 15. Calaveras County Water District       |
| 3. Bill Airola                         | 16. Dick Rolleri                          |
| 4. Congressman McClintock              | 17. John Kessler                          |
| 5. Calaveras Foothill Firesafe Council | 18. City of Angels                        |
| 6. Calaveras Band of Mi-Wuk Indians    | 19. Kautz Farms                           |
| 7. Senator Marie Alvarado-Gil          | 20. Ironstone Vineyards                   |
| 8. Calaveras Public Utility District   | 21. Union Public Utility District         |
| 9. Assemblyman Jim Patterson           | 22. Calaveras County Board of Supervisors |
| 10. California Valley Miwok Tribe      |   |
| 11. Ebbetts Pass Fire District         |   |
| 12. Murphys Sanitary District          |   |
| 13. Murphys Community Club             |   |

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## State Water Board

- On Thursday March 21, 2024, State Water Board staff emailed Utica asking for a one-week extension of the comment deadline
- Utica approved this request, and comments from the State Board are expected on Tuesday April 2, 2024
- When the letter arrives, staff expects the State Board will recommend a 401 Water Quality Certification and CEQA will be needed as part of the FERC Exemption Application process

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## California Department of Fish and Wildlife

- Utica staff has engaged with CDFW on a regular basis over the past year
- A good relationship has been established
- CDFW submitted a detailed comment letter on Monday
- Stantec finds the letter to be reasonable and not overly prescriptive

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## CDFW Recommendation #1.1

- The Department requests that UWPA survey each existing Project area to characterize populations of fishes, amphibians, benthic macroinvertebrates, aquatic invasive species, and terrestrial wildlife for the Department to determine the fish and wildlife species the continued operation and maintenance of the powerhouses and water delivery systems could affect if FERC approves UWPA's applications.

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## CDFW Recommendation #1.2

- The Department requests **confirmation** from UWPA regarding current and proposed operation and maintenance of the powerhouses and water delivery systems if FERC approves the Draft Applications, including stream flow and water regime information, ramping rates and schedules, and operational outages. The Department looks forward to evaluating this information, along with information collected as part of Recommendation 1.1 and the results of the CEFF analysis, to determine if additional information is necessary to evaluate potential impacts of the Projects on existing fish and wildlife resources. The Department anticipates that a **field-based instream flow study may be needed to develop flow recommendations** that incorporate the life history needs of fish and wildlife based on the information gathered.

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## CDFW Fee Waiver

- The Department has decided that it will not request any additional fees from UWPA pursuant to 18 CFR § 4.301(b).

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## State Historic Preservation Office

- In mid March 2024, FERC designated Utica as a non-federal representative to initiate Section 106 proceedings with SHPO
- Staff is working with Stantec and SHPO staff to submit needed documentation to initiate formal Section 106 consultation
- This consultation will review historical and cultural resources
- Expected to take at least several months

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## United States Forest Service

- The U.S. Forest Service submitted a comment letter that was neutral to the FERC Exemption process, and stated Utica needs to submit a Special Use Authorization application to the USFS
- USFS estimates processing a SUA application could take 6-12 months

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## California Sport Fishing Alliance

- Staff had several conversations with Chris Shutes, Cal SPA director
- Initially, Mr. Shutes said he intended to fully oppose the Exemptions, but after talking at length, he softened his approach
- While he still opposes the Exemptions, the end of the letter stated he was willing to reconsider if UWPA provides the information he requested and it meets his requirements

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## Next Steps

- Staff will review continue reviewing comments with Stantec in the coming weeks
- Comments will be entered into a table, and responses will be drafted
- Staff will work with Stantec to develop an overview of the requests made by resources agencies in the comments, how much those actions may cost, and a preliminary timeline for completion
- Recommendations will be brought to the Utica Board
- COA and UPUD will be kept up to date, per Board direction

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## Thank You Letters

- Staff is preparing thank you letters that will be sent to the 20+ agencies, organizations, businesses, and individuals who submitted support letters for the FERC Exemption Applications

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## Correspondence

Thank you letters were sent to the following:

1. Senator Alex Padilla
2. Senator Laphonza Butler
3. Congressman Tom McClintock

To date, Utica has received 20+ FERC Exemption comment letters

## Murphys Powerhouse Governor

- A planned maintenance outage will take place Monday April 2 through Friday April 12
- This outage is to allow Utica staff to perform maintenance at MPH by installing an upgraded governor

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## Water Year Looks Promising

- As of the latest B120 report from Department of Water Resources (March 21, 2024), it is looking like it will be a Water Year 1 starting May 1, 2024
- The 2023-2024 Water Year was also a WY 1
- With both ReMAT contracts in place, staff projects about \$1.8 million will be generated in hydropower sales in FY 2024-2025

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## Reschedule April Meeting to the 30th

- The Utica Budget Committee meeting will not be able to meet until Thursday April 18
- To provide adequate time for staff to present the HDR Financial Analysis to the Utica Budget Committee and have it ready to present to the full Utica Board, staff requests the April meeting be moved from April 23 to April 30

