



FERC COMMITTEE MEETING MINUTES

2:00 p.m. Thursday April 25, 2024
Utica Headquarters | 1168 Booster Way, Angels Camp, CA 95222

View the meeting agenda packet: www.uticawater.com/board-meeting-minutes-agenda

UTICA FERC COMMITTEE

Gary Conrado, Director
Jennifer Herndon, Director

ORDER OF BUSINESS

Agenda Items

1. Call to Order / Pledge of Allegiance

- The meeting was called to order at 2:01 p.m.

2. Roll Call

- **Directors Present**
 - Director Herndon
 - Director Conrado
- **Utica Staff Present**
 - Joel Metzger, General Manager
 - Stacie Walker, Administrative Specialist
- **Others Present**
 - Michael Manwaring, Consultant, Stantec
 - Kirby Gilbert, Consultant, Stantec
 - Indy Messier, Consultant, SCWA
 - Matt Harper, Consultant, SCWA

3. Public Comment

- None

4. New Business

Discussion and possible recommendations

A. Consideration of Stantec's revised proposal for continued support of Utica's FERC Exemption applications (Metzger)

- Mr. Metzger introduced Mr. Manwaring, a consultant with Stantec, who presented a slideshow to the FERC Committee. Mr. Manwaring reviewed the slideshow that explained the FERC Exemption application timeline and general process. Mr. Manwaring pointed out some of the key studies that are being requested by state regulatory agencies and noted that Stantec isn't recommending Utica engage in all the requested studies.
- Director Herndon asked what would happen if new species were added to the list of endangered animals. Mr. Manwaring said it wouldn't set back the timeline because agencies are asked to survey any time a new species is added. Mr. Manwaring assured the Committee that biologists conducting surveys would be briefed on potential species in the area to avoid surveying the same area multiple times.
- Director Conrado asked if Stantec would be completing the studies. Mr. Manwaring said that Stantec has the resources to address all studies by utilizing their network of Northern California professionals, but he believes there is an opportunity for cost savings by going to bid, especially on studies such as instream flow, which isn't being recommended at this time. Director Conrado asked if the regulatory agencies can request future studies, in five or 10 years. Mr. Gilbert said that something like water quality reports may require periodic sampling, but he doesn't expect a lot of studies after the Exemption has passed. Mr. Gilbert continued to say there will need to be agreements made with some agencies such as the California Department of Fish and Wildlife (CDFW).
- Mr. Manwaring reminded the committee that Utica can push back and negotiate every study. Eventually, FERC is the determining authority that would arbitrate the matter if needed. Mr. Gilbert added that he thinks FERC will look favorably on a Memorandum of Understanding (MOU) that allows for future pathways for stakeholders. Mr. Gilbert thinks resource agencies may not fully understand the nuance of the Utica system, and that Utica is creating a sustainable fishery where there isn't one.
- Mr. Metzger pointed out that there will be a strategic balance between phasing studies for cost savings and taking it too slow pushing the timeline out. Mr. Metzger said he would like more information about the Section 106 study requested by the State Historic Preservation Office (SHPO) to present to the Full Board at the next Regular Meeting. Mr. Metzger said this is a

large and expensive study and he wants to understand all the costs associated.

***The committee reviewed the Stantec proposal briefly with Mr. Metzger to hear his thoughts on the proposed studies before switching to a call with other consultants.**

- Mr. Metzger introduced Indya Messier and Matt Harper, consultants with SCWA. Mr. Harper is familiar with the area as he worked on the Phoneix Project in Tuolumne County. Ms. Messier stressed that even though SWCA is a nationwide company, Utica would be working with a team based out of California that understands the nuance of regulation in California. Ms. Messier talked the committee through some of SCWA's study proposals.
- Mr. Metzger stated that the CDFW highly recomened Utica begin the Foothill Yellow Legged Frog (FYLF) study within the next month and asked if SWCA could work with such a short timeline. Ms. Messier said they SCWA could accommodate an earlier start, however, her subject matter expert was recommending that the study take place in August. Mr. Harper said that request makes sense because the next few months are breeding season.
- Mr. Metzger asked about SWCA's thoughts on deciding against peforming an instream flow. Ms. Messier said that it is possible to avoid that study, but pointed out that the State Water Resources Control Board (SWRB) asked for a water quality certification (WQC) and instream flow isn't much more effort or cost when done with (WQC).
- Director Herndon asked to hear about SWCA's FERC Exemption experience and would like to talk to references. Mr. Harper said they are finding that FERC is still figuring out how to handle Exemption applications. Mr. Harper is used to working on conventional relicensing but has found that there are lots of facilities that qualify for exemption. He said that agencies outside of California have been very open to negating Exemptions because it makes things easier down the road for FERC. Mr. Harper said SCWA will soon submit draft applications for two projects that didn't have study requests, and he has found that jointly filing a FERC Exemption and Project Surrender is confusing, even to FERC. Mr. Harper said that FERC most commonly approves Exemptions that are new construction. Ms. Messier stated that her team is passionate about the FERC regulatory process and believes SCWA could serve Utica in a way that is good for the community.

Committee Discussion:

- Director Herndon said that Stantec offers a more conservative and predictable approach than SCWA and is quite a bit more expensive.
- Director Conrado said SWCA has the resources to work on this, but they are just getting started with FERC Exemptions. Director Conrado thinks the price difference might be the understanding of the process.
- Mr. Metzger said he would talk to the Stantec team about getting lower-cost staff to work on the project where possible to save costs. He noted that in many instances Stantec is having senior employees perform the majority of the work.

- Director Conrado said that Stantec isn't trying to be the lowest cost. He noted that SWCA had a much longer timeline than Stantec.
- Mr. Metzger reminded the committee of the value of the established working relationship with Stantec.
- Director Conrado asked what the worst case cost total would be from Stantec. Mr. Metzger said that everything spent to date and the proposed future total is about \$2.5 million.
- Mr. Metzger said he recommends doing the time-sensitive surveys and revisiting the larger and more expensive studies when more information is available. Mr. Metzger is recommending an additional FERC Committee Meeting in May once the scope for the work ahead is refined.

The FERC committee has recommended authorizing the FYLF study and wishes to hold an additional meeting to refine the scope of work regarding studies.

B. Upcoming Meetings and Calendar Events

- Wednesday, May 22 at 9:00 a.m.

C. Adjournment

- The meeting was adjourned at 4:47 p.m.

Utica Mission Statement

We are committed to preserving and protecting local control of our water resources through effective fiscal and operational management and assuring a safe and reliable water supply for municipal and agricultural stakeholders, while ensuring the quality and quantity of this precious resource for generations to come.

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Questions?

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