
Location and Time:

Monday, February 7th, 2022 at 10:30 am
Via Zoom Conference Call

***Please note, due to technical difficulties, the first few minutes of the February 7th Middle Creek Project Committee Meeting were not recorded.**

1. Middle Creek Project Committee Roll call / Quorum

Committee Members: Supervisor Bruno Sabatier (County BOS), Supervisor Eddie Crandell (County BOS), Deputy Director Marina Deligiannis (County Water Resources Department), Dr. Harry Lyons (Middle Creek Restoration Coalition), Director Scott De Leon (County Water Resources Department), Peter Windrem (Middle Creek Restoration Coalition)

Members of the Staff/ Public: Jacqueline Storrs (Water Resources Accountant), Valerie Nixon, Betsy Cawn, Dr. Merry Jo Velasquez, Karola Kennedy

2. Consideration of Items Not Appearing on the Posted Agenda (Extra Items)

3. Board Action

3.1. Approve minutes from January 10, 2022 Middle Creek Project Committee Meeting

- There was a public comment made by Merry Jo Velasquez to correct her name on the minutes.
- Motion and a second was made to approve the January 10th Middle Creek Meeting minutes with the correction.

4. Project Area Parcel Acquisition

4.1. Updates and next steps with parcel acquisitions

- **(recording started here)** SABA Parcel: Dr. Lyons and Peter Windrem discussion on reaching out to the Sino American Buddhists (parcel owners)
 - o Windrem discussed the public interest in the Middle Creek Project explaining the following topics of concern:
 1. Clear Lake Hitch in connection with the work that is being completed by the Hitch Conservation Strategy meeting. The Middle Creek project will expand tule habitat and restore wetlands.
 2. Expansion of wildlife preservation habitat, the benefit being that the SABA parcel would expand and restore habitat for wildlife. The

completion of the project would expand the wetlands from the SABAs 187 acres to 1650 acres.

3. Bloody Island restored to an island that it used to be before the tragedy that occurred there.

Windrem stated “the Middle Creek Project cannot move forward if the SABA property is not acquired.”

- o Dr. Lyons added that giving the SABA parcel owners more information of the goals of the project would help in their decision making. Dr. Lyons discussed the easement approach, it is not practical or desirable for the USACE process. Three approaches can be taken:
 1. The SABA parcel owners can be informed about the projects end goals and see the benefits of selling outright with no conditions.
 2. Using conservation/protection easements to ensure wildlife preservation in the purchase agreement.
 3. Eminent domain, but this option will not be discussed.

Dr. Lyons sent the answer of conservation easements from the USACE to the committee members via email.
- o Supervisor Sabatier commented that the creation of a conservation district can be created to ensure the vitality of the project that it would be a good idea to bring back any demands that the SABA parcel owners may have in terms of conservation to apply in the process of purchasing their property. Also that it is time that the intentions of the Bloody Island parcel acquisition should be brought forward to discuss publicly.
- o Windrem added that there will be a conservation easement in the design of the project and requirements from DWR. Supervisor Sabatier clarified that as a County we can add additional conditions to the recording of the purchasing of properties. Director De Leon’s concern is the enforcement power and suggested that the committee work with the state to create some type of sanctuary (identified as no hunting and no fishing area) so its recognized and enforced by CDFW game wardens. Director De Leon wants to offer something that is real and feasible in addition to conditions placed. Supervisor Crandell asked if this would

be similar to the easements/conditions/limitations that were placed in the Tule Lake area. Director De Leon responded “yes, this project would be similar to that process.” Windrem added that part of this property would be part of the lake and that there is a lot more public interest referencing bass fishermen and added the entire project needs to be treated the same, this property can’t be singled out. Windrem does not believe we need to do the sanctuary process.

- Public comment: Valerie Nixon added in the comments chat box “the state of CA to designate a preserve may not be a time efficient proposition for the timeline of this project.” She added her experience with working with the CA State Parks and made the suggestion of putting an easement that the Land Trust monitors the land. The Land Trust might not be out in the project location all the time but they would have the authority to call in enforcement powers for any violations. Betsy Cawn added the same concern on enforcement Director De Leon had spoken about and that there should be a third party with enforcement power.
- Dr. Lyons wanted to clarify the purpose of the discussion with the SABA parcel owners. They are looking to inform them of the benefits of the acquisition of their property in terms of value of ecology and spiritual elements. Supervisor Crandell added that he wanted to highlight the conflict in understanding the idea of before properties were owned “the land simply belong to the land” and that his ancestors used to hunt and fish the land. He wanted to highlight and try to explain that it doesn’t make sense that they are imposing that condition. Dr. Lyons added that that this project has a much larger important communal effort. Supervisor Sabatier added that we need to try and move forward in the simplest way.
- Deputy Deligiannis asked in what way Dr. Lyons and Windrem would be reaching out the SABA parcel owners (email, phone, face to face, Zoom). Dr. Lyons stated they would be reaching out via email to coordinate the meeting that works best and to remind them that they are not consultants or part of the local government agency but are reaching out on behalf of the Middle Creek Coalition. Windrem added they would be sending them materials (project progress and benefits) prior to the meeting.

- Supervisor Sabatier asked about the progress of the legals and plats. Director De Leon responded at this time staff does not have an update but will be sending that update via email. Supervisor asked if all appraisals would be happening at once as long as the right of entries were all completed. Director De Leon answered yes.
- Windrem asked about the parcel tracker spreadsheet on clarification of the Seely and Oldham parcels on the list because it was his understanding that there have been agreements made. The spreadsheet has not been updated to reflect the progress that Monument has made, Deputy Deligiannis stated that there is a meeting planned with Monument representatives later in the week.
- Multiple committee members wanted to commend Laura (Paragon representative) on what a great job she's has done in all aspects, appraisals, acquisition process and detailed updates to staff.
- Windrem discussed his concerns and frustrations that Monument is not making appropriate progress. Deputy Deligiannis added that she can invite Jeremy (representative from Monument) to come to the March meeting. Supervisor Sabatier wants recommendations from staff on what roles they want the committee to play in holding Monument accountable to their agreement. Deputy Deligiannis stated that the meeting later in the week is to discuss the concerns from staff and the committee that progress is not being made by Monument. Also that Right of Way agent Celia Hoberg not being part of the project anymore being concerning to Monument raises other concerns for staff. Deputy Deligiannis added that if staff does not get the answers they need then they will make decisions internally on how to move forward with or without Monument. Supervisor Crandell asked if Monument can't continue can Paragon take over that contracted work. Director De Leon said we can't answer that question at this time but added that the response from the two different consultants on Celia leaving that one was concerning and one was very positive. Director De Leon stated his full support on Deputy Deligiannis statement.
- Supervisor Sabatier wants to set a deadline for staff to have all the appraisals be completed by July 1st 2022 to meet the grant deadline of June 2023. Director De Leon agrees with this deadline.

5. California Department of Water Resources (DWR)

5.1. Discussion on DWR parcel acquisition correspondence and process

- Deputy Deligiannis introduced Water Resources accountant Jacqueline Storrs to provide an update on the budget remaining and budget spent for this project. This is a working document (table of task break down, funds allocated for each task, funds spent, and funds remaining). Deputy Deligiannis is planning to move part of the Hydraulic mitigation (task 4) funds to Acquisition Costs (task 3) through grant amendment procedures with DWR.
- Windrem asked for clarification on Ground Work (task 2) and what that entailed. Storrs answered it included demolition, relocation and clean-up costs and Deputy Deligiannis answered that program coordinator Daniella Cazares is working on a timeline and estimated budget by the next meeting. Supervisor Sabatier asked if money can be moved from all tasks, Deputy Deligiannis stated yes, that as progress occurs and budget is spent we can move other monies around.
- Public comment: Karola Kennedy asked what sub tasks are associated with each task. Deputy Deligiannis is going to post the current agreement and amendments coming up on the website, the committee will be informed when they are posted. Cawn asked if this funding is inclusive of the PG&E requirements? Deputy Deligiannis responded no, these funds are strictly for property acquisition process within the project area and associated tasks. Cawn asked if there is discussion today about the PG&E issue, yes there is a discussion in the agenda (item 8).

6. Project Area Property Maintenance

6.1. Updates and next steps with project area property maintenance

- Budget and timeline is being developed for remaining maintenance needs.
- Looking into different models and placement of game cameras to catch dumping. Staff has also been tracking hot spots of illegal dumping.
- Currently working on coordinating repair of one of our pumps out in the Middle Creek project area.
- Currently only one parcel needs demolition work. Staff is following county purchasing ordinance, have received quotes from three different contractors. Looking to start the demolition process within the next month so an update should be made available by next meeting.

7. Army Corps of Engineers

7.1. Discuss updates and next steps in communications with the Army Corps

- Dr. Lyons gave an update on the discussion on conservation easements and progress on the Letter of Intent. Dr. Lyons has the most up to date spreadsheet, and map on the progress of the project but will need the most up to date DWR quarterly report to send along with the additional materials to be included in the Letter of Intent. Deputy Deligiannis will be sending the DWR quarterly report along with an updated spreadsheet after discussions with Monument occur.

8. PG&E

8.1. Updates and next steps in communications with PG&E

- Supervisor Crandell gave an update on discussions with Melinda Rivera (Jan 12th), four questions were up for discussion:
 - o “Design work, is any one agency need to complete design work for the other, or is there any beneficial sequence to completing design work?”
PG&E response: “PG&E can proceed with design work and part of that design process can be to reach out to Cal Trans and USACE. Once the County is ready to proceed with the payment on deposit, PG&E can initiate the design work for relocation of equipment as part of the project scope of work.”
 - o “Can the transmission line be footed in water in the wetlands? If so what depth of water can the transmission towers accommodate? Would the county still need to move forward with design work and relocation of the towers if they can accommodate the specific depth of water?”
PG&E response: “Construction has reviewed this proposal and has determined that the towers should not be in the water. In addition our crews would require 24/7 roads to each tower for access and maintenance. PG&E would need to relocate these towers if the levee were to be removed in this area. The current towers have not been constructed with needed footings to accommodate the type of flooding that is anticipated.”
 - o “Can the distribution equipment be simply abandoned as idle facilities if the 18 customer meters are no longer in the project area and have been removed?”
PG&E response: “idle facilities can apply to those individual customers, however

the main distribution line along Nice-Lucerne Cutoff would need to be designed, engineered, and constructed in order to be removed from the project impact zone in order to continue to provide power to the communities of Upper Lake and Lakeport areas.”

- o “What would PG&E do if levees were breached? What would PG&E’s fiscal responsibility obligation be at the time in replacing and relocating its equipment?”

PG&E response: “if a declared disaster such as a levee breach were to occur, PG&E would repair its equipment and restore service. It is anticipated that PG&E would seek to be reimbursed for expenses by application of catastrophic events memorandum account.”

- Supervisor Sabatier commented that PG&E is looking to be a bigger obstacle than Cal Trans. Director De Leon commented that the all-weather road to each tower is going to be a very large obstacle. Windrem added that this is a much more expansive and expensive process than what was originally agreed to and discussed in the initiation of this project.
- Public Comment: Cawn wanted to know where the project stood with the PG&E towers and her question was answered in Supervisor Crandell’s update.
- Dr. Lyons asked about the catastrophic event application and what office that was connected to? It is linked to the state of California.
- Public Comment: Dr. Merry Jo Ousler asked if it would be less expensive to go along Hwy 20? Supervisor Sabatier added the hard part would be going around, currently PG&E is trying to go through the shortest path.
- Public Comment: Cawn asked if the flooding potential of Hwy 20 and tribal lands have ever been discussed. Supervisor Sabatier added until we have the construction design from the USACE, Cal Trans and PG&E can’t move forward.

9. Legislative

9.1. Updates and next steps in communications with Legislative

Supervisor Sabatier asked Deputy Deligiannis about timelines with progress and struggles with the state. Deputy Deligiannis apologized for not having the timeline done but it would be emailed later in the week. DWR did send in the check for Mountanos last minute

so Deputy Deligiannis would be updating the timeline to reflect that. Supervisor Sabatier would like to initiate more conversations with Congressman Thompson's office moving forward.

10. Project Funding

10.1. Updates and next steps on current and future project funding

- Supervisor Sabatier, we are waiting for further steps in the project to be taken. At the moment we are focusing on parcel acquisition. Have already allocated funds for the USACE design.

11. Caltrans

11.1. Updates and next steps in communications with Caltrans

- Covered under agenda item number 8. No additional updates.

12. Public Expression

13. Non-Timed Items

13.1. Discussion on meeting between Robinson EPA Director Anderson and committee members Windrem and Dr. Lyons.

- EPA director asked to table this discussion item.
- **Supervisor Sabatier asked to add the item of a discussion on Bloody Island as an agenda item. Supervisor Crandell said that would be a good idea and gave a brief insight on what the tribes called Bloody Island.**
- Public Comment: Cawn added maybe the committee can reach out to Dr. Parker for more resources on the history of the site of the Clear Lake Massacre. Also it would be nice to have a map of the general idea of what the project would look like when it is completed for outreach material. Director De Leon agreed that a drawing of the end goal design would be helpful to the public and has an idea of a vision that can be put together for this project.
- Next steps for update on the Middle Creek Project area to the BOS. Deputy Deligiannis would like to give an update on the progress of the project and how the public can become more engaged. Presentation to the BOS on March 22nd. Deputy Deligiannis would like input and help with the presentation from Windrem and Dr. Lyons.

14. Next Meeting Scheduled for: March 7, 2022 at 10:30 am PST via Zoom Conference Call

15. Adjournment

Please send any agenda items to Committee Secretary at Water.Resources@lakecountyca.gov or (707) 263-2344

Water Resources is inviting you to a scheduled Zoom meeting.

Topic: February Middle Creek Project Committee

Time: Feb 7, 2022 10:30 AM Pacific Time (US and Canada)

Join Zoom Meeting

<https://lakecounty.zoom.us/j/97500982954?pwd=a2Q4OE5UcWFnLzJaUUUwpeDAyZkZGUT09>

Meeting ID: 975 0098 2954

Passcode: 439409

One tap mobile

+16699006833,,97500982954#,,,,*439409# US (San Jose)

+12532158782,,97500982954#,,,,*439409# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

Meeting ID: 975 0098 2954

Passcode: 439409

Find your local number: <https://lakecounty.zoom.us/u/acgYijc5Vg>

Join by SIP

97500982954@zoomcrc.com

Join by H.323

162.255.37.11 (US West)

162.255.36.11 (US East)

Meeting ID: 975 0098 2954

Passcode: 439409