

LAKE ELSINORE & SAN JACINTO WATERSHEDS AUTHORITY BOARD OF DIRECTORS MEETING

REGULAR MEETING MINUTES OCTOBER 18, 2018

BOARD OF DIRECTORS PRESENT

Brenda Dennstedt, Chair, Santa Ana Watershed Project Authority
Phil Williams, Vice Chair, Elsinore Valley Municipal Water District
Vicki Warren, Secretary/Treasurer, City of Canyon Lake
Robert Magee, City of Lake Elsinore
Kevin Jeffries, County of Riverside

OTHERS PRESENT

David Wysocki, LESJWA Attorney
Nicole Dailey, City of Lake Elsinore
Greg Kahlen, The Kahlen Group
David Kates, Nevada Hydro Company

LESJWA STAFF

Mark Norton, Sara Villa

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

The Regular Board of Directors meeting of the Lake Elsinore & San Jacinto Watersheds Authority (LESJWA) was called to order at 4:00 p.m. by Chair Dennstedt at the Elsinore Valley Municipal Water District, 31315 Chaney Street, Lake Elsinore, California.

2. ROLL CALL

Roll call was duly noted and recorded by the Clerk of the Board.

3. PUBLIC COMMENTS

There were no public comments.

4. CONSENT CALENDAR

A. APPROVAL OF MEETING MINUTES: JUNE 27, 2018

Recommendation: Approve as posted.

B. TREASURER'S REPORT: MAY/JUNE/JULY/AUGUST 2018

Recommendation: Approve as posted.

C. COMMITTEE STATUS REPORT: JULY – SEPTEMBER 2018

Recommendation: Approve as posted.

D. TMDL TASK FORCE REPORT: MAY 23, 2018/AUGUST 15, 2018

Recommendation: Approve as posted.

MOVED, approve the Consent Calendar.

Result:	Adopted (Unanimously)
Motion/Second:	Jeffries/Magee
Ayes:	Dennstedt, Jeffries, Magee, Warren, Williams
Nays:	None
Abstentions:	None
Absent:	None

5. **NEW BUSINESS**

A. **POLICY DIRECTION TO LAKE ELSINORE & CANYON LAKE TMDL TASK FORCE (MEMO 836)**

Mark Norton recommended that the Board of Directors approve a policy that funding contributions can be made to Lake Elsinore and Canyon Lake TMDL Task Force (LE/CL TMDL) and LESJWA from outside parties, and allow funding contributions from Lake Elsinore Advanced Pumped Storage (LEAPS) proponents and CR&R to support coordination with the TMDL Update as defined in the original LE/CL TMDL FY 2018-19 Budget.

Norton provided a brief background regarding two entities that approached the LE/CL TMDL with their support to the TMDL Update. CR&R is a green waste composting storage facility within the 100-year floodplain of the upper San Jacinto River in an unincorporated Riverside County area near Lakeview. The LEAPS project, with the suggestion from the Regional Board requested that they participate in the LE/CL TMDL Task Force and provide funding for the work for the TMDL update.

At the April 19, 2018 LESJWA Board Meeting, the Board approved the FY2018-19 LESJWA Budget subject to removal of the monetary contributions from the LEAPS proponents. The LESJWA Board informed staff that due to ongoing litigation among Elsinore Valley Municipal Water District (EVMWD) and the LEAPS proponents that such funding was deemed inadvisable and not recommended. The LE/CL TMDL Task Force requested that LESJWA staff approach the LESJWA Board to request direction on a policy on bringing in private parties into the LE/CL TMDL Task Force and if funding contributions should be accepted by non-Task Force agencies to participate in the Task Force studies. The LE/CL TMDL Task Force is currently experiencing a budget revenue gap of \$36,868 from CR&R and \$36,868 from LEAPS (\$73,736 total), staff recommends the support from the LESJWA Board to accept a policy that funding contributions can be made from outside parties to support coordination with the TMDL Update.

Director Williams noted that EVMWD has settled their lawsuit, though there are some conditions and requirements that he is yet to discuss with his district attorney to see what level of participation he could have. There is a settlement agreement with LEAPS and there are certain items that can and can't be said and he doesn't want to jeopardize anything, therefore he abstains. Director Jeffries stated that he has campaign contributions from CR&R in excess of his limitations and all his other capacities being in a JPA, he can't participate in the discussion, and abstains. Director Warren and Director Magee abstained as well. Chair Dennstedt recommended that this item be deferred to the December meeting to allow Director Williams to go to his legal counsel for clarification on participation, and then together they can figure out who would be the third member who could vote and represent a quorum of the Board. Director Magee raised concerns on the inconsistency of a policy statement, there is one applicant that has clearly gone through the entitlement process and is seeking a permit and another participant with a draft application; is the threshold when the Regional Board says the project can be permitted or when they get all the entitlements? Chair Dennstedt recommended that this item be deferred to the December meeting. Motion to continue and direct staff to comply with chairs direction Magee/Dennstedt all concur and moved to the next agenda item.

MOVED, to continue and direct staff to comply with Chair Dennstedt's direction in deferring Agenda Item No. 5.A for the next scheduled LESJWA Board meeting.

Result:	Adopted (Unanimously)
Motion/Second:	Magee/Dennstedt
Ayes:	Dennstedt, Jeffries, Magee, Warren, Williams
Nays:	None
Abstentions:	None
Absent:	None

6. **INFORMATIONAL REPORTS**

Recommendation: Receive for information.

A. **LAKE ELSINORE FISHERY MANAGEMENT TASKS REQUEST FOR PROPOSAL STATUS REPORT (MEMO 837)**

Mark Norton recommended that the Board of Directors receive and file the Lake Elsinore Fishery Management Tasks Request for Proposal (RFP). The RFP is to seek work that will be part of the TMDL Compliance to assess conditions of the enhancement to the Lake Elsinore fishery and identify appropriate management measures for improving and supporting the aquatic habitat, and to conduct a survey of the lake fishery, fish tissue analysis, and carp removal. The RFP was issued September 20 and are seeking proposals October 26. It is anticipated to bring forward the recommendation of the Consultant for LESJWA Board approval in December. Director Magee thanked Mark Norton for working with his staff in preparation of this RFP; and recommended a few items to be discussed with the selected Consultant prior to approval. He referenced the following; On page 61 of the Agenda Packet under Task 4, there needs to be an inclusion/discussion and analysis of the potential impacts of the LEAPS project. Under the Implementation Activities, it needs to include a recommendation for specific species both existing and new. Also, on page 62 of the Agenda Packet under the "Disposal" bullet point, it needs to state that the consultant pays the landfill disposal tipping fees and that it ensures that disposal is in fact the last option. We could let them keep the money on the beneficial use of removal, and we would want them to coordinate with our staff so that we get the recycling/diversion credits.

MOVED, approve Director Magee's recommendation to discuss/include the following items with the selected Consultant for the Lake Elsinore Fishery Management Tasks RFP: 1) Discussion of the potential impacts of the LEAPS project, 2) Include the recommendation for specific species both existing and new, and 3) Include that the selected consultant pays the disposal tipping fees.

Result:	Adopted (Unanimously)
Motion/Second:	Magee/Williams
Ayes:	Dennstedt, Jeffries, Magee, Warren, Williams
Nays:	None
Abstentions:	None
Absent:	None

B. **TMDL REVISION AND UPDATE STATUS REPORT (MEMO 838)**

Mark Norton recommended that the Board of Directors receive and file the status report on the Lake Elsinore and Canyon Lake Nutrient TMDLs Revision and Update. CDM Smith and Risk Sciences have been working with the LE/CL TMDL Task Force in creating a draft which is currently being reviewed by the Regional Board. The TMDL Revision and Update reflects the accomplishments and goals of what was originally planned to reflect the changes that have occurred since the last TMDL of the land use and how we measure. A Task Order for CDM Smith and a Change Order for Risk Sciences will be brought forward for LESJWA Board approval at the next scheduled meeting.

This item was for informational and discussion purposes; no action was taken on Agenda Item No. 6.B.

C. **LAKE ELSINORE ADVANCED PUMPED STORAGE PROJECT (LEAPS) UPDATE (MEMO 839)**

Mark Norton recommended that the Board of Directors receive and file the Lake Elsinore Advanced Pumped Storage Project (LEAPS) update. Nevada Hydro is seeking to file a license application through the Federal Energy Regulatory Commission (FERC) for the LEAPS project. The proposed

LEAPS project will pump water out of the lake into the mountains and by the use of releasing water generate new electricity that will benefit the Southern CA Edison and San Diego Gas and Electric Company. Mark Norton introduced two (2) representatives from Nevada Hydro to answer any questions; Greg Kahlen, and David Kates.

Kahlen provided an oral status report to the Board of Directors; and noted that an application for the LEAPS project was submitted by Nevada Hydro to FERC on October 2017. FERC reviewed the application and requested additional information from Nevada Hydro. The additional information was then submitted to FERC in January 2018. Soon after, the application was published on FERC's website requesting ten (10) study plans; for example, fire suppression, traffic, biological studies, and cultural resource studies. The studies have been submitted, and FERC is in the process of reviewing. The application is still awaiting acceptance and a license issued to build the project. Once the application is approved and the license is issued, there is a list of items that are required before construction, such as a construction schedule, and a Financial Plan explaining how the project will be built, operated and maintained. Kahlen provided a handout of the FERC application "Exhibit A-Project Description" to the Board of Directors. As part of the settlement, the LEAPS project is to have the water district put 15,000 acre-feet of water into Lake Elsinore and 9,000 of that is to raise the lake itself, and the remaining 6,000 will be for the upper reservoir to make the project operate.

Director Magee questioned where would you find 15,000 acre-feet of water? Kahlen noted that Nevada Hydro will buy the water from EVMWD, whom they can possibly get it from Metropolitan Water District or other sources. Director Magee questioned if they have other water sources external to this valley where they are proposing to arrange water wheeling arrangements? Kahlen noted they are not proposing anything, that they are buying. Kates stated that they have agreed with EVMWD to purchase 15,000 acre-feet of water and then continue to purchase additional water yearly to maintain a certain water level.

Director Magee thanked Greg Kahlen and David Kates for attending and noted that he will review the large-scale map and go over the alignments and the permitting timeline. Director Magee raised concerns on the point of penetration into the lake bottom and how that impacts the wildlife. Kates stated that they have contracted with a lake expert, Dr. Michael Anderson, to study the impact of the LEAPS operation of the lake as well as adding additional water to the lake, and one of his biggest tasks is to help us determine what the most effective configuration might be. Director Magee extended the invitation to Greg Kahlen and David Kates to attend the City Council meeting once this project gets further along. Norton questioned when CEQA will be addressed. Kates noted that they have filed seventeen (17) volumes of information with FERC, and once they accept the application that then triggers the involvement of the State and they will have to do a CEQA analysis.

This item was for informational and discussion purposes; no action was taken on Agenda Item No. 6.C.

D. COMMUNICATION LETTERS FOR THE FYE 2018 AUDIT AND STATE CONTROLLERS REPORT WITH TEAMAN, RAMIREZ & SMITH, INC.

Mark Norton recommended that the Board of Directors receive and file the communication letters for the FYE 2018 Audit and State Controllers Report with Teaman, Ramirez & Smith, Inc.

This item was for informational and discussion purposes; no action was taken on Agenda Item No. 6.D.

E. ADMINISTRATOR'S COMMENTS

Mark Norton informed the Board of Directors that the LE/CL TMDL Task Force explored doing stormwater quality monitoring due to the Holy Fire in the area, however, no monitoring is currently proposed by the Task Force since Riverside County Flood Control and Water Conservation District (RCFCWCD) will be moving forward with an extensive program. Credit for conducting this

monitoring that supplements the Task Force's existing watershed stormwater quality monitoring will be considered by the Task Force as further details are learned.

F. DIRECTORS' COMMENTS

Director Warren thanked LESJWA staff on the Canyon Lake Alum Treatment, and she noted that everything went well.

G. FUTURE AGENDA ITEMS REQUESTS

It was requested that the Cranston and Holy Fire results be distributed once available.

7. ADJOURNMENT

There being no further business for review, Chair Dennstedt adjourned the meeting at 4:48 p.m.

Approved at a Special Meeting of the Lake Elsinore & San Jacinto Watersheds Authority Board of Directors Meeting on Monday, December 10, 2018.


Brenda Dennstedt, Chair

Attest:


Sara Villa, Clerk of the Board