Blue Ribbon Committee for the Rehabilitation of Clear Lake (Committee)

Meeting #6
1:00 pm-4:00 pm
August 15, 2019

Meeting Summary[1]

Attendees:

See Appendix A

Action Items:

1. Blue Ribbon Committee Members will provide the following to the CCP Facilitation Team:
   a. Resolve any timing conflicts or propose new 2020 quarterly Committee Meeting dates, by the September 26th Quarterly Meeting
   b. Comments on the Socioeconomic and Cultural/Natural Resources Subcommittees Proposal to the Facilitation Team by September 13th
   c. Comments on the Draft Report Outline and Subcommittee Recommendations by September 13th, particularly about anticipated funding amounts and funding sources
   d. Comments about what products they would like to see out of the September 26th meeting and if it should be an all-day meeting
   e. A brief summary of any relevant efforts related to improving water quality in Clear Lake, as well as a link to any specifically referenced document and the document itself
2. The CCP Facilitation Team will do the following:
   a. Update the Charter as indicated and finalize the document
   b. Update the June 5th Meeting Summary as indicated and finalize the document
   c. Arrange for a presentation on LiDAR technology for the September 26th meeting
   d. Update the Draft Report Outline and Recommendations List
3. Linda Rosas-Bill, Sarah Ryan, and Terre Logsdon will work together to refine the title of what is currently called the Cultural and Natural Resources Subcommittee
4. Angela DePalma-Dow should follow up with Ms. Godkin about the Public Opinion Assessment budget

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[1] Except as specifically noted, all comments reflected in the summary were derived from Committee Member statements. Where applicable, specific responses are provided to individual comments/questions.

Welcome and Introductions

Sam Magill (Facilitator), Senior Facilitator, Sacramento State Consensus and Collaboration Program (CCP), opened the meeting by thanking everyone for attending the interim meeting. He acknowledged that, along with the September and December Quarterly meetings, it will likely be necessary to hold another interim meeting before the end of the year.

The Committee Chair, Caroline Godkin of the Natural Resources Agency, thanked the Sacramento State Facilitation team for preparing the meeting, Linda Rosas-Bill of the Habematolel Pomo, for hosting the meeting, the Subcommittee Members for the work they have done that will inform the day's conversation, as well as the Committee Members who participate in the Committee in addition to their day jobs. Ms. Godkin reminded the Committee that when Aguiar-Curry drafted Assembly Bill (AB) 707, which created the Blue Ribbon Committee, she specifically wanted the perspectives of each entity on the Committee to be represented in the Report to the legislature. She underscored the importance of harnessing the expertise of this Committee to make the best set of Recommendations.

As the meeting venue host, Ms. Rosas-Bill offered her hope for open minds and hearts at the meeting and that all participants bring forth their concerns and disagreements to be worked through in an honest and productive way. All Committee Members were present except for Brenna Sullivan, Lake County Farm Bureau, for whom Brock Zoller served as an alternate. Michael Youngblood replaced Jim Steele as the official representative of Robinson Rancheria.

2019/2020 Scheduling Discussion

The Facilitator proposed the following dates for 2020 Quarterly Blue Ribbon Committee meetings:

- March 11
- June 24
- September 23
- December 9

Sarah Ryan, Big Valley Rancheria, stated that she has a conflict on March 11th, but may be able to make that date available. EJ Crandell, Lake County Board of Supervisors, stated that for the June 5th meeting, no one from the County Board of Supervisors could attend because it conflicted with a budgeting meeting. The Facilitator will speak with the Board's scheduling staff to ensure the 2020 dates do not conflict with their meetings. Committee Members voiced no other conflicts and the Facilitator asked them to hold those dates and resolve any conflicts or propose new dates by the September 26th quarterly meeting (Action Item 1a).

Items for Committee Approval

<u>Committee Charter</u>

The Committee Charter has gone through several iterations, and was to be approved at the June meeting, but the Committee ran out of time. The most recent updates to the Charter include language permitting the use of alternates if Committee Members are unable to attend meetings. The Facilitator clarified that consistency in attendance is very important, and if any Committee Member must miss more than one quarterly meeting in a year, they should speak with Resources and the Facilitation team to see if there is a need to find a permanent replacement to represent their constituency. The only other change is that Koi Nation of Northern California and Middletown Rancheria of Pomo Indians have also been added to the Charter as Members of the Committee.

The following comments and questions were made about the Charter:

- Change "meeting" to "quarterly meeting" in the sentence reading "…if a Member anticipates missing more than one meeting in a calendar year, s/he will contact Resources and the facilitation team to identify a suitable, permanent replacement."

- Does calling in count as attending a meeting?

  Response: Yes, though we have not offered a call in option for quarterly meetings in the past, and will only do so by request. We strongly encourage in-person attendance of quarterly meetings.

- Section 1 - Project Purpose and Background was edited to remove language about the dire state of the lake, in order to avoid extensive debate. That's acceptable, but obviously concern for the health of the lake has risen to the level of the state government, and we are all very concerned with it. Even though it is not written into the Charter, I don't want to forget that this is a serious issue.

  Response: Those specific concerns will be represented clearly in the Report to the legislature, which should have the support of the Committee as a whole.

The Committee unanimously approved the Charter, under the condition that the change indicated in the first comment above is made.

June 5, 2019 Meeting Summary

The meeting minutes were approved, with one requested change. In the second paragraph on page 12, Ms. Ryan requested the term "flow measurements" be replaced with "all measurements," as her intention was to say that Total Maximum Daily Load (TMDL) Responsible Parties need to monitor to verify they are reducing their daily loads.

<u>Socioeconomic and Cultural/Natural Resources Subcommittee Proposal</u>

The Facilitator reviewed the proposal, the purpose of which is to form discussion groups to review the Annual Recommendations Report and "serve as a screening mechanism to analyze, identify, and remedy potential socioeconomic and cultural/natural resources impacts before recommendations are submitted to the full Committee for approval at the final quarterly meeting of each year." This proposal was developed out of conversations with Wilda Shock, Lake County Economic Development Corporation (EDC), Terre Logsdon, Scotts Valley Pomo, and Ms. Rosas-Bill in response to concerns that a socioeconomic Subcommittee of the same structure as the Technical Subcommittee might not be logistically feasible at this point in the AB 707 implementation process, and it's scope might be too broad.

The Committee posed the following questions and comment about the Proposal:

- What restrictions will Bagley-Keene place on these Subcommittees?

  <u>Response:</u> More than a quorum of the Committee (eight Members) cannot sit on any Subcommittee, because then decisions made would represent the will of the Committee at large.

- What would the engagement of these Subcommittees look like?

  <u>Response:</u> These discussion groups would review recommendations from the Technical Subcommittee and highlight any potential negative socioeconomic or cultural impacts in a report to the Committee that would be taken into consideration when the Committee vets the recommendations.

- If the goal is to gather information from other perspectives on the recommendations, then it makes sense that the technical Subcommittee should review any recommendations from the Socioeconomic or Cultural/Natural Resources Subcommittees.

- Will all recommendations be vetted before coming to the full Committee?

  <u>Response:</u> Only the Committee will vet recommendations. The Subcommittees' responsibility is to compile reports and recommendations, not to vet recommendations.

- Why is it called a Cultural and Natural Resources Subcommittee? Isn't concern for natural resources embedded in the technical aspect of this? It feels misleading and competitive.

  - Sometimes "cultural resources" is understood to mean only archaeological sites and artifacts, when in reality many natural resources in and of themselves, including plants, animals, and water bodies, are also cultural resources for tribes and others.

- o Could we change it to "cultural resources and historic values?" The definition could be expanded to include natural resources.

- It is important that we are respecting the tribes by giving an overview of all recommendations and impacts through the cultural resources Subcommittee, because tribal input and values have been overlooked for decades.

- The Technical Subcommittee should encompass social and cultural concerns.

The Committee approved the Proposal in concept, as long as oversight is mutual between all three Subcommittees. The Committee will provide further comments to the Facilitation Team by September 13th (Action Item 1b). Linda Rosas-Bill, Sarah Ryan, and Terre Logsdon will work together to refine the title of what is currently called the Cultural and Natural Resources Subcommittee (Action Item 3).

Discussion and Review of Technical Subcommittee Recommendations

Draft Report Outline

The Facilitator directed the Committee Members to review the 2019 Report to the Governor and California State Legislature Annotated Draft Outline for Committee Revision (Draft Report Outline). He explained that this document is provided as a first draft, to verify with the Committee Members if the Facilitation Team is heading in the right direction with the structure of the report, or if changes need to be made.

The Facilitator also shared the timeline for finalizing Report, and he and Ms. Godkin both warned that this will be a substantial effort on a tight timeline, requiring quick turnaround. The Facilitator asked that the Committee Members review the document in depth after the meeting and e-mail comments to him by September 13th, so that he may seek input from the Subcommittee to refine the document two weeks before the next Committee meeting on September 26th. He specifically asked for comments about anticipated funding amounts for Technical Subcommittee recommendations (Action Item 1c). The timeline is as follows:

- August 15: First Committee review
- August 15-September 13: Committee Member review and comments
- September 26: Conditional Committee approval of 2019 Report and recommendations
- September 27-November 25: Report revisions (including potential interim Committee meetings and Technical Subcommittee meetings as needed)
- December 11: Final Committee approval of 2019 Report and recommendations

The facilitation team is considering an all-day meeting for September 26th, and would like feedback from the Committee about what products they would like to see out of that meeting (Action Item 1d). The following comments were made regarding the Draft Report Outline:

- In this report we should not only reference the parallel efforts by UC Davis, but also the substantial work being done to support water quality improvements, such as the tribal monitoring efforts and Cyanobacteria Task Force. That information will be valuable not only for the legislature, but for the public and other agencies.

  Response: Committee Members should send a brief summary of those related efforts to the facilitation team to include in the Report, as well as a link to any specifically referenced document and the document itself, so that Resources has complete records behind the Report in case they are requested (Action Item 1e).

- We should indicate where actions are supposed to be taken but are not; where agencies or responsible parties are out of compliance, for lack of resources or any other reasons.

- Where is the information for the Barriers to Water Quality section coming from? Is it being provided collaboratively from different sources? This report should be a synergistic effort. It should reflect what the studies are saying and also counteract misinformation.

  Response: The facilitation team will need input from the Committee on what information will be placed in this section. TERC and the Tribes have a wealth of information on barriers to improving water quality. In the current framework there are placeholders for quarterly reports and initial research from UC Davis. Barriers to Water Quality is the trickiest section to characterize, since it is controversial. The purpose in the legislation is to characterize the state of the lake, and this first report will have a very initial description. This will be the section of the report that will evolve the most over the years. Understanding barriers to improving water quality is a constantly changing landscape with a wealth of data, as all of the Committee Members well know.

- Should we include in the Report any existing capacity or other sources of funding for these recommendations?

  Response: Absolutely. We should leverage every source of funding we can. In pursuing legislative funding, we are competing with every program the state funds, and the more we show how we are leveraging state dollars, the more compelling our case is to the legislature and other partners. The Committee Members are incredibly entrepreneurial in how they find funding, and we need to employ that talent.

Subcommittee Recommendations:

The Facilitator thanked Karola Kennedy, Sarah Ryan, and Brock Zoller for their participation on the Technical Subcommittee. The Subcommittee has been focused on refinement and gaps, areas where TERC's current lake research is not focused. The Committee will have many more opportunities to provide comments on this document, and it will continue to be revised as the Subcommittee continues to meet.

The Facilitator shared the draft list of recommendations from the Technical Subcommittee. All of them are focused on data gathering and further refinement of existing information, except for the final recommendation for an assessment of the public perception of water quality around Clear Lake, which was proposed by Angela DePalma-Dow, Lake County Water Resources Department (WRD) at the Committee's March quarterly meeting. The listed recommendations are:

- LiDAR flight of entire Clear Lake watershed
- Stream gauges and continuous input monitoring of upper watershed
- Upper watershed modeling
- Unified databased/data collection for Clear Lake
- Public assessment of Clear Lake water quality issues

One Committee Member commented that this list is very heavy on monitoring, but doesn't capture the focus on management and enforcement that the Subcommittee's conversations have demonstrated. The conversations have been much more expansive, and project monitoring is only a means to enhance existing regulations, and gain a better sense of what's happening on the land and not just in the creeks. The Facilitator replied that there is a much longer list of recommendations, but these are the ones he identified as having the broadest support in the Subcommittee, however this list is still intended to be refined and added to. He reminded the group that the recommendations with the most support among all Committee Members will be the most successful in gaining support from the legislature and any other funding sources.

The Facilitator described the recommendations with input from Technical Subcommittee Members and took questions and comments:

LiDAR flight of entire Clear Lake watershed: LiDAR uses light rays to create a very detailed understanding of topography. A LiDAR scan was done of the Clear Lake basin in 2016, and comparing that to updated data would show where erosion occurs and where pollutants enter the Middle Creek watershed.

- Can we have a presentation about LiDAR at the September meeting?

    o A Technical Subcommittee Member can likely present on LiDAR in September (Action Item 2c).

- Does LiDAR show vegetation types and does it penetrate the lake?

    o No, the satellite imagery shows vegetation and cyanobacteria blooms, LiDAR shows only topography changes. LiDAR does not penetrate the lake.

Stream gauges and continuous input monitoring of upper watershed: This would determine areas of greatest concern as nutrient loading hotspots to Clear Lake and also monitor the efficacy of BMPs.

- Stream gauges are based around the TMDL and responsible parties, but the responsible parties don't have monitoring plans. How do you show that loading has changed if you don't have numbers through monitoring?

  - The TMDL does not require monitoring plans, it only requires a reduction in loading, demonstrated through monitoring or modeling. As CVRWQCB continues to gather information to figure out where we are with the loading reduction, that's something the Committee can take to the Board as a next step. The starting point is the BMPs, and information gathering, and from there we will talk about revisions to the TMDL. CVRWQCB has received some information from responsible parties, but the request for information is still being disseminated.

Upper watershed modeling: The bulk of the UC Davis modeling is taking place under the lake, and not in the upper watershed. Technical models of the upper water shed would seek to understand what impacts different precipitation amounts have on erosion and the flow of nutrients into the Lake. This would help to identify where small changes could have a large impact. This would be a large undertaking and the most expensive of all of the listed recommendations today.

- TERC is creating a 3D hydrodynamic model of the lake, as well as a watershed model. However, it is limited in how detailed the watershed model will be and therefore in its ability to serve all of the needs of the Committee and community. If a new LiDAR survey is funded that identifies areas of high erosion, finding resources for a more comprehensive watershed model than what TERC is developing now might be warranted.

- UC Davis receives data from the Geostationary Operational Environmental Satellite (GOES)-17 Satellite that was launched in November and is collecting data along the entire western seaboard. The data for the Clear Lake Region is available, but would need funding and resources to be processed. Susan Houston runs a center at UC Davis that focuses specifically on remote telemetry and satellite data, she is willing to speak to the Committee or Subcommittee about the latest in satellite technology and what might or might not be possible. It could complement or augment the LiDAR data and in situ monitoring.

Unified databased/data collection for Clear Lake: There is a wealth of information about Clear Lake, but it is not in one place, most of it has not been analyzed, and there are not currently resources to compile or analyze the data. There is a suggestion to create a full time position to collect all of that data in a unified data base.

Public assessment of Clear Lake water quality issues: This is a nexus with the socioeconomic concerns. The assessment would seek to find out what are the public perceptions of water quality and attitudes and behaviors with negative or positive impacts. This will help the Committee and Subcommittees know how to have the most positive impact to garner future support. It has never been done before and could include a second post-assessment survey five years later.

- Could this survey address public perception of current events around the Lake? For example, the city of Lucerne has high water rates because they had to take a loan to fix water equipment for the water company. However, residents seem to think that they are bearing the financial hardship to forgive a loan of the water company. Could something like this be a subject of the survey?

    o Yes, the specific survey has not been developed yet, but the projected budget provided in March includes funding for a focus group that could address specific questions.

- The survey is a great idea. Most people in the Clear Lake basin are ignorant about how they are contributing to the poor water quality in the lake, and place blame in different places. Unless the public is educated, any work the Committee does will be fighting against the wind.

- Is the budget submitted for the Assessment robust enough? If we make a request for funding for a survey, it must be a strong request and striking the right balance. Ms. DePalma-Dow should follow up with Ms. Godkin about the budget (Action Item 4).

    o The estimated budget for the Assessment is realistic, but was drafted from the perspective of County projects with shoe string budgets, and was compared against similar projects, but from the early 2000s. The budget estimate is only for one survey and does not include a 5-year post-assessment.

Additional Recommendations:

- Collecting Bathymetric data, the shape of the lake under the water, is a critical data gap for modeling of the lake, and is not part of the UC Davis contract. The US Geological Survey (USGS) is commencing a study on volcanic eruption potential in the region, so there is a shared need for that data. Knowledge of what sediments are in what locations at the bottom of the lake would have big impacts. Like the LiDAR survey, new bathymetric data could be compared to old data to show change over time.

    o Collecting bathymetric data is a very high priority.

- A review of local, state, tribal, and county ordinances and of how and why they are or are not being implemented or enforced would be a recommendation.

    o Central Valley Regional Water Quality Control Board (CVRWQCB) is trying to gather that information, and it would be great if the Committee could assist in any way. For next year, the first step might be gathering information and determining next steps, but not committing to do a full evaluation of it, because that may not be enough time.

    o Frequent staff turnover at different agencies is often a cause of monitoring requirements or implementation of BMPs falling off the radar. It would be great for someone to have oversight of all of these required activities.

- o Many agencies admit they are not able to keep up with monitoring requirements. There are a lot of assumptions that BMPs and other projects are installed and utilized correctly, but there is no oversight. Big Valley submitted a post on this to US EPA Region 9 to look at all the land use ordinances of all the different jurisdictions. There are many jurisdictions and its often hard to close the loop on who is supposed to be doing what and how the different responsibilities should be coordinated.

- In order to come approve specific technical recommendations, it would be good to know about the socioeconomic impacts of water quality and the condition of the lake on the communities most impacted such as the economically disadvantaged, retired, those who take their drinking water from the lake, or residents of certain areas on the lake.

  - o That can be a target of the public survey. It can look at age, income bracket, and location, though not in time for this year's recommendations report.

The Committee confirmed that the report structure and the Subcommittee recommendations are moving in the right direction. Paul Dodd, UC Davis commented that "the devil is in the details" and refinement and prioritization will require further discussion. Committee Members posed the following general comments and questions:

- Why are these recommendations not included in the TERC Work Plan? Are any of these recommendations within their scope? Before we assess the recommendations thoroughly, we need to know what TERC is doing.

  Response (Geoff Schladow, TERC): I'm happy to work with other Members of the tech Subcommittee to provide some insight to what the essence of the challenges in the lake are, with some data to back it up in a readable format.

  Response (Clare Cannon, CRC): We would be amenable to that, but I am only one representative of a greater team.

- Are we required by AB 707 to have socioeconomic recommendations?

  Response: No, the legislation reads "The first annual report submitted … shall identify barriers to improved water quality in Clear Lake, the contributing factors causing the poor water quality, and the threats to wildlife. The report shall include recommendations on solutions to these issues, estimates of cost, and a plan for involving the local, state, and federal governments in funding for and implementation of lake restoration activities."

- If we pose a request for funding to the legislature, would any approved funds be part of the 2021 budget?

Response: January is the start of the budget cycle, and any funding as a result of this report would be available in July 2020. The report is not the request for funding but will facilitate a request for funding later on. Once we develop recommendations, we can talk to the Department of Finance and Aguiar-Curry's office.

- How long will the Committee be active? There is a lot to be done and not a lot of time to waste. This needs to be a collaborative effort.

    Response: There is no sunset for funding for the Committee. The CCP facilitation team contract is three years. In similar projects, like the Salton Sea and Lake Tahoe, similar Committees started the needed work and the work continued after the Committee disbanded.

- These are good suggestions to start. It's unfortunate that legislators tend to find data collection unexciting, but eventually this will lead to large sweeping suggestions like land use changes. Big data collection suggests the import of large actions. The information gathered will inform our next steps and where to focus funding for implementation.

    Response: Like the Salton Sea and Lake Tahoe, once the preliminary information is gathered that leads to a clear and viable vision and plan, more substantial funding can be requested.

- I'm concerned we are spending small amounts of money on small monitoring projects that will have little overall impact. The size of storms has the most impact on erosion. We need to make a significant investment on a real solution.

    Response: The Middle Creek Restoration Project is one example of a large-scale project. There are elements of it that can be moved forward on a short term basis.

Public Comment & Adjournment

The Facilitator opened the floor for Public Comment:

- Rick Orwig: First, I don't know if the Public Assessment will convey much new information. I recommend an annual public report card on lake quality to focus on positive results, since the public usually only hears negative information in the newspaper. Quagga mussels could be one item on the report card. Instead of spending $40,000 on a public assessment, that might be better spent on a true assessment of how the lake affects the economy; hard evidence to flesh out technical solutions.

    Second, there has been a lot of conversation about enforcement happening or not happening. Once data is available showing where enforcement of BMPs or certain ordinances is most important, there may be more impetus for that enforcement.

- Tom Smythe: Keep in mind that in terms of water quality, a 10 year data set is very short. Continuous funding is needed, or a permanent TERC branch office at Clear Lake.

- Angela DePalma-Dow: More specificity is needed in the recommendations; a beginning, middle, and end. For example, for the LiDAR flight, who will compare the before and after data? Who will own the results of any of the requested data and where will it be housed? IF a review of county ordinances is suggested, will that be done by a third party? The county knows we need to update our ordinances, but we don't have the staff, time, or money.

  Response: The recommendations as they are now are not specific enough for the report. We will look to the Committee for more details.

The Facilitator thanked everyone for coming, saying that the meeting had been massively productive. Ms. Godkin offered huge thanks to everyone, and said she is looking forward to working with everyone in the coming weeks.

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Committee Members Present			
First	Last	Organization	Title
Caroline	Godkin (By phone)	California Natural Resources Agency	Deputy Secretary for Legislation
Janet	Coppinger	Lake County	Special Districts Administrator
Eddie	Crandell	Lake County Board of Supervisors	Supervisor
Paul	Dodd (By phone)	UC Davis	Associate Vice Chancellor
Karola	Kennedy	Koi Nation of Northern California	Committee Designee
Jennifer	LaBay	Central Valley Regional Water Quality Control Board	Nonpoint Source Program Manager
Terre	Logsdon	Scotts Valley Band of Pomo Indians	Environmental Director
Harry	Lyons	Lake County Resources Conservation District	President
Linda	Rosas-Bill	Habematolel Pomo of Upper Lake	Environmental Director
Sarah	Ryan	Big Valley Band of Pomo Indians	Environmental Director
Mike	Shaver	Middletown Rancheria of Pomo Indians	Environmental Director
Wilda	Shock	Lake County Economic Development Corporation	Committee Designee
Michael	Youngblood (By phone)	Robinson Rancheria	Committee Designee
Brock	Zoller	Lake County Farm Bureau	Alternate
Alix	Tyler	Elem Indian Colony	Environmental Director

Committee Members Absent			
First	Last	Organization	Title
Brenna	Sullivan	Lake County Farm Bureau	Executive Director

Public Attendants and Staff	
Name	**Organization**
Andy Lucas	Lake County Economic Development Corporation
Angela DePalma-Dow	County Water Resources
Anne Visser	UC Davis
Bob Schneider	Central Valley Water Board
Karen Tait	Public
Peggie King	Public
Rick Orwig	The Lake County Bloom / LakeKonoctiLife.com/BARC
Tom Smythe	Lake County Land Trust
Sam Magill	CSUS Consensus and Collaboration Program
Sophie Carrillo-Mandel	CSUS Consensus and Collaboration Program