

State of California, County of Siskiyou

Board of Supervisors Minutes, May 22, 2023

The Honorable Board of Supervisors of Siskiyou County, California, met in special session this 22nd day of May 2023; there being present Supervisors Brandon Criss, Michael N. Kobseff, Nancy Ogren and Ed Valenzuela, County Administrator Angela Davis, Deputy County Counsel William Carroll, and County Clerk and ex-Officio Clerk of the Board of Supervisors Laura Bynum by Deputy County Clerk Wendy Winningham. Supervisor Ray A. Haupt was absent.

The Board met in joint session with the Modoc County Board of Supervisors and the Klamath County, Oregon Board of Commissioners in Tulelake, California. Deputy County Clerk Wendy Winningham and Clerk of the Board Extra Help Mickey Cole called roll for Siskiyou and Modoc Counties.

Siskiyou County Supervisor Ed Valenzuela led in the salute to the flag of the United States of America.

The Siskiyou County Board meeting was called to order by Chair Valenzuela. The Modoc County and Klamath County meetings were called to order.

Present for Modoc County: Supervisors Ned Coe, Elizabeth Cavasso, Shane Starr, Geri Byrne and Kathie Rhoads, Chair.

Present for Klamath County: Commissioner Derrick DeGroot, Chair, with Commissioner Kelley Minty participating virtually.

Presentations from the Public

Audience member Larry Nicholson appeared before the Board members, sharing support for funding opportunities for projects to restore the Sprague River and benefit agriculture in the Klamath Basin.

Klamath Water Users Association (KWUA) member Jeff Boyd thanked members of each Board and staff for providing the meeting in Tulelake.

Consent Agenda – Approve.

It was moved by Supervisor Kobseff, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Kobseff, Criss, Ogren and Valenzuela voting YES and Supervisor Haupt ABSENT, that the following consent agenda is approved, and the Chair and/or clerk authorized to execute/record any necessary documents:

County Administration

Approve the letter to Oregon Senator Ron Wyden expressing support of the S. 482 Klamath Power and Facilities Agreement Support Act and authorize Supervisors to sign.

Modoc and Klamath counties approved the same letter.

County Administration - Discussion and possible direction related to the current water year conditions and possible engagement related to the Klamath Project Allocation of irrigation water. Presentation and discussion only.

Deputy Siskiyou County Administrator Elizabeth Nielsen appeared before the Boards, provided a brief overview of the request and introduced Klamath Water Users Association (KWUA) Executive Director Paul Simmons to speak.

Mr. Simmons distributed and presented a powerpoint concerning the Klamath Project, including a history of the Project located in Southern Oregon and Northern California. Ms. Simmons shared concern that the Project must provide adequate water for various Endangered Species Act (ESA) listed species in Upper Klamath Lake and in the Klamath River which impacts the amount of water allocated to the Project. Continuing the powerpoint, Mr. Simmons provided an overview of the process utilized to determine the Project's annual water supply from the US Bureau of Reclamation (BOR), advising that the 2023 allocation was determined to be 260,000 acre feet.

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County Administration – (continued)

Mr. Simmons spoke in support of utilizing a different approach to determine the amount of adequate water, by assessing the effect of the Project's operations on ESA listed species with modifications to those operations as needed, rather than the Project being a guarantor of water for those uses up and down the Basin. Mr. Simmons additionally summarized the details of a recent lawsuit, sharing concerns regarding the BOR's determination that Upper Klamath Lake level was required to be 4,139.2 feet, which negatively impacts the Project's allocation.

Discussion followed between members of each Board, Mr. Simmons and audience members regarding the KWUA's lawsuit, the process for determining the Project's annual allocation, the biological opinion related to suckers in Klamath Lake, the various types of management practices utilized in other BOR projects and the need for additional information with regard to the 4,139.2 feet lake level determination.

Chair Valenzuela recognized Congressman Doug LaMalfa's District Representative Erin Ryan and Senator Brian Dahle's District Director Bruce Ross who were in attendance.

County Administration - Discussion and possible direction re the Bipartisan Infrastructure Law funding for the Klamath Watershed and the efforts to establish a Klamath Watershed Advisory Committee Charter. Staff directed to draft letter re Klamath Watershed proposals and Bipartisan Infrastructure Law funding opportunity.

Deputy Siskiyou County Administrator Elizabeth Nielsen appeared before the Boards, providing an overview of the request to develop an advisory committee consisting of various tribal and county government representatives to address water management for irrigation, fish and wildlife and provide fair/legal treatment of the watershed, counties, tribes and irrigators. Ms. Nielsen shared concerns that responses to the committee request from various entities were lacking.

Discussion followed between members of each Board and Ms. Nielsen regarding those county and tribal entities that had been sent a letter regarding the advisory committee proposal and the need for each Board to review and carefully consider the variety of proposed projects that could utilize the Bipartisan Infrastructure Law funding opportunity.

US Fish and Wildlife Service Klamath Coordinator Matt Baun appeared before the Boards, advising that he would work with the Tri Counties group to review and choose from the 43 funding proposals to refine as needed.

Further discussion followed regarding the need to choose and develop projects that could benefit and bring all basin stakeholders together, the potential benefits to be gained by the counties showing support or opposition to the various proposals, possible public outreach/interaction regarding the project proposals and the need to draft a letter to the Department of the Interior Secretary expressing support for each local government reviewing and commenting on the funding project/proposals.

It was moved by Supervisor Criss, seconded by Supervisor Kobseff and carried, following a roll call vote with Supervisors Kobseff, Criss, Ogren and Valenzuela voting YES and Supervisor Haupt ABSENT, to direct the drafting of a letter to the Secretary of the Interior with regard to review of Bipartisan Infrastructure Law funding opportunity proposals by counties and tribal entities.

Modoc and Klamath counties approved the same.

Mr. Baun requested completion of the letter request/review by June 15, 2023.

County Administration - Discussion, direction and possible action re a request to approve a letter to the California Office of Emergency Services (Cal OES) regarding the Tulelake Public Safety Hazard – Soil Profile Collapse. Letter to Cal OES approved; staff directed to draft a support letter re potential funding to benefit Sump 1B's water supply.

Deputy Siskiyou County Administrator Elizabeth Nielsen appeared before the Boards, providing a brief overview of the request and introducing Tulelake Irrigation District representative Scott Seus to speak.

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County Administration – (continued)

Mr. Seus appeared before the Boards, providing an overview of the negative impacts associated with soil collapse in various locations throughout the Tulelake area. Mr. Seus voiced concerns that changes to the historical method of irrigating and decreasing irrigation water allocations from the US Bureau of Reclamation (BOR) have negatively impacted the area's shallow aquifer and soil profiles. Mr. Seus further voiced concerns that the high school, local roads and homes have been negatively impacted and could be condemned and unusable.

Mr. Seus additionally shared concerns regarding the lack of water for Sump 1B at the Tule Lake National Wildlife Refuge and requested possible consideration by each Board at a future date.

Discussion followed between members of each Board, Mr. Seus and Klamath Water Users Association (KWUA) representative Brad Kirby regarding possible methods to provide water for Sump 1B and the need to identify potential funding for farmers not to irrigate certain crops to benefit Sump 1B's water needs.

With regard to the proposed letter to the California Office of Emergency Services (Cal OES) regarding the Tulelake public safety hazard – soil profile collapse, it was moved by Supervisor Criss, seconded by Supervisor Kobseff and carried, with Supervisor Haupt ABSENT to approve the letter, with all Board and Commission members to sign.

Modoc and Klamath counties approved the same.

It was moved by Supervisor Criss, seconded by Supervisor Kobseff and carried, with Supervisor Haupt ABSENT, to direct staff to draft a support letter with regard to identifying potential funding for farmers not to irrigate certain crops and to benefit Sump 1B's water needs.

Modoc and Klamath counties did not make/approve a similar request.

County Administration - Discussion and possible direction re request to form a planning group to research and seek funding for a study of water storage opportunities for the Clear Lake Reservoir.

Deputy Siskiyou County Administrator Elizabeth Nielsen appeared before the Boards, providing a brief overview of the request and introducing Klamath Water Users Association (KWUA) Policy Advisor Moss Driscoll to speak.

Mr. Driscoll presented a powerpoint regarding the background and potential opportunities of the Clear Lake Reservoir, including various Clear Lake Reservoir statistics related to public/private land ownership, irrigation demands and lake losses and how the irrigation system operates. Mr. Driscoll advised that there is a healthy population of suckers in the Reservoir and provided various statistics related to sucker fish movements and numbers as identified by sensors in various locations. Mr. Driscoll shared concerns regarding the need for a study of Clear Lake Reservoir storage opportunities.

In response to Chair Valenzuela, Mr. Driscoll requested that the counties designate staff to identify an acceptable planning framework/structure that the Tri Counties group could adopt with respect to on-stream and off-stream storage opportunities in the Lost River subwatershed.

Supervisor Criss voiced support for Mr. Driscoll's request.

It was moved by Supervisor Criss, seconded by Supervisor Kobseff and carried, with Supervisor Haupt ABSENT, to direct county staff to develop a planning group and seek funding to perform a study with respect to on-stream and off-stream storage opportunities in the Lost River subwatershed.

Modoc and Klamath counties provided similar direction.

Each County Board/Commission adjourned their respective meetings.

Adjournment - There being no further business to come before the Board of Supervisors, the meeting was adjourned.

Attest:
Laura Bynum, County Clerk

Ed Valenzuela, Chair

By: _____
Deputy