

Board Meeting Agenda Special Meeting

Russ Baggerly, Director
Mary Bergen, Director
Bill Hicks, Director

Pete Kaiser, Director
James Word, Director

CASITAS MUNICIPAL WATER DISTRICT
March 15, 2014
9:00 A.M. – DISTRICT OFFICE

Right to be heard: Members of the public have a right to address the Board directly on any item of interest to the public which is within the subject matter jurisdiction of the Board. The request to be heard should be made immediately before the Board's consideration of the item. No action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of ¶54954.2 of the Government Code and except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under section 54954.3 of the Government Code.

1. Public Comments (items not on the agenda – three minute limit).
2. General Manager comments.
3. Board of Director comments.
4. Quagga Mussels

The following items are for consideration and direction by the Board of Directors:

- a. An Informational Resolution to Review Implications of Maintaining, Storing and Releasing Quagga Mussels and/or Other Invasive (Non-Native) Species into Surface Waters of Ventura County
- b. Letter to Federal Energy Regulatory Commission and National Marine Fisheries Service. Subject: Request to Apply the Intent of Executive Order 13112 to Help Prevent Intrusion of Quagga Mussels into the Santa Clara River.

- c. Letter to Senator Hannah-Beth Jackson, Senator Fran Pavley and Assemblyman Das Williams regarding request for oversight of State Responsibilities for Quagga Mussel Control, Monitoring and Eradication in Lake Piru.
5. Adjournment

If you require special accommodations for attendance at or participation in this meeting, please notify our office 24 hours in advance at (805) 649-2251, ext. 113. (Govt. Code Section 54954.1 and 54954.2(a).

Resolution XXX-XX

**AN INFORMATIONAL RESOLUTION TO REVIEW IMPLICATIONS OF
MAINTAINING, STORING AND RELEASING QUAGGA MUSSELS
AND/OR OTHER INVASIVE (NON-NATIVE) SPECIES INTO
SURFACE WATERS OF VENTURA COUNTY**

1. **Whereas**, adoption of this *Informational Resolution* does not add to or subtract from the District's powers (to defend itself and its customers) it already has as a corporate entity and public agency in the State of California, and;
2. **Whereas**, Quagga mussels are known to inhabit Lake Piru and lower Piru Creek which are located in Ventura County, and;
3. **Whereas**, Quagga mussels were reported as inhabiting Lake Piru during December, 2013 and discovered in Piru Creek below Santa Felicia dam during the last week of January, 2014 and the samples collected were reportedly forwarded to U.C. Davis Bodega Bay Marine Laboratory for analysis, and;
4. **Whereas**, Quagga mussels have resulted in costs exceeding over one billion U.S. dollars to clean, repair and replace all or parts of water collection, storage, treatment and distribution systems throughout the United States, and;
5. **Whereas**, during the first two stages of Quagga mussels' lives they are microscopic in size and cannot be seen by the naked eye, and;
6. **Whereas**, Quagga mussels can reach reproductive age when they attain a mature length of 8 to 10 mm, and;
7. **Whereas**, female Quagga mussels can spawn several times per year in the Southern California climate and produce hundreds of thousands of eggs per year, and;
8. **Whereas**, it could take only a few fertile Quagga mussels to infect Lake Casitas, and;
9. **Whereas**, Quagga mussels can eventually cover the bottom of a body of water, destroy the food chain and lower the dissolved oxygen content to a level which could result in fish die offs and the extremely disagreeable odors associated with algae blooms, and;
10. **Whereas**, Quagga mussels can be easily transported in fresh or brackish water including water retained in boats and trailers along with the engine cooling systems, bait tank water systems, and live fish holding water systems, tow vehicles, birds, pranks, accidents, homeless encampments, volunteer surface water monitoring organizations and their equipment, public agencies' equipment, equipment used by contractors who conduct work in the Santa Clara River system, and other actions by public agency staff pertaining to surface or groundwater monitoring) that could induce contamination into the Ventura River system, and;
11. **Whereas**, Lake Casitas has hydraulic connectivity with the Ventura River System, and;

12. **Whereas**, Quagga mussels can clog water production, treatment and distribution equipment to the point where it will not work and become very costly to repair and/or replace, and;
13. **Whereas**, all public agencies and private parties who already have or may have Quagga mussel infested water should immediately ask for relief (from any Federal, State, or local mandate from a public agency or provisions of a private contract) to release contaminated water, and;
14. **Whereas**, all Federal and State agencies who have the authority to require the release of impounded water or to find solutions for the control and /or eradication of Quagga mussels should work cooperatively to end the infestation of the Santa Clara River watershed, and;
15. **Whereas**, the Director of the California Natural Resources Agency has been asked in a letter dated January 22, 2014 to proceed under the authority of Fish and Game Code Section 2310 to eradicate Quagga Mussels in Lake Piru and should now consult with the Federal Energy Regulatory Commission, to work in context of the provisions of *Executive Order 13112*, to authorize a temporary cessation of water releases into lower Piru Creek and the Santa Clara River.

Now therefore be it resolved, the Casitas Municipal Water District intends to:

1. **Provide Forty-eight Hours Notice:** in the event any public agency or private party is aggrieved or harmed by the discharge of water infested with Quagga mussels (from a pond, lake, wetland, stream, river or any containment device), that may directly or indirectly negatively impact the water flowing into any other body of water in Ventura County, Casitas shall endeavor to send a notice to the public agency or private party at least forty-eight hours in advance of offering support or taking other action to stop the alleged contaminated discharge.
2. **Support to United Water Conservation District** (or any similarly impacted public agency or private party): with respect to provision number 13 (above), CMWD will offer to support any request made by the United Water Conservation District to the Federal Energy Regulatory Commission (FERC) to immediately postpone any release of contaminated water from Lake Piru as outlined in provisions 13, 14 and 15, above.
3. **Distribution of Copies of This Resolution:** distribute said *Informational Resolution* to local, state and federal agencies as follows:

E. Michael Solomon, General Manager, United Water Conservation District
David Rowlands, City Manager, Fillmore
Jaime Fontes, City Manager, Santa Paula
Karen Burnham, Acting City Manager, City of Oxnard
Cynthia Hass, City Manager, City of Port Hueneme
Mark Watkins, City Manager, San Buenaventura
Steve Bennett, Chair, Ventura County Board of Supervisors
John Krist, Ventura County Farm Bureau

Fox Canyon Groundwater Management Agency (FCGMA)
Charlton H. Bonham, Director, California Department of Fish and Wildlife
Susan Ellis, California Department of Fish and Wildlife
Eloise Tavares, California Department of Fish and Wildlife
Secretary John Laird, California Natural Resources Agency
Sam Unger, Executive Director, Los Angeles Regional Water Control Board
Gerard Maloney, FERC, San Francisco
John Aedo, FERC, San Francisco
Rodney McInnis, Regional Director, National Marine Fisheries Service
Irma Lagomarsino, Assistant Regional Administrator, National Marine Fisheries
Service

March 12, 2014

Mr. Gerald Maloney, Branch Chief
Division of Hydropower Administration & Compliance
Federal Energy Regulatory Commission
San Francisco Regional Office
100 First Street, Suite 2300
San Francisco, CA 94105

Mr. Rodney McInnis, Regional Director
National Marine Fisheries Service
501 West Ocean Blvd., Suite 4200
Long Beach, CA 90802-4213

Subject: Request to Apply the Intent of Executive Order 13112 to Help Prevent Intrusion of Quagga Mussels into the Santa Clara River on an Emergency Basis

Dear Mr. Maloney and Mr. McInnis:

The infestation of Lake Piru with Quagga Mussels (*Dreissena rostriformis bugensis*) that was reported during December, 2013, in eastern Ventura County is of great concern to the Casitas Municipal Water District (CMWD) and, undoubtedly, may be of concern to many other public agencies as well as private parties. In addition, we were recently informed that the United Water Conservation District (UWCD) will be preparing a Quagga Mussel Control and Eradication Plan in the near future to comply with California law (California Fish and Game Code Section 2301). The current drought, while difficult for water districts and their customers, has presented an opportune time for both the preparation and implementation of plans for the eradication of the Quagga Mussels in Lake Piru.

Unfortunately, the Biological Opinion and FERC License has mandated the release of water from Santa Felicia Dam (which impounds Lake Piru) to keep endangered Steelhead Trout in good condition downstream of the dam. To date, these releases are most likely responsible for the spread of Quagga Mussels into lower Piru Creek which was reported by UWCD staff on January 29, 2014 (*Lower Piru Creek Quagga Mussel Survey Report, UWCD*). With water flowing into lower Piru Creek, Quagga Mussels may soon move into the Santa Clara River System; however, if a short term postponement of water releases from Santa Felicia Dam is immediately begun and a complete eradication program is successfully implemented in Lake Piru and Piru Creek, water could subsequently be released into Piru creek without environmental harm!

As you may be aware, CMWD sent a letter dated January 22, 2014 to Mr. John Laird, Secretary for Resources for the State of California, outlining our concerns about releasing water contaminated with Quagga Mussels from Santa Felicia Dam. A copy of the letter was also sent to both Mr. John Aedo of FERC and Mr. Chris Yeats of NMFS. For reference, the letter dealt with the responsibilities of the State of California related to Fish and Game Code Section 2301, concerning the control and eradication of invasive species (i.e., Quagga Mussels). In this regard, Section 2301 provides the Natural Resources Agency with the authority to restrict the spread of Quagga Mussels in concurrence with the Director of Fish and Wildlife and, for water bodies infested with mussels, to prepare and implement a plan to control or eradicate Quagga Mussels.

Since sending our letter to Secretary Laird on January 22, we received a copy of a letter dated February 6, 2014 from Mr. E. A. Abrams, Director of Hydropower Administration and Compliance and, as you are aware, the letter included many provisions for modifying flow releases in the event “Licensees [are] interested in implementing new water conservation measures... (pg.1, par. 3)” in order to conserve water stored behind dams.

Taking all of the above into consideration, the purpose of this letter is related to Federal agency responsibilities pursuant to *Executive Order 13112* which was first published in the Federal Register in 1999 and again for its five year review in 2005. As you are aware, Federal agencies are duty bound to comply with *Executive Orders* and portions of *Executive Order 13112* (pertaining to invasive species) are included herein, for immediate reference, as follows:

Federal Agency Duties.

(a) Each Federal agency whose actions may affect the status of invasive species shall, to the extent practicable and permitted by law,

(1) identify such actions;

(2) subject to the availability of appropriations, and within Administration budgetary limits, use relevant programs and authorities to: (i) **prevent the introduction of invasive species; (ii) detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner;** (iii) monitor invasive species populations accurately and reliably; (iv) **provide for restoration of native species and habitat conditions in ecosystems that have been invaded;** (v) **conduct research on invasive species and develop technologies to prevent introduction and**

provide for environmentally sound control of invasive species; and (vi) promote public education on invasive species and the means to address them; and

(3) not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless, pursuant to guidelines that it has prescribed, the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions.

(b) Federal agencies shall pursue the duties set forth in this section in consultation with the Invasive Species Council, consistent with the Invasive Species Management Plan and in cooperation with stakeholders, as appropriate, and, as approved by the Department of State, when Federal agencies are working with international organizations and foreign nations. (Emphasis added)

With respect to the provisions of Section (a)(3), above, the CMWD Board of Directors is hereby requesting FERC and NMFS to temporarily halt actions within their purview on an emergency basis which are likely to cause or promote the introduction or spread of Quagga Mussels (i.e., by water releases from Lake Piru) into lower Piru Creek and the Santa Clara River. Furthermore, it is hereby requested, that all releases of water from Lake Piru be halted on an emergency basis until an eradication plan for Quagga Mussels can be developed and implemented that insures the complete protection of lower Piru Creek and, subsequently, the Santa Clara River. After the eradication of mussels in Lake Piru and lower Piru Creek has been completed in compliance with the intent of Executive Order 13112, water could again be released for sustaining the Southern California Steelhead Trout per the original provisions of the FERC License dated September 8, 2008.

In conclusion, Casitas Municipal Water District hopes that reasonable and prudent measures can be expeditiously completed and implemented on an urgency basis to prevent the spread of the invasive Quagga Mussels before they destroy the fragile habitats of the Santa Clara River system and surrounding areas upon which the Southern California Steelhead Trout and other species depend.

Sincerely,

Bill Hicks, President

C: Mr. John R. Aedo, Fisheries Biologist, FERC

Ms. Irma Lagomarsino, Assistant Regional Administrator, National Marine Fisheries Service

Mr. Jeff Phillips, Deputy Assistant Field Supervisor, U.S. Fish and Wildlife Service,
Ventura, California

E. Michael Solomon, General Manager, United Water Conservation District

Honorable Julia Brownley (26th District), House of Representatives

Attachments:

1. *Lower Piru Creek Quagga Mussel Survey Report*, United Water Conservation District, January 29, 2014
2. Letter to Secretary John Laird, January 22, 2014
3. Excerpts from *Executive Order 13112*
4. Letter from Mr. E. A. Abrams dated February 6, 2014, FERC, Director of Hydropower Administration and Compliance

March XX, 2014 (**Revision No. 2**)

Senator Hannah-Beth Jackson (19th District)
300 E. Esplanade Drive
Oxnard, CA 93036

Senator Fran Pavley (27th District)
5016 N. Parkway
Calabasas, CA 91302

Assemblyman Das Williams (37th District)
50 W. Main St. Suite #340
Ventura, CA 93001

Subject: Request for Oversight of State Responsibilities for Quagga Mussel Control, Monitoring and Eradication in Lake Piru

Dear Honorable Senators Jackson and Pavley and Assemblyman Williams:

The discovery of Quagga Mussels in Lake Piru occurred in mid-December, 2013. To make matters worse, Casitas Municipal Water District (CMWD) recently became aware that United Water Conservation District (UWCD) was and still is releasing water from Lake Piru into Lower Piru Creek in order to comply with their Federal Energy Regulatory Commission (FERC) license for the electrical generation facility and the Biological Opinion developed in conjunction with the National Marine Fisheries Service (NMFS) to protect the Southern California Steelhead Trout. Unfortunately, the released water has included Quagga Mussel eggs along with microscopic larvae and now the mussels have been found in colonies in Lower Piru Creek which is a tributary to the Santa Clara River. A report verifying that Quagga Mussels now occur in Lower Piru Creek was published on January 29, 2014 (Report on Quagga Mussels in Lower Piru Creek, attached).

This news sent a shiver of dread through CMWD because the mussels constitute a formidable threat to drinking water, storage and distribution facilities throughout California and the United States. Now, this threat is found less than a one hour drive away from Lake Casitas!

On January 22, 2014, CMWD sent a letter to Secretary for Resources John Laird, outlining what should be done to eliminate Quagga Mussels pursuant to Fish and Game Code Section 2301. As stated in the letter, the law provides broad authority for the Secretary and the Director of Fish and Wildlife to take varied steps to contain and control the spread of invasive species (Letter to Secretary Laird of January 22, 2014, attached). As can be seen in this brief summary, Section 2301 (a)(2)(D)(i) &(ii) of the *Fish and Game Code* provides the Natural Resources Agency with

the authority to close, quarantine or restrict the spread of Quagga mussels (dreissenid mussels) in concurrence with the Director of Fish and Wildlife, Mr. Charlton H. Bonham.

For immediate reference, Quagga Mussels were first discovered in Lake Mead during June of 2007 and by October 2007 Assemblywoman Lois Wolk had written and steered AB No. 1683 through the Legislature and onto the Governor's desk by October when it was signed into law as CDFG Section 2301. This extraordinary effort was driven by the awareness of the threat to all water resources in California posed by Quagga and Zebra mussels. This law has strong provisions that could be used to help eradicate the threat from Quagga Mussels in Ventura County.

Secretary Laird did respond to CMWD in a letter dated March 3, 2014 (attached), and informed us that:

“United has stated its desire to work with CDFW to identify effective control and possible eradication measures. CDFW staff has worked with United to conduct additional monitoring to understand the extent of the infestation. United has discussed the development of its control plan with CDFW and is aggressively working to approve the plan and implement near-term response actions. In addition, since the December 18 detection, CDFW staff has been in contact with reservoir operators in the area to review and discuss their prevention plans and recommend ways those plans may be improved. United has also stated its willingness to work with CDFW, the Federal Energy Regulatory Commission, and the National Marine Fisheries Service (NMFS) regarding the obligations under the 2008 biological opinion. CDFW has been in contact with NMFS staff, and would participate in further coordination among these entities. Please note, however, any modifications to the biological opinion would need to be through the proper federal Endangered Species Act process.”

While CMWD appreciates the above references to United's stated desire to work with CDFW (California Department of Fish and Wildlife), the simple truth is that Quagga Mussel infested water continues to be released into lower Piru Creek with the potential to infest a major segment of the Santa Clara River. Somehow, it seems that the enormity of the threat is not being seen for the potential calamity that is about to unfold and, therefore, this infestation should be categorized as an emergency due to its potential cost implications and habitat destruction. Also, the designation of the Quagga Mussel infestation as an emergency could shorten the time for the required Endangered Species Act review process.

CMWD is of the opinion that an emergency temporary cessation of water releases could be implemented by Secretary Laird with the cooperation of California Resources Agency, FERC and NMFS. In parallel with this, a comprehensive eradication (extermination) program should be prepared and implemented to eliminate the invasive species in Lake Piru. When the emergency eradication has been completed, the water releases could be started again to keep the

Steelhead Trout in good condition. A letter to FERC and NMFS dated March XX, 2014 is attached, for reference.

In closing, the Board of Casitas Municipal Water District would like to request that you discuss with Secretary Laird the importance of taking emergency action to prevent the spread of Quagga Mussels in Ventura County through releases of contaminated water from Lake Piru and ask him to rapidly bring all parties together to pursue developing emergency eradication plans as rapidly as possible based upon the authority he has pursuant Fish and Game Code Section 2301.

Sincerely,

Bill Hicks, President

C: E. Michael Solomon, General Manager, United Water Conservation District
Steve Bennett, Chair, Ventura County Board of Supervisors
Charlton H. Bonham, Director, California Department of Fish and Wildlife
Secretary John Laird, California Natural Resources Agency
Rodney McInnes, Regional Director, National Marine Fisheries Service
Irma Lagomarsino, Assistant Regional Director, National Marine Fisheries Service
Gerard Maloney, FERC, San Francisco

Attachments:

1. *Estimating survival rates of quagga mussel (Dreissena rostriformis bugensis) veliger larvae under summer and autumn temperature regimes in residual water of trailered watercraft at Lake Mead, USA* Wook Jin Choi, Shawn Gerstenberger, Robert F. McMahonnd, Wai Hing Wong (January 2013)
2. Report on Quagga Mussels in Lower Piru Creek, UWCD (January 29, 2014)
3. CMWD Letter to Secretary for Resources John Laird (January 22, 2014)
4. Response of Secretary Laird to CMWD (March 6, 2014)
5. CMWD Letter to FERC and NMFS (March XX, 2014)