COUNTY OF HUMBOLDT

For the meeting of: 2/11/2025

File #: 25-255

To: Board of Supervisors

From: Public Works

Agenda Section: Time Certain Matter

Vote Requirement: Majority

SUBJECT:
10:30 AM - Approval of Memorandum of Understanding to Advance a Water Diversion Agreement associated with PG&E's Decommissioning of the Potter Valley Project on the Eel River and a New Eel-Russian Diversion Facility

RECOMMENDATION(S):
That the Board of Supervisors:

1. Receive a staff report regarding the proposed Memorandum of Understanding (MOU) to Advance a Water Diversion Agreement for a new Eel-Russian Facility; and
2. Receive a presentation from Scott McBain with Applied River Sciences; and
3. Receive comments from representatives of California Trout, Trout Unlimited, and Friends of the Eel River; and
4. Receive comments from the public; and
5. Approve, and authorize the Public Works Deputy-Director for Environmental Services to sign the attached MOU (Attachment 2); and
6. Authorize the Public Works Deputy-Director for Environmental Services to approve written public statements regarding the MOU on behalf of Humboldt County after consultation with the Board's Eel-Russian River ad hoc committee and approval from County Counsel; and
7. Direct staff to bring the Water Diversion Agreement when it is completed back to the Board for consideration.

STRATEGIC PLAN:
This action supports the following areas of your Board's Strategic Plan.

Area of Focus: Sustainable Natural Resources & Infrastructure Stewardship
Strategic Plan Category: 5001 - Enhance climate adaptation landscapes and communities

DISCUSSION:
Overview
Pacific Gas & Electric Company (PG&E) is preparing to decommission the Potter Valley Hydroelectric Project on the upper Eel River which includes removing Scott Dam and Cape Horn Dam to restore a free-flowing Eel River and re-establish fish passage to upstream habitat. On Jan. 31, 2025, PG&E released a draft plan for public review. PG&E's draft plan included a proposal to use a portion of PG&E's lands and facilities for construction of a new water diversion facility (the New Eel-Russian Facility). PG&E is expected to file its final license surrender application and decommissioning plan to the Federal Energy Regulatory Commission by July 29, 2025. Attachment 1 contains maps of the Eel and Russian River watersheds and identifies the location of the Potter Valley Project.

Since mid-2023, Humboldt County has engaged in negotiations with a variety of parties in the Eel and Russian River Basins to

develop consensus on a Water Diversion Agreement (Agreement) to allow continued diversions with appropriate protections and benefits for the Eel River and its fisheries. The parties include Sonoma Water, Mendocino Inland Water and Power Commission, Round Valley Indian Tribes, California Trout, Trout Unlimited, and the California Department of Fish & Wildlife. Humboldt County's position in these negotiations has been that our strong preference would be for Eel River water to stay in the Eel River watershed, but we would consider an Agreement if it contains necessary protections for the Eel River and its fisheries and provides a strategic opportunity to accelerate restoration of the watershed and recovery of fish populations.

Attachment 2 contains the MOU developed by the parties to describe the essential terms of a proposed Agreement. This MOU is being considered concurrently today (Feb. 11, 2025) by the Humboldt County Board of Supervisors, the Sonoma County Board of Supervisors (as the Board of Directors for Sonoma Water), and the Round Valley Indian Tribes tribal council. The MOU will be considered by the Mendocino Inland Water and Power Commission on Feb. 13, 2025. If the MOU is approved by the parties, the intent is to develop the full Agreement and bring that Agreement back to the respective boards and councils for review and approval before July 29, 2025.

Attachment 3 contains background materials from previous Board actions related to the Potter Valley Project.

Background

The Potter Valley Hydroelectric Project includes Scott Dam, which forms a storage reservoir (Lake Pillsbury) in Lake County and Cape Horn Dam, which forms Van Arsdale reservoir in Mendocino County, where water is diverted through a mile-long tunnel to an electricity-generating powerhouse in Potter Valley. Releases from the powerhouse are a source of water for irrigation in Potter Valley and also discharge into the East Branch Russian River, which flows into Lake Mendocino near Ukiah. (Although the powerhouse has not generated power since 2021 due to an equipment failure, PG&E continues to divert water in order to meet minimum instream flow requirements in the East Branch Russian River and to meet water delivery contracts in Potter Valley.)

Within the Potter Valley Irrigation District, approximately 4,728 acres of agricultural land are irrigated and the district has a population of approximately 1,700 people. Water from Lake Mendocino is used in Mendocino, Sonoma, and Marin counties for irrigation, municipal and domestic water supply, and meeting instream flow requirements in the Russian River. The Mendocino Inland Water and Power Commission is a joint powers authority formed by Mendocino County, City of Ukiah, Redwood Valley County Water District, Potter Valley Irrigation District, and the Mendocino County Russian River Flood Control and Water Conservation Improvement District. Lake Mendocino is operated by the U.S. Army Corps of Engineers in coordination with Sonoma Water and the Mendocino County Russian River Flood Control and Water Conservation Improvement District. The Corps of Engineers and Sonoma Water also coordinate releases into the Russian River from Lake Sonoma, which is formed by Warm Springs Dam on Dry Creek. Sonoma Water provides wholesale drinking water to nine water contractors (five cities, three water districts, one town) which collectively serve over 600,000 people in Sonoma and Marin counties.

The Eel River is a major river on the North Coast of California with a biologically rich watershed that spans five counties. The Eel River watershed comprises 33% of Humboldt County, more than any other watershed. The Eel River is highly valued for providing fish and wildlife habitat, water supply, recreation, scenic beauty, and other ecosystem services. Eel River fish populations are currently substantially reduced from historical levels, causing significant cultural, social, and economic impacts. Interest is extremely high in working to restore habitat and recover fish populations, especially for salmon, steelhead, and lamprey, because the watershed has a relatively low level of development and the historical population levels indicate the strong potential for vibrant fisheries. For example, information on the Eel River Watershed Restoration and Conservation Program, which outlines a science-based approach for prioritizing restoration and conservation actions across the basin, is available here: <https://caltrout.org/eel-river-watershed-program>

The lower Eel River flows through Humboldt County for 81 miles before entering the Pacific Ocean through the Eel River Delta near Ferndale and Fortuna (Attachment 1). The Eel River watershed also encompasses portions of Trinity, Mendocino, Lake, and Glenn counties. Major tributaries include the Van Duzen River, South Fork Eel River, North Fork Eel River, and Middle Fork Eel River. The Round Valley Reservation of the Round Valley Indian Tribes, based in Covelo (Mendocino County), is situated adjacent to portions of the mainstem Eel River, North Fork Eel River, and Middle Fork Eel River. The Round Valley Indian Tribes have unadjudicated federal reserved water and fishing rights in the Eel River resulting from the creation of their Reservation in 1858 and modifications in 1873. Cape Horn Dam is located 157 river miles from the Pacific Ocean; the total length of the mainstem Eel River is approximately 197 river miles.

Cape Horn Dam, the diversion tunnel, and the initial powerhouse were constructed from 1905 to 1908. Scott Dam was constructed to form Lake Pillsbury from 1920 to 1922. In 1922, the project received a 50-year federal operating license. In October and December 1922, the Humboldt County Board of Supervisors issued resolutions opposing applications for state water diversion permits, which were ultimately issued. The Potter Valley Irrigation District was formed in 1924 and PG&E acquired the facility with transfer of the federal license in 1930. Potter Valley Irrigation District entered into a contract with PG&E to receive water deliveries from the powerhouse. Lake Pillsbury, surrounded by Mendocino National Forest in Lake County, became a recreational destination.

The Potter Valley Project was one of the major causes and/or contributing factors to the degradation of the Eel River watershed and reductions in fish populations in the 20th century. Impacts from the Potter Valley Project include: blocking important headwaters habitat above Scott Dam; reducing flows downstream of the point of diversion; disrupting sediment transport processes; altering water temperatures which disrupts the environmental cues for fish migration; and creating conditions that supported the invasion of the Sacramento pikeminnow, an invasive species that preys on juvenile salmon.

In 1970, PG&E applied to the Federal Energy Regulatory Commission ("FERC") for re-licensing of the Potter Valley Project. In 1972, Humboldt County filed a motion to intervene in the re-licensing proceeding and passed Resolution 72-60 calling for consideration of fisheries and ecological standards. Humboldt County continued to be active advocating for the County's interests in the re-licensing proceedings which continued until a contested settlement agreement was signed in 1983. The new license required PG&E to conduct multi-year studies and make modifications to both facilities and operations.

Discussions in the early and mid-1970s regarding the relicensing of the project led to an awareness of the need for regional coordination and cooperation. In 1978, the counties of Humboldt, Lake, Mendocino, and Sonoma formed the Eel-Russian River Commission as a joint-powers authority through execution of a joint-powers agreement. This commission served as a regional forum to share information and discuss the operations and impacts of the Potter Valley Project until 2019, when it became inactive.

In the late 1990s, the volume and timing of water diversions from the Potter Valley Project became a renewed point of focus with studies and regulatory actions, driven largely by a Biological Opinion issued by National Marine Fisheries Service ("NMFS"). Starting in 2007, water diversions to the Russian River were significantly reduced due to requirements from NMFS and FERC to protect Eel River salmon from extinction. Prior to 2007, the average volume of diverted water was approximately 150,000 acre-feet per year. Following implementation of the Biological Opinion from NMFS, the average diversions from 2007 through 2020 were approximately 60,000 acre-feet per year. For the last few years, the annual volume of diverted water has been reduced further to around 40,000 acre-feet per year due to safety and operational constraints.

In 2017, Congressman Jared Huffman convened an ad hoc committee of agencies and organizations to discuss the impending re-licensing of the Project based on goals and principles for a "Two Basin Solution" that would address the needs of both the Russian and Eel River basins. On June 5, 2018, the Humboldt County Board of Supervisors adopted Resolution 18-56 which presented Humboldt County's position regarding re-licensing.

In January 2019, PG&E announced that it did not intend to apply for re-licensing the Project. From 2019 through 2022, five parties (Sonoma Water, Mendocino Inland Water and Power Commission, Humboldt County, Round Valley Indian Tribes, and California Trout) explored the feasibility of forming a partnership for regional ownership and operation of the Project. The Humboldt County Board of Supervisors adopted Resolution 19-47 and Resolution 19-53 to support this initiative. Ongoing funding could not be secured and the collaborative effort became inactive in 2022.

In August 2023, Sonoma Water, Mendocino Inland Water and Power Commission, and Round Valley Indian Tribes submitted a concept proposal to PG&E requesting that PG&E include elements of a proposed new water diversion facility (called the New Eel-Russian Facility, or NERF) in PG&E's license surrender application and decommissioning plan. In September 2023, the director of the California Department of Fish & Wildlife and the president of Round Valley Indian Tribes invited Humboldt County, California Trout, and Trout Unlimited to join the negotiations for a proposed Water Diversion Agreement. In November 2023, the group submitted a revised concept proposal to PG&E and the Humboldt County Board of Supervisors issued a statement of conditional support for the revised proposal. In December 2023, Sonoma Water, Sonoma County, and Mendocino Inland Water and Power Commission formed the Eel-Russian Project Authority (ERPA) as a joint powers authority. Round Valley Indian Tribes subsequently joined ERPA's board of directors.

In January 2024, ERPA, with input from a technical advisory group comprised of public agency staff and non-governmental

organization representatives, selected a pumping system configuration as the alternative to move forward with engineering design to a 65% level of completion. This alternative was selected because it was the lower-risk alternative for water supply reliability and the superior alternative for fish passage. Also in January 2024, the Humboldt County Board of Supervisors formed an Eel-Russian River ad hoc committee, comprised of Supervisor Bushnell and Supervisor Wilson. Negotiations on the proposed Agreement continued through 2024 and early 2025.

Elements of the Water Diversion Agreement

The attached MOU describes key elements of the proposed Agreement that would be completed by July 2025. The Agreement would represent a negotiated settlement in lieu of a contested FERC proceeding. The Agreement would be brought back to the Board for review and consideration. The sections of the MOU are described below:

Section 1 provides background information and states the intentions of the Agreement, which include the following:

- Advance the timely removal of Scott Dam and Cape Horn Dam through a cooperative approach with PG&E and interested parties from Eel and Russian River watersheds;
- Develop criteria for water diversions based on the best available scientific information to ensure that water diversions will be consistent with the recovery of Eel River fisheries and a functioning ecosystem;
- Secure equitable state and federal funding for substantial investments in water infrastructure within the Russian River basin and ecosystem restoration within the Eel River basin;
- Take a significant step toward restorative justice for Round Valley Indian Tribes and reconciliation with the history of adverse impacts on Eel River communities associated with out-of-basin diversions; and
- Establish a durable and mutually supportive relationship between the Eel and Russian Rivers basins and provide a strong foundation for continued regional collaboration based on incentives and mutual benefit.

Section 2 states the purpose of the MOU, which is to reflect the essential terms of the Agreement that would be finalized before July 29, 2025.

Section 3 commits the parties of the Agreement to support dam removal and to support PG&E undertaking this work as expeditiously as practicable, targeting 2028 for commencement. The parties agree that construction of NERF will not interfere with or delay dam removal. The parties agree to support FERC's authorization of NERF construction on lands and facilities associated with the Potter Valley Project in the vicinity of Cape Horn Dam.

Section 4 supports the transfer of PG&E's appropriative water rights to ERPA, which in turn would immediately transfer them to the Round Valley Indian Tribes. This provision would provide ownership of PG&E's water rights on the Eel River to a tribal nation based in the Eel River watershed. Round Valley Indian Tribes would enter into a lease with ERPA to allow ERPA to divert water for the NERF pursuant to the terms of a lease agreement and the Water Diversion Agreement.

Section 5 supports the transfer from PG&E to ERPA of PG&E's lands and facilities that are necessary for construction and operation of NERF.

Section 6 supports a design for NERF that would involve a pumping system for water diversion along the left bank of the Eel River near the existing Cape Horn Dam site. A portion of the existing dam would be incorporated into a grade control structure to maintain a minimum bed elevation near the pump station intake screens. The proposed design is described as Alternative E-2 in "Potter Valley Project Diversion Facilities Assessment - Preliminary Engineering Report" (McMillen Inc., May 25, 2024), available here: <https://www.sonomawater.org/media/PDF/Water%20Resources/Potter%20Valley%20-%20ERPA/Final%20Preliminary%20Engineering%20Report%20with%20Appendices_v.pdf>

Section 7.1 specifies the diversion schedule, which provides the proposed rules and criteria for allowing water diversions. A draft summary document of the diversion schedule is attached to the MOU. The lead developer of the diversion schedule was Applied River Sciences, a consultant for the Round Valley Indian Tribes. The framework for the diversion schedule is based on determining

what flows are needed for key river processes to recover fisheries in the Eel River, rather than the amount of water desired by out-of-basin water users. The criteria are based on maintaining the key elements of the natural flow regime that native species are adapted to. The primary components of the criteria establish protective minimum flows for diversions ("floors") and limits on the percent-of-flow modifications to maintain the natural variability in flows that support ecological processes. The criteria vary by season based on the life history needs of the target fish species and ecological function. The bulk of the water diversions would occur in winter and early spring. The diversion schedule may continue to be refined and will not be final until ERPA completes the permitting and compliance process for NERF. With these criteria, the average annual diversion volume is estimated to be approximately 32,500 acre-feet. Scott McBain with Applied River Sciences will provide a presentation describing the diversion criteria at the February 11, 2025 Board meeting.

Section 7.2 contains provisions for ERPA to conduct monitoring for performance metrics. A draft summary document of the performance metrics is attached to the MOU. The parties would meet and confer every five years, at a minimum, to review the monitoring results. Section 7.2 also contains a provision for adaptive management, where the diversion schedule will be changed on recommendations of a technical committee if monitoring results demonstrate that NERF operations have caused environmental impacts on the Eel River that are materially different than expected in the performance metrics.

Section 7.3 specifies that ERPA will provide two annual payments, a use charge and a restoration payment. ERPA will pay Round Valley Indian Tribes a use charge of $1 million per year for the use of Round Valley Indian Tribes' water rights for the operation of NERF. In addition, ERPA will pay Round Valley Indian Tribes a separate restoration payment of $750,000 to $1 million per year in recognition of the Round Valley Indian Tribes forbearing to assert their federally reserved water and fishing rights against ERPA during the term of the lease. Round Valley Indian Tribes will transfer the restoration payment to an Eel River Restoration Fund that would be administered by the parties to the Agreement and potentially other parties. The annual restoration payment will be a minimum of $750,000 and could increase if certain thresholds for public funding for NERF are achieved. The amounts indicated are in 2025 dollars and will be adjusted over time based on the California consumer price index. $750,000 represents approximately 21% of the estimated operating costs of NERF. Payments would begin the first full year of operation of NERF.

Establishment of a payment mechanism through this Agreement to benefit the Eel River watershed would be a major change from the past, when water users downstream of Potter Valley in Mendocino and Sonoma Counties did not pay for the Eel River water diverted through the Potter Valley Project. Options for administering and managing the Eel River Restoration Fund are still being developed. The restoration payments are intended to improve the environmental conditions that currently impair Eel River fisheries. One of the uses of the committed annual funds would likely be to leverage other state, federal, and philanthropic funding sources to implement large restoration and conservation projects in the Eel River watershed.

Section 8 specifies the term, or duration, of the Agreement. The Agreement will have an initial term of 30 years, beginning on the date NERF begins operation. The Agreement has a conditional renewal term for an additional 20 years, if five specified conditions are met. These conditions include: (1) the Eel River Restoration Fund has received at least $25 million in funds, not including the annual restoration payment; (2) ERPA substantially complies with the payment and water diversion provisions of the Agreement; (3) ERPA demonstrates that continued diversion is not expected to adversely affect recovery of Eel River fisheries during the renewal term; (4) ERPA demonstrates continued need for diversion from the Eel River for water supply reliability, fisheries, and water quality in the Russian River basin; and (5) ERPA demonstrates that its members and other water users in the Russian River basin have made substantial efforts during the initial term to achieve self-reliance at the conclusion of the renewal term, anticipating that the diversion from the Eel River basin will terminate if subsequent renewal does not occur. After the initial term (30 years) and renewal term (20 years), either operations of NERF will terminate and NERF will be removed by ERPA, or the parties of the Agreement may decide to negotiate a successor agreement regarding continued operation. It is expected that the Agreement will require all signatories to agree to a successor agreement, otherwise operations would cease and NERF would be removed.

Section 9 sets goals for raising federal, state, and private funds to support Eel River restoration and NERF and commits the parties to seek equitable funding for both causes. The parties of the Agreement are expected to work together, to the greatest extent possible, for funding awards that are split equally between the basins.

Section 10 contains provisions for dispute resolution and enforceability. Section 11 specifies that signing the MOU is not a pre-decisional determination to sign a subsequent Water Diversion Agreement or any other agreement.

In summary, the key protections for the Eel River in the MOU include: P&E's Eel River water rights owned by an entity based in the

Eel River watershed; limited water diversions based on the needs of Eel River fisheries; a facility design that allows a free-flowing river; performance metrics and adaptive management; initial 30-year term with a conditional 20-year renewal term; and the principle of a future phase-out of diversions when the Russian River basin becomes self-reliant for water and not dependent on Eel River diversions. Key benefits for the Eel River in the MOU include: committing the major Russian River water users to support PG&E's dam removal without delay; securing an annual restoration payment providing unrestricted funds to support locally-guided, high-priority restoration work; providing a catalyst for attracting new federal, state, and philanthropic funding to support restoration; maintaining influence on facility operations through the meet-and-confer and conditional renewal processes; and demonstrating the ability of regional interests to work together to resolve a difficult, long-standing natural resource conflict on the North Coast.

Public Works believes that a Water Diversion Agreement based on the terms established in the proposed MOU would protect the health and resilience of the Eel River and provide substantial benefits for the people and communities connected to the Eel River. Based on these considerations, Public Works recommends that the Board approve, and authorize the Public Works Deputy-Director for Environmental Services to sign, the attached MOU. Signing the MOU indicates a commitment to continue efforts to finalize an Agreement consistent with the terms outlined in the MOU. Public Works recommends that the Board direct staff to bring the Water Diversion Agreement when it is completed back to the Board for consideration. In addition, if the MOU is approved, Public Works recommends that the Board authorize the Public Works Deputy-Director for Environmental Services to approve written public statements regarding the MOU after consultation with the Board's Eel-Russian River ad hoc committee and approval from County Counsel.

SOURCE OF FUNDING:
1100251 (Water Management)

FINANCIAL IMPACT:
Narrative Explanation of Financial Impact:
The proposed action, if approved by the Board, will require additional time for Public Works, County Counsel, and the Board members of the Eel-Russian ad hoc committee to participate in meetings, travel when needed, and contribute to the development of the Water Diversion Agreement and other documents. These costs will be paid for by the Humboldt County General Fund. Costs for Public Works will be paid under the existing approved fiscal year 2024-25 Water Management budget, 1100251.

STAFFING IMPACT:
Narrative Explanation of Staffing Impact:
Involvement in this matter has required a significant commitment of staff time from Public Works and County Counsel since 2023. Approval of the proposed actions will not require creation of new staff positions but will continue to encumber a significant portion of the affected staff's workload.

OTHER AGENCY INVOLVEMENT:
California Department of Fish & Wildlife, Sonoma Water, Mendocino Inland Water and Power Commission, Round Valley Indian Tribes, Wiyot Tribe, Federal Energy Regulatory Commission, National Marine Fisheries Service.

ALTERNATIVES TO STAFF RECOMMENDATIONS:
The Board of Supervisors could choose not to approve the proposed MOU to advance a Water Diversion Agreement associated with PG&E's decommissioning of the Potter Valley Project on the Eel River and a new Eel-Russian Diversion Facility. This alternative is not recommended because Humboldt County has worked successfully with its partners to negotiate for important protections and benefits for the Eel River in the MOU. If the Board chooses not to approve the MOU, other parties could move forward to develop a Water Diversion Agreement without the involvement of Humboldt County and the County would lose the opportunity to have influence and represent the interests of the Eel River. Or, in the absence of a Water Diversion Agreement, the timeframe for dam removal could be at risk for substantial delays due to the acts of entities who prefer the status quo, and prospective funding for future restoration could be significantly diminished. For these reasons, staff recommend that the Board approve the MOU and continue to stay actively engaged with the other parties in developing the Agreement.

ATTACHMENTS:
1 - Maps of the Eel and Russian River Watersheds
2 - Memorandum of Understanding to Advance a Water Diversion Agreement associated with PG&E's Decommissioning of the Potter

Valley Project on the Eel River and a New Eel-Russian Diversion Facility
3 - Background Information from previous Humboldt County Board of Supervisors Actions related to the Potter Valley Project

PREVIOUS ACTION/REFERRAL:
Meeting of: January 30, 2024
File No.: 24-148

ATTACHMENT 1

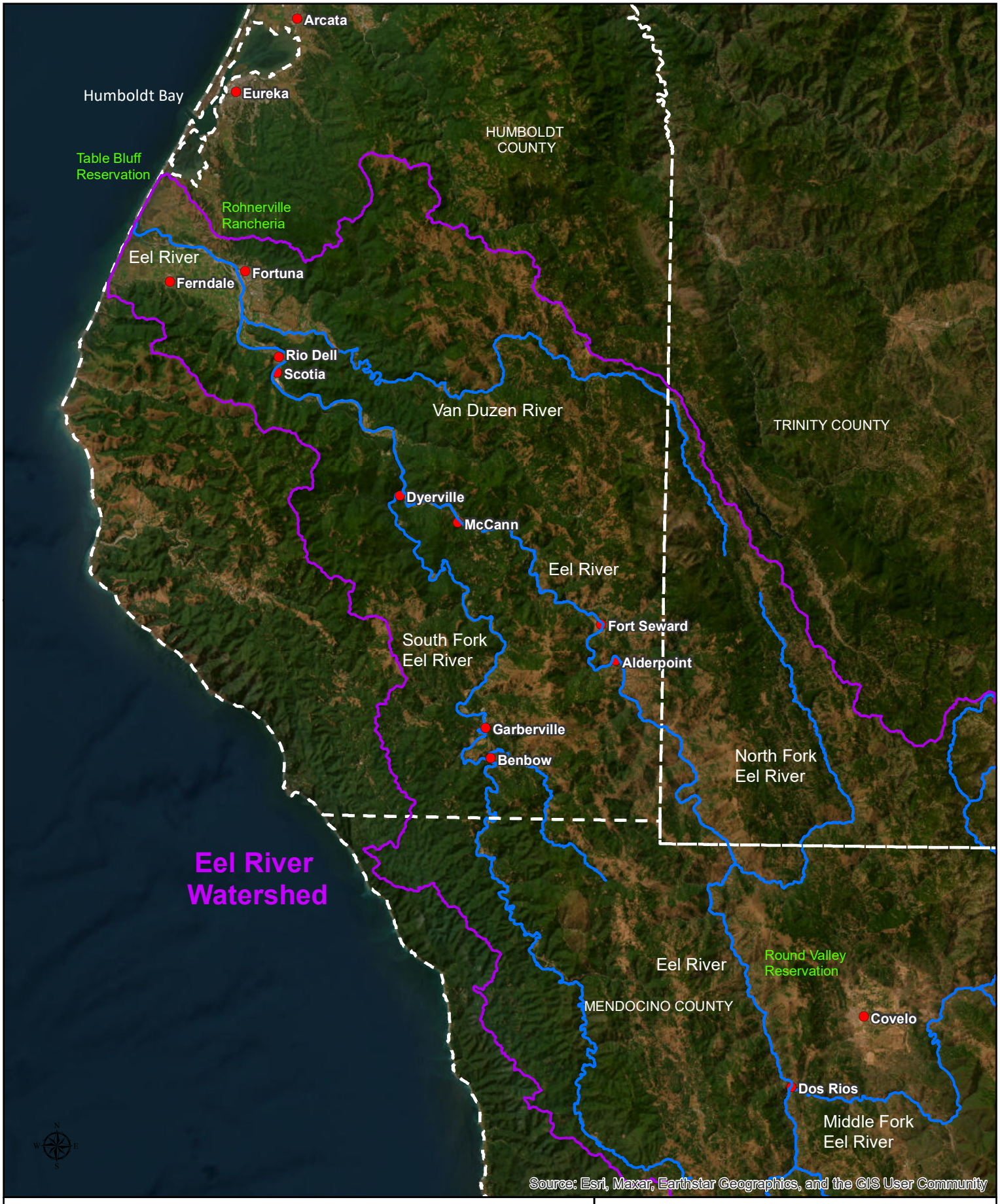
Eel River Watershed with County Boundaries

Map 1

Imagery: ESRI Basemap Service
Created: May 31, 2018
Humboldt County Public Works

0 5 10 Miles

1:750,000



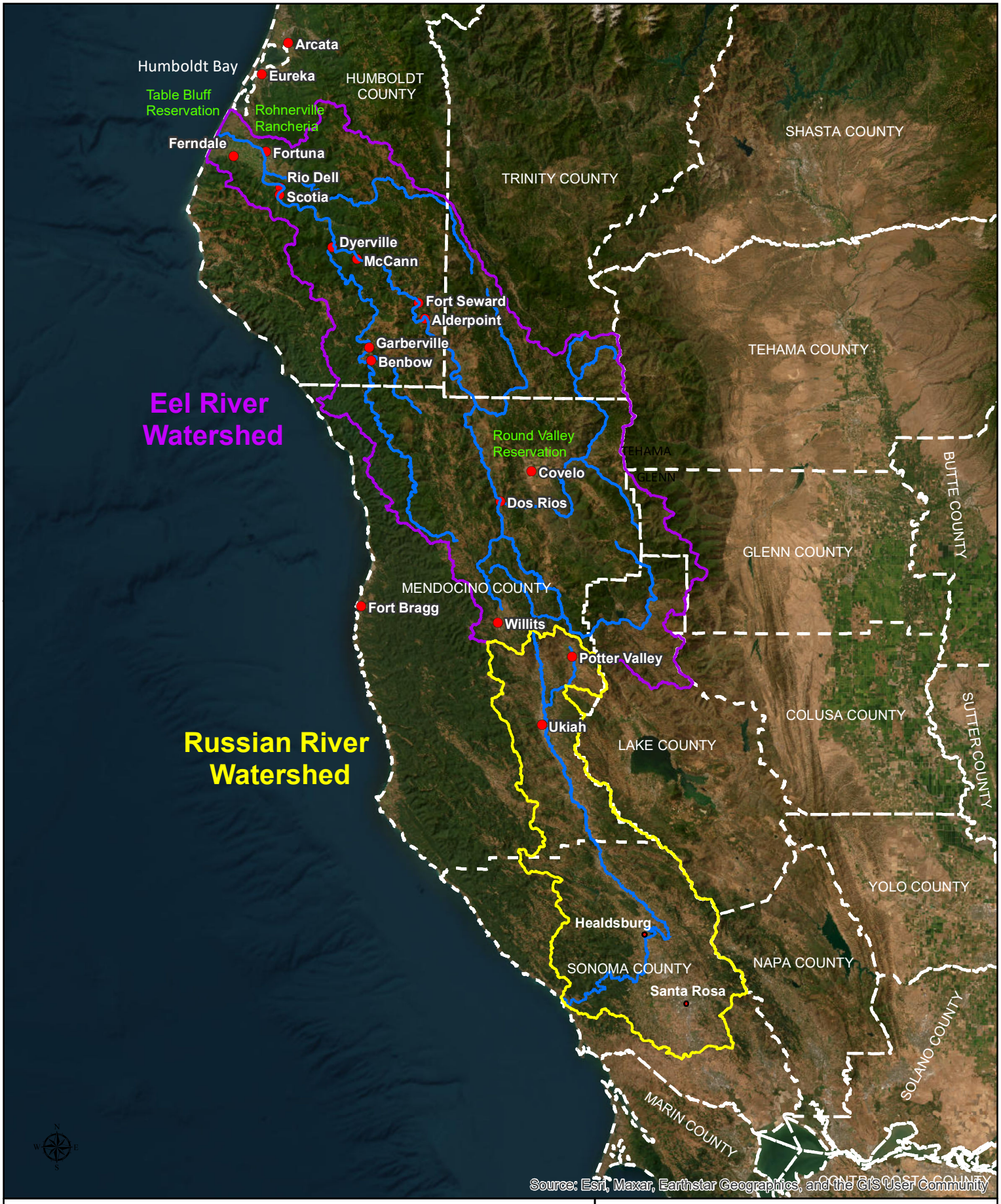
Lower Eel River

Map 2

Imagery: ESRI Basemap Service
Created: February 6, 2025
Humboldt County Public Works

0 4.5 9 Miles

1:600,000



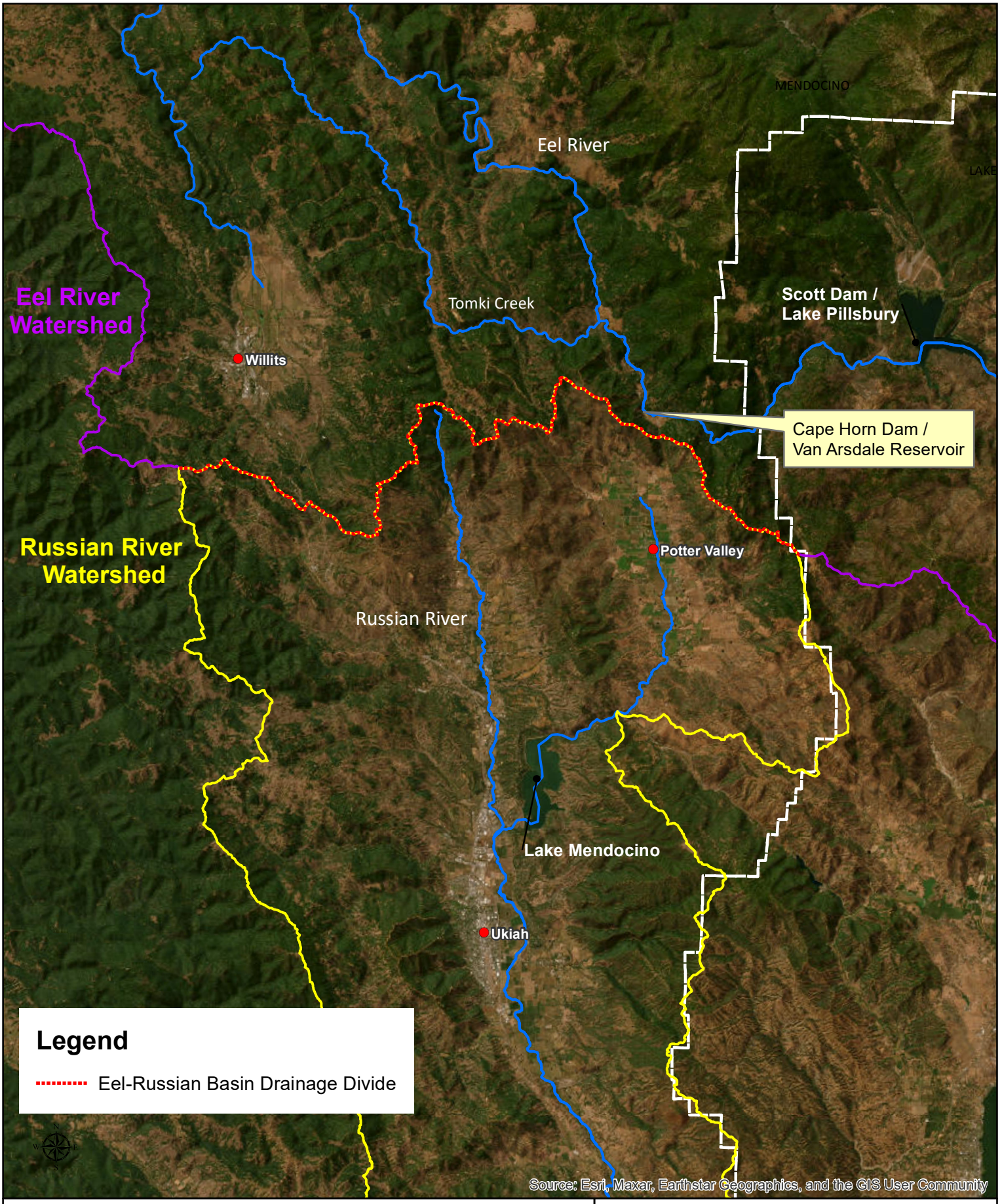
Eel River and Russian River Basins

Map 3

Imagery: ESRI Basemap Service
Created: February 6, 2025
Humboldt County Public Works

0 10 20 Miles

1:1,400,000



Eel-Russian Basin Drainage Divide

Map 4

Imagery: ESRI Basemap Service
Created: June 29, 2020
Humboldt County Public Works
All locations are approximate.

0 1.75 3.5 Miles

1:250,000

ATTACHMENT 2

MEMORANDUM OF UNDERSTANDING
TO ADVANCE A WATER DIVERSION AGREEMENT
FOR A NEW EEL-RUSSIAN FACILITY

February 7, 2025

This "Memorandum of Understanding" (MOU) is entered into by the California Department of Fish and Wildlife (CDFW), California Trout, Eel-Russian Project Authority (ERPA), Humboldt County, Mendocino County Inland Water and Power Commission (IWPC), Round Valley Indian Tribes (RVIT), Sonoma County Water Agency (Sonoma Water), and Trout Unlimited (Parties) through their executive leadership, to state the proposed terms for a Water Diversion Agreement for a new Eel-Russian Diversion Facility (NERF). The Parties commit to work expeditiously to finalize such agreement before July 29, 2025.

1. Recitals.

1.1. Pacific Gas and Electric Company (PG&E) is the licensee for the Potter Valley Project (PVP or Project). Since 1908 the Project has diverted water from the Eel River Basin into the Russian River Basin, for power generation and water supply. The Project has adversely affected anadromous fisheries, environmental quality, and related beneficial uses of water in the Eel River Basin.

1.2. The Federal Energy Regulatory Commission (FERC) issued the current license for PVP on October 4, 1983. That license expired on April 14, 2022. Since that time, PG&E has operated the Project under annual licenses.

1.3. On January 25, 2019, PG&E filed a notice with FERC stating that it will not seek or hold a new license for the Project. On May 11, 2022, FERC directed PG&E to file a plan and schedule for license surrender. PG&E is expected to file its license surrender application by July 29, 2025.

1.4. In December 2023, Sonoma Water, Sonoma County, and IWPC formed ERPA as a joint powers authority. RVIT subsequently joined ERPA's Board of Directors.

1.5. ERPA proposes to construct, operate, and maintain the NERF, to divert water from the Eel River, at the site of and following the decommissioning and removal of Cape Horn Dam, on terms consistent with restoration of the anadromous fisheries of the Eel.

1.6. The Parties are negotiating a Water Diversion Agreement to avoid conflict over water resources, promote timely Eel River restoration and to achieve co-equal goals for the Eel and Russian River Basins (the "Two-Basin Solution"):

1.6.1. Improving fish migration and habitat on the Eel River with the objective of achieving naturally reproducing, self-sustaining, and harvestable native anadromous fish populations; and

1.6.2. Maintaining material and continued water diversion from the Eel River through the existing tunnel to the Russian River to support water supply reliability, fisheries, and water quality in the Russian River Basin.

1.7. The Parties are negotiating the Water Diversion Agreement with the following intentions:

1.7.1. Advance the timely removal of Scott Dam and Cape Horn Dam through a cooperative approach with PG&E and interested parties from Eel and Russian River watersheds;

1.7.2. Develop criteria for water diversions based on the best available scientific information to ensure that water diversions will be consistent with the recovery of Eel River fisheries and a functioning ecosystem;

1.7.3. Secure equitable state and federal funding for substantial investments in water infrastructure within the Russian River basin and ecosystem restoration within the Eel River basin;

1.7.4. Take a significant step toward restorative justice for RVIT and reconciliation with the history of adverse impacts on Eel River communities associated with out-of-basin diversions; and

1.7.5. Establish a durable and mutually supportive relationship between the Eel and Russian Rivers basins and provide a strong foundation for continued regional collaboration based on incentives and mutual benefit.

2. **Purpose of MOU**. This MOU reflects essential terms that the Parties propose to include in a Water Diversion Agreement. The Parties will continue to work together to finalize a Water Diversion Agreement before July 29, 2025.

3. PG&E's License Surrender Application for the PVP.

3.1. Decommissioning. PG&E has stated: "PG&E's decommissioning plan will include the removal of in water facilities such that no feature will continue to impound water and the natural flow of the river will occur."

3.2. Support. The Parties support PG&E's removal of both Scott and Cape Horn Dams as part of license surrender. The Parties further support undertaking such decommissioning as expeditiously as practicable, targeting 2028 for commencement of such work. The Parties agree that NERF construction will not interfere with or delay such Decommissioning in any way.

3.3. Non-Project Use. The Parties agree to ask PG&E, in its license surrender application, to propose that FERC authorize NERF construction as a non-Project use of Project lands and facilities in the vicinity of Cape Horn Dam.

4. Disposition of Project Water Rights.

4.1. Transfer of PG&E Water Rights. The Parties agree to support the transfer of the Project's appropriative water rights from PG&E to ERPA. The Parties propose that such transfer occur concurrent with the transfer of Project lands and facilities necessary for construction and operation of NERF, subject to any reservation necessary for PG&E's continuing compliance with the license surrender order. Subject to Section 11.1, the Parties agree to support the transfer of each water right from ERPA to RVIT immediately after closing with PG&E, and ERPA's not operating NERF until such transfer occurs.

4.2. Use of Water Rights Following Transfer. Subject to Section 11.1, the Parties agree to support RVIT's dedication of all such transferred water rights to instream beneficial uses in the Eel River, except for that portion that is diverted into the Russian River Basin by NERF pursuant to a lease between RVIT and ERPA as stated in Term 7 below.

5. Disposition of Project Lands and Facilities. The Parties agree to support the transfer from PG&E to ERPA of all Project lands and facilities necessary for construction and operation of NERF, such transfer to occur when authorized by FERC.

6. Design and Construction of the New Eel-Russian Facility.

6.1. Design. The Parties support a design and construction of NERF using a pumping system for water diversion near the existing Cape Horn Dam site, as reflected in McMillen Inc., *Potter Valley Project Diversion Facilities Assessment - Preliminary Engineering Report* (May 25, 2024).

6.2. Responsibilities. ERPA will be responsible for the construction, operation, and maintenance of NERF. ERPA will be responsible to secure necessary funds for this purpose, as needed to supplement available public funds secured under Term 9.

7. Water Right Lease for the Operation of NERF. RVIT and ERPA agree to enter into a lease authorizing ERPA to operate NERF using RVIT's water right to divert flow from the Eel River.

7.1. Diversion Schedule. ERPA will operate NERF to divert flow into the Russian River Basin in compliance with "Draft Diversion Rules" (Attachment 1).

7.2. Environmental Outcomes.

7.2.1. Performance Metrics. The Parties agree to the performance metrics contained in "Draft Framework for Monitoring and Evaluating NERF Operations" (Attachment 2), stating the expected outcomes of the diversion. Such metrics are intended to assure that the diversion into the Russian River Basin does not harm native fisheries in the Eel River Basin.

7.2.2. Monitoring Plan. ERPA will develop a monitoring plan in collaboration with other Parties, as a condition of its anticipated federal and state regulatory approvals. The plan will require annual and five-year reports stating the monitoring results. ERPA will solicit comments from the appropriate federal and state regulatory agencies on these reports and will respond in writing to such comments.

7.2.3. Meet and Confer. The Parties will meet and confer every five years (5), at a minimum, to review the monitoring results, including comments from regulatory agencies.

7.2.4. Adaptive Management. The diversion schedule will be changed on the recommendations of a technical committee, if monitoring results demonstrate that NERF operations have caused

environmental impacts on the Eel River that are materially different than expected in the performance metrics.

7.3. Use Charge and Restoration Payment. The Parties agree that the lease will provide for ERPA to pay to RVIT a Use Charge and a separate Eel River Restoration Payment.

7.3.1. Payment Amounts in the Initial Term.

(i) ERPA will pay a Use Charge of $1,000,000 per year to RVIT, in consideration for the use of RVIT's water rights for the operation of NERF. RVIT's Tribal Council may use these funds for any lawful purpose.

(ii) ERPA will make a Restoration Payment to RVIT, in recognition of RVIT's forbearing to assert federally reserved water and fishing rights against ERPA during the term of the lease. (a) The amount will be $750,000 per year. (b) The amount will increase to $1,000,000 per year if funding under Section 9.1.2 covers 100% of the construction cost of NERF. Such increase in funds will be split between the Use Charge and Restoration Payment as specified in the Water Diversion Agreement. (c) The amount stated in (a) will be adjusted on a sliding scale, if funding under Section 9.1.2 covers more than 75% but less than 100% of such construction cost. (d) As the basis for an increase in Restoration Payment under (b) – (c) above, such funding must be secured by December 2027, when ERPA otherwise would seek bond financing to cover such construction cost. (e) RVIT will pay these funds over to the Restoration Fund as specified in the Water Diversion Agreement.

(iii) The Use Charge and Restoration Payment will be due on January 1 of each year of operation of NERF, as specified in the Water Diversion Agreement.

7.3.2. Payment Amounts in Renewal Term. In Year 31, the Use Charge and Restoration Payment will increase from the amount in Year 30 by (i) 50% of the savings from retirement of any bond that ERPA used to finance the construction of NERF, or (ii) 15%, whichever is greater. Such increase in funds will be split

between the Use Charge and Restoration Payment as specified in the Water Diversion Agreement, provided that at least 50% of such increase will be allocated to the Use Charge.

7.3.3. Index. The Use Charge and Restoration Payment will be adjusted based on California CPI or other mutually agreeable index stated in the Water Diversion Agreement.

8. Term for Diversion.

8.1. Initial Term. The Parties agree that NERF will operate for an initial term of 30 years, beginning on the date operation begins.

8.2. Renewal Term. The Parties agree that the operation of NERF may be extended an additional 20 years upon the satisfaction of the following conditions:

8.2.1. On or after January 1, 2025, the Eel River Restoration Fund has received at least $25 million in funds as specified in Term 9.1.1, excluding the Restoration Payment pursuant to Term 7.3.1(ii).

8.2.2. ERPA has substantially complied with the agreed upon payment and water diversion provisions.

8.2.3. ERPA demonstrates that continued diversion is not expected to materially adversely affect recovery of the native fish species in the Eel River during the renewal term, as documented in a report that (i) summarizes the status of species recovery (post-dam removal) on the Eel River upstream of the Middle Fork; (ii) analyzes the impact (if any) of the diversions under this Agreement on such recovery, not limited to compliance with the requirements of any Biological Opinion issued for NERF; and (iii) documents the changes that have resulted from adaptive management.

8.2.4. ERPA demonstrates a continued need for diversion from the Eel River for water supply reliability, fisheries, and water quality in the Russian River basin during the renewal term.

8.2.5. ERPA demonstrates that its members and other authorized water users in the Russian River basin have made substantial efforts during the Initial Term to achieve self-reliance at the conclusion of the renewal term, anticipating that the diversion from the Eel

River basin will terminate if subsequent renewal does not occur or if NERF reaches the end of its useful life, whichever is sooner.

8.3. Discretionary Renewal. At the conclusion of the Renewal Term, the Parties then in existence will decide whether to enter into a successor agreement regarding any continuing operation of NERF.

8.4. Removal of NERF. At the end of the useful life for NERF, or the termination of the Water Diversion Agreement and any successor thereto, whichever comes first, ERPA will be responsible for shutting down and removing the facility.

9. Additional Funding.

9.1. First Funding Phase. The Parties will make reasonable and material efforts to raise federal, state, and private funds (measured in 2025 dollars) to implement the Two-Basin Solution:

9.1.1. Eel River Restoration Fund. The Parties will undertake to raise $50 million to contribute to the restoration of the Eel River fisheries. This amount includes the funds paid by ERPA through the Restoration Payment specified in Term 7.3.1(ii). This amount is expected to be additional to, and not supplant, funds historically allocated to Eel River restoration. RVIT and other Parties will establish mutually agreeable arrangements for the governance and management of Eel River Restoration Fund, as well as an annual report on the use of such funds, which are intended to be used to effect significant change in the environmental conditions that currently impair the fisheries. Such arrangements will include measures to provide for the participation in restoration efforts by other Indian tribes in the Eel River watershed, or that have connections to the watershed. The Water Diversion Agreement will include the details of such arrangements.

9.1.2. NERF. The Parties will undertake to raise $50 million for the design, permitting, and construction of NERF. This amount does not include the bond financing obtained by ERPA, or the use charges paid by water users to ERPA, Sonoma Water, or IWPC. ERPA will prepare an annual report on the use of such funds, to demonstrate progress in completion of this facility.

9.2. Second Funding Phase. Parties will jointly undertake to raise additional funds for continued implementation of the Two-Basin Solution, in the following amounts (as measured in 2025 dollars): $100 million for Eel River Restoration Fund, and $100 million for projects to enhance water supply reliability in the Russian River Basin.

10. Dispute Resolution. The Parties agree to use a dispute resolution procedures to resolve all disputes related to the implementation of Water Diversion Agreement.

10.1. Range of Procedures. Such procedures will include meet-and-confer, mediation, arbitration, and enforcement by a court or a regulatory agency.

10.2. Enforceability. The Parties intend that the Water Diversion Agreement will provide for enforceability of the commitments therein, including a limited waiver of sovereign immunity by RVIT as necessary for such enforceability.

10.3. RVIT. The Parties acknowledge and support the assertion of sovereign immunity by RVIT in any action by a third party challenging the validity or legality of this MOU and/or the Water Diversion Agreement, including but not limited to the defense of indispensable party.

11. Signature of this MOU. The Parties agree to the following provisions, where "Participant" and "Party" have the same meaning.

11.1. No Legal Obligations, Rights, or Remedies. This Memorandum of Understanding is a voluntary initiative. It does not create any legally binding rights or obligations and creates no legally cognizable or enforceable rights or remedies, legal or equitable, in any forum whatsoever. In addition, the pledges in this Memorandum of Understanding are not conditioned upon reciprocal actions by other Participants; each Participant retains full discretion over implementation of its pledges in light of the Participant's individual circumstances, laws, and policies; and each Participant is free to withdraw from the Memorandum.

11.2. No Pre-Decisional Determination. Nothing in this MOU is intended or will be construed to be a pre-decisional determination by any public agency Party to sign a Water Diversion Agreement or any other agreement. Each such Party must give due consideration to any terms negotiated by the Parties before deciding whether to sign a Water Diversion Agreement. All Parties further recognize that each public agency Party may need to comply with the California Environmental Quality Act and other applicable laws prior to making any legally binding commitments.

11.3. Compliance with Applicable Laws. This Memorandum of Understanding shall be construed consistent with all applicable laws, and activities undertaken in connection with this Memorandum of Understanding shall be subject to, and shall be undertaken in a manner consistent with, all otherwise-applicable laws.

11.4. Availability of Personnel and Resources.

11.4.1. This Memorandum of Understanding does not involve the exchange of funds, nor does it represent any obligation of funds by either Participant. All costs that may arise from activities covered by, mentioned in, or pursuant to this Memorandum of Understanding will be assumed by the Participant that incurs them, unless otherwise expressly agreed in a future written arrangement in accordance with applicable laws. All activities undertaken pursuant to this Memorandum of Understanding are subject to the availability of funds, personnel and other resources of each Participant.

11.4.2. The personnel designated by a Participant for the execution of this Memorandum of Understanding will work under the orders and responsibility of that Participant and any other organization or institution to which the personnel already belongs, at all times maintaining any preexisting employment relationship only with that Participant and organization or institution, and not with any other Participant.

11.5. Interpretation and Application. Any difference that may arise in relation to the interpretation or application of this Memorandum of Understanding will be resolved through consultations between the Participants, which will endeavor in good faith to resolve such differences.

11.6. Effect of Signature. This MOU may be signed by executive leadership for the Parties. For each Party, execution and implementation of a Water Diversion Agreement is conditioned upon and subject to approval by the decisional body of the Party, as may be required. By signing this MOU, the Parties confirm their commitment to continue efforts to finalize a Water Diversion Agreement, consistent with the terms outlined in this MOU, with a goal that the Water Diversion Agreement be executed prior to PG&E filing its license surrender application with FERC, or July 29, 2025.

11.7. Counterparts. This MOU may be signed in counterparts. For convenience, the signature blocks are organized in alphabetical order by Party.

\\

Dated: February ____, 2025

_____
California Department of Fish and Wildlife

Dated: February ____, 2025

_____
California Trout

Dated: February ____, 2025

_____
Humboldt County

Dated: February ____, 2025

_____
Mendocino County Inland Water and Power Commission

Dated: February ____, 2025

_____
Round Valley Indian Tribes

Dated: February ____, 2025

_____
Sonoma County Water Agency

Dated: February ____, 2025

_____
Trout Unlimited

New Eel-Russian Facility

Draft Diversion Rules

February 7, 2025

1 PURPOSE

The rules for the diversions from the Eel River to the Russian River (Diversion Rules) are intended to ensure that the Eel Russian Project Authority (ERPA) operates the New Eel-Russian Facility (NERF) and diverts water in a manner that protects Eel River biological resources and ecological processes. This Appendix describes the Diversion Rules and provides an overview of the ecological objectives that the rules are anticipated to protect.

2 OPERATIONAL CONDITIONS

The Diversion Rules include the following conditions:

- All measurements described in this Appendix are in cubic feet per second (cfs);
- Diversions will occur at the NERF;
- Continuous (e.g., 15-minute to hourly) streamflow gaging will occur on-site to measure inflows to the NERF that define diversion rates;
- Diversions will occur on a sub-daily timestep (specific time step to be determined) due to variable frequency drive diversion pumps and on-site streamflow gaging;
- The minimum instantaneous flow that can be diverted is 5 cfs based on assumed pump constraints; and,
- The maximum instantaneous flow that can be diverted is 300 cfs based on the diversion tunnel capacity.

3 COMPONENTS OF DIVERSION RULES

Unimpaired Flow: Unimpaired Flow is the Eel River streamflow immediately upstream of the NERF prior to any diversion by the NERF.

Floor: The Floor is the minimum Unimpaired Flow that is required for diversions to commence. Once the Unimpaired Flow drops below the Floor, or the allowable diversion amount is less than 5 cfs, diversions stop.

Maximum Diversion Rate as a Percent-of-flow (POF): POF diversion rates are the maximum allowable diversion amount, expressed as a percent of the Unimpaired Flow. Incorporating maximum diversion amounts as a POF precludes the need for water-year typing.

Ramping Rates: Ramping rates describe the rate that the diversion can accelerate, starting at no diversions at the Floor up to the Maximum Diversion Rate as a POF. Ramping rates ensure that once diversions commence, flows do not drop below the Floor, and that Eel River flows downstream of the NERF do not fluctuate due to the diversion. Diversions can commence once the Unimpaired Flow is above the Floor, and gradually increase (maintaining the Floor in the Eel River) until the diversion rate reaches the Maximum Diversion Rate (e.g., 20% POF).

Timestep of Operations: The timestep of diversion operations will be as short as possible to mimic natural hydrograph patterns, and will be finalized based on results of ongoing design of the NERF.

4 DIVERSION RULES

4.1 Considerations for Diversion Rules by Season

Diversion Rules were developed for four seasonal periods based on the natural hydrograph and life history of focal fish species. The components of the natural flow regime, priority ecological considerations for the mainstem Eel River, and hypotheses behind the diversion rules for each season are described below.

Fall Flows (October 1 – December 31):

Hydrograph components: Low baseflows, initial fall pulse flows.

Primary Ecological Considerations: Adult fall-run Chinook passage and spawning.

Hypotheses Driving Diversion Rules: Adult Chinook Salmon rely on fall pulse flows to move through all critical riffles from the lower Eel River to upper mainstem and tributaries. The first fall pulse flows cue fish migration and is critical to reduce pre-spawn mortality. Adult Chinook salmon are assumed to be able to travel upstream from the ocean to the NERF in 5 days. Baseflows between the fall pulse flows also provide habitat for Chinook Salmon spawning and egg incubation.

Winter Flows (January 1 – February 29):

Hydrograph components: Elevated wet season baseflows, storm peaks.

Primary Ecological Considerations: Adult winter-run steelhead passage and spawning.

Hypotheses Driving Diversion Rules: Elevated baseflows maintain volitional and unimpeded adult steelhead passage and maintain spawning habitat and egg incubation during winter for Chinook and Steelhead. Storm peaks maintain a dynamic channel, mobilize gravel and cobble, and support healthy benthic communities and food webs before spring.

Spring Flows (March 1 – May 31):

Hydrograph components: Early-spring recession, spring pulse flows.

Primary Ecological Considerations: Juvenile Chinook and steelhead rearing and outmigration, adult summer-run steelhead passage, non-native fish predation.

Hypotheses Driving Diversion Rules: The spring recession supports adult summer-run steelhead migration, juvenile Chinook and steelhead rearing, natural rates of water warming, and increased food web production. Elevated spring flows reduce upstream movement of non-native predatory pikeminnow. Spring pulse flows can re-set the food web to encourage healthy benthic communities.

Summer Flows (June 1 – September 30):

Hydrograph components: Late-spring recession, summer baseflows.

Primary Ecological Considerations: Juvenile steelhead rearing and redistribution, maintenance of river productivity.

Hypotheses Driving Diversion Rules: Summer baseflows maintain food web productivity, suitable water temperatures for salmonids, and enable juvenile steelhead redistribution to tributaries or cold-water refugia.

4.2 Summary of Diversion Rules

The Diversion Rules, including Floor, Maximum Diversion Rate as a POF, Ramping Rates, and additional flow rules for the four seasons are provided in Table 1.

Table 1. Summary of Diversion Rules including Floor, Maximum Diversion Rate as a POF, Ramping Rates, and additional rule for the Fall Flows season. Detailed diversion rate tables are shown in Section 5.

	Fall Flows*	Winter Flows	Spring Flows	Summer Flows
Date Range:	Oct 1 – Dec 31	Jan 1 – Feb 29	Mar 1 – May 31	Jun 1 – Sep 30
Floor:	300 cfs	250 cfs	125 cfs	35 cfs
Maximum Diversion Rate:	20%	30%	20%	20%
Ramping Rates (see Section 5):	Divert the difference between Unimpaired Flow and Floor of 300 cfs until the diversion rate hits Maximum Diversion Rate at 375 cfs	Divert the difference between Unimpaired Flow and Floor of 250 cfs until the diversion rate hits Maximum Diversion Rate at 357 cfs	Divert the difference between unimpaired flow and Floor of 125 cfs until the diversion rate hits Maximum Diversion Rate at 156 cfs	Divert the difference between Unimpaired Flow and Floor of 35 cfs until the diversion rate hits Maximum Diversion Rate at 43.75 cfs

* Require one pulse flow with a duration of 5 days and magnitude of 500 cfs or greater before seasonal diversions begin.

4.3 Illustrative Examples of Diversion Rules

Ramping Rates are designed to reduce stair-stepping aspects of the Eel River hydrograph downstream of the NERF resulting from abrupt changes in diversion amounts. The Ramping Rates also allow the diversion to begin immediately once flows are above the Floor, thereby preventing flows below the NERF to drop below the Floor. Table 2 demonstrates how Diversion Rules determine the diversion amount based on the Unimpaired Flow for an example during the Winter Flows season. Figure 1 illustrates a hydrograph and diversion amounts that would result from implementing the Diversion Rules in spring and summer of a drier water year.

Table 2. Demonstration of calculation of diversion rates in the Winter Flows time period, where the Diversion Rules are: 1) 250 cfs Floor, 2) 30% Maximum Diversion Rate, 3) ramping rate allows for flows between the Unimpaired Flow and the Floor until the diversion rate hits the Maximum Diversion Rate, which occurs at 357 cfs, 4) minimum diversion capacity of 5 cfs, and 5) maximum diversion capacity of 300 cfs.

Unimpaired Flow	Percent of Unimpaired Flow Diverted to Russian River	Flow Diverted to Russian River	Eel River Flow Downstream of the NERF	Notes
250 cfs	0%	0 cfs	250 cfs	Floor, no diversion
254 cfs	0%	0 cfs	254 cfs	Above Floor, but diversion is less than 5 cfs, therefore no diversion
260 cfs	3.8%	10 cfs	250 cfs	Begin diversion because diversion flow is greater than 5 cfs, can divert the difference between the Unimpaired Flow and the Floor since diversion rate is less than the Maximum Diversion Rate
305 cfs	18%	55 cfs	250 cfs	Can divert the difference between the Unimpaired Flow and the Floor since diversion rate is less than the Maximum Diversion Rate
357 cfs	30%	107 cfs	250 cfs	Diversions reach 30% POF (Maximum Diversion Rate)

1,000 cfs	30%	300 cfs	700 cfs	Diversion at tunnel capacity, capped at 300 cfs, actual diversion POF is at 30%
1,500 cfs	20%	300 cfs	1,200 cfs	Diversion at tunnel capacity, capped at 300 cfs, actual diversion POF decreases
3,000 cfs	10%	300 cfs	2,700 cfs	Diversion at tunnel capacity, capped at 300 cfs, actual diversion POF decreases

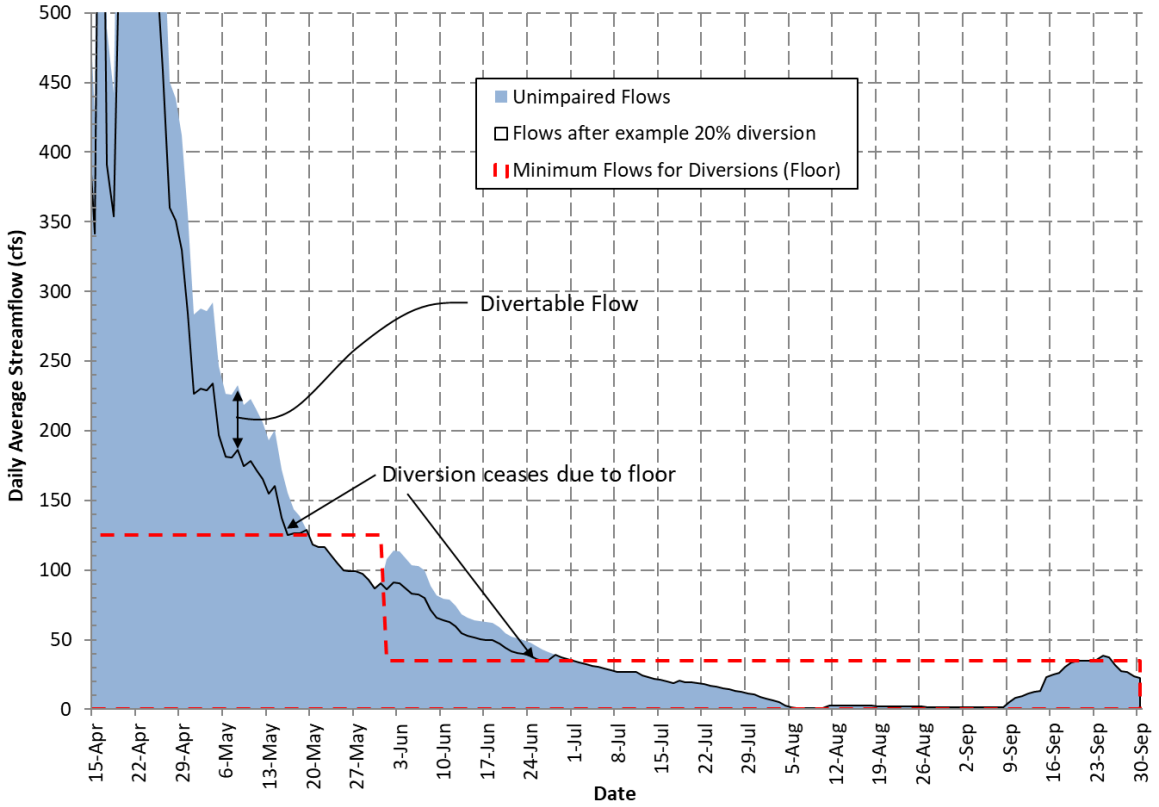


Figure 1. Example of hydrograph in the Eel River downstream of the NERF that would result from implementing the Diversion Rules in Water Year 2022, a drier water year, assuming no diversion constraints on the Russian River.

4.4 Timestep of Diversion Operations

The timestep of calculating diversion amounts will occur on a timestep that 1) is as short as possible (hours) to reduce downstream stair-stepping flows and prevent downstream flows from dropping below the Floor, and 2) is feasible given operational constraints (pumps) at the NERF. The Maximum Diversion Rate as a POF will be calculated from the Unimpaired Flow at sub-daily timesteps, assumed to be several hours. Further hydrologic and engineering analyses of the NERF pumps will determine the exact timestep of diversion operations.

5 DIVERSION RATES SCHEDULE BY SEASON

The following tables describe the schedule for increasing diversion rates when the Unimpaired Flow rises above the seasonal Floor, and before the diversion POF reaches the Maximum Diversion Rate POF. For fall, winter, and spring seasons, the schedule is shown in 5 cfs increments, while for the summer season, the schedule is demonstrated in 1 cfs increments.

Table 3. Diversion rates for Fall season (October 1 – December 31), ramping rates apply for Unimpaired Flows between 305 cfs and 370 cfs. Specific compliance rules (e.g., +/- X cfs or small buffer flow) will be refined at a later stage.

Unimpaired Flow upstream of NERF (cfs)	Diversion Flow (cfs)	Diversion POF %	Flow to the Eel River below NERF (cfs)
300	0	0.0%	300
305	5	1.6%	300
310	10	3.2%	300
315	15	4.8%	300
320	20	6.3%	300
325	25	7.7%	300
330	30	9.1%	300
335	35	10.4%	300
340	40	11.8%	300
345	45	13.0%	300
350	50	14.3%	300
355	55	15.5%	300
360	60	16.7%	300
365	65	17.8%	300
370	70	18.9%	300
375	75	20.0%	300
380	76	20.0%	304
385	77	20.0%	308
390	78	20.0%	312

Table 4. Diversion rates for Winter season (January 1 – February 29), ramping rates apply for Unimpaired Flows between 255 cfs and 355 cfs. Specific compliance rules (e.g., +/- X cfs or small buffer flow) will be refined at a later stage.

Unimpaired Flow upstream of NERF (cfs)	Diversion Flow (cfs)	Diversion POF %	Flow to the Eel River below NERF (cfs)
250	0	0.0%	250
255	5	2.0%	250
260	10	3.8%	250
261	11	4.2%	250
265	15	5.7%	250
270	20	7.4%	250
275	25	9.1%	250
280	30	10.7%	250
285	35	12.3%	250
290	40	13.8%	250
295	45	15.3%	250
300	50	16.7%	250
305	55	18.0%	250
310	60	19.4%	250
315	65	20.6%	250
320	70	21.9%	250
325	75	23.1%	250
330	80	24.2%	250
335	85	25.4%	250
340	90	26.5%	250
345	95	27.5%	250
350	100	28.6%	250
355	105	29.6%	250
357	107	30.0%	250
360	108	30.0%	252
365	109.5	30.0%	255.5
370	111	30.0%	259
375	112.5	30.0%	262.5

Table 5. Diversion rates for Spring season (March 1 – May 31), ramping rates apply for Unimpaired Flows between 130 cfs and 156 cfs. Specific compliance rules (e.g., +/- X cfs or small buffer flow) will be refined at a later stage.

Unimpaired Flow upstream of NERF (cfs)	Diversion Flow (cfs)	Diversion POF %	Flow to the Eel River below NERF (cfs)
125	0	0.0%	125
130	5	3.8%	125
135	10	7.4%	125
140	15	10.7%	125
145	20	13.8%	125
150	25	16.7%	125
155	30	19.4%	125
156	31	19.9%	125
160	32	20.0%	128
165	33	20.0%	132
170	34	20.0%	136
175	35	20.0%	140

Table 6. Diversion rates for Summer season (June 1 – September 31), ramping rates apply for Unimpaired Flows between 40 cfs and 43 cfs. Specific compliance rules (e.g., +/- X cfs or small buffer flow) will be refined at a later stage.

Unimpaired Flow upstream of NERF (cfs)	Diversion Flow (cfs)	Diversion POF %	Flow to the Eel River below NERF (cfs)
35	0	0.0%	35
36	0	0.0%	36
37	0	0.0%	37
38	0	0.0%	38
39	0	0.0%	39
40	5	12.5%	35
41	6	14.6%	35
42	7	16.7%	35
43	8	18.6%	35
43.75	8.75	20.0%	35
44	8.8	20.0%	31
45	9	20.0%	36
46	9.2	20.0%	36.8
47	9.4	20.0%	37.6
48	9.6	20.0%	38.4

6 PRIMARY REFERENCES FOR DEVELOPING DIVERSION RULES

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Richter, B., Davis, M., Apse, C., & Konrad, C., 2012. A Presumptive Standard for Environmental Flow Protection. River Research and Applications, 28, 1312–1321.

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Sullivan, K., Martin, D. J., Cardwell, R. D., Toll, J. E., & Steven, D., 2000. An analysis of the effects of temperature on salmonids of the Pacific Northwest with implications for selecting temperature criteria. Sustainable Ecosystems Institute, Portland, OR, 192 pp.

VTN (VTN Oregon, Inc.), 1982. Potter Valley Project (FERC No. 77) Fisheries study final report, Volume I. Prepared for Pacific Gas and Electric Company, Department of Engineering Research. 3400 Crow Canyon Road, San Ramon, California 94583. VTN Oregon, Inc. 25115 S.W. Parkway, Wilsonville, Oregon 97070.

New Eel-Russian Facility

Draft Performance Metrics and Framework for Monitoring and Evaluating Operations

February 7, 2025

1 PURPOSE

Monitoring will be conducted to ensure 1) compliance with the Diversion Rules of the Water Diversion Agreement (WDA) and 2) that the resulting Eel River flow regime protects intended ecological objectives and physical habitat downstream of the New Eel-Russian Facility (NERF).

2 ASSUMPTIONS

Assumptions of monitoring metrics presented in this attachment include:

- Monitoring described below will be conducted and/or funded by the Eel-Russian Project Authority (ERPA), with the exception of suggestions for additional Informational monitoring, Section 4.4.
- Monitoring described below will occur for the duration of the WDA unless modified as described in Section 5 or the relevant sections of the WDA.
- Results of the ERPA monitoring will be summarized in publicly available reports, and monitoring data will be made available upon request.
- State and federal agencies may have additional requirements for monitoring associated with the NERF construction and operations, and these will be conducted by the ERPA. Information from the additional requirements will be included in annual and five-year reports and reviewed by the Technical Advisory Committee (TAC).
- State, federal, tribal, and NGO entities may conduct additional informational monitoring that will be funded and conducted outside the ERPA, but will occur in a collaborative manner with ERPA.
- ERPA will make good faith and reasonable efforts to make the NERF and associated monitoring facilities available for outside parties to conduct informational monitoring.
- ERPA will support a Technical Advisory Committee for the term of the WDA. The TAC may be composed of professionals with expertise in natural resource sciences and engineering from parties to the WDA, resource agencies, and academic institutions. For more detail regarding the composition, roles, and responsibilities of the TAC, please see relevant sections of the WDA.

3 COMPONENTS OF MONITORING FRAMEWORK

Three types of monitoring metrics are defined for use in the monitoring framework:

Compliance monitoring: Compliance metrics will demonstrate that Diversion Rules are followed.

Effectiveness monitoring: Effectiveness metrics will help evaluate whether the Eel River flow regime is protective of physical habitat, including water temperature.

Informational monitoring: Informational metrics are important to understanding upper watershed fish biology, populations, water quality, and channel morphology, but may be difficult to correlate with NERF operations due to natural variability outside of the NERF footprint. This information will help evaluate flow-ecology hypotheses, ecological objectives in the Upper Eel River, and provide the necessary context for salmonid populations affected by a host of factors operating at

the watershed and marine scale (e.g., acknowledging variability caused by ocean productivity and other factors).

In addition, there may be monitoring conducted by PG&E as part of their regulatory obligations associated with PVP Decommissioning. These commitments are currently undefined and speculative, and therefore beyond the scope of this monitoring framework.There are two timescales for monitoring metrics:

Continuous monitoring (sub-daily to annual): Monitoring that will be conducted throughout the duration of the WDA. Depending on the metric, this will occur sub-daily (e.g., flow monitoring) to seasonally (e.g., adult fish counts).

Periodic monitoring (every 5 years): Monitoring or focused studies that will be conducted periodically to ensure that flow thresholds in the Diversion Rules are meeting their intended ecological objectives for physical habitat availability and fish passage. These monitoring tasks or focused studies will be conducted within 5 years of removing Scott Dam and Cape Horn Dam, and then every five years or sooner if needed (as agreed to by the TAC or WDA parties) due to episodic changes in channel morphology (e.g., following a large flood event).

4 MONITORING METRICS

Metrics that link project operations to ecological response are desirable to ensure protection of Eel River ecological resources; however, dam removal, natural variability in meteorology and confounding factors influencing fish production and adult populations make it difficult to associate potential cause-and-effect relationships between NERF operations and ecological response. In addition, ecological data collection can be resource intensive. Therefore, the metrics listed below focus on a primary Compliance metric (flow), and a core set of Effectiveness metrics (physical habitat, fish passage, water temperature) that will be directly influenced by NERF operations. Other Informational metrics may be monitored by other entities to contribute to a broader understanding of ecological response in the upper Eel River watershed. All monitoring results will be considered in the 5-year review of the NERF operations.

4.1 Compliance Monitoring

Continuous Monitoring of Water Diversion Operations

Flow will be measured continuously at a sub-daily timescale (1-hour intervals at minimum) in two locations:

1) Immediately downstream of NERF pumps at the stage control (location of former fish exclusion barrier); and,
2) In the diversion infrastructure, via pumping rates.

Unimpaired flows (inflows to the NERF) will be calculated at a minimum of hourly intervals by summing the flows immediately downstream of the NERF pumps and the diversion flows from the pumps. Diversion rates (pumping rate) will then be adjusted to follow the Diversion Rules based on computed NERF inflows. In addition, the flow monitoring stations will be tied into the operational SCADA system which will have alarms to alert an operator if the gages exceed or drop below compliance set points.

The flow measurements will be evaluated to ensure operations are in compliance with the Diversion Rules, specifically:

- Percent-of-flow diversion rates are followed at a sub-daily scale (likely 1-hour intervals);
- Ramping rates are not exceeded;

- Diversions do not cause flows below the NERF to drop below floors; and
- The timestep of operations are adequate to protect floors and the shape of the hydrograph.

In evaluating the performance of the NERF, some reasonable tolerances above and below the target Eel River release rates will be established in the future to account for uncertainties in streamflow measurements and unforeseen operational interruptions. Refinement to this metric will be conducted at a later stage as engineering and other physical factors are further understood.

4.2 Effectiveness Monitoring

Continuous Adult Fish Passage

To confirm that NERF diversions do not preclude passage of adult Chinook salmon and steelhead at the former Cape Horn Dam site (due to altered hydraulics) and through downstream critical riffles (due to flow reductions), a sonar and/or video fish monitoring system will be operated seasonally (October-April, as river conditions allow) at or near the NERF. The fish monitoring station will provide daily counts of passing adult Chinook salmon and winter-run steelhead. Adult fish passage monitoring could contribute to a life-cycle monitoring station at the NERF location (see Informational monitoring).

Periodic Physical Habitat Monitoring

Periodic physical habitat monitoring will occur to confirm that the WDA's seasonal river floor thresholds are protecting the intended ecological function as described in the Diversion Rules. The first monitoring event will occur no later than 5 years after the removal of Scott Dam and Cape Horn Dam, a timeframe that is expected to allow the Eel River channel to reach an equilibrium condition (no large-scale scour or deposition) following dam removal. After that initial survey, field surveys will be conducted at a minimum of every 5 years downstream of the NERF. Physical habitat monitoring will focus on evaluating if flow thresholds are:

1) Maintaining the depth required for passage at critical riffles on the Eel River between the NERF and Outlet Creek. A field-based reconnaissance of critical riffles will first be conducted to identify up to 3 critical riffles between the NERF and Outlet Creek, and cross sections will be surveyed and evaluated at those three riffles for fish passage flow thresholds consistent with the methods used by CDFW. Results of the fish passage monitoring will be compared with thresholds intended to provide fish passage in the Diversion Rules.
2) Maintaining habitat capacity for Chinook salmon and winter-run steelhead spawning, egg incubation, and juvenile rearing. Habitat capacity will be modeled using an index site downstream of the NERF, likely the current 1-mile-long reference site on the Eel River just upstream of Tomki Creek. The topography of an index site will be surveyed with drone, LiDAR, and/or ground surveys, a 2-D hydraulic model calibrated and run for flows up to 1,000 cfs, and habitat capacity computed for salmonid habitat based on the 2-D hydraulic model. Results will be compared with flow-based fish habitat capacity curves documented from prior surveys and with the thresholds used in the Diversion Rules.

Continuous Water Quality Monitoring

Water temperature will be monitored on the Eel River near the NERF as a part of Effectiveness monitoring. This monitoring will inform the review of the impact the diversion may have on physical habitat. Downstream monitoring sites will continue long-term records collected by PG&E and others. The following locations, roughly from upstream to downstream, will serve as monitoring locations for the following parameters at a continuous, sub-daily timestep (15-minute to hourly):

1) Eel River at the NERF - water temperature (in addition to flow, see Section 4.1 – Compliance monitoring)
2) Eel River above Tomki Creek (existing PG&E monitoring location) - water temperature
3) Eel River above Outlet Creek (existing PG&E monitoring location) - water temperature

Refinement to this metric will be conducted at a later stage as engineering and other physical factors are further understood.

4.3 Informational Monitoring Conducted by ERPA

Continuous Water Quality Monitoring

Water quality monitoring upstream of NERF will be collected by ERPA to support the interpretation of informational monitoring data - particularly understanding water quality conditions in the upper watershed that may influence juvenile salmonid production. These two upstream sites are in addition to the monitoring sites near the NERF used for Effectiveness Monitoring:

1) Upper Eel River (existing gage location) - water temperature and turbidity (if needed).
2) Rice Fork of the Eel River (existing gage location) - water temperature and turbidity (if needed).

Juvenile Outmigration Monitoring

Juvenile salmonid outmigration monitoring will occur in close proximity to the NERF to document trends in the timing, relative numbers, and size of downstream salmonid migrants from the watershed upstream of the NERF. A single rotary screw trap will be operated, consistent with CDFW protocols, daily in the spring when a majority of juvenile salmonid outmigration occurs (approximately March-June). Operation of the trap will depend on river conditions and it will be removed during periods of high flows that would damage the trap or cause personnel safety issues.

4.4 Informational Monitoring Outside of ERPA Responsibility

All of the monitoring efforts described above will be conducted and/or funded by ERPA. Additional Informational monitoring may be conducted and/or funded by other entities but should be coordinated with ERPA monitoring efforts. Good faith and reasonable efforts will be made to make the NERF and associated monitoring infrastructure available for use by outside parties. However, ERPA will not be responsible for obtaining regulatory approvals (e.g., scientific collecting permits) for outside parties.

Use of NERF monitoring infrastructure could attract additional studies and collaborations to understand linkages between freshwater habitat conditions and salmonid production that would be valuable for understanding ecological relationships in the Upper Eel River. These data may also facilitate the interpretation of NERF effectiveness monitoring. For example, the adult and outmigrant counts collected at NERF could be coupled with spawning ground and juvenile surveys to allow NERF to function as a life-cycle monitoring station for implementation of the CDFW California Monitoring Plan (CMP),which is used across the state to monitor trends in salmonid abundance.

5 REPORTING, SCHEDULE, AND ADAPTIVE MANAGEMENT

Assessment of monitoring metrics will be conducted to ensure 1) compliance with Diversion Rules and 2) that the resulting Eel River flow regime protects intended ecological objectives and physical habitat downstream of the NERF. Reporting will take place annually, and a more detailed review will occur, at a minimum, every 5 years. Deviations from Compliance metrics (flows) will be remedied as soon as ERPA operators are aware of non-compliance. Certain biological data (e.g., adult fish passage) may be summarized informally via e-mail on a periodic basis (weekly, or monthly). ERPA will be responsible for reporting Compliance, Effectiveness, and Information monitoring on the following schedule:

Sub-Annual Reporting

- River flow and diversions at NERF will be reported daily
- Fish counts will be reported bi-weekly (twice monthly)
- Water quality data will be reported seasonally

Annual Reporting

- ERPA will release an annual report summarizing the results of:
    - Flow and water quality monitoring, including flow compliance.
    - Adult fish passage and juvenile outmigration monitoring.
- If flow compliance is not achieved, the Annual Report will document the operational challenges preventing compliance and recommend solutions to avoid non-compliance.

5-Year Review

- ERPA technical representatives and the TAC will meet every 5 years to review monitoring results of all types of monitoring.
- The 5-year report will include synthesis and learning from the previous 4 years of annual report information.
- Information from studies conducted outside of ERPA (i.e., Informational monitoring) will be considered.
- The 5-year review will re-examine the next time-step that is necessary for conducting periodic monitoring studies for physical habitat capacity and critical riffle fish passage.

Adaptive Management

The TAC will convene annually to review reports and receive operational and monitoring updates. The approximate 5-year milestone reviews present an opportunity to refine the Diversion Rules and propose studies to improve understanding of the flow-ecology hypotheses (Figure 1). If Effectiveness monitoring indicates that the Diversion Rules are not protecting fish passage, physical habitat, and water temperature, the TAC and ERPA technical representatives will attempt to determine why, including revisiting flow-ecology hypotheses driving the development of the Diversion Rules. Any recommended adjustments to the Diversion Rules and monitoring methods would be presented to the ERPA Board of Directors and regulatory agencies. If the 5-year review finds that the Diversion Rules and resulting Eel River flow regime may be negatively impacting fisheries recovery, additional studies may be required before the next 5-year milestone. Additional studies will be planned in coordination with the TAC, parties to WDA, and resource agency staff.

For a description of the adaptive management decision-making process, please refer to the relevant sections of the WDA.

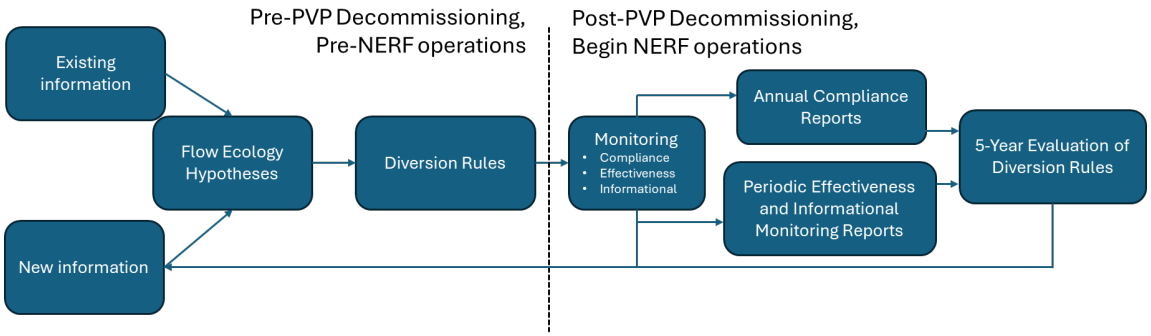


Figure 1. Conceptual process for developing Diversion Rules based on flow-ecology hypotheses, monitoring, and adaptive management once NERF operations begin.

ATTACHMENT 3

Contents

1922, under and as provided in ... the state of California, against all of said non-consenting land owners.

Adopted the 10th day of October, 1922 at a meeting of the Board of Supervisors of the County of Humboldt, with the following vote to said Resolution.

Ayes, Supervisors Baldwin, Flint, Masson, Frost and Anderson. Noes, None.

October 10, 1922

IN THE MATTER OF APPROPRIATING MONEY FOR THE PURPOSE OF EMPLOYING COUNSEL TO PROTECT HUMBOLDT COUNTY'S WATER SUPPLY.

Upon motion of Supervisor Flint, seconded by Supervisor Baldwin, the following resolution was unanimously adopted.

WHEREAS, the business interests of Humboldt County, its water supply, the riparian rights of land-owners, the irrigation possibilities of our streams, the value of the fish in the streams of our county are being threatened by applications No. 2861 and NO. 2862 of the Snow Mountain Water and Power Company, for the diversion of the waters of Middle Eel River, Thatcher and Elk Creeks, and applications No. 3019 and No. 3020, for the diversion of the waters of Trinity River, and

WHEREAS, in the judgment of this Board of Supervisors it is necessary for the expeditious and speedy defense of the interests of Humboldt County in said proceedings to employ special counsel to assist the District Attorney of said county in the defense of said proceedings;

NOW THEREFORE, BE IT RESOLVED, that the sum of seven thousand five hundred dollars be and the same is hereby set aside out of the General Fund of said County of Humboldt for the following purposes, to-wit: the sum of $5,000.00 thereof to employ J. F. Quinn of Eureka, California, and such assistant as he may select with the approval of the District Attorney of said county in the defense and presentation of the case on behalf of Humboldt County in each of said proceedings and in any proceeding that may be instituted before the Federal Power Commission with reference to the subject matter above mentioned, or any other proceedings that may be necessary to protect the interests of Humboldt County therein, said employment to continue for the period of one year; the sum of $2,500.00 to be expended in necessary traveling expenses of said counsel with reference to said proceedings and the employment of witnesses, engineers and experts as may be necessary to properly present said matter. All expenditures and agreements with reference thereto to be made only upon the written consent and approval of the District Attorney of said county first had and obtained. That a written contract be executed with said special counsel with reference to the foregoing to be approved by the District Attorney.

IN THE MATTER OF THE ROAD PETITION OF E. L. WARD ET AL.

A petition was received from E. L. Ward and others, freeholders and residents of Road District No 3, asking the Board to lay out a public road forty feet in width in Humboldt County, the general route of same to be as follows:

From the Town of Korbel on an easy grade to connect with the right of way and road of what is

THURSDAY DEC 28 1922

The Honorable Board of Supervisors of Humboldt County met at the call of the Chair.

Present: All the Members of the Board.

ALEX MASSON, Chairman.

FRED M. KAY, Clerk.

The minutes of the last meeting were read and approved.

RESOLUTION.

On motion of Supervisor Flint, seconded by Supervisor Baldwin, the following Resolution was unanimously adopted:

WHEREAS, the Snow Mountain Water & Power Company, a corporation, has filed applications with the State Water Commission, Division of Public Works, of the State of California, to divert the waters of Middle Eel River, Thatcher Creek and Elk Creek, which applications are known on the files of said commission as No. 2861 and No. 2862; and an application has been filed by John F. Williams to divert waters from the North Fork of the Eel River; and applications have also been filed with said Commission for the diversion of the waters of Trinity River being known and numbered in the files of said Commission as No. 3019 and 3020.

This Board of Supervisors now finds that the interests of Humboldt County will be materially affected by the granting of each and all of said applications in this: The diversion of the waters of Middle Eel River, Thatcher Creek and Elk Creek, and the North Fork of the Eel River, and from each of said branches of said Eel River, will greatly reduce and for many months of each year will absolutely prevent the use of waters upon lands in the Eel River Basin below said proposed points of diversion so as to lessen the productivity of said lands and thereby reduce the taxable value of said lands in said Eel River Basin in said Humboldt County, thus impairing the income of said County and placing greater burdens on other property; that the rights of the public and of the citizens of said County in the said Eel River and the use thereof, and its waters, for fishing, domestic, municipal, drainage, sanitation and irrigating purposes, will be greatly curtailed and during many months of the year entirely prevented; that the present and future interest of said County, its Government, and citizens, and the protections of rights of said county in lands riparian to said Eel River require and demand that all legal steps possible be taken for the opposition of said applications, No. 2861, and No. 2862 and to said application of said John F. Williams. That the interest of Humboldt County and the citizens thereof in the maintenance and continuance of the flow of water in the Trinity River so as to insure to all the exercise of the rights and privileges heretofore enjoyed by its citizens in said stream and the right to fish therein and to use the waters thereof for domestic, irrigation and other purposes require that the waters of said stream be conserved and that no appropriation or diversion thereof be made which would be detrimental to the interests of said Humboldt County.

This Board of Supervisors further finds; that the County of Humboldt, is vitally interested in the opposing of said applications and of each of them; that the District Attorney of said Humboldt County and the assistants and deputies given him by law are now, and will be, for the next year, wholly engaged to the utmost of their capacity and time in the conduct of criminal prosecutions and the performance of work incident to the duties of their office other than the defense of the foregoing petitions or applications, or any of them; that the reasonable and necessary defense of said proceedings will require the time, service and attendance of counsel other than that of said District Attorney, or any assistants now provided by law.

and the conduct of the defense of said applications will require the time, services and attendance of counsel outside of the county of Humboldt, and in all probability outside of the State of California; that the said District Attorney of this County or his legal assistants could not give their time, service or attention to the defense of the above applications or any of them without seriously impairing and interferring with the enforcement of law and the preservation of law and order in said County; that by reason of the large number of cases and matters requiring the time, services and attention of said District Attorney and his assistants it is, and will be for the next year, impossible and inexpedient for said District Attorney to personally, or through his assistants or deputies as now provided by law, defend said applications or any of them or attend to or perform any services required at the hearing of said applications; that it is necessary that counsel be employed by said Board to assist the District Attorney in the defense of said applications; that the employment of counsel as herein provided for will not increase the salary or compensation of said District Attorney of Humboldt County, or any of his deputies, during the term for which he is elected.

WHEREFORE, it is ordered that J. F. QUINN, Attorney-at-law, of Eureka, California, be, and he is hereby employed to assist said District Attorney in the defense of said applications at the compensation or fee of Five thousand dollars, said employment to continued until December 31st 1923; it being understood that said J. F. QUINN, will also appear for said county and prosecute its defense in any proceeding that may be instituted or pending during said time before the Federal Power Commission at Washington, D. C., relating to the diversion referred to in the foregoing named petitions; that the sum of Five thousand dollars, be, and the same is hereby set aside out of the general fund, of said county, and shall be due and payable to said J. F. QUINN, as follows: Five hundred dollars on January 1st, 1923, fifteen hundred dollars on June 1st, 1923 and fifteen hundred dollars on September 1st 1923, and fifteen hundred dollars on December 31st, 1923.

IT IS FURTHER ORDERED that the sum of twenty five hundred dollars, be, and the same is hereby appropriated and set aside to pay the necessary travelling expenses of said counsel with reference to said proceedings and the employment of such witnesses, Engineers and experts as may be necessary to properly present said matter; that all expenditures and agreements with reference thereto be subject to the written approval of the District Attorney of this County that a written agreement be entered into by the Chairman of this Board on behalf of said County and said J. F. Quinn with reference to the foregoing, the same to be approved by the District Attorney.

The Board adjourned to meet at the call of the Chair.

Alex Mason
Chairman.

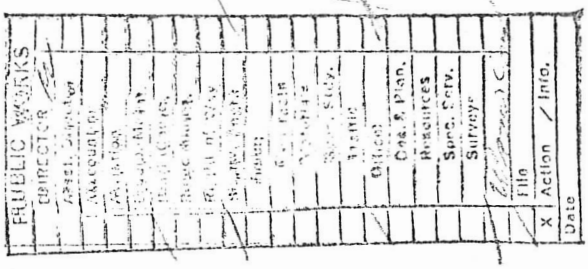
ATTEST: Fred M. Kay
Clerk.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting on May 30, 1972 JUN 5 REC'D

RESOLUTION NO. 72-60

REQUESTING FEDERAL AND STATE AGENCIES TO REVIEW RELICENSING REQUEST OF PACIFIC GAS AND ELECTRIC COMPANY TO OPERATE THE LAKE PILLSBURY-VAN ARSDALE PROJECT IN LIGHT OF 1972 FISHERIES AND ECOLOGY STANDARDS



WHEREAS, the Lake Pillsbury project was constructed over fifty years ago and impounds and diverts over 100,000 acre-feet of water from the main Eel River into the Russian River each year; and

WHEREAS, at the time of construction in 1920, water rights given to Pacific Gas and Electric Company did not stipulate any releases of water below Van Arsdale Dam in the Eel River channel; and

WHEREAS, while P.G.& E. has, in recent years, voluntarily released some water, it is recognized by many fisheries experts and recreationists that the amount of flow is quite inadequate in the late summer and fall; and

WHEREAS, a new license must be secured in 1972 for the further use of this facility; and

WHEREAS, the Federal Government, under the auspices of the Federal Power Commission, and the State of California, under the direction of the State Water Resources Control Board, are currently reviewing the application of Pacific Gas and Electric Company for another license to operate the Lake Pillsbury-Van Arsdale power complex on the main Eel River;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Humboldt hereby supports additional downstream releases in the Eel River channel and supports such flows as are established

by the California Department of Fish and Game for fish enhancement and also such additional flows as are needed for proper recreation.

BE IT FURTHER RESOLVED that the Board of Supervisors of the County of Humboldt hereby urges the Federal Power Commission and the State Water Resources Control Board to review the license application of the Pacific Gas and Electric Company in view of 1972 standards as such standards relate to fisheries and ecology and to see that current standards are imposed upon a license issued for the continued use of the Lake Pillsbury-Van Arsdale project.

BE IT FURTHER RESOLVED that a copy of this resolution and a copy of the Humboldt County Water Policy, which was adopted by this Board of Supervisors on November 25, 1970, be transmitted to the proper Federal and State agencies.

Adopted on motion by Supervisor Rice, seconded by Supervisor Peart, and the following vote:

AYES: Supervisors— Lindley, Rice, Peterson, Peart, Rusher
NOES: Supervisors— None
ABSENT: Supervisors— None

STATE OF CALIFORNIA,)
County of Humboldt) ss.

I, FRED J. MOORE, JR., County Clerk of the County of Humboldt, State of California, and ex-officio Clerk of the Board of Supervisors of the County of Humboldt, do hereby certify the foregoing to be a full, true and correct copy of the original made in the above entitled matter by said Board of Supervisors, at a meeting held in Eureka, California, as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors May 31, 1972

FRED J. MOORE, JR.
County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Humboldt, State of California

By Jacqueline R Watts
Deputy Clerk.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of June 5, 2018

RESOLUTION NO. 18-56

RESOLUTION ADOPTING THE COUNTY OF HUMBOLDT'S POSITION REGARDING THE FUTURE OF THE POTTER VALLEY PROJECT ON THE EEL RIVER

WHEREAS, the Potter Valley Project, currently owned by Pacific Gas & Electric (PG&E), was constructed on the main stem of the Eel River in Mendocino County between 1905 and 1922 to generate hydroelectric power, and through its operation serves as an inter-basin transfer of water from the Eel River basin to the Russian River basin; and

WHEREAS, the benefits of water diversions to the Russian River have come at the expense of substantial downstream impacts to the Eel River and its fisheries; and

WHEREAS, the main stem of the Eel River flows through Humboldt County for approximately 81 river miles before discharging into the Pacific Ocean; and

WHEREAS, the export of water from North Coast watersheds is one of Humboldt County's most significant water resource policy issues; and

WHEREAS, the ecosystem services and beneficial uses of the Eel River are a vital part of Humboldt County's core community values; and

WHEREAS, residents and communities within Humboldt County depend on the Eel River for water supply, fishing, recreation, and many other uses; and

WHEREAS, the County of Humboldt recognizes the importance of the Eel River to the Wiyot Tribe, Bear River Rancheria, Blue Lake Rancheria, Round Valley Indian Tribes, and other affected tribes for ceremonial, medicinal, practical, and subsistence uses; and

WHEREAS, the Potter Valley Project has contributed to habitat degradation, declining fish populations, economic losses, and loss of recreational opportunities within Humboldt County; and

WHEREAS, the Potter Valley Project has redistributed the natural wealth of the Eel River to the detriment of downstream communities in Humboldt County; and

WHEREAS, the Potter Valley Project has deprived the residents of Humboldt County from fully utilizing the resources of the Eel River; and

WHEREAS, PG&E's hydropower license for the Potter Valley Project expires on April 14, 2022; and

WHEREAS, Congressman Jared Huffman convened an ad hoc committee of interested parties in 2017 to work toward a two-basin solution that addresses issues and concerns in the Eel River and Russian River watersheds; and

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
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RESOLUTION NO. 18-56

WHEREAS, PG&E announced, on May 10, 2018, its intent to put the Potter Valley Project up for auction; and

WHEREAS, the County of Humboldt has a duty, as a political subdivision of the State of California, to protect and restore the natural resources within County boundaries.

NOW, THEREFORE, BE IT RESOLVED THAT THE HUMBOLDT COUNTY BOARD OF SUPERVISORS ADOPTS THE FOLLOWING POSITION STATEMENT REGARDING THE FUTURE OF THE POTTER VALLEY PROJECT:

- The County of Humboldt believes that decommissioning and full or partial removal of the Potter Valley Project is inevitable due to the aging infrastructure, low power production, and high cost of upgrading the facility to comply with current dam safety and environmental regulations.

- The County of Humboldt believes that restoration of fish populations in the Eel River will be best achieved through removal of Scott Dam to allow volitional fish passage to spawning and rearing habitat historically used by migrating salmonids.

- The County of Humboldt will actively participate in the hydropower re-licensing process administered by the Federal Energy Regulatory Commission, Congressman Jared Huffman's Potter Valley Project Ad Hoc Committee, and discussions exploring the potential transfer of the Potter Valley Project to a regional (multi-county) entity.

- The County of Humboldt recognizes that the Potter Valley Project provides tangible benefits to other counties and supports a collaborative approach to solving the regional issues and concerns.

- The County of Humboldt supports Congressman Huffman's call for a two-basin solution with co-equal goals and believes that consideration of Russian River water users' interests will be essential to achieving a comprehensive solution.

- The County of Humboldt will advocate strongly on behalf of the water users and natural resources within Humboldt County for water supply reliability, fish populations that support sustainable harvest opportunities, and full restoration of beneficial uses within the Eel River.

- The County of Humboldt will advocate for elimination of summer and fall water diversions and restoration of the Eel River's natural flow regime to restore and enhance fisheries, water quality, water supply, and recreational opportunities.

- The County of Humboldt will advocate for thorough consideration of the decommissioning alternative through the hydropower re-licensing process.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of June 5, 2018

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- The County of Humboldt will advocate for PG&E (or its successor) to sponsor a participatory process involving all affected stakeholders prior to the submittal of a final re-licensing application.

- The County of Humboldt will advocate for technical studies that fully address the primary concerns for Eel River watershed health and sustainability, which include: fish passage necessary for access to spawning and rearing habitat above Scott Dam; fish passage survival at Cape Horn Dam (for both adults and juveniles); downstream geomorphic effects; effects on environmental cues (flow and temperature) for migrating salmonids and other fish species; effects on invasive species (such as the Sacramento pikeminnow); effects on tribal uses and resources; and effects on downstream municipal, domestic, and agricultural water supply.

- With regard to a potential regional entity assuming operation of the facility, the County of Humboldt will advocate for full recovery of the County's costs; protection from liability; fair and equitable representation in the governance structure; and assurances that the needs of the Eel River and downstream communities will be satisfied.

Dated: June 5, 2018

Ryan Sundberg, Chair
Humboldt County Board of Supervisors

Adopted on motion by Supervisor Fennell, seconded by Supervisor Wilson, and the following vote:

AYES:	Supervisors	Bohn, Sundberg, Fennell, Wilson, Bass
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

By Ryan Sharp
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of June 4, 2019

RESOLUTION NO. 19-47

RESOLUTION AFFIRMING SUPPORT FOR THE AMENDED PLANNING AGREEMENT TO UNDERTAKE FEASIBILITY STUDY OF A POTENTIAL LICENSING PROPOSAL FOR THE POTTER VALLEY PROJECT

WHEREAS, the Potter Valley Project, located on the main stem of the Eel River in Mendocino County, generates hydroelectric power and through its operation serves as an inter-basin transfer of water from the Eel River basin to the Russian River basin; and

WHEREAS, the main stem of the Eel River flows through Humboldt County for approximately eighty-one (81) river miles before discharging into the Pacific Ocean; and

WHEREAS, the Potter Valley Project affects environmental quality, ecosystem services, native anadromous fisheries, and beneficial uses of water in both the Eel and Russian River basins; and

WHEREAS, Pacific Gas and Electric's ("PG&E") hydropower license for the Potter Valley Project expires on April 14, 2022; and

WHEREAS, on April 6, 2017, PG&E filed a Pre-Application Document and Notice of Intent to file a new license application for the Potter Valley Project; and

WHEREAS, shortly thereafter, Congressman Jared Huffman convened the Potter Valley Project Ad Hoc Committee to work toward a Two-Basin Solution that protects fisheries and water supply in both the Eel and Russian River basins; and

WHEREAS, on January 25, 2019, PG&E announced that it would discontinue efforts toward relicensing the Potter Valley Project; and

WHEREAS, on March 1, 2019, the Federal Energy Regulatory Commission issued a Notice Soliciting Applications from any entity interested in filing a new license application for the Potter Valley Project; and

WHEREAS, entities interested in obtaining a license to operate the Potter Valley Project must file a notice of intent to submit a new license application, a pre-application document and a proposal to complete the pre-filing stages of the licensing proceeding, which includes a proposed study plan, by July 1, 2019, and a final license application by April 14, 2020; and

WHEREAS, California Trout, Inc., Mendocino County Inland Water and Power Commission and Sonoma County Water Agency have agreed to work together to study the feasibility of forming a regional entity to develop a potential licensing proposal for the Potter Valley Project that will advance the goals and principles of the Two-Basin Solution proposed by the Potter Valley Project Ad Hoc Committee; and

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of June 4, 2019

RESOLUTION NO. 19-47

WHEREAS, California Trout, Inc., Mendocino County Inland Water and Power Commission, and Sonoma County Water Agency have expressed a desire to enter into an "Amended Planning Agreement to Undertake Feasibility Study of a Potential Licensing Proposal for the Potter Valley Project" ("Amended Planning Agreement") with the County of Humboldt in order to advance the goals and principles of the Two-Basin Solution proposed by the Potter Valley Project Ad Hoc Committee.

NOW, THEREFORE, THE HUMBOLDT COUNTY BOARD OF SUPERVISORS HEREBY RESOLVES AS FOLLOWS:

1. The County of Humboldt hereby affirms its support of the collaborative effort to solve the regional issues and concerns associated with the Potter Valley Project.

2. The County of Humboldt hereby acknowledges that consideration of Russian River water users' interests will be essential to achieving the goals and principles of the Two-Basin Solution proposed by the Potter Valley Project Ad Hoc Committee.

3. The County of Humboldt hereby commits to work together with California Trout, Inc., Mendocino County Inland Water and Power Commission, Sonoma County Water Agency and other stakeholders to study the feasibility of forming a regional entity and developing a potential licensing proposal for the Potter Valley Project to advance the following shared objectives:

    - Minimizing or avoiding adverse impacts to water supply reliability, fisheries, water quality and recreation in both the Eel River and Russian River basins;

    - Improving fish passage and habitat on the Eel River sufficient to support recovery of naturally reproducing, self-sustaining and harvestable native anadromous fish populations, including, without limitation, migratory access upstream and downstream at current project dam locations;

    - Ensuring reliance on best available science and engineering analyses as the basis for evaluating options for restoration, water delivery and hydroelectric generation pursuant to a new license;

    - Ensuring active participation of tribes and other stakeholders who are willing to support the goals and principles of the Two-Basin Solution proposed by the Potter Valley Project Ad Hoc Committee;

    - Protecting tribal cultural, economic, and other interests in both the Eel River and Russian River basins;

    - Protecting the economic welfare of both the Eel River and Russian River basins;

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of June 4, 2019

RESOLUTION NO. 19-47

- Ensuring continued hydroelectric generation; and

- Ensuring collaboration on funding.

4. The County of Humboldt hereby affirms its intent to enter into the Amended Planning Agreement with the understanding that the parties will consider a wide range of options to effect the Two Basin Solution, including, without limitation, options that involve refurbishing the facilities of the Potter Valley Project for the purpose of continued operations. In undertaking the feasibility study, the parties will consider all options that advance the interests of the parties, are based on good science and engineering and are fiscally feasible and sustainable over the long-term.

Dated: June 4, 2019

Rex Bohn, Chair
Humboldt County Board of Supervisors

Adopted on motion by Supervisor Fennell, seconded by Supervisor Wilson, and the following vote:

AYES:	Supervisors	Bohn, Fennell, Wilson, Madrone, Bass
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

Ryan Sharp
Deputy Clerk of the Board of Supervisors of the County of Humboldt, State of California

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of June 18, 2019

RESOLUTION NO. 19-53

RESOLUTION AFFIRMING SUPPORT FOR THE AMENDED PLANNING AGREEMENT TO UNDERTAKE FEASIBILITY STUDY OF A POTENTIAL LICENSING PROPOSAL FOR THE POTTER VALLEY PROJECT

WHEREAS, the Potter Valley Project, located on the main stem of the Eel River in Mendocino County, generates hydroelectric power and through its operation serves as an inter-basin transfer of water from the Eel River basin to the Russian River basin; and

WHEREAS, the main stem of the Eel River flows through Humboldt County for approximately eighty-one (81) river miles before discharging into the Pacific Ocean; and

WHEREAS, the Potter Valley Project affects environmental quality, ecosystem services, native anadromous fisheries, and beneficial uses of water in both the Eel and Russian River basins; and

WHEREAS, Pacific Gas and Electric's ("PG&E") hydropower license for the Potter Valley Project expires on April 14, 2022; and

WHEREAS, on April 6, 2017, PG&E filed a Pre-Application Document and Notice of Intent to file a new license application for the Potter Valley Project; and

WHEREAS, shortly thereafter, Congressman Jared Huffman convened the Potter Valley Project Ad Hoc Committee to work toward a Two-Basin Solution that protects fisheries and water supply in both the Eel and Russian River basins; and

WHEREAS, on January 25, 2019, PG&E announced that it would discontinue efforts toward relicensing the Potter Valley Project; and

WHEREAS, on March 1, 2019, the Federal Energy Regulatory Commission issued a Notice Soliciting Applications from any entity interested in filing a new license application for the Potter Valley Project; and

WHEREAS, entities interested in obtaining a license to operate the Potter Valley Project must file a notice of intent to submit a new license application, a pre-application document and a proposal to complete the pre-filing stages of the licensing proceeding, which includes a proposed study plan, by July 1, 2019 and a final license application by April 14, 2020; and

WHEREAS, California Trout, Inc., Mendocino County Inland Water and Power Commission and Sonoma County Water Agency have agreed to work together to study the feasibility of forming a regional entity to develop a potential licensing proposal for the Potter Valley Project that will advance the goals and principles of the Two-Basin Solution proposed by the Potter Valley Project Ad Hoc Committee; and

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
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RESOLUTION NO. 19-53

WHEREAS, California Trout, Inc., Mendocino County Inland Water and Power Commission, and Sonoma County Water Agency have expressed a desire to enter into an "Amended Planning Agreement to Undertake Feasibility Study of a Potential Licensing Proposal for the Potter Valley Project" ("Amended Planning Agreement") with the County of Humboldt in order to advance the goals and principles of the Two-Basin Solution proposed by the Potter Valley Project Ad Hoc Committee.

NOW, THEREFORE, THE HUMBOLDT COUNTY BOARD OF SUPERVISORS HEREBY RESOLVES AS FOLLOWS:

1. The County of Humboldt hereby affirms its support of the collaborative effort to solve the regional issues and concerns associated with the Potter Valley Project.

2. The County of Humboldt hereby acknowledges that consideration of Russian River water users' interests will be essential to achieving the goals and principles of the Two-Basin Solution proposed by the Potter Valley Project Ad Hoc Committee.

3. The County of Humboldt hereby commits to work together with California Trout, Inc., Mendocino County Inland Water and Power Commission, Sonoma County Water Agency and other stakeholders to study the feasibility of forming a regional entity and developing a potential licensing proposal for the Potter Valley Project to advance the following shared objectives:

   - Minimize or avoid adverse impacts to water supply reliability, fisheries, water quality and recreation in both the Russian River and Eel River basins;

   - Improve fish passage and habitat on the Eel River sufficient to support recovery of naturally reproducing, self-sustaining and harvestable native anadromous fish populations, including migratory access upstream and downstream at current project dam locations;

   - Reliance on best available science and engineering analyses as the basis for evaluating options for restoration, water delivery and hydroelectric generation pursuant to a new license;

   - Collaboration on funding;

   - Active participation of tribes and other stakeholders who are willing to support the other shared objectives;

   - Economic welfare of both basins;

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- Continued hydroelectric generation; and

- Protecting tribal cultural, economic and other interests in both the Eel and Russian River basins.

4. The County of Humboldt hereby affirms its intent to enter into the Amended Planning Agreement with the understanding that the parties will consider a wide range of options to effect the Two Basin Solution, including, without limitation, options that involve refurbishing the facilities of the Potter Valley Project for the purpose of continued operations. In undertaking the feasibility study, the parties will consider all options that advance the interests of the parties, are based on good science and engineering and are fiscally feasible and sustainable over the long-term.

Dated: June 18, 2019

Rex Bohn, Chair
Humboldt County Board of Supervisors

Adopted on motion by Supervisor Fennell, seconded by Supervisor Bass, and the following vote:

AYES:	Supervisors	Bohn, Fennell, Wilson, Madrone, Bass
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

Ryan Sharp
Deputy Clerk of the Board of Supervisors of the County of Humboldt, State of California

REVISED PROPOSAL FOR PACIFIC GAS & ELECTRIC COMPANY, DRAFT LICENSE SURRENDER APPLICATION, POTTER VALLEY PROJECT (P-77)

Proposed and Supported by:
California Department of Fish and Wildlife
California Trout
Humboldt County
Mendocino County Inland Water and Power Commission
Round Valley Indian Tribes
Sonoma County Water Agency
Trout Unlimited
(Proponents)

November 7, 2023

On August 3, 2023, Sonoma County Water Agency, Mendocino County Inland Water and Power Commission, and Round Valley Indian Tribes submitted a proposal to PG&E for the future of Cape Horn Dam and Van Arsdale Diversion. The proposal concerned the New Eel-Russian Facility (Facility). On October 2, 2023, PG&E stated its intention to include the proposal in its administrative draft license surrender application. The Proponents listed above now jointly request that PG&E include this revised proposal in that administrative draft when released for stakeholder consultation on or about November 15, 2023.

Proponents understand that, following such consultation, PG&E will prepare and distribute a revised administrative draft in May 2024, and will submit a final license surrender application to the Federal Energy Regulatory Commission (FERC) in January 2025. Proponents expect to request that PG&E include the revised proposal (as may be further revised) in the final license surrender application to be filed in January 2025.

The Proponents recognize that the License Surrender Agreement and Water Diversion Agreement provided for below are agreements which will require input from a larger range of sovereign Indian Tribes; federal, state, and local agencies including affected Counties; and other stakeholders. The Proponents are committed to working with those other agencies and stakeholders to produce documents that reflect a broad agreement among those that are affected.

Core Components

Proponents are committed to the coequal goals of (1) improving fish migration and habitat on the Eel River with the objective of achieving naturally reproducing, self-sustaining, and harvestable native anadromous fish populations and (2) maintaining material and continued water diversion from the Eel River through the existing tunnel to the Russian River to support water supply reliability, fisheries, and water quality in the Russian River basin. Proponents agree to the following four core components of their joint proposal, and they expect to continue to negotiate and revise these components for incorporation in the final license surrender application. They also expect that, on the schedule attached as Attachment 1:

(1) The Regional Entity will be formed with the legal and financial capacity to be responsible for ownership, construction, and operation of the Facility;

(2) The selected design, construction, and operations of the Facility will fully implement the coequal goals stated above, and will be consistent with the fishing rights and water rights of the Round Valley Indian Tribes. The Proponents will enter into a License Surrender Agreement and Water Diversion Agreement, as described below, to state mutually agreeable terms for such design, construction, and operations;

(3) Agreement will be reached with PG&E on terms of a Purchase and Sale Agreement for the project works listed in Attachment 2, which will: (a) assure that the Regional Entity will bear the additional costs, risks, and liabilities of this proposal relative to what would otherwise be PG&E's decommissioning plan, (b) provide appropriate consideration for the purchase of the project works in Attachment 2, (c) provide for closing and transfer of fee title to the project works listed in Attachment 2, concurrent with the Regional Entity's acceptance of FERC's authorization to construct the Facility, and (d) be consistent with the applicable terms of the License Surrender Agreement; and

(4) The Proponents will seek to receive support for the proposal from the National Marine Fisheries Service and from representative governmental and non-governmental entities in the Russian and Eel River basins. The Proponents will undertake maximum best efforts to assure that such support is expressed by their entering into, or otherwise stating written support for, the License Surrender Agreement and Water Diversion Agreement described below.

Coordination of Deconstruction of Cape Horn Dam and Construction of Facility

PG&E has stated: "PG&E's decommissioning plan will include the removal of in water facilities such that no feature will continue to impound water and the natural flow of the river will occur." Proponents support PG&E undertaking such deconstruction as expeditiously as practicable, targeting 2028 for commencement of such activities. Proponents agree that the Regional Entity's construction of the Facility will not interfere with or delay such deconstruction in any way. Proponents intend that the final design for the Facility (as reflected in the final license surrender application) will specify the detailed program for coordination of deconstruction and Facility construction.

Proponents will support the Regional Entity's applying for and securing authority from FERC to construct the Facility and own project works listed in Attachment 2. The Regional Entity will seek federal authority to complete the Facility as expeditiously as practicable after deconstruction. Such authority may be granted pursuant to a nonpower license, partial license transfer, or some other procedure. By March 2024, and in consultation with PG&E and FERC, Proponents will resolve how the Regional Entity will apply for such federal authority related to the Facility.

Proponents intend that the final license surrender application will clearly delineate the authority sought by the Regional Entity related to the Facility, separate from the authority sought by PG&E for

license surrender related to existing project works. Proponents intend that both authorities will be timely and concurrently secured as needed to assure that deconstruction of Cape Horn and Scott Dams is coordinated with, and not delayed by, construction of the Facility.

License Surrender Agreement

Proponents will undertake negotiations to develop mutually agreeable terms related to the Regional Entity's construction of the Facility and other terms for license surrender that advance the coequal goals and meet regulatory requirements. Proponents will address contingencies related to the coordination of deconstruction and construction activities. In addition to periodically reporting to PG&E, they will ask and encourage PG&E to participate in the development of terms to manage sediment discharge, protect tribal cultural resources, and restore dam and reservoir sites following deconstruction, as required elements of the license surrender application. By November 2024, Proponents will undertake to finalize the settlement for incorporation of terms in the final license surrender application.

Water Diversion Agreement

Proponents will also undertake negotiations of terms related to the Regional Entity's operation of the Facility. Such terms will address the water rights now held by PG&E and the portion to be acquired by the Regional Entity, and will specify management of the water rights, including quantity, rate, timing, bypass flows, and other conditions, for diversions. Proponents will include a mechanism (for example, streamflow dedication) to assure that the quantity subject to the water rights, and not agreed for diversion to the Russian River, remains in the Eel River. Proponents will include mechanisms to address impacts of the Facility's diversions on legal rights and interests and on fisheries in the Eel River. Among other mechanisms, the Agreement will commit the Proponents to collaboratively seek funding from multiple sources (which may include federal, state, water sales, and other) to restore the Eel River fisheries and construct the Facility and related infrastructure. A portion of the funding will be dedicated to an Eel River Restoration Fund to offset impacts of water diversions and fully implement the coequal goals. That Fund will be governed by a group of stakeholders including the Round Valley Indian Tribes, Wiyot Tribe, Humboldt County, and conservation group representation who determine the use, management, and application of the Fund. By November 2024, Proponents will finalize this agreement. The Proponents expect that terms that concern water supply diversions and other activities outside of FERC's jurisdiction will not be included in the license surrender application.

Attachment 1.
Schedule for Coordination with PG&E in Further Development of Proposal Leading to Filing of License Surrender Application

Date	Event
August 15, 2023	Sonoma County Water Agency, Mendocino County Inland Water and Power Commission, Round Valley Indian Tribes (as proxy for the Regional Entity), and PG&E began discussions regarding a Purchase and Sale Agreement.
October 31, 2023	Proponents (as listed on p. 1) report to PG&E on outcome of preliminary consultation with NMFS, CDFW, and stakeholders in the Russian and Eel River Basins to support incorporation of proposal in draft license surrender application. Proponents consult on the options described in Attachment 3. By this time, Proponents also convene a table to negotiate a License Surrender Agreement, along with a separate Water Diversion Agreement.
On or about November 15, 2023	PG&E releases draft license surrender application for its own stakeholder consultation.
December 31, 2023	The Regional Entity is formed as JPA. This entity and Proponents coordinate with respect to subsequent steps. This entity becomes PG&E's counter-party in the negotiations of the Purchase and Sale Agreement.
March 15, 2024	Per paragraph (2) above, Proponents tentatively select a design option for the purpose of continuing consultation with other agencies and stakeholders.
May 31, 2024	PG&E releases revised draft license surrender application. Before this date, Proponents submit to and discuss with PG&E a draft of the license surrender application that deals with the Facility. This application reflects progress on paragraphs (1) – (4) above as needed for a complete draft application, including the Regional Entity's demonstration of fiscal capacity consistent with the requirements of FERC's rules.
November 30, 2024	PG&E and the Regional Entity reach agreement on terms of Purchase and Sale Agreement. Proponents reach agreement on terms of License Surrender Agreement, including terms related to construction of the Facility. Proponents reach agreement on terms of Water Diversion Agreement.
January 31, 2025	PG&E files the license surrender application with FERC. The Regional Entity applies to FERC for a nonpower license or other form of authority to construct the Facility and own associated infrastructure.

Attachment 2.
Project Facilities Proposed to be Transferred to Regional Entity

Project Facility/Feature
River Gages
E2 – Eel R BL Scott Dam NR Potter Valley CA (11470500)
Project Facility Access Roads
Gage E2 Access Rd
Penstock, Pipeline and Butterfly Valve House Access Rd
Powerhouse Main Access Rd
Intake Structures
Van Arsdale Diversion Intake
Tunnels and Adits
Tunnel No. 1
Tunnel No. 2
Tunnel No. 1 Slide Gate and Adit
Tunnel No. 1 Gage Shaft
Conduits, Penstocks, Control and Valve Houses
Conduit No. 1 (Upper Wood Stave, Steel Pipe and Components)
Conduit No. 2 (Lower Wood Stave, Steel Pipe and Components)
Conduit No. 1, 72-inch Butterfly Valve House
Conduit No. 1 Standpipe and Surge Chamber Vent
Penstock No. 1
Penstock No. 2
Penstock Nos. 1 and 2, 60-inch Gate Valves (2)
Penstock Bypass Channel
Powerhouse Bypass System
Powerhouse, Switchyard, and Tailrace
Potter Valley Powerhouse
Potter Valley Powerhouse Tailrace, Radial Gate, and Venturi Flume
Potter Valley Powerhouse Discharge Canal
Diversion Gages
E5 – Potter Valley Irrig CN E5 NR Potter Valley CA (11471105)
E6 – Potter Valley Irrig CN E6 NR Potter Valley CA (11471106)
E16 – Potter Valley PH Intake near Potter Valley CA (11471000)
River Gages
E11 – Eel River at Van Arsdale Dam near Potter Valley CA (11471500)

Project Facility/Feature
Leakage Weirs and Piezometers
Cape Horn Dam Leakage Weirs
Cape Horn Dam Piezometers
Fish Screen and Associated Facilities (to the extent a given structure is part of the final design of the new Facility)
Van Arsdale Fish Screen Facility
Van Arsdale Fish Screen Facility Back-up Generator Building
Van Arsdale Fish Screen Facility Motor Control Building
Van Arsdale Fish Return Channel
Storage Building
Project Communication/Power Lines
Conduit No. 1, 72-inch Butterfly Valve House Communication
Cape Horn Dam Control Building Communication/Power Line
Fish Screen Facility Communication/Power Line
Tunnel No. 1 Slide Gate and Adit Communication/Power Line
Penstock Nos. 1 and 2, 60-inch Stop Valves Communication/Power Line
Helicopter Landing Sites
Potter Valley Powerhouse Helicopter Landing Site
Ancillary and Support Facilities
Potter Valley Powerhouse Operators Office
Potter Valley Powerhouse Maintenance Office
Potter Valley Powerhouse Operators Restrooms
Potter Valley Powerhouse Weather Station (USACE owns a station, discuss fate outside process)
Project Facility Access Roads
Cape Horn Dam East Access Rd
Intake Access Rd
Penstock, Pipeline and Butterfly Valve House Access Rd (Access for private landowner)
Powerhouse Main Access Rd
Project Facility Access Trails
Gage E11 Access Trail
Project Water Rights
The water rights owned by PG&E that authorize diversions from the Eel River. The Facility will be operated on terms established in a water diversion agreement between between Regional Entity and Proponents. The Purchase and Sale Agreement between PG&E and the Regional Entity will include consistent terms.
Project Communication Line
Scott Dam Block Building Communication Line* - *only if needed for E2 gage*

Other Potter Valley Project Facilities and Features
Dam and Associated Facility/Features
Cape Horn Dam – *PG&E will hold fee title during deconstruction and other implementation of its decommissioning plan approved by FERC. During this phase, the Regional Entity will have property interests sufficient to hold nonpower license or other federal authority to construct Facility. Fee title for site will transfer to the Regional Entity when PG&E's license surrender is effective.*
Reservoir
Van Arsdale Reservoir – *PG&E will hold fee title to waters and submerged lands during deconstruction of Cape Horn Dam and other implementation of its decommissioning plan. During this phase, the Regional Entity will have property interests sufficient to hold nonpower license or other federal authority to construct Facility. Fee title for site will transfer to the Regional Entity when PG&E's license surrender is effective.*
Powerhouse, Switchyard, and Tailrace
Potter Valley Powerhouse Switchyard – *distribution switchyard to be partitioned and retained by PG&E; the Regional Entity is expected to retain station service transformers and access to south side of powerhouse. Balance of switchyard can remain with PG&E or be transferred to the Regional Entity with easements granting access as needed to the other party.*
Fish Ladder and Associated Facilities
Fish Attraction Facility – *PG&E will hold fee title during deconstruction of Cape Horn Dam and other implementation of its decommissioning plan. During this phase, the Regional Entity will have property interests sufficient to hold federal authority to construct Facility. Fee title for site will transfer to the Regional Entity when PG&E's license surrender is effective.*

Attachment 3.
Design Options for Eel-Russian Facility

Cape Horn Dam and Van Arsdale Reservoir will be substantially removed, although parts of the foundations and the right abutment will be retained to provide the anchorage for diversion or passage elements. The details and extent of the removal will be further developed along with the design for the new diversion and fish screening facilities. Two alternatives are currently under consideration for CHD removal, and the current preliminary descriptions are below. Preliminary drawings follow at the end of this attachment.

Alternative C1 – Control Section with Pump Station

Alternative C1 would include lowering a section of the concrete gravity portion of Cape Horn Dam from elevation 1,490.4 feet down to about 1,452.0 feet to create a control section, then fitting a pump station adjacent to the control section. The final height and dimensions of the control section, and the potential need for a bladder dam, are currently the subject of hydraulic modeling. The portion removed would begin at the concrete retaining wall, would be relatively flat, and would extend toward river left approximately 70 feet. At that point, the crest would slope downward at 3H:1V for 15 feet to reach an elevation of 1447.0. From there, the remainder of the control section would continue at elevation 1,447.0 feet for another 15 feet. This latter portion of the control section would help ensure adequate flow depths at low flow, while the upper portion would provide adequate flow area for high flows. In total, the control section would be approximately 100 feet long and would pass all Eel River flows, except for those diverted. At the end of the control section a vertical section of the dam would remain up to elevation 1,477.0, beyond which the dam would slope at about a 3H:1V slope to match the existing crest elevation of 1,490.4 feet. The section of dam lowered to elevation 1,477.0 feet would marry up with a new reinforced concrete pump station.

Due to the existing top elevation of the retaining wall at 1,519.0 feet and the proposed lowered dam crest elevation between 1,447.0 and 1,452.0 feet, the retaining wall would be 67 feet tall. Due to this excessive height and the concern for stability, the maximum elevation of the retaining wall is proposed to be lowered to elevation 1,472.0 feet, leaving a retaining wall that is approximately 20 feet tall. Lowering the retaining wall would require excavating out the earth fill portion of the dam down to an approximate elevation of 1,467.0 feet. This excavation will include partial demolition of the mass concrete core wall and possibly some of the reinforced concrete core wall. Rock riprap removed during earth fill excavation would then be re-placed and augmented with armor material to convert the earth fill portion of the dam to an auxiliary spillway. The auxiliary spillway would be activated at elevation 1,467.0 feet and would flow approximately 10 feet deep before overtopping the new lowered section of the dam and the intake pump station.

Alternative C1 includes lowering a 100-foot section of Cape Horn Dam by 38.4 and 43.4 feet. The new control section will include a 10-foot-wide low flow section set to elevation 1,447.0 feet that slopes up at 3H:1V to a 70-foot-long section set to elevation 1,452.0 feet. Downstream of the low flow section at approximately 100 feet, the existing fish hotel and exclusion barrier would be removed down to elevation 1,446.0, with the area between the two vertical controls occupied by a deep pool. Downstream of the lower fish hotel and exclusion barrier approximately 100 to 125 feet, an existing bedrock control maintains a riffle at an approximate elevation of 1,445.0 feet. From a fish passage perspective, upstream migrants would first encounter the existing plunge pool, followed by a maximum vertical drop of 1 foot at the former exclusion barrier. Just upstream, migrants would encounter another deep pool, followed by another maximum drop of 1 foot at the control section.

Alternative C2 – Roughened Channel with Gravity Supply

Alternative C2 considers the complete removal of the concrete gravity portion of Cape Horn Dam and construction of a roughened channel and new diversion weir near the intake to the Van Arsdale Diversion facility. The length and dimensions of the roughened channel are currently the subject of hydraulic modeling.

Alternative C2 would include lowering the entire concrete gravity portion of Cape Horn Dam from elevation 1,490.4 feet down to about 1,457.5 feet. Roughly 100 feet downstream of the dam, the fish hotel and exclusion barrier would also be lowered, from a variable elevation down to about elevation 1,453.7 feet. The remainder of the concrete dam and fish hotel/exclusion barrier would maintain vertical control at those locations. Approximately 280 feet downstream of the exclusion barrier, vertical control is maintained at about 1,445.0 feet by an existing bedrock control. Between the downstream bedrock control and the fish hotel/exclusion barrier a roughened channel is proposed. The roughened channel would resemble a boulder cascade, with very large rock material providing hydraulic complexity and channel stability sufficient to withstand extreme high flow events. A similar roughened channel would extend upstream of the dam approximately 420 feet, terminating at a sheet pile control weir with a maximum crest elevation set to 1,473.0 feet. The upstream sheet pile control weir would include a low flow section approximately 20 feet wide with a crest elevation of 1,470.0 feet.

The entire roughened channel would be approximately 800 feet long and would be about 10 to 15 feet deep on average. Areas on river left near the existing dam would likely not require hardening due to the presence of significant bedrock. The roughened channel would include a low flow corridor that matches the existing channel at the downstream terminus and matches the low flow section at the upstream control weir. The overall planform of the channel includes a single valley-wide bend with a radius of curvature of about 400 to 500 feet. The low flow corridor would include two smaller bends with a radius of curvature of approximately 80 to 100 feet. The slope of the roughened channel thalweg would be roughly 3.1 percent.

The upstream control weir would span the channel, connecting on river left to the existing diversion facility and on river right to a reinforced concrete extension of the existing dam wingwall. The wall extension would be approximately 150 feet long. The upstream control weir would serve as a backwater control for a modified diversion structure.

Dewatering and Construction Sequencing

Cape Horn Dam removal can take place either before or after Scott Dam removal. Hydraulic modeling currently underway will help to determine if removal before or after Scott Dam is preferred or advantageous. However, it is assumed here that Cape Horn Dam removal activities and construction of a new diversion and conveyance system would take place after Scott Dam removal.

SHEET KEY NOTES:

A REMOVE FISH HOTEL AND FISH EXCLUSION BARRIER DOWN TO ELEVATION INDICATED. PERMANENTLY PLUG ENTRANCE OPENINGS WITH CONTROLLED LOW STRENGTH MATERIAL OR SIMILAR.

B REMOVE 100-FOOT WIDE SECTION OF CAPE HORN DAM DOWN TO ELEVATION INDICATED. STEP UP ON RIVER LEFT TO MATCH TOP OF PUMP STATION STRUCTURE. SLOPE UPWARD FROM STRUCTURE TO MATCH EXISTING DAM CREST AT 3H:1V. SLOPE 100-FOOT SECTION DOWN FROM RIGHT TO LEFT (LOOKING DOWNSTREAM) TO CONCENTRATE FLOW NEAR INTAKE SCREENS.

C CONSTRUCT NEW REINFORCED CONCRETE PUMP STATION WITH ROOF ELEVATION SET TO ELEVATION 1477.0. ELEVATION TO BE VERIFIED DURING LATER DESIGN PHASES. PUMP STATION TO INCLUDE BETWEEN 2 AND 4 VERTICAL TURBINE PUMPS ON DUTY, WITH ONE ON STANDBY (3 AND 5 PUMPS TOTAL), AND SET OVER WET WELL RECEIVING WATER FROM SCREEN INTAKES. NUMBER AND SIZE OF PUMPS TO BE DETERMINED DURING LATER DESIGN PHASES.

D INSTALL 7- TO 8-FT DIAMETER EPOXY-COATED STEEL PIPE, OR BUTT-FUSION WELDED HDPE PIPE OR PRECAST REINFORCED CONCRETE BOX SECTIONS AND CONNECTED TO THE INTAKE PUMPS VIA A MANIFOLD. VALVING AND FITTINGS NOT SHOWN. BURY PIPE IN OVERBANK AREA ON APPROPRIATE BEDDING AND SUFFICIENT BACKFILL FOR LONG-TERM PROTECTION. CONNECT PIPE TO NEW BULKHEAD WALL AT RENOVATED VAN ARSDALE DIVERSION FACILITY.

E INSTALL 7 VERTICAL CYLINDER SCREENS MOUNTED TO EXTERIOR FACE OF NEW PUMP STATION . SET PLATFORM ELEVATION OF SCREENS TO 1447.0. ELEVATION TO BE VERIFIED DURING LATER DESIGN PHASES. ENCLOSE MANIFOLD IN STEEL DEBRIS CAGE STRUCTURE WITH MAX SPACING BETWEEN MEMBERS BETWEEN 2 AND 4 FEET.

F RENOVATE EXISTING VAN ARSDALE DIVERSION TO RECEIVE WATER FROM THE NEW PUMP STATION. REQUIRES DEMOLITION OF INCLINED SCREENS. WORK EFFORT MAY ALSO INCLUDE DEMOLITION OR DECOMMISSSIONING OF ARCHIMEDES SCREW PUMP, FISH BYPASS, AND OTHER INFRASTRUCTURE SUPPORTING THE EXISTING SCREENS AND FISH BYPASS.

ALTERNATIVE C-1 PLAN
SCALE: 1" = 70'

0" 70' 140'

N

REV	DATE	BY	DESCRIPTION
A	07/14/21	KRJ	DRAFT FEASIBILITY STUDY

WARNING
0 1/2 1
IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE.

McMILLEN JACOBS ASSOCIATES

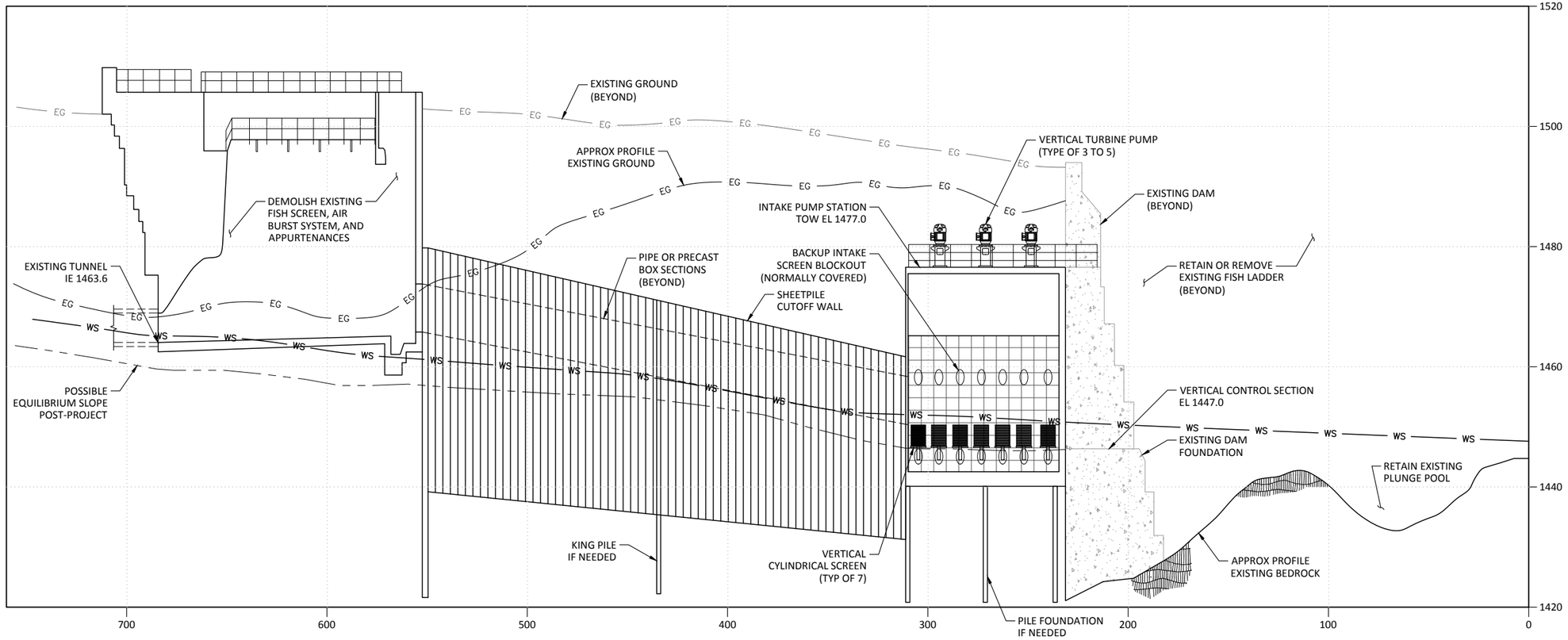
CALTROUT
POTTER VALLEY PROJECT FEASIBILITY STUDY
CAPE HORN DAM REMOVAL
ALTERNATIVE C-1 PLAN

DESIGNED K. JENSEN
DRAWN R. GUERRERO
CHECKED V. AUTIER
PROJECT DATE 07/14/21

DRAWING
C-1-1

JOB NO: 000000

Path: C:\Vault20\Sonoma County Water Agency\Potter Valley\C-1-1.dwg Plot date: Jul 12, 2021 08:23am, CAD User: Guerrero



SECTION

SCALE: HORIZ 1"= 30'
VERT 1"= 10'

A
C-1-1

REV	DATE	BY	DESCRIPTION
A	07/14/21	KRJ	DRAFT FEASIBILITY STUDY

WARNING

0 1/2 1

IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE.

McMILLEN JACOBS ASSOCIATES

CALTROUT

POTTER VALLEY PROJECT FEASIBILITY STUDY

CAPE HORN DAM REMOVAL
ALTERNATIVE C-1 SECTION

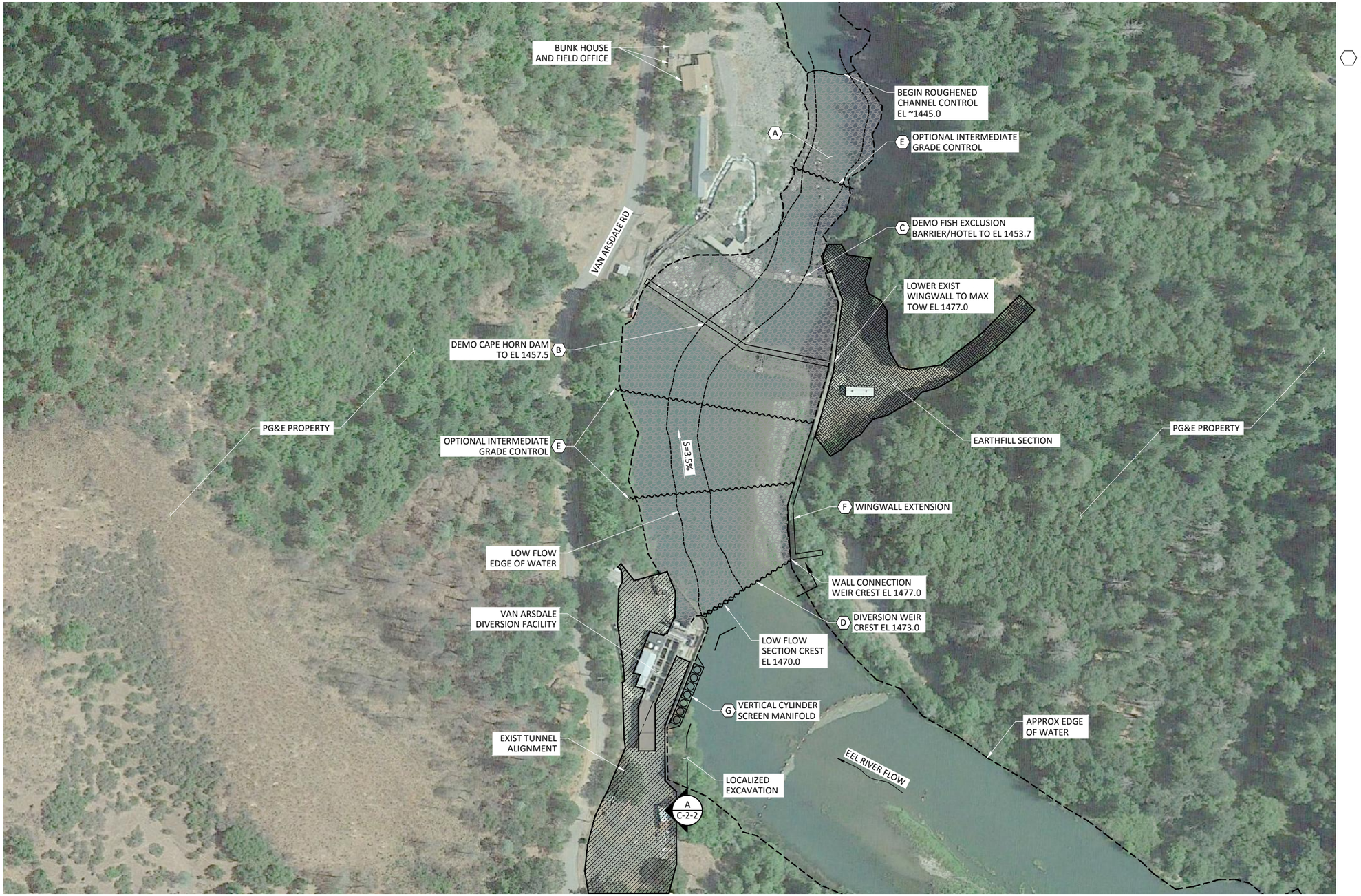
DESIGNED K. JENSEN
DRAWN R. GUERRERO
CHECKED V. AUTIER
PROJECT DATE 07/14/21

DRAWING

C-1-2

JOB NO: 000000

Path: C:\Vault20\Sonoma County Water Agency\Potter Valley\C-1-2.dwg Plot date: Jul 12, 2021 08:23am, CAD User: Guerrero



ALTERNATIVE C-2 PLAN
SCALE: 1" = 70'

0" 70' 140'

N

SHEET KEY NOTES:

A INSTALL ROUGHENED CHANNEL USING LARGE DIAMETER BOULDER EMBEDDED IN SHOTCRETE AND FOUNDED ON APPROPRIATELY SIZED AGGREGATE FILTER LAYER. BACKFILL BOULDER BED WITH COBBLE AND GRAVEL TO FILL INTERSTICES. DRILL AND/OR BLAST AND BREAK UP EXPOSED BEDROCK AS NECESSARY TO CREATE UNIFORM SLOPE TO NEW CHANNEL. REUSE BEDROCK SPOILS AS ROUGHENED CHANNEL MATERIAL. ROUGHENED CHANNEL AREA APPROX 100,000 SQUARE FEET AND BETWEEN 10 AND 15 FEET DEEP.

B REMOVE CAPE HORN DAM DOWN TO ELEVATION INDICATED. REMAINDER OF DAM BELOW NEW CREST ELEVATION TO SERVE AS VERTICAL GRADE CONTROL. REUSE LARGE CONCRETE SPOILS AS BOTTOM LAYER OF ROUGHENED CHANNEL.

C REMOVE FISH HOTEL AND FISH EXCLUSION BARRIER DOWN TO ELEVATION INDICATED. PERMANENTLY PLUG ENTRANCE OPENINGS WITH CONTROLLED LOW STRENGTH MATERIAL OR SIMILAR.

D INSTALL UPSTREAM DIVERSION WEIR WITH CREST ELEVATION AT 1473.0 AND LOW-FLOW SECTION CREST ELEVATION AT 1470.0. TAPER WEIR DOWN FROM WINGWALL EXTENSION AT 1477.0 TO 1473.0. ELEVATIONS TO BE VERIFIED DURING LATER DESIGN PHASES. SHEETPILE TO BE DRIVEN USING VIBRATORY METHODS AND SECURED TO BEDROCK USING KINGPILES. CAP DIVERSION WEIR WITH SHOTCRETE-EMBEDDED BOULDER.

E INSTALL INTERMEDIATE SHEETPILING AS VERTICAL GRADE CONTROL TO ENSURE UNIFORM GRADE ACROSS ROUGHENED CHANNEL. REQUIREMENTS FOR NUMBER AND SPACING OF INTERMEDIATE SHEETPILE TO BE DETERMINED DURING LATER DESIGN PHASES.

F LOWER EXIST CONCRETE WINGWALL TO ELEVATION 1477.0. ELEVATION TO BE VERIFIED DURING LATER DESIGN PHASES. EXTEND WINGWALL SOUTH TO PROVIDE CONNECTION WITH DIVERSION WEIR.

G INSTALL 7 STANDBY VERTICAL CYLINDER SCREENS MOUNTED TO EXTERIOR FACE OF EXIST DIVERSION FACILITY GUIDEWALL. SET PLATFORM ELEVATION OF SCREENS TO 1465.0. ELEVATION TO BE VERIFIED DURING LATER DESIGN PHASES. ENCLOSE MANIFOLD IN STEEL DEBRIS CAGE STRUCTURE WITH MAX SPACING BETWEEN MEMBERS BETWEEN 2 AND 4 FEET.

REV	DATE	BY	DESCRIPTION
A	07/14/21	KRJ	DRAFT FEASIBILITY STUDY

WARNING
0 1/2 1
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McMILLEN JACOBS ASSOCIATES

CALTROUT
POTTER VALLEY PROJECT FEASIBILITY STUDY
CAPE HORN DAM REMOVAL
ALTERNATIVE C-2 PLAN

DESIGNED K. JENSEN
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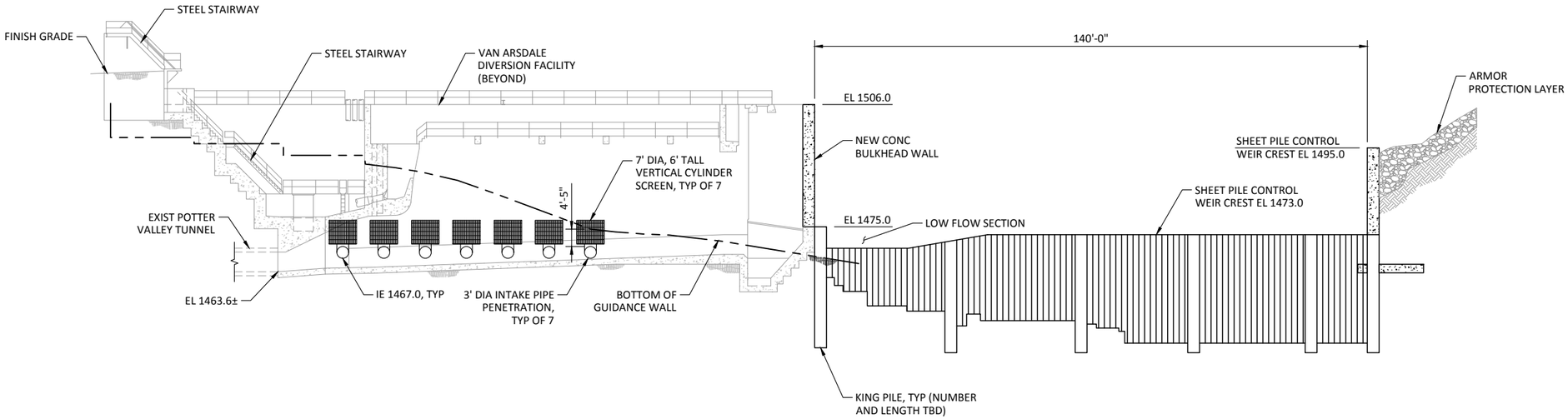
DRAWING
C-2-1

JOB NO: 000000

Path: C:\Vault20\Sonoma County Water Agency\Potter Valley\C-2-1.dwg Plot date: Jul 12, 2021 08:23am, CAD User: Guerrero



SECTION
SCALE: 1/16"= 1'-0"

0' 16' 32'

A
C-2-1

REV	DATE	BY	DESCRIPTION
A	07/14/21	KRJ	DRAFT FEASIBILITY STUDY

WARNING

0 1/2 1

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McMILLEN JACOBS ASSOCIATES

CALTROUT

POTTER VALLEY PROJECT FEASIBILITY STUDY

CAPE HORN DAM REMOVAL
ALTERNATIVE C-2 SECTION

DESIGNED K. JENSEN
DRAWN R. GUERRERO
CHECKED V. AUTIER
PROJECT DATE 07/14/21

DRAWING

C-2-2

JOB NO: 000000

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BOARD OF SUPERVISORS
COUNTY OF HUMBOLDT
825 5th Street, Suite 111, Eureka, CA 95501-1153
Telephone (707) 476-2390 Fax (707) 445-7299

November 7, 2023

Conditional Support Statement for the November 3, 2023 Revised Proposal to PG&E for the New Eel-Russian Facility associated with the Potter Valley Project

The Humboldt County Board of Supervisors adopts the following conditional support for the November 3, 2023 Revised Proposal:

- The preferred position of Humboldt County is that Eel River water should stay within the Eel River watershed.
- If water continues to be diverted out of the Eel River Basin into the Russian River Basin, (1) water diversions must be limited to the wet season and the amount and timing of diversions must be consistent with restoration of Eel River fisheries; and (2) an Eel River Restoration Fund must be established and supported in part by ongoing financial charges on water diversions. The Eel River Restoration Fund will need to be funded at a robust level that accounts for continued impacts and supports ecological recovery from historic impacts.
- Humboldt County will continue to join Proponents in negotiating a fair and equitable outcome to fully implement the co-equal goals stated in the Revised Proposal contingent upon no delay in PG&E's timeline for dam removal. This Revised Proposal provides a starting point for ongoing discussions with a wide table of stakeholders to develop the content and terms of the documents specified in the Revised Proposal. Humboldt County will remain committed to protecting the health and resilience of the Eel River and the interests of people and communities connected to the Eel River.

BOARD OF SUPERVISORS
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January 31, 2025

Statement regarding PG&E's Administrative Draft License Surrender Application for the Potter Valley Project on the Eel River

The Humboldt County Board of Supervisors adopts the following statement regarding PG&E's administrative draft License Surrender Application which was released for public comment on January 31, 2025:

The release of PG&E's administrative draft License Surrender Application for the Potter Valley Project is an important milestone toward the ultimate goal of removing two dams and restoring a free-flowing Eel River with fish passage to important headwaters habitat. PG&E is expected to file its final license surrender application to the Federal Energy Regulatory Commission by July 29, 2025.

PG&E's draft application includes a proposal to use a portion of PG&E's lands and facilities for construction of a new water diversion facility (the New Eel-Russian Facility). It continues to be the preferred position of Humboldt County that Eel River water should stay within the Eel River watershed. (See prior statement of the Humboldt County Board of Supervisors, November 7, 2023.) Nevertheless, we have been engaged in negotiations with a variety of parties in the Eel and Russian River Basins to develop consensus on an agreement to allow continued diversions with appropriate protections and benefits for the Eel River and its fisheries. The parties include Sonoma Water, Mendocino Inland Water and Power Commission, Round Valley Indian Tribes, California Trout, Trout Unlimited, and the California Department of Fish & Wildlife.

It is our hope that an agreement can be reached before PG&E files its final license surrender application. We envision an agreement that would allow limited diversions of Eel River water under strict conditions and science-based criteria and also provide a consistent, robust funding source to pay for high-priority restoration work throughout the Eel River watershed. Such an agreement would protect the health and resilience of the Eel River and provide substantial benefits for the people and communities connected to the Eel River. It is our expectation that the agreement will ultimately lead to a future when the Russian River basin is self-reliant for water and not dependent on Eel River diversions.

At this time, Humboldt County conditionally supports inclusion of the proposed facility in PG&E's draft application. We expect to consider approval of the key terms of the water diversion agreement in open session, after thorough discussion and public comment, at a Humboldt County Board of Supervisors' meeting in the near future.