

EEL RUSSIAN RIVER COMMISSION

825 5th Street, Room #111, Eureka, CA 95501 (707-476-2396)

Humboldt County
Estelle Fennell, Chair
Rex Bohn

Mendocino County
Carre Brown
John McCowen

Sonoma County
James Gore, Vice Chair
Lynda Hopkins

Lake County
Eddie Crandell

AGENDA

DATE: Friday, March 29, 2019

TIME: 10:00 A.M.

PLACE: Humboldt County Board of Supervisors Chambers
825 5th Street, Room #111, First Floor of the Courthouse
Eureka, California 95501

- A. Roll Call
- B. Approval of Meeting Minutes – November 9, 2018 – **Action Item**
- C. Update on Transition of Administrative Support for the ERRC from Mendocino to Humboldt County (Kathy Hayes, Clerk of the Board, Humboldt County) - **Informational Item**
- D. ERRC Proposed Meeting Dates for 2019 (Kathy Hayes, Clerk of the Board, Humboldt County) – **Action Item**
- E. PG&E (Alison Talbot, Public Affairs, PG&E – Humboldt, Mendocino, and Trinity Counties) Update Regarding Recent Announcements from PG&E Regarding the Potter Valley Project – **Informational Item**
- F. Humboldt County (Hank Seeman, Deputy-Director, Humboldt County Public Works and Craig Tucker, Water Resources Consultant, Suits and Signs Consulting, LLC) Update on efforts towards Relicensing Potter Valley Project - **Informational Item**
- G. Wiyot Tribe (Tim Nelson, Natural Resources Director, Wiyot Tribe) Update on Tribe's Position on the Potter Valley Project – **Informational Item**

- H. **Inland Water and Power Project (Janet Pauli, PhD, Chair of the Mendocino County Inland Water and Power Commission) Update on the Federal Energy Regulatory Commission's Orphan Project for the Potter Valley Project – **Informational Item****
- I. **Cal Trout (Darren Mierau, North Coast Director, Redgie Collins, Staff Attorney, and Curtis Knight, Executive Director) – Update on CalTrout's Efforts Towards Attaining a Two-Basin Solution to the Potter Valley Project FERC License – **Informational Item****
- J. **Consider Sending Letter of Interest to the Federal Energy Regulatory Commission (FERC) related to Amending the ERRC Joint Powers Agreement and Scope of Authority – **Action Item****
- K. **Eel River Restoration Project (Citizen's Science Project) Update (Pat Higgins, Eel River Restoration Project, Managing Director) – **Informational Item****
- L. **ERRC Conflict of Interest Code Annual Review and Approval – **Action Item****
- M. **Update on ERRC Finances (Treasurer, Carre Brown) – **Informational Item****
- N. **Commissioner Reports**
- O. **Other Business**
- P. **Public Comment on Non-Agenda Items**
- Q. **Adjournment**

Any materials related to this agenda distributed to the Commissioners of the Eel Russian River Commission less than 72 hours before the public meeting are available for public inspection at the Commission's Office located at 825 5th Street, Room #111, Eureka, CA. Upon request, these materials may be made available in an alternative format to persons with disabilities. An electronic copy of the agenda may be viewed online on the Humboldt County website.

The Eel Russian River Commission complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making material available in appropriate alternative formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodations to participate in the meeting should contact the Eel Russian River Commission Deputy Clerk by calling (707-476-2390) at least five days prior to the meeting.

If you wish to address the Commission during Public Comment on Non-Agenda Items, please sign the public comment/speaker form available at the back of the Board Chambers. If you wish to submit written documentation, please provide six (6) copies to the Deputy Clerk.



Eel Russian River Commission
 501 Low Gap Rd., Rm 1010 ♦ Ukiah ♦ California 95482 ♦ (707)463-4441 ♦ fax (707)463-7237

HUMBOLDT COUNTY
 Estelle Fennell – Chair
 Rex Bohn

MENDOCINO COUNTY
 Carre Brown
 John McCowen

SONOMA COUNTY
 James Gore – Vice Chair
 Lynda Hopkins

Lake County
 Jim Steele

DRAFT SUMMARY MINUTES – NOVEMBER 9, 2018

575 Administration Way – Room 102 A
 Santa Rosa, CA 95403

Agenda Item No. 1 – Roll Call (10:05 A.M.)

The following Commission members were present: Chair Estelle Fennell, Humboldt County Representative; Vice Chair James Gore, Sonoma County Representative; Commissioner Carre Brown, Mendocino County Representative; and Commissioner Jim Steele, Lake County Representative.

Also Present: Ms. Jen Mendoza, Temporary Secretary.

Agenda Item No. 2 – APPROVAL OF MINUTES FROM AUGUST 11, 2018, MEETING

Upon motion by Commissioner Steele, seconded by Commissioner Gore, and carried unanimously; IT IS ORDERED that the June 8 2018, minutes of the Eel Russian River Commission are hereby approved.

Agenda Item No. 3 – DISCUSSION REGARDING AN UPDATE ON PG&E'S FISHERIES-RELATED LICENSE COMPLIANCE AND RELICENSING STUDIES ON THE POTTER VALLEY PROJECT SINCE THE ERRC MEETING OF 8/22/2018

Presenter: Paul F. Kubicek, Senior Consulting Scientist, Pacific Gas and Electric Company

Mr. Kubicek gave an update of the studies for both the licensing and relicensing studies since the August meeting. He also gave an update of the status of the application process

Agenda Item No. 4 – DISCUSSION REGARDING PRESENTATION OF SONOMA COUNTY WATER AGENCY STUDY OF RIVER FLOWS IN THE EEL RIVER

Presenter: Don Seymour, Principal Engineer, Sonoma County Water Agency

Mr. Seymour presented updates of Congressman Huffman's ad hoc, comprised of two technical working groups. One group is studying fish passage alternatives associated with Potter Valley. The second group is studying water supply conditions on the Russian River.

Public Comment - Vivien Helliwell, Pacific Coast Federation of Fisherman's Association, Janet Pauli, Mendocino Inland County Water and Power Commission, Brenda Adelman, Russian River Watershed Protection Committee, David Kelleher, Friends of the Eel River

Agenda Item No. 5 – DISCUSSION REGARDING PRESENTATION ON PG&E'S PROCESS TO AUCTION THE POTTER VALLEY PROJECT

Presenter: Mr. David Moller, Director, Power Generation, Pacific Gas and Electric Company

Mr. Moller gave an update of the auction process and status which began on September 6, 2018.

Agenda Item No. 6 – DISCUSSION REGARDING POTENTIAL LETTER OF INTEREST TO THE FEDERAL ENERGY REGULATORY COMMISSION

Presenter: Commissioner Steele

Commissioner Steele proposed a letter to amend the joint powers agreement and scope of authority. This will be presented on the next meeting agenda.

Public Comment: Brenda Adelman, Russian River Watershed Protection Committee, George Cinquini, Virginia Graziani, Devon Jones, Mendocino County Farm Bureau, Vivien Helliwell, Pacific Coast Federation of Fisherman's Association, Kelly.

Agenda Item No. 7 – DISCUSSION AND ACTION REGARDING ADMINISTRATIVE DUTIES OF ERRC

Presenters: Commissioner Brown and Chair Fennell

Commissioner Brown advised that traditionally the Chair's office has provided the administrative duties. Administrative duties have transferred to Humboldt County's Clerk of the Board. Mendocino County is to verify the billing process for the annual ERRC Membership dues.

Agenda Item No. 8 – COMMISSIONER REPORTS

Commissioner Gore presented a document to the commission that will be presented at the Sonoma County Board of Supervisors meeting.

Commissioner Brown acknowledged Commissioner Steele's last meeting and thanked him for his service.

Commissioner Steele reported out on post fire status and emergency preparedness

Agenda Item No. 9 – OTHER BUSINESS

Agenda Item No. 10 – PUBLIC COMMENT

No public comment on non-agendized items.

The next meeting of the Eel Russian River Commission will be held in February 2019. Details to follow.

The meeting of the Eel Russian River Commission adjourned at 1:01 p.m.



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ERRC Meeting Dates for 2019

March 29, 2019

10:00 a.m. Humboldt County

Board of Supervisors Chambers
825 5th Street, Room #111
Eureka, CA 95501

(Contact): Kathy Hayes, Clerk of the Board
707-476-2396

khayes@co.humboldt.ca.us

May 24, 2019

10:00 a.m. Lake County

Board of Supervisors Chambers
255 N Forbes Street
Lakeport, CA 95453

(Contact): Elishia
707-263-2368

August 23, 2019

10:00 a.m. Mendocino County

Board of Supervisors Chambers
501 Low Gap Road
Ukiah, CA 95482

(Contact): Karla Van Hagen
707-463-4221

November 22, 2019

10:00 a.m. Sonoma County

Board of Supervisors Chambers
575 Administration Drive, Room #100A
Santa Rosa, CA 95403

(Contact): Jenea
707-565-2241

**EEL,
RUSSIAN
RIVER
COMMISSION**

**COUNTIES OF Lake, Mendocino,
Sonoma, Humboldt**

Address

Email

Office

Mobile

Fax

**Commissioners
Jim Steele, Carre Brown, James Gore,
Estelle Fennell Chair**

September 16, 2018

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E. Docket Room
Washington, D.C. 20426-0001

Re: FERC Project No. 77- Potter Valley Project

Dear Secretary Bose:

Please consider this letter as a request to review and consider changing how water allocations are approved for downstream values as well as power generation.

Counties are the land use decision makers for unincorporated lands for the state of California. The Eel Russian River Commission (ERRC) was established by the counties of Humboldt, Mendocino, Sonoma and Lake as a Joint Powers Authority and one Supervisor from each County appointed as a Commissioner. The ERRC presently acts as an information receptor regarding the health and uses of a common riverine system that runs through each county. The information learned in ERRC hearings then inform each Commissioner's County Board of Supervisors' land use decisions during their independent county hearing processes. It's our view, the license renewal for the Potter Valley project requires changing value priorities for both power and water release decisions. The following generally chronicles the historical change in conditions that require a new values' ranking important to the residents of our counties:

1. Before the clearcutting of virgin forests in coastal counties the rivers produced large runs of salmonid species which also supported

- offshore and instream fishing. These native fish populations supported Tribal, recreational and market demands.
2. The major harvest of large trees in in the 1800's using steam donkeys followed by train passage built in the streambeds and later tractor logging in the 1940's and a major cutover in the 1960's destabilized coastal and inter-coastal streams and mountain slopes.
 3. The significant atmospheric river storms of 1955 and 1964 filled the channels with sediment, broadening their width and burying the flow. Downstream passage for fish was blocked, rearing waters warmed and fish species reduced by habitat losses on coastal streams were eventually listed as protected under the Endangered Species Act.
 4. Forest practices rules designed to create more protection for streams also had the effect of slowing down timber cutting on private lands. This was followed by US Forest plans that took into account all of the values on National Forest lands but not downstream watersheds. Trees grew back closer together in private and Federal forests while fire suppression efforts protected stands.
 5. The significant increased regrowth of trees and vegetation through planting, stump sprout and natural seed fall created greater demand for water and less surface runoff available for streams.
 6. Climate change over millennia while variable with extreme changes, have trended toward warmer summers, longer drought conditions and have lengthened the fire season through drier vegetation and shorter winter conditions with less snow pack.
 7. Lower humidity during dry periods have increased the ignition potential to extreme in some areas. Fire adapted vegetation has become more common.
 8. Changes in wildland conditions have reduced the diversity of habitat for both terrestrial and aquatic wildlife, reduced recreational opportunities and decreased the quantity of water available for downstream beneficial uses.
 9. Forest regulations and planning on either private or public lands have not been effective in looking at the bigger picture or longer time scales and responding to today's downstream uses.
 10. Home building practices expanding the urban/wildland interface have changed forest policies by creating emergency spending during

- firefighting operations to save structures, thereby depleting already weak forest management budgets.
11. Downstream human population increases, Endangered Species Act requirements, agricultural practices and water-well extractions have decreased surface water availability. There is a new demand for in-channel flows at appropriate times for fisheries restoration, Tribal values, agricultural uses and recreation.
 12. Solar and wind production has mostly replaced hydrological power generation except for off solar hours demands. The water released from both Potter Valley Project dams regulating flow can achieve better results for the new order of priorities on the Eel and Russian systems. But the timing of flows will change over time as conditions change.
 13. A portion of high peak flows can be captured in offstream ponds for agriculture and domestic uses, stored dam water increase ground water recharge, can make up off solar power demand and fish life history can be enhanced through active management techniques.
 14. Forest Watershed Management practices can result in increased water availability from the National Forest and Private lands. The recent Mendocino Complex wildfire resulted in a burn of the entire upper Eel watershed and a clean slate for change.
 15. Instream management can restore channels including riparian, illuminate invasive species and still deliver water to present and future generations.

The above conditions and values require a decision making process that is designed for increasing water availability, recovering watersheds and timing flows during changing conditions. A County JPA such as the ERRC is already made up of County Elected Government Representatives charged with restoring a hierarchy of values and lobbying for watershed management changes in a public process. The ERRC is well positioned to determine the best flows from the Potter Valley Project regardless of who owns the project. The JPA can be expanded to include additional entities in decision making.

We recommend the FERC decision for Project 77 relicensing incorporate the ERRC body as the decision maker for the flows from water storages on the upper Eel River and require support funding for this process from

power generator operators. We believe this is a better solution than a single non changing decision that will be out of date quickly as conditions change.

Sincerely,

[signed by each commissioner]

For the Eel Russian River Commission

Cc: Congressmen Huffman, Garamendi, Thompson, et al

EEL-RUSSIAN RIVER COMMISSION
CONFLICT –OF-INTEREST CODE

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730) that contains the terms of a standard conflict-of-interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of two California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the Attached Appendices, designating positions and establishing disclosure categories, shall constitute the conflict-of-interest code of the **Eel-Russian River Commission (ERRC)**.

Individuals holding designated positions shall file their statements of economic interests with ERRC, which will make the statements available for public inspection and reproduction (Government Code Section 81008). The **ERRC** office is located in Humboldt County, 825 5th Street, Room #111, Eureka, CA 95501. Upon receipt of the statements, **ERRC** shall make and retain copies and forward the originals to the **Fair Political Practices Commission**. All original statements will be retained by the **Fair Political Practices Commission**.

EEL-RUSSIAN RIVER COMMISSION
CONFLICT –OF-INTEREST CODE
APPENDIX A

DESINGATED POSITIONS

<u>DESIGNATED POSITION</u>	<u>ASSIGNED DISCLOSURE CATEGORY</u>
Commission Members	1,2
Alternate Commission Members	1,2
Consultants	1,2

**Consultants shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitations:

The Chairman may determine in writing that a particular consultant, although a designated position, is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chairman's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code (Government Code Section 81008).

EEL-RUSSIAN RIVER COMMISSION

CONFLICT –OF-INTEREST CODE

APPENDIX B

DISCLOSURE CATEGORIES

Category 1: Investments, business positions in business entities, and sources of income, including gifts, loans, and travel payments, from entities that supply materials, products, supplies, commodities, services, machinery, vehicles, or equipment of the type utilized by the **ERRC**.

Category 2: Interest in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the **ERRC**, including any leasehold, beneficial or ownership interest or option to acquire such interest in real property.

This is the last page of the conflict-of-interest code for the **Eel-Russian River Commission**.

CERTIFICATION OF FPPC APPROVAL

Pursuant to Government Code Section 87303, the conflict-of-interest code for the **Eel-Russian River Commission** was approved on _____, 2019. This code will become effective _____, 2019.

Loressa Hon, Acting Executive Director
Fair Political Practices Commission