

# Overview of Proposal Made to PG&E

Presented by:

Mendocino County Inland Water and Power Commission – Scott Shapiro

Round Valley Indian Tribes – Erica Costa

Sonoma County Water Agency – Adam Brand

# Introduction

- Context for how we got here.
- Presentation overview

Mendocino County Inland Water & Power Commission, Round Valley Indian Tribes and Sonoma Water requested that PG&E include in the decommissioning plan:

- That PG&E is considering a proposal, called the New Eel-Russian Facility, for Cape Horn Dam and Van Arsdale Diversion
- That PG&E will include the proposal in the final license surrender application, if consistent with the schedule in Attachment 1

The proposal requires that a Regional Entity has:

1. Been formed and has the legal, and is developing the financial, capacity to be responsible for ownership, construction, and operation of the Facility

# The proposal requires that the Regional Entity has:

2. Selected a design that, as documented in a design report, fully implement co-equal objectives of fish migration and water diversions. The Facility will be designed for upstream and downstream fish migration with a goal of achieving naturally reproducing, self-sustaining and harvestable native anadromous fish populations. The Facility will include the physical capacity for material and continued water diversion through the existing tunnel from the Eel River into the Russian River. Fish migration and Eel River diversions in the selected design will be on conditions, mutually agreeable to the Proponents, that protect the fishing rights and water rights of the Round Valley Indian Tribes;

The proposal requires that the Regional Entity has:

3. Agreed with PG&E on terms for a Purchase and Sale Agreement for the project works listed in Attachment 2, which agreement: (a) assures that this entity will bear the additional costs, risk, and liabilities of this proposal relative to what would otherwise be PG&E's decommissioning plan, (b) provides appropriate consideration for the purchase of the project works, and (c) provides for closing and transfers of fee title to the project works listed in Attachment 2, concurrent with partial transfer of P-77 license; and

The proposal requires that the Regional Entity has:

4. Received support for the proposal from National Marine Fisheries Service and California Department of Fish and Wildlife, and from representative governmental and non-governmental entities from the Russian and Eel River basins.

The proponents requested that PG&E include this in the decommissioning plan:

The final license surrender application will request that FERC create a nonpower license for the project works listed in Attachment 2, to be held by the Regional Entity. The nonpower license will authorize construction of the Facility. This nonpower license will be effective once FERC issues the license surrender order for the remaining P-77 project works and further, PG&E and the proponents confirm that the license surrender order and nonpower license are consistent with the relevant terms of the Purchase and Sale Agreement.



# Attachment 1: Schedule

August 15, 2023	Sonoma County Water Agency, Mendocino County Inland Water and Power Commission, and Round Valley Indian Tribes (Proponents) and PG&E begin discussions on a Purchase and Sale Agreement (PSA). Proponents are proxy for the Regional Entity.
October 31, 2023	Proponents 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 settlement with respect to the approach to the Eel-Russian Facility in the license surrender application.
November 30, 2023	PG&E releases draft license surrender application for its own stakeholder consultation.
December 31, 2023	Proponents form a JPA as Regional Entity. This entity and original Proponents coordinate with respect to subsequent steps. This entity becomes PG&E's counter-party in the PSA negotiations.

# Attachment 1: Schedule (continued)

May 31, 2024	PG&E releases revised draft license surrender application. Before this date, Proponents submit to PG&E a draft of the license surrender application that deals with Eel-Russian Facility, proposing a nonpower license. This application reflects progress on Proposal paragraphs (1) – (4) as needed for a complete draft application.
November 30, 2024	PG&E and Regional Entity reach agreement on the PSA terms (binding Term Sheet).
November 30, 2024	Proponents reach agreement (Term Sheet or Agreement in Principle) with agencies and representative stakeholders on key terms related to the license surrender application dealing with the Eel-Russian Facility.
January 31, 2025	PG&E files the license surrender application with FERC. Regional Entity is co-applicant for that part of the application dealing with Eel-Russian Facility.

# Attachment 2: Project works

Attachment 2 includes the various facilities and appurtenances associated with Cape Horn Dam and Van Arsdale Diversion

Go to <https://www.sonomawater.org/RegionalPartnership> for the proposal, including attachments

# Attachment 3: Design Options

Attachment 3 includes two design options for the New Eel-Russian Facility, as follows:

- **Control section with pump station:** Modify and lower Cape Horn Dam, and construct a pump station to divert water
- **Roughened channel:** Remove the concrete gravity portion of Cape Horn Dam, and construct an (approximately) 800-foot long channel with an upstream backwater control for a modified diversion structure

Both alternatives are included in Bureau of Reclamation grant application for further study.

# Looking back and moving forward

- How did we get here?
- What is next?