

Meeting Summary

Russian River Water Forum Planning Group Meeting #4

Zoom

August 17, 2023, 10:00 am to 1:00 pm

Executive Summary

The Russian River Water Forum Planning Group held its fourth meeting on August 17th, 2023, online via Zoom. The meeting was facilitated by Kearns & West (K&W), a neutral third party. Presentation slides and a recording of the meeting are available on the project [website](#) at the following links:

- [Slides](#)
- [Proponent's Eel-Russian Facility Proposal Slides](#)
- [Proponent's Eel-Russian Facility Proposal](#)
- [Agenda](#)
- [Recording](#)

The meeting objectives outlined in the agenda were as follows:

- Revisit outcomes from July 13 Planning Group meeting and follow up on action items and key discussion topics.
- Provide overview of New Eel-Russian Facility Proposal Submitted to PG&E and invite Planning Group discussion of path forward for the group.
- Provide updates on recent and upcoming Working Group meetings.
- Provide the opportunity for public comment.

The meeting agenda can be found in Appendix A. The meeting had a total of 82 participants, including 26 Planning Group members, 17 alternates, and 39 other attendees. The list of meeting attendees can be found in Appendix B.

Key takeaways from the Planning Group's deliberations during the meeting, including action items identified and agreements reached, include:

- The proponents of the New Eel-Russian Facility Proposal to PG&E – IWPC, RVIT, and Sonoma Water – presented on their [proposal](#). The proposal includes co-equal objectives of fish migration and water diversions and invites consultation with entities in the Eel and Russian River basins.
- Members had several reactions to the proponents' proposal:
 - Many members expressed the need for transparency, collaboration, and active engagement between the Planning Group and the proponents. Some expressed a desire for the Planning Group to be able to inform the proposal before October 31.
 - Some members requested inclusion of tribal beneficial uses and increased tribal input.

- Some expressed concerns about the proposal, including that it could slow down the process of dam removal.
- Some requested that all counties – specifically Humboldt and Lake – be involved in the proceedings and decision-making.
- Some members also expressed concern that their participation in RRWF discussions could be misinterpreted as consensus or support; it was requested that converging and diverging views be captured, and that agreement not be implied or inferred.
- David Taber, co-chair of the Water Rights & Water Management Working Group, provided an update on the proceedings of the group and its desired work product: a high-level slideshow summary of water rights implications in different scenarios.
 - Some members noted that tribal water use predates all legal water rights and that tribal water rights should therefore be included in the Working Group’s proceedings.
- Public comment was received and documented.

Action Items included:

- **Kearns & West** will aim to schedule meetings for the Russian River Resiliency Subcommittee and the Finance & Economics Working Group in September.
- **The Steering Committee** will meet on Friday August 18th.
- **The Water Rights & Water Management Working Group** will meet on Monday August 21st.

Meeting Summary

Welcome, Introductions, and Agenda Review

Ben Gettleman, facilitator with K&W, welcomed Planning Group members, alternates, and other attendees to the meeting and introduced the K&W facilitation team.

Ben shared the meeting objectives, agenda, and the Planning Group’s purpose, and reviewed guidelines for participation. Planning Group Members introduced themselves in the chat.

Outcomes and Follow-up from July 13 Planning Group Meeting

Ben reviewed outcomes from the previous meeting, including:

- The Planning Group discussed whether Working Group meetings should be public or private and agreed to the Steering Committee’s recommendation of a hybrid approach.
- The Planning Group confirmed the charter pending final updates to the resiliency section.
- Various members gave presentations on ongoing resiliency work in the Russian River basin, received questions, and participated in discussion.
- The Planning Group generally agreed that the diversion is needed in the short-term with the goal of self-sufficiency in the long-term, while simultaneously pursuing a two-basin solution with Eel River fish passage.
- Public comment was received and documented.

One Planning Group member questioned the language being used about the diversion, wanting to make sure the Planning Group didn’t characterize it as “needed.” Several members agreed. Some members were concerned about their participation in the forum being misconstrued as consensus.

Overview of Proposal: New Eel-Russian Facility

Scott Shapiro, Special Counsel for the Mendocino County Inland Water and Power Commission (IWPC), Erica Costa, Counsel to Round Valley Indian Tribes (RVIT), and Adam Brand, Deputy County Counsel for Sonoma County, presented on the New Eel-Russian Facility.

Scott informed the Planning Group that PG&E let IWPC know that they were open to receiving a proposal on acquisition of some of their facilities. A series of discussions with PG&E ultimately led to the development of a proposal to acquire Cape Horn Dam and Van Arsdale Diversion and related project works. The proposal was significantly shaped by conversations in the Russian River Water Forum and earlier conversations in the Two-Basin Partnership.

The proposal calls for PG&E to include the New Eel-Russian Facility in its license surrender application if the following four criteria are met:

1. A Regional Entity has been formed and has the legal, and is developing the financial, capacity to be responsible for ownership, construction, and operation of the Facility.
2. The Regional Entity has selected a design that, as documented in a design report, fully implements 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.
3. The Regional Entity has agreed with PG&E on terms for a Purchase and Sale Agreement for the project works (listed in Attachment 2 of the proposal), 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, concurrent with partial transfer of the P-77 license.
4. The Regional Entity has 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 also requested that PG&E include the following in the decommissioning plan:

- The final license surrender application will request that FERC create a nonpower license for the project works, 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.

The proposal includes two options for dam removal and fish passage at the Cape Horn Dam site (described in Attachment 3 of the proposal): Alternative C1, a control section with pump station; and Alternative C2, a roughened channel with gravity supply. The design of these alternatives is currently being evaluated under a Department of Water Resources-funded study. Earlier discussions in the Russian

River Water Forum regarding design options for this site have included an improved fish ladder as one of the alternatives; however, the fish ladder alternative is not included as an option in the New Eel-Russian Facility proposal.

Erica and Adam reviewed other details of the proposal and the schedule, which is available [here](#).

Ben then opened the floor to questions.

During the discussion, various questions and clarifications were presented.

- It was clarified that while there is currently no option for a power generation license due to missing the FERC deadline, the opportunity for a new license could arise after the termination of the FERC surrender order.
- Concerns about Lake Mendocino were noted to be beyond the proposal's scope and jurisdiction.
- The lack of advance notice to the Planning Group was explained by a non-disclosure agreement during negotiations, but the presenters emphasized that the Planning Group's discussions informed the proposal.
- Questions emerged around plans for future stakeholder outreach, with suggestions to involve the Planning Group in those efforts.
- Design proposals for Cape Horn Dam would be elaborated in late 2023 or early 2024, and it was clarified that the fish ladder alternative was not on the table for the negotiation with PG&E.
- The order of facility removal remained uncertain and would be driven by scientific evidence and the desire to avoid hindering PG&E's timeline to get to a proposed decommissioning plan by January 2025.
- PG&E's draft application outreach strategy remained unclear and PG&E had yet to formally respond to the proposal.
- Regarding the potential transfer of PVP assets to Pacific Generation: As Pacific Generation would still be linked to PG&E, the transfer wouldn't affect purchase and sale agreement negotiations.

Planning Group Path Moving Forward

Ben shared the screen with a Miro virtual whiteboard. The board had three questions which were posed to Planning Group members. These were:

1. How can your interests be best addressed in the process moving forward?
2. What recommendations or requests do you have for the Planning Group process?
3. What requests or expectations do you have of the proposal proponents?

Ben then moved the group into a brainstorming session around these three questions. Planning Group members were invited to enter the Miro board and add their own input.

Some common themes were:

- An interest and need for transparency.
- Clarification around the role of the Planning Group and Working Groups moving forward.
- Measures to ensure open and clear communication and a desire for regular updates.
- Concern around participation being misconstrued as consensus.
- Importance of Tribal inclusion in the design process.

Ben then opened the floor to Planning Group members to share observations.

One of the central themes that emerged from the dialogue was the need for transparency, collaboration, and active stakeholder engagement. Some members expressed concern around some of the details of the proposal and the process by which the proponents arrived at it. Participants expressed a desire to see the proposal evolve with the input of the Planning Group and a plan for how they would stay involved and informed moving forward. The proponents reiterated that the proposal was submitted to maintain an opening to negotiate with PG&E, which was a process that had been and would continue to be influenced by other stakeholders. The proponents also stated that the proposal would not prevent them from achieving the goals of the two-basin solution.

Working Group Reports:

Ben then shared status updates on the Working Groups, which are available in the [slides](#). Next steps for each Working Group include:

- **Water Supply & Fisheries:** *facilitation team and co-chairs recommend the group reconvene after the DWR study is complete.*
- **Water Rights & Water Management:** *next meeting on Monday, August 21, 10-11 a.m. (Zoom)*
- **Russian River Resiliency Subcommittee:** *aiming for first meeting in September.*
- **Finance & Economics Working Group:** *aiming for first meeting in September.*

David Taber, co-chair of the Water Rights & Water Management Working Group, then presented the proposed Working Group product to the Planning Group. The proposal involved the creation of a presentation showing the implications of specific scenarios on major categories of water rights holders in the Russian and Eel River basins. The Working Group plans to deliver this product before November 2023. The Working Group suggested two scenarios to evaluate: 1. Run-of-the-river diversion; and 2. No diversion.

Ben then opened the floor to questions.

Planning Group members did not express opposition to the proposed work plan. They had several questions and comments:

- The work product should include an acknowledgement of conditions prior to the construction of the dams.
- To what degree will the future effects of climate change be reflected in the presentation of the water rights impacts of the two scenarios? (David clarified that Two Basin Solution modeling included Climate Change data which would inform the analysis)
- The analysis should acknowledge the potential for further water use efficiency improvements in the Russian River Basin.
- Will the analysis include an evaluation of potential new water storage? (David explained that the models assumed some demand reduction but not new storage).

Public Comment

Matt Myers: I've heard a couple of times that we at the California Department of Fish and Wildlife have been consulted with, and I just wanted to clarify that that's at a technical level in an advisory capacity. Our participation does not mean support or rejection in any way.

Rue Furch: Having participated in SGMA and all the previous iterations of water rights and water availability, the one thing that seems to be being encouraged here and can't be stressed enough is the issue of transparency. The funding, either through agencies or governmental funding, that money is going to be coming from something else or from citizens. What we have learned through SGMA is that people need to be made aware of the process throughout the process. It can't be an announcement at the end, or even a disclosure at the end. Especially given that there's this new structure that's going to be governing it at the end. I want to credit David for his presentation, I thought it was very mindful of how things are working.

John Almida: I've been a resident of Mendocino County for 67 years and my family has been here 112 years. I worked in the construction industry. I've seen how the water from the Russian River acts in the Ukiah Basin. Back in the years when they were mining a quarter of a mile away for gravel, they don't allow it today, you'd see the water going there, and I asked one time, I said, where's this water coming from? And they said, the Russian River. Several areas down there are so porous that that water keeps that aquifer up. Without these transfers of water, you're taking the last working hub in Mendocino County and putting them in danger of being able to provide work for the people of Mendocino County. I also commuted for 13 years to Ukiah. My wife commuted 21 years from Willits to Ukiah. With the lack of industry, there are no other places to work. People commute from Lake County to Ukiah to work. Willits is a bedroom community. Fort Bragg is a tourist community. Protecting the environment and having water down there is so very important to that community all the way from Redwood Valley throughout Mendocino County. That depends on that water plus in the cities in Sonoma County. I don't think the people realize. I realize that you guys bent over backwards on this new policy or proposal to help the environmental community by going ahead and saying, okay, let's take out both dams and let's just provide for a diversion when what's needed. And that's not going to happen in the summertime without those dams, those diversions are done. So, it would only be during high water in the wintertime and the environmental community still can't accept that. Now, if they can't accept that, it tells me that it's a power thing, and it's not about environmentalism, because if it was, they'd be after these illegal dope grows and you never hear the environmental community talk about them, and all the pollution they've caused has caused more damage than the loggers ever did. This is what gets me. You're bending over backwards to help these people so that the fish can come back, and the illegal grows are polluting the river, and the squaw fish are killing the salmon, and we're going to lose Lake Pillsbury, which is a big asset to fire protection in the Mendocino National Forest. All these things are something to think about. When we lose the working hub, the last working hub in Mendocino, because businesses pull out because there's no water, then your government starts collapsing, and that includes police protection for Covelo and several other things that it provides. So, I hope everybody's thinking about that and thank you for allowing me to comment.

Gail Seymour: I'm pretty new to all this but all I wanted to say is that obviously this is all about water and water is highly political. The way we're headed there isn't going to be enough ever for everyone and all of our species. So, it seems like there's been more talk about water for human water use and for fish

passage. I was wondering what discussion has taken place as far as the amount of water that's needed in the eel main stem and tributaries for aquatic species. And I don't know if we need years of modelling to determine that. Also, I'm wondering what Sonoma and Mendocino counties are doing to curb development, especially vineyard expansion and new vineyard development, so that water diversions from the Eel can be reduced. I live in the lower part of the Russian River and there is a lot of water waste. The conservation has to be tightened up. Not just for the Eel and the Russian but for everything. We're not going to have enough water, including ground water. We keep increasing demand while we allow for the extinction of our fish and wildlife. Please let me know how I can get more information about water conservation and curbing development.

Caitlin Gorman: Can the materials from these meetings be made available? Either after the meeting or if people can't make it to all of them. (Ben responded: materials are posted to the Water Forum website.)

Next Steps, Future Meetings, and Action Items

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Ben summarized the meeting discussions and how they related to the objectives.

Ben shared the upcoming schedule of meetings:

- **Planning Group:** First Thursdays of the month from 10 am – 3 pm in Ukiah and on Zoom (September 7, October 5, November 2, December 7)
- **Water Rights & Water Management Working Group:** Monday, August 21, 10 – 11 am

Ben thanked everyone for their participation and adjourned the meeting at 12:55 p.m.

Appendix A: Meeting Agenda

Time	Topic	Presenter
10:00 am	Welcome, Introductions, and Agenda Review	<ul style="list-style-type: none"> • Ben Gettleman, Kearns & West
10:15 am	Outcomes and Follow-up from July 13 Planning Group Meeting	<ul style="list-style-type: none"> • Ben Gettleman, Kearns & West
10:30 am	Overview of New Eel-Russian Facility Proposal Submitted to PG&E	<ul style="list-style-type: none"> • Richard Roos-Collins, Water and Power Law Group • Scott Shapiro, Downey Brand • Erica Costa, Berkey Williams
11:15 am	Discussion of New Facility Proposal and Planning Group Path Forward	<ul style="list-style-type: none"> • All
12:00 pm	Update on Working Group Process and Upcoming Meetings	<ul style="list-style-type: none"> • Ben Gettleman, Kearns & West • Water Rights Co-Chairs (Dave Taber and Phil Williams, City of Ukiah)
12:30 pm	Public Comment	<ul style="list-style-type: none"> • Members of public
12:55 pm	Recap of Meeting and Next Steps	<ul style="list-style-type: none"> • Ben Gettleman, Kearns & West
1:00 pm	Adjourn	

Appendix B: Meeting Attendance

Planning Group Members, Alphabetized

Name	Organization/Affiliation	Present?	Name	Organization/Affiliation	Present?
Alicia Hamann	Friends of the Eel River	✓	Jaime Neary	Russian Riverkeeper	✓
Allan Nelson	Agriculture Landowner	✓	Janet Pauli	PVID; IWPC	✓
Anna FarPorte	Sherwood Valley Band of Pomo Indians	✓	Jennifer Burke	City of Santa Rosa Water	✓
Bert Whitaker	Sonoma County Regional Parks		John Mack	Permit Sonoma	
Brandon Axell	Mendocino County Farm Bureau	✓	John Nagle	Sonoma RCD	✓
Bree Klotter	Redwood Valley County Water District	✓	President Lewis Whipple	Round Valley Indian Tribes	
Brenda L. Tomaras	Lytton Band of Pomo Indians	✓	Luis Santana	Robinson Rancheria	✓
Vice Chair Brian Mead	Wiyot Tribe		Matt Clifford	Trout Unlimited	✓
Carol Cinquini	Lake Pillsbury Alliance	✓	Mike Thompson	Sonoma Water	✓
Cathy Monroe	Mendocino County RCD	✓	Nikcole Whipple	Save California Salmon	✓
Charlie Schneider	CalTrout		Orval Elliott Jr.	Hopland Band of Pomo Indians	
Dennis Murphy	Agriculture Landowner, Sonoma RCD	✓	Sean White	City of Ukiah	✓
Supervisor Eddie Crandell	Lake County	✓	Shannon Cotulla	Town of Windsor	
Elizabeth Salomone	RRFCWCID		Terri McCartney	Pinoleville Pomo Nation	✓
Gary Helfrich	Camp Meeker Rec. & Park District	✓	Terry Crowley	City of Healdsburg	✓
Supervisor Glenn McGourty	Mendocino County	✓	Tony Williams	North Marin Water District	✓
Gregg Young	Potter Valley Tribe	✓	Sgt.-at-Arms Tyrone Mitchell	Yokayo Tribe of Indians	
Hank Seemann	Humboldt County		Vivian Helliwell	PCFFA; IFR	✓
Total Planning Group Member Attendance					26/36

Planning Group Alternates, Alphabetized

Name	Organization/Affiliation	Present?	Name	Organization/Affiliation	Present?
Adam Gaska	Redwood Valley County Water District	✓	Frank Lynch	Lake Pillsbury Alliance	✓
Adriane Garayalde	Agriculture Landowner; RR Confluence	✓	Glen Spain	PCFFA; IFR	✓
Alicia Beecher	Hopland Band of Pomo Indians		Guinness McFadden	PVID; IWPC	
Andy Colonna	PCFFA; IFR		Javier Silva	Yokayo Tribe of Indians	✓
Bill Ricioli	Agriculture Landowner		Mari Rodin	City of Ukiah	
Supervisor Bruno Sabatier	Lake County		Mary Grace Pawson	City of Rohnert Park	
Candace Horsley	MCIWPC	✓	Maureen Mulheren	Mendocino County	
Chris Shutes	California Sportfishing Protection Alliance	✓	Meghan Quinn	American Rivers	✓
Chris Watt	RRFCWCID	✓	Michael Makdisi	Sonoma County Administrator's Office	✓
Craig Tucker	Humboldt County		Mike Shaver	Potter Valley Tribe	
Dakota Perez	Pinoleville Pomo Nation		Pam Bacigalupi	Agriculture Landowner	
Dan Herrera	City of Petaluma	✓	Paul Sellier	Marin Municipal Water District	
David Kelley	City of Cloverdale		Redgie Collins	CalTrout	
David Manning	Sonoma Water	✓	Stephanie Hopkins	Sherwood Valley Band of Pomo Indians	
Denise Woods	Mendocino County RCD	✓	Chair Ted Hernandez	Wiyot Tribe	
Don McEnhill	Russian Riverkeeper	✓	Tyler Rodrique	RRFCWCID	
Don Seymour	Sonoma Water	✓	Wyatt Smith	Round Valley Indian Tribes	✓
Eric Schanz	Sweetwater Springs Water District	✓			
Total Planning Group Alternate Attendance					17/35

Other Attendees, Alphabetized

Name	Affiliation
Ann DuBay	Sonoma Water
Bob Anderson	
Brenda Adelman	Russian River Watershed Protection Committee
Caitlin Gorman	
Carrie Shattuck	Mendocino County
David Koball	Agriculture
David Taber	Palomino Lakes Mutual Water Company
Devon Boer	Mendocino County Farm Bureau
Erica Costa	Berkey Williams Law
Fred Simmons	
Gail Seymour	California Department of Fish & Wildlife
Grant Davis	Sonoma Water
Hollie Smith	Sierra Club
Holly Killion	Gallo Winery
Jared Walker	Willow County Water District
Jessica Reid	
John Almida	
Joshua Fuller	National Marine Fisheries Service
Justin Fredrickson	California Farm Bureau
Kate Powers	
Kris Tjernell	
Madeline Cline	Mendocino County Farm Bureau
Marilyn Ogle	
Matt Myers	California Department of Fish & Wildlife, CDFW District 3
Monica Huettl	MendoFever.com
Monty Schmitt	The Nature Conservancy
Morgan Biggerstaff	City of Santa Rosa
Nancy Horton	Lake Pillsbury Alliance
Nancy Todd	Farm Bureau
Noah Abrams	
Richard Maas	
Rue Furch	Russian River WC, Sierra Club
Sarah Reith	Mendocino County Public Broadcasting
Scott Harding	American Whitewater
Scott Shapiro	Downey Brand
Sharon Pastori	
Steven Elliot	Potter Valley Irrigation District
Susanne Zechiel	Jackson Family Wines
Trevor Mockel	Mendocino County District 1 Candidate for Supervisor