



## Congressman Huffman's Potter Valley Project Ad Hoc Committee

### Charter

Updated 4/19 (names) and 8/18 after Ad Hoc 5/30/18 Review

### Purpose

The purpose of this document is to provide a framework for participation, cooperation, communication, and decision-making for Congressman Jared Huffman's Potter Valley Project Ad Hoc Committee. The Ad Hoc Committee began meeting in May 2017 and is developing recommendations by December 2018 that will inform the Potter Valley Project's Federal Energy Regulatory Commission (FERC) relicensing process. The current Potter Valley Project license expires in April 2022.

### 2018 Outcome

The Ad Hoc's goal for 2018 is to agree on potentially viable scenarios, building on technical working group recommended solutions, for the future of the project and the associated opportunities and impacts of the scenarios. These scenarios would be advanced for consideration to the state and federal agencies with conditioning authority under the FERC relicensing process. Ad Hoc members are seeking a two-basin solution that addresses issues and concerns in the Eel River and Russian River watersheds.

### Topics under Discussion

During its meetings in 2017 and independent interview process with the Consensus Building Institute in early 2018, Ad Hoc Committee participants have identified the following topics as key to developing planning scenarios.

- Fish Passage and Populations
- Eel and Russian River Flows
- Water Beneficial Uses (domestic and agricultural demand, Potter Valley irrigation, water quality, and dependency)
- Lake Pillsbury Recreation
- Power Production and the FERC Relicensing Process
- Dam Safety and Liability
- Governance for Managing the Project in the Future

### Decision Making

Each organization or agency participating will speak with one voice in final Ad Hoc decision making. If an organization or agency has more than one representative, the organizational representatives will identify one spokesperson to participate in assessing whether the Committee has consensus on a particular recommendation.

The Ad Hoc Committee will strive for consensus decision-making in its deliberations. The definition of consensus spans the range from strong support to neutrality, to abstention,

to “I can live with it.” A member organization can “stand aside” and let the Committee reach consensus. This would still constitute a consensus agreement and outcome.

If consensus cannot be reached, the Ad Hoc Committee will forward the options considered, with explanation of areas of consensus and divergence, for consideration during the formal FERC relicensing process.

## Working Groups

The Fish Passage Working Group is developing information and recommendations on fish passage for the Ad Hoc Committee. The Ad Hoc formed the working group to develop detailed technical information and work for the Ad Hoc’s consideration. The charge of the working group is to:

- Identify existing information and best available science
- Develop objectives for fish passage
- Identify viable solutions (near term, longer term)

The Water Supply Working Group is developing information and recommendations on water supply for the Potter Valley Project Ad Hoc Committee. The Ad Hoc formed the working group to develop and analyze detailed water supply scenarios and recommendations for managing water supply issues and concerns to inform the Ad Hoc’s discussions. The charge of the working group is to:

- Identify water supply issues on Eel and Russian Rivers
- Develop objectives for water supply
- Identify viable solutions (near term, longer term)
- Assess consequences, opportunities, and challenges of potential futures for the Potter Valley Project

## Process Agreements

### Commitments

- ✓ Ad Hoc Committee members’ consistent, effective participation is essential.
- ✓ Members commit to reviewing materials in advance of meetings and being ready to participate actively in problem solving during meeting time.
- ✓ Members commit to listen, consider other perspectives, and rely on best available science. Considering others’ interests and demonstrating flexibility to problem solve is essential to participate.
- ✓ Members commit to use best efforts and work in good faith for the expeditious completion of the goals and outcomes for its work together as outlined in this charter.
- ✓ Each member will coordinate and communicate deliberations and outcomes with its constituents or colleagues participating in the Ad Hoc process, including its work groups, and other decision makers within member’s organization or agency.

- ✓ Each member will consult with and represent the concerns and interests of the organizations and constituents that they represent. Members with established organizations and constituents are responsible for ensuring that all significant issues and concerns of their organizations and constituents are fully and clearly articulated during meetings. These representatives are also responsible for ensuring that any eventual recommendations are communicated to their constituents and/or the agencies they were appointed to represent.
- ✓ Members are free to informally communicate with each other. Representatives are encouraged to share relevant communications among all members, as appropriate to advance progress and communication.

### **Tribes, Agencies, and FERC Process**

- ✓ Participation in the Ad Hoc process will not bind any participant to any particular interpretation of law or regulation, or require any participant to take particular action(s) or excuse any action otherwise required by applicable law. Participation in the Ad Hoc will not be construed as a waiver or release of any right or authority held by any participant.
- ✓ Participation in the Ad Hoc Committee will not limit the discretion under applicable law of any public agency.
- ✓ Participation in the Ad Hoc Committee will not be construed as a waiver of sovereign immunity by the United States, the State of California, any Tribe or any public agency.
- ✓ Participation in the Ad Hoc Committee will not preclude any participant from continuing to assert its positions or take any actions in the FERC relicensing or other regulatory or adjudicatory proceeding.
- ✓ Participation in the Ad Hoc Committee will not be construed as a future commitment of resources by any Federal agency.
- ✓ A participant may determine that a work product from the Ad Hoc Committee process should become part of a relicensing or other process or regulatory proceeding. The Ad Hoc Committee may consider information from other sources and processes.

### **Working Agreements**

Members and facilitators agree to:

- ✓ Be prompt in arriving and after breaks.
- ✓ Stay for the entire meeting.
- ✓ Participate, don't dominate. Our interest is in collective problem solving and hearing all perspectives.
- ✓ Follow the instructions from the facilitator.
- ✓ Assure that all participants are heard and that one person speaks at a time. Refrain from side conversations.
- ✓ When appropriate, distinguish between personal vs. organizational perspectives.

## Roles and Responsibilities

### Convener

Congressman Jared Huffman has convened the Ad Hoc Working Group.

### Ad Hoc Participants

Participants in the Ad Hoc commit to the process agreements outlined above. Members will prepare in advance and arrive at meetings prepared to discuss the issues at hand. Members or their alternates should attend all meetings consistently or arrange for an alternate to attend on their behalf, should represent their organization's views, and should report back to the organizations they represent. During meetings, members should communicate their organization's interests, concerns, and recommendations. Members are encouraged to allow the opportunity for everyone to contribute by keeping their statements brief and concise, without dominating discussions. Members are committed to problem solving and engaging in negotiations to advance solutions that address the interests of all members.

### Working Groups

As needed, the Ad Hoc can establish small working groups to carry out a particular task. Working groups will receive the purpose or assignment and develop recommendations for Ad Hoc consideration. Membership in working groups is open to Ad Hoc members and others with expertise in the working group subject matter.

The Ad Hoc currently has two working groups: fish passage and water supply.

The Fish Passage Working Group's charge is to:

- Identify existing information and best available science.
- Develop objectives for fish passage.
- Identify viable solutions (near term, longer term).

The Water Supply Working Group's charge is to:

- Identify water supply issues on Eel and Russian Rivers.
- Develop objectives for water supply.
- Identify viable solutions (near term, longer term).
- Assess consequences, opportunities, and challenges of potential futures for the Potter Valley Project.

### Consensus Building Institute Facilitators

In cooperation with members, the facilitators from the Consensus Building Institute will design meetings and guide the overall process toward achieving its mutually agreed-upon purpose and goals. The facilitators will work with all the parties to ensure the process is credible, fair, and effective.

The facilitators will:

- Formulate the agenda and desired outcomes for the sessions, including developing a meeting framework or work plan, for the overall process.
- Facilitate effective meetings.
- Create high level meeting summaries to advance the discussion and problem solving.
- Post materials and documents on the project web site.
- Identify and synthesize points of agreement and disagreement.

- Assist in building consensus among members through full group, small group, and individual conversations.
- Work with members to ensure process and participation agreements outlined in this charter.
- Serve as a confidential communication channel for members, alternates, and other stakeholders who wish to express views privately because they do not feel comfortable doing so in a larger group or to facilitate problem solving and conflict resolution.
- Assure a fair, effective, and credible process, but remain impartial with respect to the outcome of the deliberations.

If a member has a concern about bias, neutrality or performance of the facilitator, s/he should raise the concern first with the facilitators and then the funders of the facilitators: California Trout, PG&E, or Sonoma County Water Agency.

## Communication and Media

The Ad Hoc Committee and work groups will post its materials and related information on [pottervalleyproject.org](http://pottervalleyproject.org).

The Consensus Building Institute will provide meeting summaries for Ad Hoc Committee and working group meetings. Each meeting summary will begin with a concise description of meeting highlights and outcomes, intended for Ad Hoc members to easily share with their leadership.

The purpose of the Ad Hoc Committee is to prepare its member organizations for the relicensing process. Sensitive content will be treated with consideration, and participants will not share confidential discussions with non-participants. Participants will be free to share agreed-to scenarios and outcomes.

Ad Hoc Committee members reserve freedom to express their own opinions to media representatives, but not the opinions of others. The temptation to discuss someone else's statements or position should be avoided. Participants can refer media inquiries to group members for individual comments.

If contacted by the press or an external party concerning the discussions, participants are asked to:

- Refrain from discussing sensitive or confidential information.
- Point out that s/he is not speaking on behalf of the Committee
- Present individual / organization views only and conscientiously refrain from expressing, characterizing or judging the views of others
- Avoid using the press as a vehicle for negotiation.

## Charter Amendments

The Ad Hoc Committee can amend this charter when needed using its decision-making guidelines

## Work Plan

The Ad Hoc Committee will meet three times in 2018. The facilitators will work with Congressman Huffman’s office and Ad Hoc Committee members to organize its meeting agenda and goals for the year.

Meeting	Tentative Topics
May	Operating Guidelines Fish and Water Supply Objectives Factors to Evaluate Solutions / Potential Scenarios
September / October	Strategies / Scenarios for Modeling and Technical Work Refine Factors to Evaluate Solutions / Potential Scenarios Negotiate Solutions for Mutual Gain
November / December	Receive and Deliberate on Working Group Recommendations Continue Negotiating Solutions / Scenarios and Potential Opportunities and Impacts

## Ad Hoc Committee Participants

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- Congressman Jared Huffman’s Office
  - California Department of Fish and Wildlife
  - California Trout
  - City of Ukiah
  - Coyote Valley Band of Pomo Indians
  - Friends of the Eel River
  - Humboldt County
  - Lake County
  - Mendocino County
  - National Marine Fisheries Service
  - North Coast Regional Water Quality Control Board
  - Pacific Coast Federation of Fishermen’s Association
  - Pacific Gas and Electric Co.
  - Potter Valley Irrigation District
  - Round Valley Indian Tribes
  - Russian Riverkeeper
  - Sonoma County
  - Sonoma Water
  - State Water Resources Control Board
  - Trout Unlimited
  - U.S. Fish and Wildlife Service
  - U.S. Forest Service
  - Wiyot Tribe
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