



Congressman Jared Huffman's Potter Valley Project

Ad Hoc Committee Charter [2.0]

10.04.2019

Intent

The document provides a framework for participation, cooperation, and communication for Congressman Jared Huffman's Potter Valley Project Ad Hoc Committee.

The purpose of the Ad Hoc Committee is to realize a two-basin solution for the Potter Valley Project consistent with the Ad Hoc Committee's co-equal goals and principles (08.01.2018).¹ The co-equal goals are:

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

A successful two-basin solution will require input, cooperation, and support from a broad range of stakeholders in both basins including water managers, the conservation and fishing communities, tribal and local governments, and state and federal regulators. The Ad Hoc Committee reflects these stakeholder perspectives and is intended to serve as an important sounding board and consensus-building forum that will help shape and advance the success of a two-basin solution.

Congressman Huffman convened the Ad Hoc Committee in 2017. Since that time, the Ad Hoc and its technical working groups have developed a substantial body of work related to fish passage and water supply to inform the Federal Energy Regulatory Commission (FERC) relicensing process. In January 2019, PG&E, owner of the Potter Valley Project, withdrew its notice of intent and pre-application document previously filed with FERC. And, in mid-2019, a number of Ad Hoc members entered into a "Planning Agreement to Undertake the Feasibility Study of a Potential Licensing Proposal for the Potter Valley Project." These parties are intending to participate in the licensing proceeding of the project.

¹ Refer to the Proposed Goals and Principles for a Two-Basin Solution document (finalized August 1, 2018) that can be found on the Potter Valley Project website: <http://pottervalleyproject.org/overview/>

As an advisory group, this Ad Hoc Committee is not an official entity of the House of Representatives and does not act on Congressman Huffman's behalf.

Near-Term Charge

From September 2019 through April 2020, the Ad Hoc Committee will serve as a body to help shape and provide input on the feasibility study, in particular technical issues related to fish habitat and restoration, fish passage technologies, and water supply. In addition, the Ad Hoc Committee also serves as a forum to test ideas, anticipate challenges and opportunities, and explore funding and other support in a body that is representative of the broader public and interests in the Potter Valley Project. The Ad Hoc Committee understands that the parties to the Planning Agreement have limited time to prepare the feasibility study and will coordinate its efforts with those limitations in mind.

Consensus-Building Feedback

Each member (organization, agency, or delegation) participating will speak with one voice in finalizing recommendations and feedback. The Ad Hoc Committee will strive for building consensus in its deliberations to provide feedback to the Planning Agreement parties. The definition of consensus spans the range from strong support to neutrality, to abstention, to "I can live with it." A member 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 a summary of its discussion, with explanation of areas of consensus and divergence, for consideration to parties of the Planning Agreement or during the formal FERC relicensing process.

Ad Hoc Committee Participation

U.S. Congressman Jared Huffman convenes the Ad Hoc Committee and its participants.

Participants include governmental jurisdictions (i.e. county governments), public agencies, organizations, and tribes.

Participants must affirm their support the two-basin solution and have a direct interest in the Potter Valley Project and the Eel River or Russian River basins.

Others (interested individuals, organizations, and agencies) are encouraged to communicate their interests, recommendations, and concerns directly to participants of the Ad Hoc Committee. The Committee will integrate these insights into its deliberations.

Tribes are sovereign nations. Any tribe with a direct interest in one or both basins can join the Ad Hoc as long as the tribal council or its designee affirms support for the two-basin solution.

Delegations

Each participant may designate delegates that it would like to attend Ad Hoc meetings. To manage dialogue and space, no more than two principals of a member's delegation will sit at the table and be able to speak on behalf of the participant and its delegation. Additional delegation participants may attend meetings but will sit away from the table in a separate seating area. Delegations might include a participant's executive leadership, technical staff, legal counsel, consultants, board members, or constituents. All delegates will operate consistent with the process agreements outlined in this charter.

The Ad Hoc Committee recognizes that Planning Agreement parties may need additional principals (more than two) to provide information to ensure productive Ad Hoc deliberations; however, the Planning Agreement parties will attempt to limit the number of principals or delegates who are active in meeting deliberations.

Composition

Congressman Jared Huffman's Office
Bear River Rancheria
California Department of Fish and Wildlife
California Trout
City of Ukiah
Coyote Valley Band of Pomo Indians
Dry Creek Rancheria
Friends of the Eel River
Humboldt County
Inland Water and Power Commission
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
The Nature Conservancy
Trout Unlimited
U.S. Fish and Wildlife Service
U.S. Forest Service
Wiyot Tribe

Process Agreements

Commitments

- ✓ Ad Hoc Committee participants' consistent, effective participation is essential.
- ✓ Participants commit to reviewing materials in advance of meetings and being ready to participate actively in problem solving during meeting time.
- ✓ Participants 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.
- ✓ Participants 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 participant 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 participant will consult with and represent the concerns and interests of the organizations and constituents that the member represents. 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 members are also responsible for ensuring that any eventual recommendations are communicated to their constituents and/or the agencies that they represent.
- ✓ Participants are free to informally communicate with each other. Members 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

Participants 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 or the Congressman as chair.
- ✓ 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 Committee. He chairs Ad Hoc Committee meetings and determines its composition.

Ad Hoc Participants

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

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 Fish Passage Working Group has developed information and recommendations on fish passage for the Ad Hoc Committee. The Ad Hoc formed the working group to develop detailed technical work for the Ad Hoc's consideration. The charge of the working group has been 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 has developed 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 has been 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

Facilitators

In cooperation with the convener Congressman Huffman and participants, 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 participant has a concern about bias, neutrality, or performance of the facilitator, s/he should raise the concern first with the facilitators and then the staff or Congressman Huffman.

Communication and Media

The Ad Hoc Committee and working groups will post its materials and related information on 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 participants to easily share with their leadership.

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

Ad Hoc Committee participants 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 individuals for 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 consensus-building guidelines.