

# Draft Charter

## Russian River Water Forum Planning Group

*March 29, 2023*

### Overview

In 2021, the Sonoma County Water Agency applied for and was awarded a grant from the California Department of Water Resources Urban and Multibenefit Drought Relief Program to establish a water forum to support solution-making around the future of the Potter Valley Project (PVP).

The Russian River Water Forum (Water Forum) will seek to identify water-supply resiliency solutions that respond to PG&E's planned decommissioning of the PVP while protecting Tribal interests and supporting the stewardship of fisheries, water quality, and recreation in the Russian River and Eel River basins. In the longer term, the Water Forum intends to support ongoing regional collaboration on water supply and watershed restoration issues in the Russian River basin. The Water Forum seeks to build on existing studies, resources, and deliberation regarding the PVP.

This Charter provides the protocols and guidelines for the administration of the Water Forum Planning Group. A Leadership Council comprised of elected officials will also be convened to consider options and alternatives from the Planning Group, as well as to provide input, advice, and oversight. A Steering Committee will provide process guidance, while four Working Groups will address specific water supply, fisheries, finance, governance, and water rights issues related to the PVP.

### Planning Group Purpose

The Planning Group will be comprised of approximately 30 members, representing a cross-section of interests in Sonoma, Mendocino, Lake, and Humboldt Counties. The Planning Group is being convened to achieve the following specific goals:

- Bring together interested parties in the Russian River and Eel River basins in a collaborative, solutions-oriented process.
- Share information and improve understanding of Russian River water supply and fisheries challenges and Eel River fisheries challenges.
- Evaluate potential options to address these challenges and to address PG&E's planned decommissioning of the PVP.
- Identify funding sources to support water supply resiliency solutions and environmental benefits in response to the planned decommissioning of the Potter Valley Project.

The Planning Group will be a deliberative body, not a decision-making one. While the group will strive for alignment, consensus will not be required. The Planning Group will present potential options to address the water supply, fisheries, and PVP decommissioning challenges to the Leadership Council, with converging and diverging views and rationale documented. The Leadership Council will be responsible for considering options and alternatives from the Planning Group to share information, build understanding, and strive for consensus.

## Charge and Guiding Principles

The charge of the Planning Group members is to:

- Provide local expertise and knowledge of the Russian River and Eel River basins and the Potter Valley Project (PVP), for informing the Water Forum planning process.
- Facilitate interest group caucuses and represent caucus interests in Planning Group discussions.
- Conduct outreach to constituent groups to increase awareness of and involvement in the Water Forum.
- Identify potential speakers to present regional perspectives, recommendations, and commentary at Water Forum public meetings.
- Strive for a high degree of cross-interest involvement and support in crafting alternatives.

Members of the Planning Group and its supporting groups are expected to participate according to the following guiding principles. Failure to participate according to these principles could result in removal from the Planning Group or supporting groups.

1. Active, full participation. Every Planning Group member is responsible for communicating their perspectives and interests on the issues under consideration, and to actively listen to all other perspectives and interests. Voicing and actively listening to these perspectives is essential to achieving meaningful dialogue. Everyone will participate; no one will dominate.
2. Focused participation. Planning Group members will come to the meetings prepared and will focus their discussions on the agenda items. Everyone will help to achieve the outcomes identified in the agenda, which will be shared in advance of the meeting. Questions about agenda items should be asked in advance of the meetings.
3. Regular attendance. Planning Group members are expected to attend Planning Group meetings regularly; alternates should attend in their absence.
4. Respectful interaction. Planning Group members will respect one another's personal integrity, divergent viewpoints, values, and legitimacy of interests. Members will listen courteously while others are speaking. Only one person will speak at a time.
5. Integration and creative thinking. Planning Group members will seek to balance advocacy and inquiry. In developing, reviewing, and revising work products, members will strive to be open-minded and to integrate one another's ideas, perspectives, and interests. Members should focus on identifying solutions to problems and challenges, not on disagreement. Where members do not support a specific solution or proposal, they are encouraged to offer modifications to that solution or alternative solutions.
6. Satisfy mutual interests. Planning Group members will work to satisfy not only their own interests but also those of other Planning Group members from across the region. Members are encouraged to be clear about their own interests and to recognize the important distinction between underlying interests and fixed positions.
7. Represent caucus' interests. Members are expected to represent not only their interests but also the interests of their respective caucuses. All caucus members may attend Planning Group

meetings, but only the designated number of representatives may directly participate in the Planning Group meetings.

8. Personal technology courtesy. While participating in meetings, whether in-person or virtual, Planning Group members will be asked to minimize use of phones, email, and other forms of communication. Except during breaks, Planning Group members will be asked to silence notifications from cell phones and other electronic communications.

## Membership and Nomination Process

Membership in the Planning Group will consist of representatives from a diverse set of interest groups from across the region, including both the Russian River and Eel River Basins.

Interest groups will caucus to select the allocated number of representatives to the Planning Group. Selection to the Planning Group is predicated on commitment to its charge and guiding principles.

Members are encouraged to identify alternates who can participate in Planning Group meetings when they are not available.

Planning Group members are expected to make a one-year commitment to the group, after which their caucus or government can identify a replacement member if desired.

In spring 2023, once all interest groups have caucused and selected their representative(s), the Facilitation Team will release a final roster of the Planning Group.

Category	Geography	# Slots
County staff	Mendocino County	1
County staff	Sonoma County	1
County staff	Lake County	1
County staff	Humboldt County	1
Tribal Government	Russian River Basin	2+
Tribal Government	Eel River Basin	2+
Water Supplier	Mendocino County	4
Water Supplier	Sonoma County	6
Environmental NGO	Russian River Basin	2
Environmental NGO	Eel River Basin	2
Agriculture NGO/RCD	Mendocino County	2
Agriculture NGO/RCD	Sonoma County	3
Recreation	Russian River Basin	1
Recreation	Eel River Basin	1
Commercial Fisheries	Russian and Eel River Basins	1
<b>Total Participants</b>		<b>30+</b>

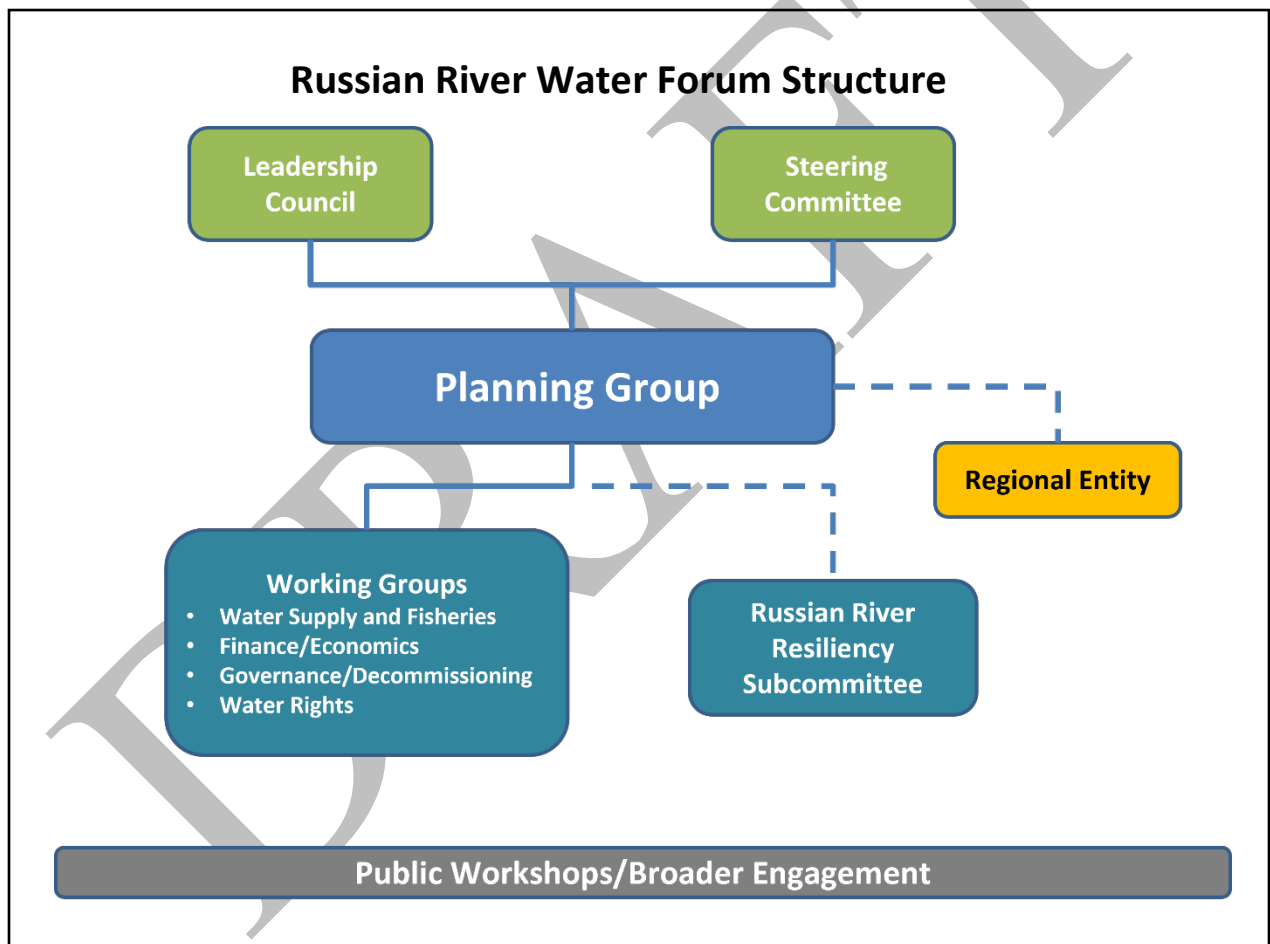
Two notes about the above table:

- The table was informed by Interim Steering Committee discussions and input.<sup>1</sup>
- The “+” indicates there are as many slots available to tribes in both basins as are interested in participating. Tribes are governments, not interest groups; tribes have varied interests and are not expected to represent one another’s interests.

In addition, state and federal resource agencies will be invited to participate in Planning Group meetings as observers.

### Structure and Supporting Groups

The structure of the Russian River Water Forum is based on the following groups. Below is an outline of the groups, their membership, and roles. The below diagram illustrates the relationships among the groups.



<sup>1</sup> The Interim Steering Committee was a cross-interest group gathered to vet the process of the Planning Group in early 2023. Interim Steering Committee members included: representatives from Lake and Humboldt counties; representatives from Redwood Valley Rancheria and Round Valley Indian Tribes; water suppliers from the City of Ukiah, Inland Water and Power Commission, Sonoma County Water Agency, and an SCWA Water Transmission System Contractor; CalTrout and Russian Riverkeeper; Mendocino County Farm Bureau; Sonoma County Farm Bureau; and the Sonoma County Parks Department.

### Planning Group

The purpose of the Planning Group is to share information and improve understanding of Russian River water supply and fisheries challenges and Eel River fisheries challenges, and to evaluate potential options to address these challenges and to address PG&E's planned decommissioning of the PVP.

The Planning Group will present these options to the Leadership Council, with converging and diverging views and rationale documented.

The Planning Group membership represents the broad range of interests and geographic areas affected by management of the Russian and Eel Rivers. Primary members and alternates will be nominated by caucuses.

The structure of the Planning Group will include a Steering Committee and four supporting Working Groups, which are outlined in the Working Groups section below.

The Planning Group will strive for alignment. If it cannot achieve consensus, the group will identify converging and diverging viewpoints and provide those to the Leadership Council.

### Steering Committee

The purpose of the Steering Committee is to provide process guidance to the Planning Group and the Working Groups.

The membership of the Steering Committee will be a subset of the Planning Group membership. Members will be self-nominated from the Planning Group.

To support its purpose, the Steering Committee will be responsible for reviewing agendas, deliverables from the Working Groups, and external communications about the project. This committee will also be responsible for interfacing with Sonoma Water and the various contractors supporting the project.

The Steering Committee will strive for consensus on its recommendations. If it cannot achieve consensus, the group will identify converging and diverging viewpoints.

### Leadership Council

The purpose of the Leadership Council is to consider options and alternatives from the Planning Group. Members of the Leadership Council will share information, build understanding, and strive for consensus. The Leadership Council will also provide advice and oversight to the Planning Group.

The Leadership Council's membership is comprised of Tribal, county (Sonoma, Mendocino, Lake, and Humboldt counties), state, and federal elected officials and staff.

Leadership Council tasks will include coordinating legislation, funding, and political support with their respective governments and constituents.

### Working Groups

The Working Groups have two primary purposes: the first is to develop options and alternatives for consideration by the Planning Group; the second is to identify and evaluate the technical needs, feasibility, and benefits of options and alternatives.

The membership of the Working Groups will include Planning Group members and staff of their organizations. Members will self-nominate.

The Working Groups will report out at each Planning Group meeting, coordinate with the other Working Groups, and seek outside expertise as needed.

The four Working Groups are: 1) Water Supply and Fisheries, 2) Finance/Economics, 3) Governance/Decommissioning, and 4) Water Rights:

#### Water Supply and Fisheries

The Water Supply and Fisheries group will be responsible for identifying and evaluating the technical needs and aspects of the various project options and alternatives.

#### Finance/Economics

The Finance/Economics group will be responsible for understanding, researching, and vetting funding structures and sources for the various alternative solutions.

#### Governance/Decommissioning

The Governance group will be responsible for generating, exploring, and vetting governance structures for the potential future operating entity of the Potter Valley Project to inform future negotiations with PG&E regarding the future of the Potter Valley Project.

#### Water Rights

The Water Rights group will address water rights issues associated with the various project options.

#### Russian River Resiliency Subcommittee

The purpose of the Russian River Resiliency Subcommittee is to develop project concepts (beyond the PVP) to improve water supply reliability in the Russian River watershed under drought and climate change conditions.

The Russian River Resiliency Subcommittee is expected to convene in 2024.

### Meeting Schedule and Format

The Planning Group is expected to meet monthly throughout 2023 (beginning in April) and 2024, potentially with additional meetings as needed in between. Working groups, councils, and committees will be expected to meet as frequently as monthly.

Planning Group meetings will be held in person (potentially with a hybrid option, and with an all-virtual option as a backup) in centrally located areas and will be open to the public. Work sessions and Working Group meetings will not be open to the public. The Planning Group will not finalize any deliberations outside the public meetings of the group.

### Caucusing

There are a limited number of seats in the Planning Group in each interest category. To ensure inclusive representation of the diverse and varied interests across both basins, each interest group is encouraged to form a caucus. Each caucus will nominate the designated number of members to the Planning Group, as detailed in a Nomination Process Memo. Members of the Planning Group are then responsible for

facilitating, gathering feedback from, and representing the interests of their respective caucuses in the Planning Group. The following are suggested ground rules for caucuses:

- Caucuses can consider the same guidelines as the Planning Group, in particular the satisfaction of mutual interests.
  - Caucus members are encouraged to consider not only their own interests but also those of other caucuses from across the region.
  - Caucus members are encouraged to be clear about their own interests and to recognize the important distinction between underlying interests and fixed positions.
  - Caucus representatives (Planning Group members) will have flexibility in addressing the sector's interests in the Planning Group.

Planning Group meetings will be designed to allow for caucuses to meet as needed or requested. Caucuses are also expected to meet between meetings.

### Preservation of Authority

Participants do not delegate their legal and regulatory authorities to the Russian River Water Forum, and the Russian River Water Forum lacks authority to bind participating parties.

The Water Forum does not supplant or limit existing federal, state, or Tribal decision-making processes, management, or regulatory authorities.

### External Communications

By nomination to the Planning Group, members agree to the following guidelines for external communications:

- Members reserve the freedom to express their own opinions but not the opinions of others or the Planning Group as a whole. Members are welcome to share agreed-upon scenarios and outcomes.
- Members will refer media inquiries about other members' opinions to the member in question or coordinate with the Facilitation Team to do so.
- If contacted by the press or an external party concerning the discussions, members will:
  - Point out that they do not speak on behalf of the Planning Group.
  - Present individual/organization views only and refrain from expressing, characterizing, or judging the views of others.
  - Avoid using the press as a vehicle for negotiation.
  - Refrain from discussing sensitive or confidential information.
- Proactive outreach to state and federal policy contacts will only occur if the Planning Group is consulted first. If participants receive calls from state and federal policy contacts, they will notify the Planning Group.

## Facilitation Team

Kearns & West will serve as the neutral third-party facilitation team to the Planning Group, Steering Committee, Leadership Council and Working Groups. The facilitation team will:

- Design, advocate for, and maintain a legitimate and inclusive process based on interest-based negotiations and other structured decision-making processes as appropriate.
- Maintain a neutral, non-partisan stance about content, choices, solutions, and substantive outcomes.
- Support equity, inclusivity, and integrity of process.
- Prioritize shared understanding of interests, science, and options among all Water Forum participants.
- Support an open and transparent exchange of information.