

RESOLUTION NO. 25-

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS REAFFIRMING ITS SUPPORT FOR THE CO-EQUAL GOALS OF THE TWO BASIN SOLUTION AND THE WATER DIVERSION AGREEMENT FOR THE NEW EEL-RUSSIAN FACILITY

WHEREAS, the County of Mendocino is charged with protecting and preserving the health and welfare of its citizens; and

WHEREAS, Pacific Gas and Electric Company ("PG&E") holds a license for the Potter Valley Hydroelectric Project ("PVP") administered by the Federal Energy Regulatory Commission ("FERC"); and

WHEREAS, for more than one hundred years, through its operations of the PVP, PG&E has stored water behind Scott Dam in Lake Pillsbury and diverted water from the Eel River into the Russian River Watershed via Cape Horn Dam; and

WHEREAS, PG&E's operations of the PVP, including the impoundment of water behind Scott and Cape Horn Dams and the diversion of Eel River water into the Russian River Watershed, have harmed the Round Valley Indian Tribes, who have relied on the Eel River and its resources, including its fisheries, as a way of life since time immemorial; and

WHEREAS, Eel River water diverted through the PVP into the Russian River Watershed formed the foundation for community development and the quality of life which the residents have enjoyed. The PVP water supply includes drinking water, water for homes, businesses, and agriculture, which is the economic driver throughout the Upper Russian River corridor in Mendocino County; and

WHEREAS, PG&E has filed an application with FERC to surrender its license for the PVP, which would result in the decommissioning and removal of Scott and Cape Horn Dams (the "License Surrender Application"); and

WHEREAS, the County of Mendocino is a member agency, along with the City of Ukiah, Mendocino County Russian River Flood Control & Water Conservation Improvement District, Potter Valley Irrigation District, and Redwood Valley County Water District, of the Mendocino County Inland Water and Power Commission ("IWPC"); and

WHEREAS, IWPC is a member of the Eel-Russian Project Authority ("ERPA"), a Joint Exercise of Powers Authority whose governing board is represented by the County of Sonoma, IWPC, Round Valley Indian Tribes, and Sonoma County Water Agency; and

WHEREAS, IWPC and ERPA are signatories to the Water Diversion Agreement For New Eel-Russian Facility, executed by the Parties on July 16, 2025 (the "Water Diversion Agreement"); and

WHEREAS, ERPA proposes to construct, operate, and maintain the New Eel-Russian Facility ("NERF") to divert water from the Eel River, at the site of and following the decommissioning and removal of Cape Horn Dam, on terms consistent with restoration of the native anadromous fisheries of the Eel River; and

WHEREAS, PG&E included reference to NERF in its draft decommissioning plan as part

of its License Surrender Application; and

WHEREAS, prior to IWPC signing the Water Diversion Agreement, and as an IWPC member agency, the County of Mendocino approved the Water Diversion Agreement; and

WHEREAS, as a basis for entering the Water Diversion Agreement, the Parties acknowledge that Round Valley Indian Tribes “asserts federal water and fishing rights in the Eel River with a senior priority date of time immemorial[and] understand that [Round Valley Indian Tribes’] forbearance of the exercise of their federal water and fishing rights during the term of the Water Lease, is consistent with [Round Valley Indian Tribes’] goal of holding all water rights in Eel River water that are necessary for river and fishery restoration and sustainability under the Two Basin Solution[] (WDA, p. 2); and

WHEREAS, those approving the Water Diversion Agreement entered the Agreement with the intention to implement the “co-equal goals for ... the Two Basin Solution: [] Improving fish migration, habitat, and water quality within the Eel River with the objective of achieving naturally reproducing, self-sustaining, and harvestable native anadromous fish populations; and Maintaining material and continued water diversions from the Eel River through the existing Van Arsdale Diversion tunnel to the Russian River to support water supply reliability, fisheries, and water quality in the Russian River Basin” (WDA, p. 2); and

WHEREAS, those approving the Water Diversion Agreement explicitly acknowledged their joint intent to “advance the timely removal of Scott Dam and Cape Horn Dam through a cooperative approach with PG&E and interested entities from the Eel River and Russian River Basins” (Water Diversion Agreement, p. 2); and

WHEREAS, the Water Diversion Agreement provides for the continued diversion of Eel River water into the Russian River watershed via the proposed NERF facility according to a diversion schedule and when certain performance criteria are met; and

WHEREAS, as part of its consideration of PG&E’s License Surrender Application, FERC, as a federal agency, will have to assess the impacts of the removal of Scott and Cape Horn Dams, which analyses will also have to identify the impacts on the Eel River of the existing conditions and assess the impacts under a no action alternative should these dams remain; and

WHEREAS, the Mendocino County Board of Supervisors has consistently supported the IWPC with financial contributions, currently \$85,000 per year, and representation; and

WHEREAS, the Mendocino County Board of Supervisors recognizes and supports the continued work of IWPC and ERPA in developing long-term, sustainable strategies to protect and secure the regional water supplies of both the Eel and Russian River watersheds as part of the Two Basin Solution, all of which is essential should any aspect of the PVP be decommissioned.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors acknowledges the community concerns regarding the decommissioning of the PVP and calls on PG&E to account for and address the social and community impacts of water loss because of its responsibility to the communities that developed around its operations; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Mendocino County Board of Supervisors acknowledges that communities along the Upper Russian River inside Mendocino County rely in significant part, if not entirely, on the diversion of Eel River water into the Russian

River Watershed; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Mendocino County Board of Supervisors recognizes the harmful effects PG&E's water storage and diversion operations have had on communities on the Eel River, including Round Valley Indian Tribes and its reliance on healthy and sustainable fisheries; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that, consistent with the Water Diversion Agreement, the Mendocino County Board of Supervisors supports PG&E's application to surrender its license with FERC and to decommission the Potter Valley Project and include the NERF diversion facility; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Mendocino County Board of Supervisors supports the development of new water storage projects for all the communities that have been dependent upon PG&E's year-round diversions from Potter Valley south along the Russian River to the county line; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Mendocino County Board of Supervisors calls on all parties involved in the Potter Valley Project discussions to inform communities within and outside the County about the ongoing processes, negotiations, and vision for the future; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Mendocino County Board of Supervisors finds that IWPC's efforts to implement the co-equal goals of the Two Basin Solution and the terms of the Water Diversion Agreement are the best path forward to secure a reliable water supply for Mendocino County as part of a shared water future between the Eel River and Russian River Watersheds; and

The foregoing Resolution introduced by Supervisor _____, seconded by Supervisor _____, and carried this _____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: DARCIE ANTLE
Clerk of the Board

JOHN HASCHAK, Chair
Mendocino County Board of Supervisors

Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
CHARLOTTE E. SCOTT

BY: DARCIE ANTLE
Clerk of the Board

County Counsel

Deputy
