



COUNTY OF HUMBOLDT

For the meeting of: 6/18/2019

File #: 19-962

To: Board of Supervisors

From: Public Works

Agenda Section: Consent

SUBJECT:

Amended Planning Agreement to Undertake Feasibility Study of a Potential Licensing Proposal for the Potter Valley Project

RECOMMENDATION(S):

That the Board of Supervisors:

1. Adopt the attached resolution affirming the County of Humboldt's support for the Amended Planning Agreement to Undertake Feasibility Study of a Potential Licensing Proposal for the Potter Valley Project;
2. Approve, and authorize the Chair of the Board to execute, the attached Amended Planning Agreement to Undertake Feasibility Study of a Potential Licensing Proposal for the Potter Valley Project with California Trout, Inc., Mendocino County Inland Water and Power Commission and Sonoma County Water Agency; and
3. Authorize County Counsel to execute the Fourth Amendment to Confidentiality and Common Interest Defense Agreement.

SOURCE OF FUNDING:

General Fund (1100 251 - Water Management) in the Humboldt County Public Works budget

DISCUSSION:

In May 2019, California Trout, Inc., Mendocino County Inland Water and Power Commission and Sonoma County Water Agency announced an agreement to work together to study the feasibility of forming a regional entity to develop a potential license proposal for the Potter Valley Project that will advance the goals and principles of the Two-Basin Solution proposed by Congressman Huffman's Potter Valley Project Ad Hoc Committee. On May 28, 2019, the Humboldt County Board of Supervisors discussed the Amended Planning Agreement for the proposed feasibility study. On June 4, 2019, the Board adopted Resolution No. 19-47 affirming the County of Humboldt's support for the Amended Planning Agreement and affirming the Board's intent to enter into the Amended Planning Agreement. The Sonoma County Board of Supervisors authorized the addition of new parties to the Amended Planning Agreement on June 11, 2019, and the Commissioners of the Mendocino County Inland Water and Power Commission authorized the addition of new parties on June 13, 2019. Equivalent action by California Trout, Inc. to support the addition of new parties is expected in the

near future.

The attached resolution provides minor edits to Resolution No. 19-47 to match the exact language utilized in the Amended Planning Agreement. The attached Amended Planning Agreement has been revised to include Humboldt County as an initial signatory. The attached Fourth Amendment to Confidentiality and Common Interest Defense Agreement (Attachment 3) adds the County of Humboldt as a party thereto in order to ensure the timely and efficient implementation of the Amended Planning Agreement.

FINANCIAL IMPACT:

Approval of the Amended Planning Agreement includes a commitment to provide an initial financial contribution of One Hundred Thousand Dollars (\$100,000.00). Each initial party to the agreement will provide an initial contribution of One Hundred Thousand Dollars (\$100,000.00) to retain consultants to conduct the feasibility study. At the Budget Public Hearings taking place on June 17, 2019, your Board will consider incorporating the County of Humboldt's initial contribution of \$100,000.00 into the Adopted Budget to be approved by the Board on June 25, 2019. The Amended Planning Agreement stipulates that the parties agree to fund, or seek to obtain funding for, proportional shares of further costs associated with the feasibility study, with those shares to be determined after July 1, 2019.

STRATEGIC FRAMEWORK:

The recommended actions support the Board of Supervisors' Strategic Framework by providing community-appropriate levels of service and creating opportunities for improved safety and health.

OTHER AGENCY INVOLVEMENT:

Many federal, state and local agencies and tribal governments.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Board discretion.

ATTACHMENTS:

1. Resolution Affirming Support for the Amended Planning Agreement to Undertake Feasibility Study of a Potential Licensing Proposal for the Potter Valley Project
2. Amended Planning Agreement to Undertake Feasibility Study of a Potential Licensing Proposal for the Potter Valley Project
3. Fourth Amendment to the Confidentiality and Common Interest Defense Agreement.

PREVIOUS ACTION/REFERRAL:

Board Order No.: I-3

Meeting of: June 4, 2019

File No.: 19-841