BEFORE THE UNITED STATES OF AMERICA

FEDERAL ENERGY REGULATORY COMMISSION

Potter Valley Hydroelectric Project

Project No. P-77-332

PUBLIC COMMENTS ON LICENSE SURRENDER, DECOMMISSIONING, AND NEPA SCOPING

Submitted to:

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Federal Energy Regulatory Commission
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I. INTRODUCTION

These comments are respectfully submitted regarding the proposed license surrender and decommissioning of the Potter Valley Hydroelectric Project (Project No. P-77-332).

The Potter Valley Project has provided more than one century of integrated public benefits, including hydroelectric generation, inter-basin water transfers, agricultural water supply, municipal and industrial water supply support, recreation, flood attenuation, and regional economic stability.

The proposed termination of the license represents one of the most consequential water-resource decisions affecting Northern California in decades. Consequently, the environmental review should extend well beyond the physical removal of project infrastructure and should fully evaluate long-term regional consequences for water reliability, fisheries, public safety, agriculture, climate resilience, energy generation essential for all services including local edge computing and regional/national HPC data centers and AI services, national defense, critical national food supplies, economic welfare, Presidential Executive Orders and enabling legislation.

Accordingly, the Commission should prepare the most comprehensive environmental review practicable and ensure that all reasonable alternatives are fully evaluated before approving any irreversible action and destruction or further degradation of the project facilities and operations while the FERC evaluates a bona fide successor-operator alternative, including transfer of the existing license to a qualified entity capable of assuming the project obligations for the benefit of current, past and future beneficiaries of the project in compliance with all applicable laws, rules and regulations, especially including 2025-2026-etc. Presidential Executive Orders.

The May 22, 2026, Scoping Notice and Scoping Document own language encourages a solicitation of bona fide successor-operator alternative, and, thus, provides the legal foundation for "good cause" to be shown for the invitation by "Motion to Intervene" or otherwise of new proposed solutions by new parties to the continued project operations under new ownership, operation, repair, replacement and management by competent parties.

The undersigned respectfully submits this comment to request that the scope of the environmental document prepared under the National Environmental Policy Act (NEPA) for the surrender and decommissioning of the Potter Valley Hydroelectric Project (Project No. P-77-332) explicitly evaluate three distinct environmental, social, and economic "ERA" conditions, rather than a simple

two-point "before/after" comparison between current operations and a proposed removal action, together with new proposals and alternatives:

Era 1 — Pre-Project Baseline: the free-flowing Eel River and undeveloped Potter Valley diversion corridor as they existed before construction of Cape Horn Dam (1908) and Scott Dam (1922) — the conditions that existed before what the docket refers to as roughly 108 years of project presence.
Era 2 — 108-Plus Years of Project Operation, Continuing: the environmental, social, and economic conditions created by more than a century of continuous dam operation and inter-basin water diversion, including the human communities, infrastructure, and ecological adaptations that have formed around the Project since it was built — and that would continue to evolve by continuous forward planning if the Project remained in place for another 108 years.
Era 3 — The Post-Decommissioning Environment: the new and different environmental, social, and economic condition, and destruction of the integration of forward planned local, regional and national defense, energy generation and food demands that will exist after dam removal — which this comment maintains is not, and cannot be, a restoration of Era 1, but will be a total elimination and destruction of Era 2, by creation of an entirely new Era 3 condition of unforeseeable consequences.

To accomplish this task, the Commission should extend the public comment period for additional time to have the following critical legal and technical steps completed:

1. All necessary documentation and technical studies provided by all parties for a complete review of the environmental, economic, social, climate, weather, national security and other mandated considerations resulting in the distinct and different 3 eras under review: Era 1, the pre-project, Era 2 the current project and Era 3 the post-project eras consequences completed comparing the pre-project conditions over 108 years ago to the project conditions for the last 108 years and the future conditions after the project is removed, using the matrix that follows as an example, and
2. do this without speculation or projection or use of terms like "restoration" or "remediation", unless the "restoration" or "remediation" can be fully documented by legal and technical documentation of "at the expense of who", "for whom the restoration or remediation is being done", and "why and what benefit justifies the process of removal and restoration or remediation" by overwhelming evidence without using of unfounded beliefs as the pre-project and post-project conditions are pure speculation unless documented by overwhelming evidence, and
3. full compliance with **EO 14156, "Declaring a National Energy Emergency" (Jan 20, 2025), EO 14154, "Unleashing American Energy" (Jan 20, 2025), EO 14181, "Emergency Measures to Provide Water Resources in California and Improve Disaster Response" (Jan 24, 2025), EO 14318, "Accelerating Federal Permitting of Data Center Infrastructure" (July 2025), EO 14365 "Ensuring a National Policy Framework for Artificial Intelligence", EO 14363 (November 24, 2025) AI-focused "Genesis Mission" science order, Endangered Species Act rollback FWS/NMFS finalized a rule in July 2026 that narrows the definition of "harm" by rescinding the regulatory definition of harm entirely (final rule published in the Federal Register on July 14, 2026) under the ESA to exclude habitat modification/destruction unless it's intentional — done under the authority of EO 14154 ("Unleashing American**

Energy") and EO 14219 ("Department of Government Efficiency"), S.1020, "Build More Hydro Act" — signed into law May 11, 2026, Hydropower Relicensing Transparency Act (H.R. 3657 / S. 3500) — passed the House, pending Senate as of mid-2026, ESA Amendments Act of 2025 (H.R. 1897) — not yet law, still pending, and

4. for additional time to encourage other proposals to be submitted for the project, which should include the assignment of the current FERC license to a qualified third party that participates in a Public-Private- Partnership (PPP) formed by a new Joint Powers Authority (JPA) representing the local communities currently being served by the project that participate in the PPP with a private entity responsible for actually accomplishing the new proposal for the project to the benefit of the JPA as a member of the PPP, and for the public as a whole.

WHY THESE ARE THREE DISTINCT CONDITIONS, NOT ONE BEFORE/AFTER COMPARISON

Scoping documents and draft environmental reviews for dam decommissioning projects frequently frame the analysis as a binary choice between "keep the dams" and "restore the river," implicitly treating removal as a return to pre-project conditions. That framing is scientifically inaccurate and should be corrected in the Scoping Document and resulting NEPA document for this Project. Simply removing Scott Dam, Cape Horn Dam, and the associated diversion tunnel cannot recreate the pre-1908 environment, for at least the following reasons:

Sediment legacy: Scott Dam has trapped sediment for over a century. Its release will reshape the channel, substrate, and turbidity regime in ways that have no equivalent in the pre-project river and will take years to decades to stabilize into a new equilibrium.

Ecological succession, not restoration: species that colonize the post-removal river corridor — including any non-native species already established in Lake Pillsbury and Van Arsdale Reservoir — will assemble into a new ecological community shaped by present-day conditions, not the community that existed in 1908.

Climate and regional change: air and water temperatures, precipitation patterns, and regional land use have all changed substantially over the last century. A river restored to "no dam" in 2026 or later exists in a fundamentally different climatic and hydrologic context than the river of 1908.

Built human dependency: Potter Valley agriculture, Lake Mendocino water storage, and Russian River basin municipal and agricultural users developed their water rights, infrastructure, and economies around the Project's diversion over the last century. These dependencies did not exist in Era 1 and their disruption in Era 3 is a new social and economic condition, not a reversal to a prior one.

Reservoir-based ecology and economy: Lake Pillsbury has supported its own recreation economy and lake-edge habitat for roughly a century. Removing the dam eliminates that condition entirely; it does not simply subtract it and return to baseline.

Speculative: The only thing that can be documented with 100% legal and factual reliability are the current conditions, Era 2, as the prior conditions, Era 1, and the new conditions, Era 3, post Potter Valley Dam Project are totally unknowable and pure speculation, and terms like "restoration" or "remediation" make speculation into pure unadulterated speculation no amount of guess-work or wishful thinking can correct and only can be corrected by clear regulatory language.

See sample comparative table below, which should be expanded to cover all issues raised herein.

Dimension	Era 1: Pre-Project Baseline (pre-1908/1922)	Era 2: 108+ Years of Project Operation (1908/1922–present, continuing)	Era 3: Post-Decommissioning Novel Environment
Hydrology / Geomorphology	Free-flowing Eel River; natural sediment transport; no inter-basin transfer between the Eel and Russian River watersheds.	Scott Dam (1922) and Cape Horn Dam (1908) impound the Eel River; up to ~100+ years of trapped sediment behind Scott Dam; engineered diversion of Eel River water into the Russian River basin via tunnel, reshaping downstream flow regimes in both watersheds.	Not a return to pre-1908 hydrology. Release of a century of accumulated sediment will reshape channel geometry, turbidity, and substrate in ways with no modern analog on this river; loss of the inter-basin transfer permanently alters Russian River baseline flows that human and ecological systems have depended on for 100+ years.
Aquatic Ecology	Anadromous salmon and steelhead runs adapted to an undammed river; native assemblage shaped by natural flow and temperature regimes.	Blocked or impaired fish passage; altered thermal regime; reservoir-adapted species (warmwater fish, some non-native) established in Lake Pillsbury and Van Arsdale Reservoir over a century.	A newly forming ecosystem, not a restored one: post-removal recolonization will occur in a river system altered by 100+ years of sediment loading, present-day water temperatures and climate conditions very different from 1908, and non-native species already established in the watershed. Recovery trajectory is uncertain and should not be assumed to converge on pre-project conditions.
Terrestrial / Riparian Habitat	Riparian corridor and upland habitat undisturbed by reservoir inundation.	Lake Pillsbury inundates historic terrestrial habitat; a lake-edge ecosystem (recreation, wildlife use, vegetation) has developed over 100+ years around the reservoir footprint.	Reservoir drawdown exposes sediment-laden lakebed requiring active revegetation and years-to-decades of ecological succession; the resulting habitat will be structurally different from both the pre-1922 landscape and the current reservoir shoreline habitat.
Water Supply (Social/Economic)	No diverted supply; Potter Valley and upper Russian River communities not yet dependent on inter-basin transfer.	Potter Valley irrigated agriculture, Lake Mendocino storage, and municipal/agricultural users in the Russian River basin have built water rights, infrastructure, and livelihoods around the diversion for over a century.	Loss or reduction of diverted supply (absent a replacement facility such as PG&E's proposed NERF) creates a new water-scarcity baseline for Potter Valley and Russian River basin users — a socioeconomic condition with no pre-1908 precedent, since those users and their infrastructure did not exist before the project.
Tribal / Cultural Resources	Pomo and other Tribal use of the Eel River watershed under pre-dam conditions; sites and practices tied to a free-flowing river and historic fish runs.	Inundation and flow alteration affected access to and condition of cultural sites and traditional fisheries for over a century.	Removal may restore some river function relevant to Tribal fisheries and cultural practices, but 100+ years of sediment deposition, altered channel form, and ecological change mean restored access does not equate to restored pre-1908 conditions or fish abundance.
Recreation / Local Economy	No reservoir-based recreation economy.	Lake Pillsbury has supported boating, fishing, and camping-based recreation and associated local economic activity for roughly a century.	Reservoir-based recreation and the businesses/communities built around it are permanently lost; new river-based recreational and economic uses may emerge but represent a distinct, not equivalent, economic condition.

SPECIFIC REQUESTS FOR THE NEPA SCOPING DOCUMENT

The undersigned requests that FERC staff include the following in the scope of the environmental document for this proceeding, in addition to the prior comments:

A non-speculative dedicated historical baseline section describing pre-1908/1922 environmental, social, and economic conditions, using the best available historical, geomorphological, and ethnographic/Tribal data.

An explicit "continued operation" scenario analyzing what an additional multi-decade period of Project operation would mean for aquatic species, sediment accumulation, and basin water dependency, as a point of comparison to decommissioning — not merely a status-quo placeholder.

A non-speculative frank discussion, supported by comparable dam-removal case studies, of why post-removal conditions constitute a new environmental baseline rather than a restoration, including expected timelines for channel, sediment, and habitat stabilization.

A socioeconomic impact analysis that treats Potter Valley and Russian River basin water dependency as a real, century-old condition requiring mitigation or replacement (e.g., evaluation of PG&E's proposed New Eel-Russian Facility, NERF), rather than a condition that can simply revert to pre-project availability.

Tribal consultation and inclusion of Tribal perspectives on both the historical baseline and the anticipated post-removal condition, recognizing that cultural resource and fishery impacts span all three eras.

Request for new proposed alternatives by any new or existing party for the future FERC license and any necessary future regulatory requirements to assume ot replace the current FERC license holder.

II. THE PUBLIC INTEREST STANDARD UNDER THE FEDERAL POWER ACT

The Federal Power Act requires the Commission to balance multiple public-interest objectives rather than focusing exclusively upon any single environmental or operational objective and do so in the new legal environment of the Executive Orders and resulting legislation referenced above.

The Commission's analysis should evaluate:

- Reliable municipal water supply;
- Agricultural water deliveries;
- Hydroelectric generation;
- Fisheries restoration;
- Public safety;
- Recreation;
- Climate resilience;
- Regional economic development;

- Long-term infrastructure resilience.

The Commission should avoid adopting an alternative that significantly impairs one public resource while producing only marginal improvements to another, and in furtherance thereof, solicit new proposals for the project consistent with that guideline.

III. CALIFORNIA WATER SUPPLY RELIABILITY

The Potter Valley Project presently transfers water from the Eel River watershed into the Russian River watershed.

This transfer contributes to:

- municipal water supplies;
- agricultural irrigation;
- groundwater recharge;
- drought resiliency;
- emergency water management.

Northern California continues to experience increasing hydrologic variability associated with prolonged droughts, extreme precipitation events, and changing snowpack conditions.

Accordingly, the Environmental Impact Statement should evaluate:

- annual average imported water quantities;
- dry-year reliability;
- multiple-year drought scenarios;
- climate change scenarios;
- impacts on downstream municipal suppliers;
- impacts on groundwater recharge;
- cumulative impacts with other regional water management programs.

A complete accounting of replacement water supplies should be included for every proposed alternative, as well as a solicitation of new proposals for the project that achieve the objectives of this water supply reliability review.

IV. RUSSIAN RIVER AGRICULTURAL WATER DELIVERIES

The Russian River watershed supports a nationally significant agricultural economy including:

- vineyards;
- orchards;

- specialty crops;
- livestock operations;
- food processing.

Any reduction in imported supplies could affect:

- irrigation reliability;
- groundwater pumping;
- agricultural employment;
- land values;
- crop productivity;
- regional tax revenues;
- national defense.

The Commission should require detailed economic modeling of:

- crop production;
- farm income;
- agricultural employment;
- secondary economic effects;
- replacement water costs;
- energy costs associated with increased groundwater pumping;
- primary secondary, tertiary etc. cumulative impacts by following ISO 14040 and ISO 14044 where every standardized **Life Cycle Assessment (LCA)** follows four core phases: **Goal and Scope Definition** (Establishes the purpose of the study, the product's functional unit, and the system boundaries), **Life Cycle Inventory (LCI)** (Quantifies all energy, raw material inputs, and emissions associated with the product), **Life Cycle Impact Assessment (LCIA)** (Translates the inventory data into potential environmental impacts, such as climate change, acidification, or resource depletion), **Life Cycle Interpretation (LCI- interpretation),** (Evaluates the results and draws conclusions aligned with the initial goal and scope);
- compared to new solicited project proposals that achieve a better level of review and achievement of objectives under the **ISO 14040 and ISO 14044 LCA, LCI, LCIA, LCI-interpretation.**

V. EEL RIVER FISHERIES AND HABITAT

Protection and restoration of native fisheries should remain an important project objective.

The Environmental Impact Statement should include:

- salmonid habitat improvements;
- migration success;
- spawning habitat;

- sediment transport;
- water temperature;
- dissolved oxygen;
- channel morphology;
- long-term ecosystem recovery.

These analyses should utilize multiple decades of hydrologic observations rather than relying solely upon short-term monitoring.

Adaptive management should be incorporated into any final Commission order.

VI. DAM SAFETY

Regardless of the selected alternative, dam safety considerations require comprehensive engineering evaluation, especially incorporating the consequences of earthquake inducement by dam and tunnel removal, and removing water weights and volumes and movements that have been established for over 100 years through project facilities.

The Environmental Impact Statement should evaluate:

- structural integrity during decommissioning;
- sediment stability;
- downstream flood hazards;
- seismic risk;
- emergency action planning;
- construction safety;
- worker safety;
- downstream public safety;
- massive soils, spoils, rubble removal, shipping and disposal.

Engineering analyses should include probabilistic risk assessments for Era 1 vs. both existing Era 2 and Era 3 post-removal conditions, as well as the solicited new project proposals.

VII. HYDROLOGY, SEDIMENT MANAGEMENT, AND GEOMORPHOLOGY

Reservoir sediment accumulated over many decades represents a significant engineering and environmental issue.

The Commission should require detailed quantitative analyses addressing:

- sediment volume;
- sediment composition;

- contaminant characterization;
- transport rates;
- downstream deposition;
- floodplain impacts;
- bridge scour;
- reservoir drawdown sequencing;
- long-term channel evolution;
- massive soils, spoils, rubble removal, shipping and disposal.

Multiple sediment management alternatives should be compared using hydraulic modeling, including the solicited new project proposals.

VIII. ECONOMIC IMPACT ANALYSIS

The Environmental Impact Statement should include a comprehensive regional economic assessment in a non-speculative way comparing Era 1 vs. Era 2 vs. Era 3.

The analysis should quantify impacts upon:

- municipal water agencies;
- agricultural producers;
- electric ratepayers;
- recreation;
- tourism;
- fisheries;
- local governments;
- employment;
- property values;
- tax revenues;
- national defense.

Benefit-cost analysis should evaluate both market and non-market values over an appropriate planning horizon for Era 1, Era 2 and Era 3, as well as the solicited new project proposals.

Sensitivity analyses should examine alternative climate scenarios and drought conditions for all eras in a legal and factual non-speculative way.

IX. CEQA AND NEPA ANALYSIS

Although FERC's environmental review is conducted pursuant to the National Environmental Policy Act (NEPA), the Commission should recognize that subsequent state actions may require review under the California Environmental Quality Act (CEQA).

The NEPA document should therefore be sufficiently comprehensive to facilitate coordinated federal and state environmental review while minimizing duplication, especially including the solicited new project proposals..

The Environmental Impact Statement should include:

- cumulative impacts;
- connected actions;
- indirect impacts;
- climate resilience;
- environmental justice;
- alternatives analysis;
- mitigation measures;
- monitoring requirements;
- new project operation proposals such as the herein suggested new PPP with the new JPA and a private party, as described above.

X. ALTERNATIVES TO COMPLETE DECOMMISSIONING

The Environmental Impact Statement should rigorously evaluate reasonable alternatives rather than limiting consideration to complete dam removal.

Potential alternatives include the following in the context of also having a new project operation proposals for the new PPP with the new JPA and a private party, as described above:

Alternative A
Continued operation with modernized fish passage facilities.

Alternative B
Partial infrastructure removal while maintaining regulated water diversions.

Alternative C
Modified diversion operations combined with ecological restoration.

Alternative D
Seasonal operational modifications.

Alternative E
Infrastructure modernization combined with habitat enhancement.

Alternative F
Public-private partnership for continued water supply operations.

Alternative G
Adaptive management using staged implementation with performance monitoring.

Each alternative should be evaluated using identical engineering, environmental, economic, and public-interest criteria.

XI. CUMULATIVE IMPACTS

The Commission should evaluate cumulative impacts associated with and including the following in the context of also having a new project operation proposals for the new PPP with the new JPA and a private party, as described above:

- climate change;
- future drought;
- wildfire;
- groundwater depletion;
- regional water infrastructure;
- fisheries restoration programs;
- other basin-wide water management initiatives;
- national defense, data, AI and other Executive Orders and enabling legislation.

These cumulative effects may substantially influence the preferred alternative.

XII. ADDITIONAL TECHNICAL STUDIES RECOMMENDED

The Commission should consider requiring additional studies addressing the following in the context of also having a new project-operation proposals for the new PPP with the new JPA and a private party, as described above:

1. Regional water supply reliability.
2. Long-term climate resilience.
3. Replacement water supply alternatives.
4. Agricultural economic impacts.
5. Groundwater interaction.
6. Sediment transport modeling.
7. Reservoir contaminant characterization.
8. Infrastructure replacement costs.
9. Public safety risk assessment.
10. Adaptive management framework.
11. Long-term monitoring program.
12. Life-cycle economic analysis.
13. Executive Summary (3–5 pages)

14. Hydrology and water balance analysis with tables and figures
15. Engineering assessment of dam-removal alternatives
16. Agricultural and regional economic impact analysis
17. Federal Power Act legal framework
18. NEPA alternatives analysis
19. Climate resilience and drought scenario modeling
20. Benefit–cost and avoided-cost analyses
21. Detailed references to FERC documents, Bureau of Reclamation studies, California Department of Water Resources reports, NOAA Fisheries, NMFS, USGS, CDFW, Sonoma Water, Mendocino County Inland Water & Power Commission, and other technical sources
22. Professional exhibits (maps, hydrographs, flow-duration curves, sediment transport diagrams, and economic tables)

XIII. CONCLUSIONS

The Potter Valley Hydroelectric Project affects a broad range of interconnected public resources extending well beyond hydroelectric generation.

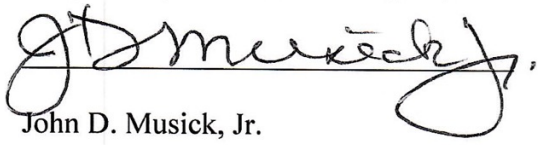
The Commission should ensure that its environmental review fully evaluates long-term consequences for California's water supply reliability, Russian River agriculture, Eel River ecosystem restoration, public safety, regional economics, and climate resilience.

Because the proposed actions may have irreversible consequences extending for many decades, the Commission should prepare a comprehensive Environmental Impact Statement supported by the best available scientific, engineering, hydrologic, ecological, and economic information.

The Commission should also ensure that all reasonable alternatives—including alternatives that preserve essential public water supply benefits while improving fisheries and ecosystem conditions—are evaluated using consistent technical standards before selecting a preferred alternative, such as including the following in the context of also having a new project operation proposals for the new PPP with the new JPA and a private party, as described above.

This comment asks FERC to scope the NEPA document for Project No. P-77-332 around three distinct conditions Eras— the pre-project environment, the environment created by over a century of Project operation, and the new environment that will emerge after decommissioning — and to make clear throughout the environmental document that dam and tunnel removal, while speculatively could produce some Era 3 post-operational ecological benefits, will not and cannot recreate pre-1908 conditions, because those conditions are unknowable and the new Era 3 conditions are pure speculation in a changing climate, weather, economic, massive data driven AI condition and national defense environment. The public and decision-makers are better served by an honest accounting of what will be gained, what will be lost, and what will be genuinely new, rather than a narrative of simple restoration and remediation (whatever those words really mean without clear regulatory definition).

Respectfully submitted on July 22, 2026



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END OF PUBLIC COMMENTS