FEDERAL ENERGY REGULATORY COMMISSION
Washington, D. C. 20426

OFFICE OF ENERGY PROJECTS

Project No. 77-318--California
Potter Valley Hydroelectric Project
Pacific Gas and Electric Company

July 28, 2025

VIA FERC Service

Stephanie Maggard, Director
Pacific Gas and Electric Company
300 Lakeside Drive
Oakland, CA 94612

Subject: Request for Additional Information – Amendment of Minimum Flow Requirements

Dear Ms. Maggard:

This is in response to your non-capacity amendment application, filed with the Federal Energy Regulatory Commission on July 31, 2023, and supplemented on January 30, and April 18, 2025, for the Potter Valley Hydroelectric Project No. 77.[1] The project is located on the Eel River and East Branch Russian River in Mendocino and Lake counties, California.

You request to amend the existing minimum flow requirements for the Eel River and East Branch Russian River under Article 52 of the license, which requires compliance with the Reasonable and Prudent Alternative (RPA) provided in the U.S. Department of Commerce's National Marine Fisheries Service (NMFS) 2002 Biological Opinion and the Order Amending License, issued January 28, 2004 (2004 Amendment).[2] In addition, you propose to adjust the block water allocation from water year to calendar

[1] *Pacific Gas and Electric Company*, 25 FERC 62,010 (1983).

[2] *Pacific Gas and Electric Company*, 106 FERC ¶ 61,065 (2004) and *Pacific Gas and Electric Company*, 116 FERC ¶ 62,175 (2006). Currently, Article 52 requires the release of certain flows based on the season, water year type, and environmental conditions in the Eel and East Branch Russian rivers.

year[3] and define mean daily flow as the measurement by which compliance is determined under Article 52.[4]

You state the overall goal of the amendment proposal is to maintain storage in Lake Pillsbury through the spring and summer, maintain the safety of the facility,[5] and support colder water temperature flow releases from Scott Dam into the Eel River during late summer, within existing limitations. As discussed in our March 28, 2023, letter to you, Commission staff anticipate that prior to acting on this amendment proposal, an analysis under the National Environmental Policy Act will be completed.

Commission staff have reviewed your January 30, 2025, supplement. In order to continue our review, we are requesting the below additional information:

1. Under hydrology and water resources, *Exhibit E, section 3.3.8.2.3 East Branch Russian River*, you indicate that the proposed reduction in minimum flow to the East Branch Russian River will negatively affect water users in the basin, but that contractual obligations to Potter Valley Irrigation District will continue to be met. You expect that from July through September, deliveries to the East Branch Russian River will decrease by an average of 88 percent (compared with the average deliveries from 2014-2023), and an average of 97 percent (compared with the average deliveries from 2004-2013). Further in *Exhibit E, section 4.2.2*, you state the proposed reduction in flows would result in a cumulative adverse effect to the quantity of water available to East Branch Russian River basin water users.

   Please identify any users that may be affected by the proposed reduction in flow diversions to the East Branch Russian River and characterize their location and estimated amounts (quantity and percentage) under reduced flows. This may include operators of Commission-licensed hydropower projects that rely on powerhouse releases (e.g., Vecino Vineyards, exemptee for the Hammeken's

[3] Under the proposal, the amount of block water to be reserved for release at the discretion of the resource agencies remains unchanged at 2,500 acre-feet.

[4] The flows required by Article 52 are currently instantaneous minimum flows, which guarantees flows at or above the stipulated flows. In your July 31, 2023 filing, you refer to the mean daily average as a target flow allowing for a tighter compliance buffer on minimum instream flows in efforts to conserve water.

[5] See the Commission's letter to PG&E dated March 28, 2023 regarding your proposed interim risk-reduction measure to leave the spillway gates open at Scott Dam in response to the results of seismic stability analyses. Currently, you are maintaining the reservoir elevation at Scott Dam at 1,900 feet (PG&E datum), reducing the storage capacity in Lake Pillsbury by approximately 20,000 acre-feet due to seismic concerns.

Power House Canal Project No. 9647 or Eugene McFadden, exemptee for the McFadden Farm Project No. 4658) and agricultural users that are located downstream of Potter Valley Irrigation District's diversions. Also, describe and address any potential effects of the proposed amendment on storage and/or releases from Lake Mendocino through analyses of the last ten years of data displaying the percent contribution of Potter Valley Powerhouse releases made to Lake Mendocino yearly storage, and address any effects to environmental resources below Lake Mendocino (including but not limited to water quantity, water quality, and listed salmonids of the East Branch Russian River) that may result from your proposal.

2. In *Exhibit E*, you identified anticipated adverse effects to some environmental resources in the East Branch Russian River basin (e.g., riparian and wetland vegetation, narrowing of the river channel, and potential reductions in rainbow trout habitat), but did not adequately address all environmental resource areas. For water quality in the East Branch Russian River, you suggest that powerhouse outflow temperatures will be similar to Eel River temperatures immediately upstream of Van Arsdale Reservoir. You do not include information related to expected water quality effects on the East Branch Russian River downstream resulting from your proposal.

   Provide either a quantitative or qualitative analysis of expected effects to water quality (e.g., water temperatures and dissolved oxygen concentration) in the East Branch Russian River in the reach above Lake Mendocino resulting from the proposed amendment. If no effect is expected, provide your rationale.

3. In the consultation record included in *Appendix E-2*, summaries from June 13, 2024, indicate consensus from the consulting parties that trout stocking in the East Branch Russian River can continue under the proposed 5 cubic feet per second release and that no effect on recreational trout fishing is anticipated. Notes from the meeting suggest that data exists in support of this conclusion.

   Provide a summary of any existing information that supports the conclusion that the recreational fishery in the East Branch Russian River would not be affected by the proposed amendment and citations or direct sources to support this conclusion.

4. In our request for additional information, dated October 4, 2023, Commission staff indicated that formal consultation under the Endangered Species Act (ESA) is likely necessary with the National Marine Fisheries Service (NMFS) on the proposed amendment. Commission staff requested that you include in your response to our October 4 letter, the submittal of a Biological Assessment (BA) providing an account of any potential effects to federally listed species under NMFS jurisdiction. In response to this request, you state that the proposed

amendment may reduce available habitat in the Eel River below Scott Dam during the summer but that it would support improved habitat conditions for juvenile steelhead by providing cooler water refugia in the late summer. You state that you received technical assistance from NMFS regarding this matter and that NMFS supports the assertion that this amendment is consistent with the 2002 Biological Opinion analysis and aligns with the goals and objectives outlined in their March and October 2022 letters to the Commission.[6]

Your January 30, 2025 filing, did not include a BA as requested by Commission staff, but did identify general effects related to the proposed amendment in *section 3.3.4.2* on listed species (namely steelhead and Chinook salmon). You state that approving the amendment would provide for the preservation of cold-water storage in Lake Pillsbury, a decrease in Eel River water temperature between the project dams, and a reduction in the risk of bank erosion and sloughing at low reservoir storage levels (at Scott Dam) which would minimize the clogging of the outlet works and any dewatering of Eel River reaches resulting from such clogging.

Also, in our request for additional information dated October 4, 2023, Commission staff requested that you address federally listed terrestrial and aquatic species under the jurisdiction of the U.S. Fish and Wildlife Service (FWS). In *Volume 1*, page 2 of your January 30, 2025 filing, you indicate that there are no federally listed species under FWS jurisdiction.

a. Based on FWS's Information for Planning and Consultation (IPaC) website, Commission staff identified several species under FWS jurisdiction that may be present in the project area.[7] Please address any effects of the proposed amendment on these aquatic and terrestrial species.

b. Finally, please request to be designated as a non-federal representative for the purposes of conducting ESA consultation with NMFS and FWS and provide to us a BA that quantitatively supports the above conclusions for both NMFS and FWS species. In addition, address any potential effects to listed species in the East Branch Russian River that may also require consultation under the ESA (e.g., the information requested in Nos. 1 and 2 above). In our efforts to

[6] The letters from NMFS are being addressed in a separate proceeding, P-77-314.

[7] Listed species present in the project area may include the California Condor, northern spotted owl, the western snowy plover, the yellow-billed cuckoo, Burke's goldfields, Contra Costa goldfields, and the showy Indian clover. Species proposed for listing that may be in the project area include the northwestern pond turtle and the monarch butterfly.

formally consult, Commission staff must be able to identify any related effects, both adverse and beneficial, to listed species in both the Eel River and the East Branch Russian River that may result from your proposal.

5. On April 28, 2023, the Commission's Division of Dam Safety and Inspections-San Francisco Regional Engineer's letter discussed your seismic stability analyses and encouraged you to further refine the estimated seismic risk potential of Scott Dam. Please provide any updates to risk reduction measures currently implemented or proposed since this letter was issued, if available.

Please provide the requested information within **60 days** of the date of this letter, by **September 26, 2025**. The Commission strongly encourages electronic filing. Please file the requested information using the Commission's eFiling system at http://www.ferc.gov/docs-filing/efiling.asp. For assistance, please contact FERC Online Support. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number **P-77-318**.

Thank you for your cooperation. If you have any questions regarding this matter, please contact Diana Shannon at (202) 502-6136 or diana.shannon@ferc.gov, or Katie Schmidt at (415) 369-3348 or katherine.schmidt@ferc.gov.

Sincerely,

ANDREA CLAROS Digitally signed by ANDREA CLAROS Date: 2025.07.28 12:37:13 -04'00'

Andrea Claros, Chief
Aquatic Resources Branch
Division of Hydropower Administration and Compliance