

July 23, 2026

Via Electronic Filing

Hon. Debbie-Anne Reese, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington D.C. 20426

Re: COMMENTS on Scoping Document 1 for the proposed Potter Valley Hydroelectric Project Surrender and Decommissioning, P-77-332

Dear Ms. Reese,

Friends of the Eel River (FOER), California Sportfishing Protection Alliance, Native Fish Society, Communities United for Water Protection, Northern California Association of River Guides, and Redwood Chapter Sierra Club offer the following comments on Scoping Document 1 (SD1) for Pacific Gas and Electric (PG&E)'s proposed license surrender and decommissioning of the Potter Valley Hydroelectric Project, P-77-332 (PVP). The Federal Energy Regulatory Commission (FERC or Commission) issued Scoping Document 1 on May 22, 2026.¹ FOER et al. support SD1's description of the applicant's proposed action, including license surrender and removal of Scott Dam and Cape Horn Dam on the upper mainstem Eel River. FOER et al. also support the Commission's parallel consideration of a reasonable range of alternatives to the proposed action. In general, we find SD1 reports the history of the project accurately and assesses the steps ahead judiciously.

1. NO ACTION ALTERNATIVE

SD1 correctly states that the no-action alternative would mean that FERC would not authorize the proposed project – i.e., FERC would deny PG&E's applications, including dam removal and license surrender. In our view, the Commission is correct to dismiss the no-action alternative as

¹ See Doc. Accession no. 20260522-3012.

unreasonable. PG&E has determined the project is uneconomic to operate.² It is our understanding that the PVP has been the worst performing asset in its class of generation assets for PG&E for many years, with operational and maintenance costs exceeding revenues from power production many times over.³ PG&E has determined that the failed transformer at Potter Valley Powerhouse is not worth replacing and has ceased even limited electrical generation from the PVP.⁴ Therefore, project revenues will remain negative until the dams are removed.

The reduction in the capacity of the Lake Pillsbury reservoir does not reduce PG&E's costs, but it does reduce the potential benefits of the PVP. With electrical production offline, the core benefits of the PVP are diversions to the East Branch Russian River and cold water flows critical to fish health in the upper mainstem Eel River. These benefits are in tension, especially in warm and low water years, as diversions to the East Branch Russian River reduce cold water storage in the Lake Pillsbury reservoir.⁵

SD1 notes that the no-action alternative would require PG&E to obtain a new license for the PVP. However, under FERC's regulations, PG&E may not obtain a new license for the PVP, having failed to complete the relicensing application it began in 2017.⁶ Now, PG&E must complete the license surrender process.⁷ And while FERC may require PG&E to take a range of

² See, e.g. PG&E, *Notice of Withdrawal of Notice of Intent to File License Application and Pre-Application Document* (Jan. 25, 2019), Doc. Accession No. 20190125-5100, pp. 1-2, stating "Potter Valley has long been recognized by PG&E as uneconomic for PG&E's ratepayers (i.e. the cost of production exceeding the cost of alternative sources of renewable power on the open market)."

³ It is our understanding from conversations with PG&E staff that PVP operational and maintenance costs generally exceeded revenue by a ratio greater than 20:1.

⁴ See March 22, 2023 PG&E letter to FERC, *Potter Valley Hydroelectric Project, FERC No. 77-CA, Potter Valley Powerhouse Transformer Replacement – Follow-up*, Doc. Accession No. 20230323-5013, stating "PG&E no longer intends to replace the Potter Valley transformer."

⁵ See January 30, 2026 PG&E letter to FERC, *Potter Valley Hydroelectric Project, FERC No. 77 Water Year 2026 Temporary Minimum Instream Flow Amendment Request*, Doc. Accession No. 20260130-5536, at page 3, noting "the delayed approval and associated elevated EBRR diversions drain the cool-water pool through the summer, elevating Scott Dam release water temperatures and negatively impacting aquatic resources in the Eel River."

⁶ See 18 C.F.R. §§ 16.24-16.25; see also *City of Fremont v FERC*, 336 F.3d 910 (9th Cir. 2003). "Ordinarily, under FERC regulations, an incumbent licensee is not permitted to compete for a license on an orphaned project. See 18 C.F.R. §§ 16.24-16.25."

⁷ See *City of Port Angeles*, 167 FERC ¶ 61,048, 61,237 (2019); the Commission generally does impose conditions on license surrenders "to ensure public safety and to provide for the environmental restoration of project lands and the mothballing or removal of some or all of the project works as appropriate."

actions as conditions precedent to license surrender,⁸ FERC lacks authority to compel PG&E to continue to own and operate a project the utility finds impracticable and uneconomic.⁹

In addition, SD1 notes that “other challenging financial and operational circumstances”¹⁰ would present significant challenges for any new license. As FERC explains in SD1, several attempts have been made to find a new operator for the PVP, and the window for a new operator to step into PG&E’s shoes in relicensing is now closed.¹¹ But even if a new operator were somehow to seek to develop a new license, there would be very substantial costs associated with relicensing the project.¹² The PVP as it now exists could not and would not be built under modern standards.¹³ Among many shortcomings, Scott Dam lacks fish passage entirely, while Cape Horn Dam’s fish ladder, the highest and longest in California, remains a key bottleneck despite decades of attempts to improve its function.¹⁴ A scenario where anyone continues to operate the Project as it exists today is thus highly implausible.

The no-action alternative is also impracticable because the current project configuration and operations have caused and continue to cause serious harm to Chinook salmon and steelhead

⁸ See *Project Decommissioning at Relicensing; Policy Statement*, 60 Fed. Reg. 339, 348 (Jan. 4, 1995), incorporated into FERC regulations at 18 C.F.R. § 2.24.

⁹ See *FPL Energy Maine Hydro, LLC* (2004) 107 FERC ¶ 61,120, 61,404 (May 6, 2004), aff’d sub nom *Save our Sebasticook v. FERC*, 431 F.3d 379 (D.C. Cir. 2005); see also *FPL Energy*, 106 FERC ¶ 61,038, 61,143.

¹⁰ SD1, page 8.

¹¹ SD1, page 3; See also FERC Project No. 77-285, *Notice Soliciting Applications* (March 1, 2019) Doc. Accession No. 20190301-3038, page 2, setting “a deadline of 120 days from the date of this notice for interested applicants, other than the existing licensee, to file NOIs, PADs, and requests to complete the pre-filing stages of the licensing process as discussed above. In the event that no other applicant files an application for a license by April 14, 2020, the current licensee will be provided with written notice that no timely application for the project has been filed.” See also 18 C.F.R. § 16.26(a) and § 16.26(b).

¹² Fish passage mitigation estimates prepared by McMillen Jacobs Associates in 2019 estimated costs to provide passage at Scott Dam would range from \$50-64 million. See McMillen Jacobs Associates, *Potter Valley Project Capital Modifications Feasibility Study Report*, Potter Valley Project, FERC No. 77-110, Final Report, (Jul. 30, 2018), page 38. Further costs to retrofit Cape Horn to prevent predation and provide e.g. lamprey migration are unknown. Potential costs to retrofit Scott Dam for seismic stability are also unknown.

¹³ Seismic stability alone would almost certainly foreclose construction of a dam atop the Bartlett Springs Fault, which was unknown when Scott Dam was constructed in 1922. In addition, California law and policy strongly discourages interbasin transfers like that from the Eel River to the EBRR.

¹⁴ See e.g. McMillen Jacobs Associates, *Technical Memorandum: Cape Horn Dam Fish Passage Improvements*, July 2021. NMFS standards for volitional passage emphasize volitional passage wherever possible. See e.g. National Marine Fisheries Service West Coast Region Environmental Service Branches, *NOAA Fisheries West Coast Region Anadromous Salmonid Passage Design Manual*, (2023), page 46, “Volitional passage is preferred for passage facilities over non-volitional passage.” Volitional passage is essential to allowing multiple life histories and life stages of different salmonid species to pass up and downstream at different times and flow stages.

listed under the federal Endangered Species Act.¹⁵ Although the Biological Opinion issued for the now-expired license for the PVP provided incidental take authorization, that authorization has now expired.¹⁶ In addition, many aspects of the PVP's facilities and operations have never had such authorization despite their clear impacts on listed species.¹⁷ Thus, the present environmental condition is not just the baseline for considering alternatives: it is a key reason PG&E should be encouraged to move ahead with dam removal as soon as feasible.

Removal of Scott and Cape Horn dams is the only feasible means of restoring passage for Chinook salmon and steelhead into the upper reaches of the mainstem Eel River basin. Dam removal will also restore a natural flow regime that will favor native salmonids and disfavor invasive pikeminnow. The overwhelming evidence from the recent removals of several Klamath River dams has been that fisheries have recovered more quickly and in greater numbers than projected, while key indicators of water quality including stream temperature have improved in similarly dramatic fashion.¹⁸ Removing the PVP dams is likely to restore access to coldwater conditions in the upper Eel conducive to the recovery of coho salmon, long absent from this drainage. It is very likely removal of Scott Dam will allow summer steelhead to reemerge in the upper mainstem Eel River. The no-action alternative would prevent these highly desirable outcomes.

¹⁵ See NMFS, *Endangered Species Act and Magnuson-Stevens Fishery Conservation and Management Act Consultations on the Potter Valley Project (P-77) on the Eel River, California* (March 16, 2022), Doc. Accession No. 20220317-5064 ("NMFS 3/16/22 Letter")

¹⁶ See NMFS 3/16/22 Letter. NMFS advised the Commission on March 16, 2022, NMFS' 2003 Biological Opinion for the Project "provided incidental take authorization for implementing the [RPA flows] for a 20-year period, which elapse[d] on April 14, 2022."

¹⁷ *Ibid.* NMFS concluded that "the Project is causing take of ESA-listed salmonids in a manner not anticipated in the Opinion and from activities not described in the Opinion." Thus, even if the incidental take statement had not expired, unauthorized take would still be occurring. In particular, "elevated temperature of water released from Lake Pillsbury" has exacerbated inter-species competition and predation, threatening production of juvenile steelhead below Scott Dam.

¹⁸ See *Application for surrender of license and non-project use of project lands (Pacific Gas & Electric Co.; Potter Valley Hydroelectric Project No. P-77): Comments of Friends of the Eel River, Sierra Club, Native Fish Society, Save California Salmon, California Sportfishing Protection Alliance, and Northern California Council, Fly Fishers International* (hereinafter "FOER LSA Comments") Doc. Accession No. 20251201-5543, at page 27, noting CA DFW 'reports that "scientists are seeing salmon reoccupying just about every corner of their historic habitat" above the former Klamath dams. The Oregon Department of Fish and Wildlife and Klamath Tribes have reported seeing widespread salmon spawning within the Oregon portion of the Klamath River, including within multiple tributaries upstream of Klamath Lake where salmon haven't been seen in more than a century.'

2. PROPOSED ACTION

SD1 accurately describes PG&E's proposed action.¹⁹ PG&E has already begun work on a suite of management plans detailing proposed environmental protection, mitigation and enhancement measures, to file with the Commission by July 2027.²⁰ SD1 lists 13 of the most significant of these management plans.²¹ To ensure that key environmental issues and values are recognized and addressed, both in the Commission's present analysis and in the actual implementation of those management plans over the course of dam removal, it is vital that PG&E and the Commission release draft versions of these plans for agency and public comment.

FOER et al. have engaged a broad network of relevant experts to comment on previous documents, including PG&E's License Surrender Application. We hope to continue to assist PG&E and the Commission in preparing for and carrying out the proposed dam removals in a manner that reduces the risk of impacts and secures the greatest potential benefits for the Eel River and its fisheries.

3. ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED STUDY

a. Phased Removal of Scott Dam

SD1 correctly dismisses this alternative. The phased removal of Scott Dam would entail greater impacts on the Eel River and its fisheries from multiple years of sediment flushing than would PG&E's proposed removal of both Scott and Cape Horn dams in a single season.²² From the perspective of fisheries recovery, even severe water quality impacts limited to a single year are far preferable to repeated, cumulative effects.²³

b. Retention of Scott Dam

Retention of Scott Dam is not an alternative that requires detailed study. As SD1 notes, the seismic threat to Scott Dam has come more clearly into focus with PG&E's decision to limit

¹⁹ SD1, page 8.

²⁰ *Id.*

²¹ *Id.*

²² See PG&E's *Draft Application for Surrender of License and Application for Non-Project Use of Project Lands*, Volume 1 p.5-11 and 5-12.

²³ FOER LSA Comments, pages 12, 15.

storage in the Lake Pillsbury reservoir to reduce seismic risk.²⁴ PG&E and the Commission are privy to otherwise confidential assessments of the seismic hazard at Scott Dam.²⁵ Given PG&E's move to surrender its license and decommission the Eel River dams, a full public release of relevant scientific and engineering analysis regarding the potential risk to Scott Dam from seismicity on the Bartlett Springs fault would appear to be very much in the public interest.²⁶

c. Surrender and Decommissioning (dam removal) without NERF

For several reasons, we disagree with SD1's proposal to eliminate an alternative that would provide for surrender and decommissioning of the project without "PG&E's non-project use of project lands proposal of ERPA's construction of the NERF," *i.e.*, a dam removal alternative without the New Eel-Russian Facility.²⁷

While we do not object to the construction of the NERF and are persuaded of the justification for doing so at the same time as the dams are removed, we are concerned that PG&E's proposed action here includes the non-project use of project lands and NERF construction as inseparable elements of its dam removal proposal. However, as SD1 states: "PG&E indicates that the future operation and maintenance of the NERF facility by ERPA would require separate environmental analysis and permits/approvals to be completed by the ERPA." Thus, we think it would be more logical, effective, and appropriate for the Commission to consider NERF construction in its own NEPA process, distinct from license surrender and dam removal. This would limit the need for further NEPA analysis should the NERF project fail to reach fruition.

²⁴ SD1, page 4.

²⁵ See October 19, 2020 PG&E letter to FERC re: *Potter Valley Hydroelectric Project, FERC No. 77-CA Scott Dam, NATDAM No. CA00398 Site-Specific Probable Maximum Precipitation/Probable Maximum Flood Study Doc.* Accession No. 20160901-5140.

²⁶ See, e.g. Roger Coryell, *Potter Valley update: North Coast residents split on dams, united against Southern California*, Mendocino Voice, July 14, 2026, (found at <https://mendovoice.com/2026/07/potter-valley-update-north-coast-residents-split-on-dams-united-against-southern-california/>) quoting Potter Valley winegrower Guinness McFadden: "His case is that the seismic evidence citing issues with Scott Dam can't be examined. PG&E's study, he said, "came up with some questionable data about seismic problems," and "the parts of it that were released were heavily redacted, so there's really been no credible party to view the study and see that it makes any sense." Mr. McFadden is either not aware that FERC's Division of Dam Safety and Inspections and California's Division of Safety of Dams have both reviewed and agreed with PG&E's assessment of the subject analysis.

²⁷ SD1, page 13.

The NERF, although desirable in our view, is not certain of construction. In any event, whether the NERF gets constructed and when are questions beyond the reach of both PG&E and of the Commission, and which may be affected by a range of potential factors. As SD1 states, “PG&E indicates that the future operation and maintenance of the NERF facility by ERPA would require separate environmental analysis and permits/approvals to be completed by the ERPA.”²⁸ It is also entirely foreseeable that the NERF facility will move on an independent timeline from dam removal.

It is our position that Eel River dam removal must not be contingent on construction of the NERF or approval by ERPA. That has been our position throughout the years of negotiation which ultimately resulted in the 2025 Water Diversion Agreement for New Eel Russian-Eel Facility (WDA), which PG&E’s proposed action would facilitate.²⁹ FERC’s failure to consider a dam removal without NERF alternative would make dam removal contingent on both NERF construction and ERPA approval, which effectively changes the terms of our hard-won regional agreement. We object. If ERPA and NERF are somehow constrained or delayed, but PG&E is ready on all other fronts to proceed with dam removal, dam removal should go forward. A no-NERF dam removal alternative addresses a readily foreseeable future scenario. The Commission must consider it to clear this potential path to dam removal.

Making dam removal contingent on the NERF facility would yield to ERPA a decision only FERC can make: when dam removal will happen. Fundamentally, the Commission should not and may not yield its authority over license surrender and decommissioning to other parties.

Furthermore, SD1’s stated reasons for dismissing the alternative are incorrect. First, SD1 errs in describing an alternative without NERF as “eliminat(ing) the existing infrastructure necessary for any future diversions to the East Branch of the Russian River.”³⁰ As a factual matter, PG&E

²⁸ *Ibid*, page 10.

²⁹ The *Water Diversion Agreement for New Russian-Eel Facility* was signed July 2025 by the California Department of Fish and Wildlife (CDFW), California Trout, Eel-Russian Project Authority (ERPA), County of Humboldt, Mendocino County Inland Water and Power Commission (IWPC), Round Valley Indian Tribes (RVIT), County of Sonoma, Sonoma County Water Agency (Sonoma Water), and Trout Unlimited. Collectively, the signatories can be identified as the Two Basin Agreement partners.

³⁰ SD1, page 13.

has not proposed to remove the tunnel that allows water transfers to the East Branch Russian River. On the contrary, PG&E has represented that if NERF were not constructed, the company would cap the tunnel rather than remove it. Thus, the tunnel and penstocks, which are most of “the existing infrastructure necessary for any future diversions to the East Branch of the Russian River,” would still exist, and could still be used if and when a new diversion works were constructed on the Eel River. It is not the case that “any future diversions to the East Branch of the Russian River” would be precluded by dam removal without construction of NERF.

SD1’s other stated reason for eliminating a dam-removal-without-NERF alternative is also erroneous. SD1 states that such an action “would adversely affect PG&E’s obligation to deliver up to 19,000 acre-feet of water to the Potter Valley Irrigation District (see Exhibit E, Volume II, section 3.2.15).”³¹ With respect, this is not a valid argument.

The heart of PG&E’s application is surrender of the project license and removal of Scott and Cape Horn dams. PG&E’s contract with PVID will terminate when the project license no longer exists.³² Moreover, because the contract expressly contemplates delivery of water stored in the Lake Pillsbury reservoir to PVID, the removal of Scott Dam and its reservoir will foreclose the company’s ability to make such transfers.³³ In addition, we note that the water rights underlying the contract allow PG&E to deliver only 9,408 acre-feet per year (not 19,000 acre-feet) of water previously stored in Lake Pillsbury to PVID.

PVID also has appropriative rights to flows in the East Branch Russian River downstream of the Potter Valley Powerhouse. However, downstream users of abandoned water diverted from a “foreign” watershed cannot compel the diverter to continue diversions.³⁴ While we appreciate that FERC may be concerned about harm to water users in the East Branch Russian River in this

³¹ SD1, page 13.

³² Second Amendment to PVID/PG&E Contract, ¶ 13.

³³ *Ibid.*

³⁴ See Scott Shapiro, Downey Brand LLP *Memorandum to Mendocino County Inland Water and Power Commission Board of Directors*, March 9, 2026, (hereinafter “March 2026 MIWPC memo”) (<http://mendoiwpc.com/wp-content/uploads/2026/03/RVIT-Memo-on-RVIT-Water-Rights-3.12.2026.docx>) explaining at page 2, “In general, California law makes clear that downstream users acquire no permanent or enforceable right to the continued availability of foreign or imported water.”

proceeding, the Federal Power Act grants FERC no jurisdiction over water rights.³⁵ Those are matters for the state.³⁶

In addition, we urge FERC to take notice of the provisions of the July 16, 2025 Water Diversion Agreement for the NERF, particularly with respect to PG&E's water right. Transfer of PG&E's water right to the Round Valley Indian Tribes is a central element of the WDA, which states:

*RVIT asserts federal water and fishing rights in the Eel River with a senior priority date of time immemorial. The Parties understand that the transfer of Project Water Rights to RVIT, coupled with RVIT's forbearance of the exercise of their federal water and fishing rights during the term of the Water Lease, is consistent with RVIT's 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.*³⁷

The Commission may also wish to note an analysis of RVIT's water rights claims recently prepared by counsel for the Mendocino Inland Water and Power Commission (MIWPC).³⁸ Although MIWPC is among the signatories of the WDA, its analysis of RVIT's potential claims comes from the perspective of Russian River water users potentially adverse to RVIT's claims. Thus, it is telling that MIWPC concedes that "under this established case law, RVIT's federal reserved water rights were vested on the date the reservation was created: 1856. That makes them more senior than all appropriative rights in the Eel River system"³⁹ (emphasis in original).

Given these factual issues with SD1's stated reasons for eliminating a dam removal without NERF alternative, as well as the significant potential utility of having completed an environmental analysis that considers the possibility as one that may realistically occur, we

³⁵ Section 27 of the FPA expressly prohibits the Commission from adjudicating water rights or interfering with the state laws "relating to control, appropriation, use, or distribution of water used in irrigation or for municipal or other uses, or any vested rights acquired therein." See 16 U.S.C. § 821.

³⁶ California's State Water Resources Control Board has jurisdiction to regulate and adjudicate water rights related to and affected by the Project. See Cal. Water Code §§ 174, 179.

³⁷ WDA, page 2.

³⁸ March 2026 MIWPC memo, page 1.

³⁹ *Id.*

strongly urge the Commission to consider in detail an alternative that allows dam removal to go forward without construction of the NERF.

d. Federal Government takeover

SD1 is back on firmer ground in its dismissal of a potential federal takeover of the PVP as not “a reasonable alternative.”⁴⁰ SD1 correctly notes that no federal agency has indicated any interest in taking over the project. Indeed, it is our understanding that at least one federal agency has rejected efforts to interest it in a federal takeover of the PVP.⁴¹ SD1 also correctly notes that there is “no evidence showing that federal takeover should be recommended to Congress.”⁴² Indeed, there is abundant evidence on the record to the contrary, showing that in fact dam removal is in the broad public interest, and that no compelling federal or public interest would be served by federal takeover of the PVP.⁴³

e. Non Power License

Finally, SD1 dismisses a potential Non Power License alternative as not reasonable.⁴⁴ Again, we agree that because “no governmental agency has expressed a willingness” and authority to assume regulatory authority and supervision over the relevant lands and facilities,⁴⁵ there is no reason to proceed with a detailed analysis of such an alternative.

4. SCOPE OF RESOURCE ISSUES

As we have noted in previous comments, the effects of dam removal on the Eel River, including both direct and cumulative effects, are clearly potentially significant and quite severe, including “lethal conditions” for aquatic life “likely to extend along the entire length of the Eel River.”⁴⁶

⁴⁰ SD1, page 13.

⁴¹ See Amy Windsor, *Federal regulators signal support for Pacific Gas and Electric bid to decommission Eel River dams*, Santa Rosa Press-Democrat, May 26, 2026, stating “(t)he Department of the Interior has gone on record with The Press Democrat to say it “does not have and is not seeking authority from Congress to own or operate the Potter Valley Project,” according to Peter Soeth, acting chief of public affairs for the Bureau of Reclamation, which oversees many dams and water projects across the American West.”

⁴² SD1, page 13.

⁴³ See FOER LSA comments, pp 3-6 and 62-63.

⁴⁴ SD1, page 13.

⁴⁵ *Id.*

⁴⁶ See FOER LSA Comments, pp 11-12: “The LSA properly discloses that dam removal will result in unavoidable adverse effects. The Surrender Order should include conditions that best mitigate those effects in view of the circumstances at hand. Among the most serious unavoidable adverse effects will be those to aquatic life in the Eel

Again, the fact that the PVP dams are causing significant continuing harm to the Eel River and its fisheries is the key reason we would even contemplate the potential harms entailed in dam removal.

a. Direct Effects

Some aspects clearly stand out as the proper focus of the Commission's careful review. In Geology and Soils, we see the release of sediments accumulated behind Scott and Cape Horn dams to the Eel River as the most significant issue that FERC must address. Under Water Use and Hydrology, we would suggest that "Effects on Eel River hydrology post-removal of dams" is the most important question for the protection and recovery of Eel River fisheries with which we are centrally concerned. Because the Commission has no jurisdiction over the Lake Mendocino reservoir or its release schedule, FERC's analysis of the potential impacts of the proposed action on the Russian River should be limited to the East Branch Russian River watershed above the reservoir and Coyote Dam.

Under Water Quality, we urge the Commission to place particular emphasis on its analysis of effects on water quality of the Eel during drawdown and construction activities, as well as post-removal. We do not agree that the cumulative impacts on the East Branch Russian River are an equivalent matter of concern: prior to construction and operation of the PVP, the EBRR often did not flow in the summer. Although dam removal is likely to result in diminished flows and water quality in the EBRR, those are to a great extent the natural conditions that dam construction changed.

Similarly, we would urge the Commission to avoid the temptation to embrace a false balance between fisheries in the Eel and Russian Rivers in its analysis of Aquatic Resources. Again, construction and operation of the PVP resulted in unnatural conditions in the EBRR, including the capacity to support trout populations planted by DFW to support recreational fishing. The

River caused by flushing downriver sediments now trapped behind the dams. PG&E has clearly outlined the reality that flushing the sediments following dam removal will result in lethal conditions for aquatic life through much of the mainstem Eel River."

Commission’s analysis should reflect the fact that the loss of such fish species in the EBRR is simply a return to more natural conditions.

FERC’s analysis should also reflect the far greater ecological significance of the Eel River’s native fisheries. Coho and Chinook are listed as Threatened under the federal Endangered Species Act.⁴⁷ Summer steelhead in the Eel River are listed as Endangered under the California Endangered Species Act.⁴⁸ The fish that formerly ascended the Eel River at the site of Scott Dam were the southernmost run of summer steelhead known to have existed.⁴⁹ Work by Kannry et. al. has highlighted the potential for this run to recover once Scott Dam is removed, thanks to the conservation of critical genetic material in resident rainbow trout trapped behind Scott Dam for the last century.⁵⁰ There is simply no comparable resource at stake in the Russian River.

Restoring the footprint of the Potter Valley Project is a significant opportunity, and it is important that revegetation receive special attention. The NEPA document must evaluate measures to remove invasive plant species already established around the de-watered edge of the Lake Pillsbury Reservoir, without the use of herbicides. It should also evaluate a requirement that PG&E use local native plants for revegetation, and source seeds and plants from Tribes and

⁴⁷ See 65 FR 36 074 (August 7, 2000) (listing Northern California steelhead); 64 FR 50, 394 (Sept. 16, 1999) (listing California Coastal Chinook).

⁴⁸ See State of California Natural Resources Agency, Department of Fish and Wildlife, Biogeographic Data Branch, California Natural Diversity Database (CNDDDB), *State and Federally Listed Endangered And Threatened Animals of California*, July 2026, page 9, reflecting an “SE” (State Endangered) status, dated 5/03/2022.

⁴⁹ See National Marine Fisheries Service. 2016. *Final Coastal Multispecies Recovery Plan*. National Marine Fisheries Service, West Coast Region, Santa Rosa, California, vol. III, Northern California Steelhead, e.g. page 93, noting “construction of Scott Dam (1922) eliminated significant portions of historic spawning habitat for steelhead in the Upper Mainstem Eel River including “some of the best spawning grounds in the entire watershed (Gravelly Valley) (Shapovalov 1939).”

⁵⁰ See Kannry, Samantha H., Sean M. O’Rourke, Suzanne J. Kelson, and Michael R. Miller, *On the Ecology and Distribution of Steelhead (Oncorhynchus mykiss) in California’s Eel River*, Journal of Heredity, 2020, 548–563, doi:10.1093/jhered/esaa043 See also PG&E’s discussion of summer steelhead in its License Surrender Application, e.g. in LSA, vol. II at 2.2.3.3-113: “Historically, winter-run and summer-run steelhead were found in the upper Eel River Watershed; however, construction of Scott Dam restricted steelhead access from the upper reaches of the watershed and high-quality riverine habitat (NMFS 2016). Kannry et al. (2020) demonstrated through genotyping that an anadromous strain of *O. mykiss* exists upstream of the dam in the resident form of rainbow trout.” See also Id. at 2.2.3.3-11: “the resident trout population above Scott Dam has genetic diversity and that it would likely be a suitable source for recolonization of the upper basin by anadromous summer-run steelhead if Scott Dam were removed.” Kannry et. al. (2020) found both markers of the genetic capacity for migration (anadromy), and specific markers associated with the summer steelhead life history, in rainbow trout populations above Scott Dam. Thus, removal of Scott Dam could make possible the recovery of the southernmost run of summer steelhead on the planet, which has not been seen in the Eel River for the century that Scott Dam has stood.

other plant material producers located within the Eel River basin. Additionally, the Commission and PG&E should consult with Tribes to ensure that culturally significant native plants are used wherever appropriate to provide multiple benefits of ecosystem recovery and cultural uses.

We urge the Commission to give careful attention to the question, under Recreation, of the potential effects of an increase in uncontrolled off-road vehicle use in the Lake Pillsbury area.⁵¹ Securing the benefits of this very significant project may depend to a large degree on the efficacy of measures to protect the river and restoration actions from potentially devastating impacts to the recovering river corridor. We strongly encourage the Commission and PG&E to consult with the Mendocino National Forest, California's North Coast Regional Water Quality Control Board and State Water Resources Control Board to develop monitoring and enforcement plans that can be incorporated into the Mendocino Forest Plan and state Basin Plan. We further urge the Commission to consider a license surrender condition requiring adoption of such plans as a condition precedent to surrender.

b. Cumulative Effects

SD1 properly notes the wide range of potential environmental effects on the Eel River and its fisheries, listing nine actions which PG&E has identified as having potential cumulative effects on the Eel River and its environment:⁵²

- 1) Construction and operation of the NERF;
- 2) Sonoma Water's potential water reliability improvements in Potter Valley;
- 3) Implementation of fisheries restoration per CalTrout's Eel River Restoration and Conservation Plan;
- 4) Development and implementation of TMDLs in the Eel and Russian watersheds;
- 5) Implementation of recovery actions per NMFS's Coastal Multispecies Recovery Plan;
- 6) Potter Valley Tribe's acquisition of properties in the upper Eel River area;
- 7) Management actions on the Mendocino National Forest;
- 8) Reductions in snowpack and other weather-related shifts in hydrology; and
- 9) Decommissioning of the PVP.

⁵¹ SD1, page 18.

⁵² *Id.*, page 14.

While it is commendable of the Commission to acknowledge this range of potentially complicating actions, we would note that numbers 3, 4, and 5 are restoration and regulatory programs. In general, we understand that the potential short-term impacts of actions associated with these plans and programs will be significantly outweighed by the cumulative ecological benefits they secure. Similarly, management actions on the Mendocino National Forest should generally benefit the long-term health of its public land and water resources. Number 8 is simply acknowledging the impact of climate change, which is clearly already affecting the PVP area and will continue to do so, not only by changing hydrology but by altering local and regional temperatures. Of this list, decommissioning of the PVP is very obviously by far the most significant potential contributor to cumulative environmental effects, and certainly the one over which FERC has greatest authority. The Commission's review should proceed accordingly.

CONCLUSION

Thank you for the Commission's careful consideration of the complex issues this project presents. In response to SD1's request for information,⁵³ and to assist the Commission's review, we enclose an Appendix containing many of the relevant documents cited in these comments and in previous comments on PG&E's License Surrender Application.

Sincerely yours,

Alicia Hamann
Friends of the Eel River

Chris Shutes
California Sportfishing Protection Alliance

Mark Sherwood
Native Fish Society

Regina Chichizola
Communities United for Water Protection

Craig Bell
Northern California Association of River Guides

Alicia Bales
Redwood Chapter Sierra Club

⁵³ *Id.*, page 21.

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Pacific Gas & Electric Company
Potter Valley Project

Project No. P-77-332

CERTIFICATE OF SERVICE

I hereby certify that I have this day served, by first class mail or electronic mail, Comments to the Federal Energy Regulatory Commission Friends of the Eel River, California Sportfishing Protection Alliance, Native Fish Society, Communities United for Water Protection, Northern California Association of River Guides, and Redwood Chapter Sierra Club regarding Scoping Document 1 for PG&E's proposed license surrender and decommissioning of the Potter Valley Hydroelectric Project, P-77-332. This Certificate of Service is served upon each person designated on the official P-77-000 Service List compiled by the Commission in the above-captioned proceedings.

Dated this 23rd day of July, 2026.



David Weibel
Legal Secretary
Shute, Mihaly & Weinberger LLP