



March 31, 2025

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

**Re: Potter Valley Hydroelectric Project, FERC No. 77-CA
Urgent Need For Commission Action to Address 2025 Minimum Instream
Temporary Flow Amendment Request**

Dear Secretary Reese,

We, the undersigned organizations, write to express our concern over the delay in FERC issuing a Notice of Application Accepted for Filing and Soliciting Comments, Motions to Intervene, and Protests regarding Pacific Gas and Electric Company's 2025 Minimum Instream Temporary Flow Amendment Request for the Potter Valley Hydroelectric Project, filed with FERC on February 14, 2025.¹ To our knowledge, the Commission has yet to issue the Notice providing for comments on the proposal.

We are concerned that the delay in soliciting comments, motions to intervene, and protests on this request jeopardizes PG&E's ability to ensure the timely implementation of measures critical to protecting imperiled salmonid species in the Eel River. Time is running out to mitigate the expected summer risks to ESA-listed steelhead that Project operations will cause. The core action proposed by the 2025 Minimum Instream Temporary Flow Amendment Request would be triggered by temperatures that normally can occur in June, now scarcely more than two months off:

¹ FERC Doc. Acc. No. 20250214-5221

(w)hen daily average water temperatures exceed 15°C (which could occur beginning in June, assuming median and average values...), PG&E will notify Agencies and begin meeting weekly to determine if diversions to the (East Branch Russian River), as measured at E-16, should be further reduced in support of preserving water storage for cooler release temperatures.

As highlighted in previous communications, the Potter Valley Project's operations are constrained by the lack of power generation,² reservoir drawdown protections in Lake Pillsbury due to excess sedimentation,³ and reduced storage capacity due to seismic risks.⁴ Those factors create operational constraints for the Project, resulting in warmer reservoir temperatures. As PG&E explains in their 2025 Minimum Instream Temporary Flow Amendment Request the options for mitigating high water temperatures from being released from the Lake Pillsbury reservoir in the late-summer and early fall months are limited:

*The limited options are caused by the relatively shallow reservoir (small, deep-water volume), minimal spring/summer reservoir inflow that is typically warm, and summer withdrawals that are made from a low-level outlet that mixes the warm, upper layers of the reservoir throughout the water column.*⁵

High water temperatures exacerbate the stress on juvenile steelhead trapped below Scott Dam, increasing predation and competition by non-native Sacramento pikeminnow.⁶

The operational challenges caused by reduced coldwater storage capacity, coupled with the increasing unpredictability of precipitation and warm summer temperatures, make it impossible for PG&E to meet the 2003 Reasonable and Prudent Alternative (RPA) flow schedule without risking severe harm to listed species.⁷ This situation demands proactive management.

Delay in Commission approval of a variance requested to mitigate these operational constraints has already proven detrimental. The 2023 temporary flow variance requested by PG&E in May 2023 was approved in October 2023—far too late to preserve adequate storage in Lake Pillsbury to mitigate rising water temperatures⁸. Consequently, water temperatures at the Scott Dam outlet exceeded 19°C for over 40 consecutive days, with peak temperatures surpassing 21°C.⁹ These conditions exacerbated stress on juvenile steelhead trapped below the dam, undermining species recovery efforts. In contrast, earlier implementation of a variance in 2022 demonstrated the effectiveness of proactive measures in maintaining cooler water temperatures essential for the

² FERC Doc. Acc. No. 20241121-3117

³ Follow-Up on Order Granting Temporary Variance of Minimum Flow, Potter Valley Project at p. 4, FERC Doc. Acc. No. 20170403-5462

⁴ Results of Simplified Seismic Stability Analysis and Proposed Interim Risk-Reduction Measure for the Scott Dam of the Potter Valley Hydroelectric Project under P-77. FERC Doc. Acc. No. 20230317-5114

⁵ FERC Doc. Acc. No. 20250214-5221 p. 3.

⁶ Ibid, p. 11.

⁷ Ibid, p. 2.

⁸ PG&E, Potter Valley Hydroelectric Project, FERC No. 77-CA 2024 Minimum Instream Flow Variance Request Due to Restricted Storage Capacity (FERC Docket No. P-77) (February 21, 2024) Doc. Accession No. 20240222-5015 p. 6

⁹ FERC Doc. Acc. No. 20250214-5221 p 7.

survival of these species.¹⁰ As a result, PG&E is proposing a flexible management release strategy to support the preservation of water storage for cooler release temperatures.¹¹

FERC has yet to act on PG&E's submittal of an Application for Non-Capacity License Amendment¹² or its 2025 Minimum Instream Temporary Flow Amendment Request. This raises significant concerns because the window for preserving sufficient storage and implementing effective flow management measures is rapidly closing. Without an approved license amendment, PG&E will be forced to operate the Project under a flow schedule that relies on storage capacity the Project no longer has. The foreseeable spike in water temperatures in the upper Eel River below Scott Dam that would result from prematurely drawing down the Lake Pillsbury reservoir pool could severely harm listed salmonid populations.

In 2022, the National Marine Fisheries Service confirmed that both of the Project dams on the Eel River were implicated in the continued take of salmon and steelhead listed under the federal Endangered Species Act.

As NMFS explained in its March 16, 2022, letter to the Commission:

NMFS' 2002 Opinion on the amendment to the Project license identified RPAs and provided incidental take authorization for implementing the proposed action for a 20-year period, which elapses on April 14, 2022. The 20-year duration of the proposed action is a central component of the Opinion. We relied upon this set duration to: (1) assess the effects of the proposed action; (2) develop the RPAs necessary to avoid jeopardy and the destruction or adverse modification of critical habitat; and (3) evaluate the effectiveness of the RPAs over the expected life of the proposed action. Based on information currently available, we conclude 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.

We appreciate PG&E taking steps to try to mitigate these impacts while they work to surrender their license and decommission the Project. We write to urge FERC to take immediate steps to help address this issue by:

- Promptly issuing a Notice of Application Accepted for Filing and Soliciting Comments, Motions to Intervene, and Protests re Pacific Gas and Electric Company's 2025 Minimum Instream Temporary Flow Amendment Request.
- Expediting the review of comments and approval of the Temporary Flow Amendment request once the comment, motion to intervene, and protest window closes
- Establishing a schedule for the steps necessary to solicit comments, assess, and approve the Non-Capacity License Amendment to ensure it is in place no later than March of 2026 to prevent the need for additional temporary measures.

¹⁰ Ibid, see p 5

¹¹ Ibid, see pp 7-8.

¹² FERC Doc. Acc. No. 20250130-5282

- Establishing a schedule for surrendering the license for the Potter Valley Project once PG&E submits its License Surrender Application in July.

Thank you for your attention to this critical issue. We appreciate your prompt action to safeguard the Eel River's ecological and cultural resources while PG&E works to complete the surrender of its license for the Potter Valley Project.

Sincerely,

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California Trout

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