

SAVE CALIFORNIA SALMON

July 23, 2026

Filed electronically via FERC eFiling

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

Re: Scoping Comments from Save California Salmon on the Surrender and Decommissioning of the Potter Valley Hydroelectric Project No. P-77-332

Dear Secretary Reese:

Save California Salmon (“SCS”) submits these comments in response to Scoping Document 1 (“SD1”), issued May 22, 2026, for Pacific Gas and Electric Company’s (“PG&E”) application to surrender the license for, and decommission, the Potter Valley Hydroelectric Project No. P-77-332 (Project), and for the associated non-project use of project lands to construct the New Eel-Russian Facility (“NERF”). SCS as an organization is committed to the protection of cultural resources and Tribal rights, watershed and fisheries restoration, and the recovery of Pacific salmon and steelhead in the Eel River basin. SCS supports surrender and full removal of Scott Dam and Cape Horn Dam and offers the following recommendations to ensure that the Federal Energy Regulatory Commission’s (“Commission”) National Environmental Policy Act (“NEPA”) review is thorough, that Tribal and cultural resources are protected and meaningfully considered, and that the decommissioning advances the recovery of the Eel River’s imperiled salmon and steelhead.

Summary of Recommendations

SCS respectfully requests that the Commission:

- **Prepare an Environmental Impact Statement (“EIS”)** rather than an Environmental Assessment, given the scale, complexity, controversy, and significance of the effects of removing two century-old dams.
- **Maintain that surrender and dam removal is the only reasonable action alternative**, and give no further weight to non-removal proposals that lack a willing, qualified, and financially capable operator.
- **Add a no-diversion alternative to detailed study**, rather than eliminating decommissioning-without-the-NERF from analysis (SD1 § 3.4.3).
- **Conduct robust, early, government-to-government Tribal consultation and complete Section 106 review**, and analyze the exposure, erosion, and disturbance of cultural resources and human remains during reservoir drawdown.

- **Fully analyze and mitigate effects on ESA-listed salmonids** during drawdown, sediment release, and construction, including sediment characterization, turbidity thresholds, and protective construction windows.
- **Require enforceable restoration standards, quantitative success criteria, adaptive management, and long-term monitoring** for the reservoir footprints and affected reaches.

The Commission Should Prepare an Environmental Impact Statement

SD1 states that the decision whether to prepare an EA or an EIS will be made after scoping (SD1 § 6.0). An EIS is warranted here. Per the Commission’s Staff Guidance Manual of Implementation of NEPA, the Commission staff will prepare an EIS for proposed actions that have “a reasonably foreseeable significant effect on the quality of the human environment” (FERC, Staff Guidance Manual on Implementation of NEPA. P. 10. (June 2025)). The removal of Scott and Capehorn dams will affect a National Wild and Scenic River, ESA-listed species, and Tribal resources of profound cultural significance. Effects of this magnitude, which span geology, hydrology, water quality, anadromous fisheries, marine and estuarine resources, and cultural and Tribal resources, are the paradigm of “significant” effects for which NEPA requires an EIS (42 U.S.C. § 4321 et seq.; 18 C.F.R. Part 380; FERC, Staff Guidance Manual on Implementation of NEPA (June 2025)). Given the imminent changes to the watershed and surrounding land with the return to a more natural flow state and the changes in local water usage, the significant impacts from decommissioning and removal of the dams are “reasonably foreseeable.” Additionally, the high level of public interest and controversy reinforces the need for the fullest analysis and public process an EIS provides.

The NEPA Document Should Confirm That Surrender and Dam Removal Is the Only Reasonable Action Alternative

The Scoping Document already eliminates every non-removal path, and the NEPA document should reconfirm this. A no-action alternative is not reasonable because PG&E has determined the Project is uneconomic to operate and has declined to seek a new license (SD1 § 3.1); the powerhouse has been inoperable since 2021; and no qualified applicant emerged after the Commission solicited other applicants following PG&E’s 2019 withdrawal (SD1 § 1.1). Additionally, the seismic issues associated with Scott Dam, which prompted PG&E to hold the spillway gates open year-round and impose a ten-foot restriction on reservoir level, reducing usable storage to approximately 43,248 acre-feet (SD1 § 1.2 n.8), make indefinite retention a growing public-safety liability. SCS supports the Commission’s removal of a no-action alternative and urges the Commission to give no further analytical weight to late or speculative proposals to keep the dams in place.

The Commission Should Fully Analyze a No-Diversion Alternative

While SCS supports the NERF and its inclusion in the decommissioning process, we oppose FERC staff’s proposal to eliminate surrender and decommissioning without the NERF from detailed study. The Commission’s reasoning rests on a contractual arrangement that can be dissolved, not on environmental infeasibility. NEPA requires the Commission to consider a reasonable range of alternatives, including alternatives that would more fully restore the affected environment. While we support the NERF, if a no-diversion alternative is not explored, hang-ups in NERF funding or operations could significantly delay dam removal, which would cause continued harm to Eel River fisheries.

Cultural and Tribal Resources: Scope of Analysis and Consultation

The Eel River basin is the ancestral homeland of the Round Valley Indian Tribes, Potter Valley Tribe, Wiyot Tribe, and other Tribes with deep cultural, spiritual, and subsistence ties to the river and its salmon (see SD1 § 7.0, Mailing List). The Commission's NEPA review must be closely coordinated with its independent obligations under Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108; 36 C.F.R. Part 800) and, where human remains or cultural items are implicated, the Native American Graves Protection and Repatriation Act ("NAGPRA") (25 U.S.C. § 3001 et seq.). SCS recommends the following scope:

- **Early, meaningful, government-to-government consultation.** Consultation with affected Tribes should begin now, at scoping, and continue through issuance of any surrender order. Tribes should help define the scope of potential effects, the research design for cultural-resource studies, and the treatment measures.
- **Reservoir drawdown as a cultural-resource action, not merely a hydrologic one.** Draining Lake Pillsbury and Van Arsdale Reservoir has the potential to expose long-inundated archaeological sites, sacred places, and potentially human remains to erosion, looting, vandalism, and inadvertent damage (SD1 §§ 4.2.13, 4.2.14). The NEPA document should analyze these exposure and erosion effects across the full drawdown-to-restoration period and evaluate protective measures (access control, monitoring, timing, and stabilization).
- **Ethnographic, ethnobotanical, and traditional-cultural-property studies.** The analysis should identify traditional cultural properties, cultural landscapes, ceremonial areas, and ethnobiological resources, developed with Tribal knowledge holders, and assess effects on continued Tribal access and use (SD1 § 4.2.14).
- **A Historic Properties Management Plan and Memorandum of Agreement.** Any surrender order should be conditioned on a Commission-approved Historic Properties Management Plan/MOA that is developed with all affected Tribes and the State Historic Preservation Officer. It should be finalized before ground-disturbing work begins. It should include a Tribal monitoring program and an inadvertent discovery and repatriation protocol consistent with NAGPRA.
- **Downstream and estuarine cultural resources.** Sediment release and altered hydrology can affect traditional fishing places, village sites, and cultural resources far downstream, including in the Eel River estuary and Wiyot ancestral territory. The analysis should extend beyond the immediate project area.
- **Restorative benefits to Tribal culture.** The Commission should weigh the affirmative cultural benefit of restoring volitional passage to approximately 288 square miles of watershed above Scott Dam and re-establishing a free-flowing Eel River. Salmon are central to the traditional, cultural, subsistence, and spiritual practices that the Project has impaired for over a century, and the transfer of the diversion right to the Round Valley Indian Tribes under the 2025 water agreement is itself a matter of Tribal rights. These restorative effects are properly part of the NEPA balance, not merely the construction-phase risks.

Protection of Salmonids and Aquatic Resources During and After Decommissioning

The Eel River supports salmon and steelhead listed as threatened under the Endangered Species Act, including California Coastal Chinook salmon, the Northern California steelhead Distinct Population Segment, and Southern Oregon/Northern California Coast Coho salmon (see SD1 §§ 4.1, 4.2.8, citing the Coastal Multispecies Recovery Plan (NMFS 2016)). The Commission must consult under Section 7 of the ESA (16 U.S.C. § 1536; 50 C.F.R. Part 402) and address essential fish habitat under the Magnuson-Stevens Act (16 U.S.C. § 1855(b); SD1 § 4.2.5). SCS requests that the NEPA document specifically analyze and mitigate the following:

- **Sediment mobilization and turbidity.** PG&E's phased-removal analysis contemplates flushing roughly 1.1 million cubic yards in year one, 8.5 million in year two, and 2.4 million in year three (SD1 § 3.4.1). Whatever removal sequence is selected, the resulting multi-year turbidity and fine-sediment deposition can smother redds, impair dissolved oxygen, and reduce juvenile survival. The NEPA document should quantify sediment volume and grain-size distribution, model downstream transport and deposition, and set numeric turbidity and suspended-sediment thresholds tied to defined response actions.
- **Protective construction and drawdown windows.** Drawdown, dam removal, and in-water work should be sequenced to avoid critical adult migration, spawning, incubation, and juvenile out-migration windows for each listed species. The Aquatic Resources Management Plan and Sediment/Channel Monitoring and Response Plan (due July 25, 2027; SD1 §§ 3.2, 6.0) should contain these windows and be filed for public and agency review.

Restoration Standards, Success Criteria, and Long-Term Monitoring

A durable ecological outcome depends on restoration commitments that outlast the construction period. Consistent with the Commission's Decommissioning Policy Statement (Project Decommissioning at Relicensing, FERC Stats. & Regs. ¶ 31,011 (1994) (cross-referenced at 69 FERC ¶ 61,336)), any surrender order should require restoration of the Lake Pillsbury and Van Arsdale footprints and affected reaches to be governed by measurable, enforceable standards rather than best-management practices alone. SCS requests that the NEPA document and any surrender conditions include: quantitative success criteria for native revegetation and riparian recovery; an invasive-species prevention and control program; erosion- and slope-stability controls at the exposed reservoir margins and the known landslide area near Scott Dam (SD1 §§ 4.2.1, 3.2); a multi-year monitoring program with adaptive-management triggers and corrective-action obligations; and assurance of adequate funding to complete restoration and monitoring. The Commission should also ensure continuity of jurisdiction and responsibility during and after NERF construction, so that removal of NERF lands from the license (SD1 § 3.2) does not create gaps in restoration accountability.

Conclusion

SCS supports the surrender of the Potter Valley Project license and the removal of Scott and Cape Horn dams, and urges the Commission to prepare an EIS that (1) confirms removal as the only reasonable action alternative, (2) fully analyzes a no-diversion alternative, (3) protects cultural and Tribal resources through early consultation and enforceable Section 106 measures, (4) provides safeguards for ESA-listed salmonids during and after decommissioning, and (5) secures durable restoration through measurable

standards and long-term monitoring. SCS appreciates the opportunity to comment and requests to remain on the service and mailing lists for this proceeding.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brook M. Thompson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Brook M Thompson
Interim Executive Director
Save California Salmon
brook@californiasalmon.org
+1 503 754 9501

REFERENCES

Proceeding Record and Governing Authority (cited throughout)

FERC, Scoping Document 1, Potter Valley Hydroelectric Project No. 77-332 (May 22, 2026). FERC eLibrary (search “P-77-332”): <https://elibrary.ferc.gov/eLibrary/search>

Pacific Gas & Electric Co., Final Application for Surrender of License and Application for Non-Project Use of Project Lands, Potter Valley Hydroelectric Project (filed July 25, 2025). FERC eLibrary (P-77-332); PG&E proceeding site: <https://www.pottervalleysurrenderproceeding.com/>

FERC, Potter Valley Hydroelectric Project — project information page:
<https://www.ferc.gov/potter-valley-hydroelectric-project>

FERC, Notice of Application for Surrender of License ... Accepted for Filing, Soliciting Comments, Motions to Intervene, and Protests (Fed. Reg., Nov. 25, 2025):
<https://www.federalregister.gov/documents/2025/11/25/2025-20916/pacific-gas-and-electric-company-notice-of-application-for-surrender-of-license-and-non-project-use>

FERC, Notice of Scoping Meetings and Request for Comments (Fed. Reg., May 29, 2026):
<https://www.federalregister.gov/documents/2026/05/29/2026-10658/pacific-gas-and-electric-company-notice-of-scoping-meetings-and-request-for-comments-on-proposed>

Federal Power Act § 6 (authority for license surrender), 16 U.S.C. § 799:
<https://www.law.cornell.edu/uscode/text/16/799>

FERC surrender-of-license regulations, 18 C.F.R. Part 6:
<https://www.ecfr.gov/current/title-18/chapter-I/subchapter-B/part-6>

FERC eLibrary (docket search): <https://elibrary.ferc.gov/eLibrary/search>

FERC eComment / eFiling (to submit comments): <https://ferconline.ferc.gov/FERCOOnline.aspx>

The Commission Should Prepare an Environmental Impact Statement

National Environmental Policy Act, 42 U.S.C. § 4321 et seq.:
<https://www.law.cornell.edu/uscode/text/42/chapter-55>

FERC NEPA implementing regulations, 18 C.F.R. Part 380:
<https://www.ecfr.gov/current/title-18/chapter-I/subchapter-W/part-380>

FERC, Staff Guidance Manual on Implementation of the National Environmental Policy Act (June 2025):
<https://www.ferc.gov/media/staff-guidance-manual-implementation-national-environmental-policy-act-june-2025s>

Wild and Scenic Rivers Act (Eel River designation), 16 U.S.C. § 1271 et seq.:
<https://www.law.cornell.edu/uscode/text/16/chapter-28>

The Commission Should Fully Analyze a No-Diversion Alternative

National Environmental Policy Act (requirement to consider a reasonable range of alternatives), 42 U.S.C. § 4321 et seq. — see Section III above; see also FERC NEPA regulations, 18 C.F.R. Part 380 (Section III).

Cultural and Tribal Resources: Scope of Analysis and Consultation

National Historic Preservation Act § 106, 54 U.S.C. § 306108:

<https://www.law.cornell.edu/uscode/text/54/306108>

Section 106 implementing regulations (“Protection of Historic Properties”), 36 C.F.R. Part 800:

<https://www.ecfr.gov/current/title-36/chapter-VIII/part-800>

Native American Graves Protection and Repatriation Act, 25 U.S.C. § 3001 et seq.:

<https://www.law.cornell.edu/uscode/text/25/chapter-32>

Protection of Salmonids and Aquatic Resources During and After Decommissioning

Endangered Species Act § 7 (interagency consultation), 16 U.S.C. § 1536:

<https://www.law.cornell.edu/uscode/text/16/1536>

ESA interagency consultation regulations, 50 C.F.R. Part 402:

<https://www.ecfr.gov/current/title-50/chapter-IV/subchapter-A/part-402>

Magnuson-Stevens Fishery Conservation and Management Act (essential fish habitat consultation), 16 U.S.C. § 1855(b): <https://www.law.cornell.edu/uscode/text/16/1855>

NMFS, Final Coastal Multispecies Recovery Plan for California Coastal Chinook Salmon, Northern California Steelhead, and Central California Coast Steelhead (Oct. 2016):
<https://www.fisheries.noaa.gov/resource/document/final-coastal-multispecies-recovery-plan-california-coastal-chinook-salmon>

NMFS, Coastal Multispecies Recovery Plan, Vol. III — Northern California Steelhead DPS (2016):
https://media.fisheries.noaa.gov/dam-migration/2016-multispecies-recovery_plan-vol3.pdf

Restoration Standards, Success Criteria, and Long-Term Monitoring

FERC, Project Decommissioning at Relicensing, Policy Statement, FERC Stats. & Regs. ¶ 31,011 (1994) (cross-referenced at 69 FERC ¶ 61,336). Available via FERC eLibrary.