

UNITED STATES OF AMERICA

BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

In Re:) Docket Nos. 77-000; 77-001; 77-318
Potter Valley Hydroelectric Project)

COMMENTS OF THE COUNTY OF LAKE TO PG&E'S FILED CORRESPONDENCE
DATED JANUARY 24, 2025 AND FEBRUARY 20, 2025

Pursuant to 18 C.F.R. Section 2.1a, the County of Lake hereby submits its comments to PG&E's filed correspondence dated January 24, 2025 and February 20, 2025 in the above-referenced proceeding.

In a letter dated July 29, 2022, FERC approved PG&E's proposed process plan and schedule, which set PG&E's deadline to submit its Final Draft Surrender Application and Decommissioning Plan on January 25, 2025. On January 24, 2025, Pacific Gas & Electric Company (PG&E) filed correspondence informing this Commission that it has adjusted the schedule for the Final Draft Surrender Application and Decommissioning Plan to be provided to agencies and stakeholders from January 25, 2025 to January 31, 2025. The County of Lake received this Draft Application the afternoon of January 31, 2025, with a deadline to submit comments by March 3, 2025. This provided the parties less than twenty-one (21) business days to submit substantive comments on a 2,086 page document. Since November of 2024, PG&E repeatedly refused to stipulate to extend the deadlines in said proposed schedule. This refusal, along with unilaterally extending its own deadline to submit this Draft Application prejudices the other parties in being at the mercy of PG&E's own arbitrary schedule changes without FERC approval.

Furthermore, the schedule as approved in 2022 does not account for the recent changes initiated by President Donald J. Trump in 2025. On January 24, 2025, President Trump signed Executive Order 14181: "Emergency Measures To Provide Water Resources in

California and Improve Disaster Response in Certain Areas.” In this Executive Order, President Trump requests that the Secretary of the Interior and the Secretary of Commerce, “immediately take actions to override existing activities that unduly burden efforts to maximize water deliveries.” By approving Decommissioning of Scott Dam, FERC would “unduly burden” many communities that rely on Lake Pillsbury, minimizing water deliveries to our farmers and other end users, including water flows in fire hydrants.

The Executive Order continues by highlighting the need to, “deliver more water and produce additional hydropower, including by increasing storage and conveyance....to high-need communities.” While this statement is specific to a Central Valley Project, we see the parallels in the current needs of Southern California to the constant needs of Lake County and Northern California where large and devastating wildfires have affected our communities for the past 10 years. Lake County, alone, has endured more than 10 devastating wildfires in that timeframe, with many receiving State and Federal Emergency Declarations. Reducing water storage is not what California needs, and it is not what Lake County needs at all, especially in the surrounding areas of Lake Pillsbury.

On January 20, 2025, President Trump signed Executive Order 14156: “Declaring a National Energy Emergency.” In this Executive Order, President Trump requests increases to our supply of energy, stating our “generation capacity of the United States are all far too inadequate to meet our Nation’s needs.” While the Executive Order is specific to developing and creating new facilities to provide the nation’s energy, FERC will be reviewing PG&E’s plan for Decommissioning of the Potter Valley Project’s Scott Dam, which has the potential to generate at least 9.4 megawatts of energy. The Executive Order, in Section 7, speaks to “the Department of Defense’s ability to acquire and transport the energy needed to protect the homeland....with a focus on such vulnerabilities within the Northeast and West Coast regions

of the United States.”

The State of California issued its own Executive Order related to the preservation of water. On January 31, 2025, California Governor Gavin Newsom signed Executive Order N-16-25, directing the Department of Water Resources, the State Water Resources Control Board, the Natural Resources Agency, and the Environmental Protection Agency to maximize storage of excess flows due to winter storms. In light of this Executive Order, the County recognized that the potential loss of Scott Dam, the headwaters of the Eel River, would be detrimental to public safety and water supply security in a fire-prone region.

In its January 30, 2025 license amendment application requesting changes to minimum flow requirements, PG&E argued that a Clean Water Act 401 Certificate was not necessary due to potential increased discharges to navigable waters. This prompted the California State Water Resources Control Board (SWRCB) to file its February 24, 2025 responsive comments disputing PG&E’s view, which is contrary to the standard under 33 U.S.C. Section 1341(a)(1). While PG&E eventually applied for this certification, these recent filings underscores PG&E willingness to bypass clean water requirements and review for purposes of expediting their schedule at the expense of violating statutes and the aforementioned executive orders.

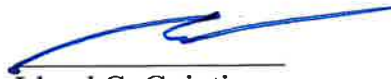
Conclusion

PG&E does not want to continue operating Scott Dam, as it wants to expedite the process of decommissioning at the expense of the other parties in this docket proceeding. The decommissioning of Scott Dam would be contrary to the President Donald J. Trump’s Executive Orders and the Executive Orders of California Governor Gavin Newsom. If FERC cannot convince or compel PG&E or another Federal agency to continue operation of the dam, there will be devastating impacts to our infrastructure, economy, and public safety. There

are other alternatives previously not given due consideration at the Federal level that could still be explored.

Dated: March 13, 2025

Respectfully submitted,



Lloyd C. Guintivano
County Counsel
County of Lake

CERTIFICATE OF SERVICE

I hereby certify that Comments of the County of Lake has been served upon each person designated on the attached official P-77-000 service list compiled by the Commission in this proceeding via electronic mail or first-class mail.

Dated this 13th day of March, 2025



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