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March 4, 2025

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

**Re: American Whitewater's Comments on Pacific Gas & Electric Company's Draft License Surrender Application for the Potter Valley Hydroelectric Project (P-77)**

Dear Secretary Reese:

American Whitewater submits the enclosed comments on Pacific Gas & Electric Company's (PG&E) Draft License Surrender Application.

We appreciate PG&E's efforts to engage stakeholders at multiple stages, including the Initial Draft in December 2023 and the current Draft License Surrender Application. While the formal surrender and decommissioning proceeding has yet to begin, we believe it is valuable to submit our comments to the Project's docket.

In our comments, we commend PG&E for providing detailed plans for dam removal and for clarifying that the future diversion facility is separate from the decommissioning process. We also highlight concerns about the lack of a clear plan to address recreational impacts, including access, safety, and stakeholder involvement in developing a recreation management plan that accounts for whitewater boating.

We appreciate the opportunity to contribute to this process and look forward to continued engagement.

Sincerely,

A handwritten signature in black ink that reads "Scott Harding". The signature is written in a cursive, flowing style.

Scott Harding  
Stewardship Associate

**ENCLOSURE**

American Whitewater Comments on  
PG&E's Draft License Surrender Application  
for the Potter Valley Hydroelectric Project, P-77  
(March 3, 2025)



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Stewardship Associate  
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March 3, 2025

Tony Gigliotti  
Senior Licensing Project Manager  
Power Generation  
P.O. Box 28209  
Oakland, CA 94604

**Re: Comments on Draft License Surrender Application**

Dear Mr. Gigliotti:

American Whitewater appreciates the level of detail provided in PG&E's Draft License Surrender Application and Application for Non-Project Use of Project Lands as well as the opportunity to provide comments. We strongly support key components of PG&E's proposal, including:

1. Decommissioning and removal of Scott and Cape Horn dams
2. Separation of the New Eel-Russian Facility (NERF) from the FERC proceeding
3. Restoration of Project facilities and sites.

We also support PG&E's expedited dam removal timeline, which proposes to remove Scott Dam over two years and conduct Cape Horn Dam removal and NERF construction in the same period. These decisions provide the best available path to restoring a free-flowing Eel River, improving fish passage, and minimizing decommissioning impacts.

However, the Draft Surrender Application lacks sufficient analysis and planning in several areas critical to recreation, public access, and river management following dam removal. In the comments below, we identify key areas where additional assessment, stakeholder engagement, and clarity from PG&E are necessary. Our comments focus on:

- Ensuring complete documentation of existing and future whitewater recreation opportunities
- Addressing post-dam removal river access needs
- Following FERC precedent for addressing recreation impacts in decommissioning proceedings
- Assessing post-removal river conditions, flow changes, and potential hazards
- Ensuring the continuation of critical river gages
- Evaluating compliance with the federal and state Wild and Scenic Rivers Acts

While PG&E's proposal represents a significant step toward restoring the Eel River, we urge PG&E to proactively address these recreation and river management concerns in the License Surrender Application and Decommissioning Plan, rather than waiting for FERC to impose requirements to do so later when it may slow progress toward project decommissioning.

Sincerely,

A handwritten signature in black ink that reads "Scott Harding". The signature is written in a cursive, slightly slanted style.

Scott Harding  
Stewardship Associate  
American Whitewater

## American Whitewater’s Comments on PG&E Draft LSA, P-77

### Comment 1: Ensuring Complete and Accurate Documentation of Whitewater Recreation

American Whitewater appreciates that the Draft License Surrender Application provides a fairly complete overview of whitewater recreation on the Eel River in the vicinity of the project area.

However, the document omits two whitewater boating runs upstream of Lake Pillsbury. This omission is significant, as these whitewater runs require boaters to paddle several miles across Lake Pillsbury to the take-out at one of the Project’s developed recreation sites or an informal boat ramp on PG&E-owned land. The removal of Scott Dam will alter these whitewater runs by transforming the lake reach to a river reach and by necessitating that boaters use different take-outs that facilitate river, rather than reservoir, access.

To ensure the LSA accurately represents existing whitewater resources, we request that PG&E update Table 3.3.9-3 and Map 3.3.9-4 (Whitewater boating runs on the Eel River) to include the following additional two runs:

- 1) Upper Main Eel

<b>Segment/Run Name</b>	Eel River from Horse Creek to Lake Pillsbury (Upper Main Eel)
<b>Put-in</b>	Horse Creek confluence
<b>Take-out(s)</b>	Lake Pillsbury (Sunset CG, Pillsbury Pines Day Use Area, Navy CG, or Fuller Grove CG)
<b>Gradient</b>	35 to 199 feet/mile
<b>Approximate Length</b>	18 miles (13 on river + 5 on lake)
<b>Duration</b>	1 day

<b>Overall Rating</b>	IV-V
<b>Boatable Flow Range</b>	600-1,500 cfs
<b>Notes</b>	Unique, beautiful canyon with fun rapids that can be done as a long day trip. Can be extended upstream by putting in at M1 Road bridge, adding two miles of steep whitewater. Mandatory portage at Bloody Rock near river mile five. Requires paddling five miles across Lake Pillsbury to reach take-out at PG&E recreation site. Following Scott Dam removal, boaters will need a new take-out location.

Additional information on the Upper Main Eel can be found at:

- American Whitewater River Database:  
<https://www.americanwhitewater.org/content/River/view/river-detail/180/main>
- Holbek, L., & Stanley, C. (1988). *The Best Whitewater in California* (3rd ed.), p. 12.
- Menton, D. (2016). *The New School Guide to Northern California Whitewater*, p. 220.

2) Rice Fork

<b>Segment/Run Name</b>	Rice Fork of the Eel River from Bear Creek to Lake Pillsbury Boat Ramp
<b>Put-in</b>	Road M10 near Bear Creek confluence
<b>Take-out(s)</b>	Lake Pillsbury (informal boat access on left, accessed via Gravelly Valley Rd.)
<b>Gradient</b>	31 feet/mile

<b>Approximate Length</b>	9 miles (7 on river + 2 on lake)
<b>Duration</b>	1 day
<b>Overall Rating</b>	II-III(V)
<b>Boatable Flow Range</b>	600-1,500 cfs
<b>Notes</b>	A lesser-known upper fork of the Eel River than runs on rain and some early season snowmelt. Most of the rapids are Class II, but there is a steeper section in the middle of this run that includes a IV+/V- rapid plus some Class III drops. Requires paddling approx. two miles across Lake Pillsbury to reach informal boat ramp take-out on PG&E land. Following Scott Dam removal, boaters will need a new take-out location.

Additional information on the Rice Fork can be found at:

- American Whitewater River Database: <https://www.americanwhitewater.org/content/River/view/river-detail/11703/main>
- California Creeks: <https://cacreeks.com/eel-rice.htm>

Additionally, the Draft LSA includes acknowledgment of the whitewater boating run on the East Branch Russian River on p. 3.3.9-24. We find the information to be generally correct and point out that additional information is available in the American Whitewater River Database: <https://www.americanwhitewater.org/content/River/view/river-detail/274/main>. We concur that this is a whitewater boating run that depends almost exclusively on the diverted water of the Eel River. Although boating opportunities on this run would be reduced were diversions into

the East Branch to cease, the cessation (or reduction) of diversions would augment flows and benefit river recreation opportunities on the Eel River.

### **Comment 2: Addressing Post-Dam Removal River Access**

Whitewater boating on the Eel River upstream and downstream of Lake Pillsbury and Van Arsdale Reservoir has depended upon river access on PG&E project lands. Continued access to these runs will largely depend on how project decommissioning addresses key access sites, particularly where existing recreation facilities, river access sites, and reservoir access sites used by whitewater boaters will be removed. The two runs originating upstream of Lake Pillsbury—the Upper Main Eel and the Rice Fork—will be directly affected by dam removal, requiring the use of non-reservoir-based take-out locations. To ensure ongoing public access to the Eel River and the Rice Fork and to mitigate the impacts of project decommissioning on recreation, PG&E must identify and support the development of alternative river access sites as part of project decommissioning (Comment 3 addresses relevant FERC precedent in license surrender proceedings.)

Key access needs include:

- Take-out access for the Upper Main Eel: Boaters currently take out at one of several PG&E-owned or operated recreation sites on Lake Pillsbury, including Pillsbury Pines Day Use Area, Sunset Campground, Navy Campground, and Fuller Grove Campground. The removal of these facilities and the lack of road access to the restored river within the Lake Pillsbury footprint necessitate the identification and possible development of an alternate river access site.
- Take-out access for the Rice Fork: Boaters currently take out at an informal boat ramp on PG&E-owned land on the reservoir. The removal of the boat ramp and lack of road access to the restored river within the Lake Pillsbury footprint will require the identification and possible development of an alternate river access site.
- Put-in access for the reach below Scott Dam: Boaters have historically accessed the river via the Elk Mountain Road bridge right-of-way. Continued legal access to the river within the road right-of-way will be unaffected by project decommissioning; however, there is an opportunity for PG&E to assist with access improvements at this location to the extent that the current landowner and conservation easement holder are willing. A new access could potentially be developed in the vicinity of the Scott Dam site, serving not only the boating run downstream of there, but also serving as a take-out for the two upstream runs (Upper Main Eel and Rice Fork). These opportunities should be explored as part of decommissioning.



- River access at Trout Creek Campground: If this facility is sold or disposed of as part of the decommissioning process, steps should be taken to ensure continued public access to the river at this location.
- Continued river access at the Lower Eel Bridge: The north side of the river at this location has been an important access point and should remain publicly available. Access at the Cape Horn Dam site, downstream of the NERF: This location will serve as both a put-in and take-out for different user groups and should be formally designated as a river access site.
- Others which may be identified by a systematic analysis conducted as part of the decommissioning planning process.

Addressing these river access needs on PG&E's retained lands would be consistent with preserving and enhancing the recreation beneficial public value recognized in the Eel River Planning Unit Land Conservation and Conveyance Plan.

**Comment 3: Precedent for Addressing Recreational Impacts in FERC License Surrender Proceedings**

PG&E has indicated that it does not intend to manage recreation or recreation facilities following license surrender and decommissioning. We understand the company's position and do not believe that PG&E has an obligation to do so. Numerous precedents exist within FERC decommissioning proceedings where recreational issues were addressed through requirements set forth in the Surrender Order and in associated management plans, such as recreation or access plans.

We recognize that PG&E has not yet developed individual management plans to accompany its License Surrender Application, including a Recreation Facilities Plan (or similar). While every proceeding is unique, FERC policy and precedent provide clear guidance on how decommissioning impacts to recreation have been handled in past cases. At this stage, it is critical to ensure that the approach taken in this proceeding is informed by past Commission decisions, which have consistently required measures to address changes in recreation access, facility modifications, and site restoration as part of decommissioning.

The following examples illustrate how FERC has required licensees to mitigate the recreational impacts of dam removal and project decommissioning in recent proceedings. These cases demonstrate that ensuring continued public access and recreation opportunities is an essential component of a well-planned decommissioning process.

We present examples in this section of other recent decommissioning proceedings where recreational issues were successfully addressed in the Surrender Order and associated plans.

We acknowledge that FERC’s Policy Statement on Decommissioning issued in 1994 states that the “Commission does not believe that, at that point, it has the authority to require the existing licensee to install new facilities, such as fish ladders,” and for “certain recreational opportunities in association with licensed activities, that obligation ends when the project is no longer licensed.”<sup>1</sup>

Policy statements provide guidance and elucidate certain principles, but it is important to understand how those policies are applied, particularly in the 30 years since this specific policy was issued.<sup>2</sup> Sub-regulatory policy does not carry the same force of law as promulgated regulations and can’t be relied upon as the sole basis for declaring that no obligation exists to provide recreation mitigation in a decommissioning proceeding. In the absence of a promulgated regulation, we need to look to current practice as it has evolved in the time since. Additionally, the Commission has made clear in other policy statements that they “will review every case on its facts and make in each instance the public interest determination required by the Federal Power Act.”<sup>3</sup>

We acknowledge that the Commission does not typically require new facilities to mitigate ongoing impacts of a project following decommissioning of a hydropower facility. Taking the example from the Policy Statement on Decommissioning, we would not expect the Commission to require a fish ladder on a dam that might remain following decommissioning of hydropower facilities.

In our experience, and consistent with the Policy Statement on Decommissioning, the Commission also does not impose an ongoing obligation for recreational activities following decommissioning. Applying this principle to the Potter Valley Project, we do not expect the Commission would impose ongoing responsibilities for PG&E to manage recreational opportunities following completion of the dam removal project.

The Commission has, however, required licensees to implement mitigation and one-time measures for the direct impacts of the action of dam removal. These mitigation measures have included the restoration of former reservoir lands, installation of large woody debris structures

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<sup>1</sup> Project Decommissioning at Relicensing; Policy Statement, December 14, 1994, 60 FR 339, (<https://www.govinfo.gov/content/pkg/FR-1995-01-04/pdf/95-63.pdf>)

<sup>2</sup> Note that this Policy Statement is not included on the Commission’s public list of Policy Statements (<https://www.ferc.gov/legal/maj-ord-reg/policy-statements.asp>)

<sup>3</sup> At Page 10, Policy Statement on Hydropower Licensing Settlement, September 21, 2006, 116 FERC ¶61,270, ([https://elibrary.ferc.gov/idmws/search/intermediate.asp?link\\_file=yes&doclist=4440814](https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=4440814))

or other habitat structures in newly-restored river channels, and construction or modification of structures affecting the human environment such as boat launches and bridges.

The Commission's decommissioning orders have explicitly addressed and required the retention, modification, or removal of existing recreation sites as well as the construction of new facilities, even in cases where the future land owner and site manager were not clearly identified at the time of decommissioning. These are not new facilities to address ongoing impacts or long-term obligations, but one-time actions to mitigate for the impacts of dam removal and the transition from a reservoir to a river environment.

We present this information in detail in these comments because, through the Commission's forthcoming decommissioning proceeding, American Whitewater will be seeking such mitigations for a restored Eel River as is consistent with past Commission policy and practice. We would like for PG&E to be informed and prepared to address these issues proactively and believe that the appropriate first place to do so is in the License Surrender Application and in its companion management plans that are presented to the Commission rather than awaiting the Commission to raise the issues and send PG&E back to address them.

The following are decommissioning proceedings that American Whitewater has participated in where recreational access to the waterway was explicitly addressed in the Commission's Decommissioning Order and supporting documents:

***Condit Dam Removal, White Salmon River (WA), P-2432***

PacifiCorp removed Condit Dam in 2012. American Whitewater was an active participant throughout the dam removal proceeding. While recreational benefits, including whitewater boating, were explicitly recognized in the Settlement Agreement for project removal to which American Whitewater was a signatory, a Recreation Plan was not explicitly referenced in the agreement.<sup>4</sup> In issuing a Decommissioning Order however, the Commission made clear that such a plan would be required and directed PacifiCorp to prepare a Recreation Facilities Plan and file for Commission approval.<sup>5</sup> PacifiCorp responded to this requirement by submitting a

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<sup>4</sup> Application for Amendment of License and for Approval of Offer of Settlement, Condit Hydroelectric Project (P-2342), October 21, 1999, FERC eLibrary Accession Number 19991025-0124, ([https://elibrary.ferc.gov/idmws/search/intermediate.asp?link\\_file=yes&doclist=2000050](https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=2000050))

<sup>5</sup> At Paragraph W, PacifiCorp P-2342, Order Accepting Surrender of License, Authorizing Removal of Project Facilities, and Dismissing Application for New License, December 16, 2010, 133 FERC 61,232, ([https://elibrary.ferc.gov/idmws/search/intermediate.asp?link\\_file=yes&doclist=13874131](https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=13874131))

Recreation Facilities Removal and Improvements Plan on March 16, 2011, and a Revised Recreation Facilities and Improvements Plan on May 27, 2011.<sup>6</sup>

The Revised Recreation Facilities and Improvements Plan required modifications to the water access facilities at Northwestern Lake Park, a reservoir-based recreation site that also served as a whitewater boating take-out for the reach of the river upstream. The purpose of the modifications was to ensure boater access to the restored river after dam removal. For the Potter Valley Project, a similar approach may be necessary for reservoir-based facilities on Lake Pillsbury that provide take-out access for whitewater boaters descending the Upper Main Eel and the Rice Fork.

PacifiCorp described the Northwestern Lake Park modifications as follows:

*Once the reservoir has been drained and stream contours have been established, the concrete boat ramp will be removed and a small, shallow semi-circular water cove boat launch and exit area extending to the new waterline will be constructed. The cove will be surfaced to allow for safe boater take-out from upstream locations. It is anticipated that the new boat launch will be completed during the summer of 2012.<sup>7</sup>*

PacifiCorp further committed to a new boat launch facility despite uncertainty over who the ultimate land owner and manager would be:

*The boat access point will be configured based on final contours in the vicinity of Northwestern Park during the 2012 summer. The purpose for the new boat launch is to provide both take out and launch capability for whitewater boats.<sup>8</sup>*

Today, more than a decade following Condit Dam removal, the long-term owner and manager of the new boat launch has yet to be determined, although the Forest Service is working to acquire the lands and become the long term owner and manager of the site. The future land owner was not identified in the Settlement Agreement or the Recreation Facilities and Improvements Plan. Identifying the future owner was not imposed as a condition of implementing the mitigation

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<sup>6</sup> Condit Hydroelectric Project Submittal of Revised Recreation Facilities Removal and Improvements Plan, FERC eLibrary Accession Number 20110527-5070, ([https://elibrary.ferc.gov/idmws/search/intermediate.asp?link\\_file=yes&doclist=13923525](https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=13923525))

<sup>7</sup> At Section 2.3, page 6, Condit Hydroelectric Project Submittal of Revised Recreation Facilities Removal and Improvements Plan, FERC eLibrary Accession Number 20110527-5070, ([https://elibrary.ferc.gov/idmws/search/intermediate.asp?link\\_file=yes&doclist=13923525](https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=13923525))

<sup>8</sup> At Section 2.3.2, page 8, Condit Hydroelectric Project Submittal of Revised Recreation Facilities Removal and Improvements Plan, FERC eLibrary Accession Number 20110527-5070, ([https://elibrary.ferc.gov/idmws/search/intermediate.asp?link\\_file=yes&doclist=13923525](https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=13923525))

requirements to provide access by the Commission in their Decommissioning Order,<sup>9</sup> Order Modifying and Approving Recreation Facilities Removal and Improvements Plan,<sup>10</sup> or Acceptance of Final Decommissioning Report and acknowledgment that license surrender is effective.<sup>11</sup>

Shortly after PacifiCorp filed its Revised Recreation Facilities and Improvements Plan for the Condit Project, the Commission issued an Order approving it with modifications.<sup>12</sup> Notably, the Commission required modification to the Plan and additional measures to ensure that access to the river for outfitters and the public would not be interrupted. Of specific concern was reconstruction of a bridge crossing the head of the reservoir that required extensive modifications to accommodate the transition from a reservoir to a river environment. This project blocked access to the primary access point; recognizing this, the Commission required “provisions to provide a temporary take-out for boaters exiting the river during bridge construction including a plan and schedule.”<sup>13</sup>

As noted in the introduction to this section, none of these details were covered in the Settlement Agreement, but were included as requirements in the Decommissioning Order and subsequent plan approvals. The measures were successfully implemented, accommodations for access were made, and outfitters and the general public were able to enjoy access to the river segment during the time of reservoir drawdown and throughout project implementation. The facility continues to be in active use today as the process of transferring the site to a long-term owner and manager remains underway.

### ***Dillsboro Dam Removal, Tuckasegee River (NC), P-2602***

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<sup>9</sup> PacifiCorp P-2342, Order Accepting Surrender of License, Authorizing Removal of Project Facilities, and Dismissing Application for New License, December 16, 2010, 133 FERC 61,232, ([https://elibrary.ferc.gov/idmws/search/intermediate.asp?link\\_file=yes&doclist=13874131](https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=13874131))

<sup>10</sup> PacifiCorp P-2342, Order modifying and approving recreation facilities removal and improvements plan, 135 FERC 62,184, ([https://elibrary.ferc.gov/idmws/search/intermediate.asp?link\\_file=yes&doclist=13924580](https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=13924580))

<sup>11</sup> Letter from FERC Office of Energy Projects confirming Final Decommissioning Report, Surrender is Effective, August, 1, 2019, FERC eLibrary Accession Number 20190801-3017, ([https://elibrary.ferc.gov/idmws/search/intermediate.asp?link\\_file=yes&doclist=14789754](https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=14789754))

<sup>12</sup> PacifiCorp P-2342, Order Modifying and Approving Recreation Facilities Removal and Improvements Plan, June 3, 2011, 135 FERC 62,184, ([https://elibrary.ferc.gov/idmws/search/intermediate.asp?link\\_file=yes&doclist=13924580](https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=13924580))

<sup>13</sup> At Paragraph B, Page 3, PacifiCorp P-2342, Order Modifying and Approving Recreation Facilities Removal and Improvements Plan, June 3, 2011, 135 FERC 62,184, ([https://elibrary.ferc.gov/idmws/search/intermediate.asp?link\\_file=yes&doclist=13924580](https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=13924580))

Duke Energy removed Dillsboro Dam in 2010 following a Settlement Agreement for dam removal.<sup>14</sup> In the Surrender Order rendering the decision to remove the dam, the Commission noted the significant public benefits, among them “the resulting free flow of the river will also improve recreational opportunities for whitewater boating and riverine angling.”<sup>15</sup> The decommissioning included construction of a new boat launch adjacent to the project, despite the fact that: 1) the facility was outside the project boundary, and 2) the ultimate owner and manager of the facility was not resolved at the time.

The Commission approved Duke Energy’s plan to “provide a public boat launch and gravel parking area in the vicinity of the Tuckasegee Water and Sewer Authority’s property, just upstream of the current location of the Dillsboro Project’s reservoir, and outside the current project boundary.”<sup>16</sup>

The Commission articulated their reasoning stating, “we will adopt Duke’s proposal to construct the boat launch and parking area as a requirement of the surrender since the construction is a one-time measure that can be completed before the surrender becomes effective.”<sup>17</sup> The Commission included the following conditions:

*The construction plan shall include, but not be limited to: (1) final designs of the boat launch and designated gravel parking area; (2) a schedule for the implementation of the facilities; (3) measures for soil erosion and sedimentation control during construction; and (4) a discussion of how the needs of the disabled were considered in the planning and design of each recreation facility.*<sup>18</sup>

While the Commission included public boat launch construction in the Surrender Order for Dillsboro, they made clear that they would not mandate or exercise oversight for an operations and maintenance plan as a condition of constructing the site stating that “maintenance would

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<sup>14</sup> Duke Power, Settlement Agreement & Explanatory Statement with respect to the new license application for the West Fork & East Fork Hydro Projects under P-2686, January 8, 2004,

([https://elibrary.ferc.gov/idmws/search/intermediate.asp?link\\_file=yes&doclist=4169406](https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=4169406))

<sup>15</sup> At paragraph 17, page 9, Order accepting surrender and dismissing application for subsequent license re Duke Energy Carolinas, LLC’s Dillsboro Project under P-2602, July 19, 2007, 120 FERC 61,054,

([https://elibrary.ferc.gov/idmws/search/intermediate.asp?link\\_file=yes&doclist=13524207](https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=13524207))

<sup>16</sup> At paragraph 25, page 9, Order accepting surrender and dismissing application for subsequent license re Duke Energy Carolinas, LLC’s Dillsboro Project under P-2602, July 19, 2007, 120 FERC 61,054,

([https://elibrary.ferc.gov/idmws/search/intermediate.asp?link\\_file=yes&doclist=13524207](https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=13524207))

<sup>17</sup> At paragraph 25, page 12, Order accepting surrender and dismissing application for subsequent license re Duke Energy Carolinas, LLC’s Dillsboro Project under P-2602, July 19, 2007, 120 FERC 61,054,

([https://elibrary.ferc.gov/idmws/search/intermediate.asp?link\\_file=yes&doclist=13524207](https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=13524207))

<sup>18</sup> At paragraph O, page 26, Order accepting surrender and dismissing application for subsequent license re Duke Energy Carolinas, LLC’s Dillsboro Project under P-2602, July 19, 2007, 120 FERC 61,054,

([https://elibrary.ferc.gov/idmws/search/intermediate.asp?link\\_file=yes&doclist=13524207](https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=13524207))

continue after the surrender becomes effective, when the Commission would no longer have authority to enforce it.”<sup>19</sup>

In the case of the Potter Valley Project, the uncertainty over long-term ownership and management of project lands and/or recreation facilities is not sufficient justification to avoid or delay implementation of basic measures to address the needs of recreational users as part of the decommissioning proceeding before the Commission.

In Dillsboro, the parties acknowledged a preference but uncertainty over future ownership of project lands, stating as follows:

*(5) Offer, for one year following completion of dam removal and powerhouse decommissioning and any DPNA portion of stream restoration and monitoring, to convey interest to all its property associated with the Dillsboro Project including land and improvements to the Town of Dillsboro: (6) If the Town of Dillsboro decides not to accept conveyance of the Dillsboro Project property, or if the Town of Dillsboro fails to complete conveyance in its allotted one-year period, whichever comes first, offer for one year to convey interest in all DPNA's property associated with the Dillsboro Project including land and improvements to Jackson County: (7) If neither local government wants the property or neither completes the property conveyance in the allotted time, dispose of its property as DPNA sees fit;”<sup>20</sup>*

The uncertainty over future ownership did not preclude the Commission from ordering construction of the new boat launch that includes a paved boat ramp, toilet, and designated parking. The access area was constructed, is now managed as the CJ Harris Access Area by Jackson County Parks and Recreation Department and is in use by the general public who are now able to access and enjoy the restored Tuckasegee River.<sup>21</sup>

### **Mill Pond Dam Removal, Sullivan Creek (WA), P-2225**

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<sup>19</sup> At paragraph 25, page 13, Order accepting surrender and dismissing application for subsequent license re Duke Energy Carolinas, LLC's Dillsboro Project under P-2602, July 19, 2007, 120 FERC 61,054, ([https://elibrary.ferc.gov/idmws/search/intermediate.asp?link\\_file=yes&doclist=13524207](https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=13524207))

<sup>20</sup> At paragraph 6.4, page 24, Duke Power, Settlement Agreement & Explanatory Statement with respect to the new license application for the West Fork & East Fork Hydro Projects under P-2686, January 8, 2004, ([https://elibrary.ferc.gov/idmws/search/intermediate.asp?link\\_file=yes&doclist=4169406](https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=4169406))

<sup>21</sup> (<https://rec.jacksonnc.org/cj-harris>)

Seattle City Light removed Mill Pond Dam on Sullivan Creek in 2017 following the surrender of the project by Pend Oreille Public Utility District. American Whitewater was an active participant throughout the process over a 20-year period to determine the fate of this project.

The decommissioning order and associated plans included measures for dam removal and site restoration; they also included recreational enhancement to achieve the overall project goal to “improve native fish populations and improve sustainable recreation in Sullivan Creek by reducing adverse effects to the creek.”<sup>22</sup> The project included removal, replacement, and enhancement of recreational facilities including removal and restoration of dispersed recreation sites, new hiking trails around the site, installation of new bridges at the former dam site and another at Mill Pond campground, construction of a new ADA-accessible picnic pavilion with fireplace, improved parking and site re-grading at Historic Site/Elk Creek trailhead use area, and campground improvements at Mill Pond Campground.<sup>23</sup>

The March 2010 Settlement Agreement for Pend Oreille PUD to surrender their license and Seattle City Light to decommission the Sullivan Creek Project referenced the need to maintain a bridge crossing over Sullivan Creek at the former dam site and the need to modify a boat launch on the reservoir to ensure the “new restored reach of Lower Sullivan Creek will be accessible to recreationists.”<sup>24</sup>

While the Settlement Agreement acknowledged the value of recreation, details on the extent of recreational mitigation evolved through the decommissioning proceeding and following issuance of the Surrender Order in March 2013.<sup>25</sup> In that Surrender Order, the Commission directed that “the plans and specifications shall be based on the draft Mill Pond Removal Plan filed as Appendix E to the Sullivan Creek Settlement Agreement filed on March 29, 2010.”<sup>26</sup>

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<sup>22</sup> At page ES1, Sullivan Creek Recreation Site Restoration Final Plan for Seattle City Light under P-2144, December 2017, Accession Number 20191004-5165

([https://elibrary.ferc.gov/idmws/search/intermediate.asp?link\\_file=yes&doclist=14804167](https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=14804167))

<sup>23</sup> (<https://www.spokesman.com/stories/2017/nov/24/mill-pond-dam-removed-as-restoration-project-shutd/>)

<sup>24</sup> At paragraph 6.6.2.2, page 128, Appendix E (Sullivan Creek): Mill Pond Decommissioning Plan, Offer of Settlement and Motion to Consolidate of Seattle City Light and the Public Utility District No. 1 of Pend Oreille County, Washington under P-2144, et al.

([https://elibrary.ferc.gov/idmws/search/intermediate.asp?link\\_file=yes&doclist=13803616](https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=13803616))

<sup>25</sup> Order Accepting Surrender of License and Authorizing Disposition of Project Facilities, March 30, 2013, 142 FERC 62,232, ([https://elibrary.ferc.gov/idmws/search/intermediate.asp?link\\_file=yes&doclist=14099415](https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=14099415))

<sup>26</sup> At paragraph E, page 27, Order Accepting Surrender of License and Authorizing Disposition of Project Facilities, March 30, 2013, 142 FERC 62,232,

([https://elibrary.ferc.gov/idmws/search/intermediate.asp?link\\_file=yes&doclist=14099415](https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=14099415))



These plans, including additional details on recreation measures, were further refined through a public process that is outlined in the January 2017 Application to Amend Surrender Order.<sup>27</sup>

Seattle City Light and Pend Oreille PUD held three public meetings in the local community from December 2015 to July 2016 “to obtain input on the recreation elements for the post-dam removal landscape.” These meetings were held prior to site design, at the 30% project design stage, and at the 60% project design stage.<sup>28</sup> We believe that a similar collaborative approach would be well-suited to identifying recreation needs that should be addressed as part of Potter Valley Project decommissioning.

In the case of Sullivan Creek, a program of work was developed that included constructing a picnic shelter at the upper day-use area near the dam with new and improved interpretive and educational signage, replacing the existing pedestrian bridge at the dam with a longer span compliant with the Americans with Disabilities Act, and constructing new trail segments and a new pedestrian bridge over Sullivan Creek at the campground to form a new 1.7-mile loop trail designed to provide the public with opportunities to experience and learn about the dam removal and restoration effort and extends around the shoreline of the former reservoir.<sup>29</sup> Other improvements included modifying the former reservoir campground through the addition of bear boxes for camper food storage and amenities to provide long-term benefits for recreation users.<sup>30</sup> In July 2017, the Commission approved the Amendment Application and work on the project commenced that fall.<sup>31</sup>

The Sullivan Creek Recreation Site Restoration Final Plan provides a clear explanation of the primary project goal of Mill Pond Dam removal: to achieve fishery benefits. Seattle City Light

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<sup>27</sup> Application to Amend Surrender Order for the Sullivan Creek Project under P-2225, January 30, 2017, Accession Number 20170130-4004,

([https://elibrary.ferc.gov/idmws/search/intermediate.asp?link\\_file=yes&doclist=14556986](https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=14556986))

<sup>28</sup> At Section 1.4.2, page 1-6, Applicant Prepared Supplemental Environmental Assessment Mill Pond Dam Removal, Pend Oreille County Public Utility District #1 Application to Amend Surrender Order for the Sullivan Creek Project under P-2225, January 30, 2017, Accession Number 20170130-4004,

([https://elibrary.ferc.gov/idmws/search/intermediate.asp?link\\_file=yes&doclist=14556986](https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=14556986))

<sup>29</sup> At Section 2.2.2, page 2-3, Applicant Prepared Supplemental Environmental Assessment Mill Pond Dam Removal, Pend Oreille County Public Utility District #1 Application to Amend Surrender Order for the Sullivan Creek Project under P-2225, January 30, 2017, Accession Number 20170130-4004,

([https://elibrary.ferc.gov/idmws/search/intermediate.asp?link\\_file=yes&doclist=14556986](https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=14556986))

<sup>30</sup> At paragraph 3.3.7.2, page 3-20, Applicant Prepared Supplemental Environmental Assessment Mill Pond Dam Removal, Pend Oreille County Public Utility District #1 Application to Amend Surrender Order for the Sullivan Creek Project under P-2225, January 30, 2017, Accession Number 20170130-4004,

([https://elibrary.ferc.gov/idmws/search/intermediate.asp?link\\_file=yes&doclist=14556986](https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=14556986))

<sup>31</sup> Order Amending Approved Surrender of License and Authorizing Disposition of Project Facilities re Public Utility District No. 1 of Pend Oreille County, Washington under P-2225, July 19, 2017, 160 FERC 62,055,

([https://elibrary.ferc.gov/idmws/search/intermediate.asp?link\\_file=yes&doclist=14589019](https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=14589019))

and their consultants worked with the Forest Service to establish guiding principles for how recreation would be treated in the overall restoration program. These principles included the following:<sup>32</sup>

- *Closing and restoring high impact sites in the floodplain and channel migration zone of Sullivan Creek,*
- *Delineating appropriate use areas at sites to remain open that would prevent expansion and degradation of streamside forests and habitats,*
- *Expanding and creating new sites in areas that would not affect the creek,*
- *Increasing access to vault toilets to reduce the potential effects of poor sanitation on the creek, and*
- *Adding amenities to camping areas that would improve the recreational experience and reduce camper adverse effects.*

A similar set of principles applies to the Eel River and will ensure the public can experience a restored river in a manner that is respectful of cultural issues and avoids impacts to sensitive ecological resources. If recreation is ignored and considered outside the scope of PG&E's obligations or the Commission's Surrender Order conditions, the result will be unmanaged, unplanned, and sometimes unsafe recreational use on riverside lands and associated impacts of dispersed recreation. In our experience, the cost of dealing with these issues after they occur exceeds the cost of good planning and implementation up front.

In the case of Sullivan Creek, the Commission did not require Seattle City Light or Pend Oreille PUD to commit to a long-term obligation for managing the recreational opportunities available at these facilities. They were constructed as one-time measures and mitigation for the impacts of the action of dam removal. They are now open and accessible to the public and managed by the Colville National Forest as the Mill Pond Historic Site.<sup>33</sup>

### ***Klamath River Dam Removals, Klamath River (OR/CA), P-14803***

Following transfer of the project and its license to the Klamath River Renewal Corporation (KRRC) and its state co-licensees, KRRC removed four dams on the Klamath River in 2023 and 2024. This constitutes the largest dam removal project ever undertaken. Although not a signatory to the Klamath Hydropower Settlement Agreement, American Whitewater participated in the Commission's license transfer, surrender, and decommissioning proceedings

<sup>32</sup> At page ES-2, Sullivan Creek Recreation Site Restoration Final Plan for Seattle City Light under P-2144, December 2017, Accession Number 20191004-5165,

([https://elibrary.ferc.gov/idmws/search/intermediate.asp?link\\_file=yes&doclist=14804167](https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=14804167))

<sup>33</sup> <https://www.fs.usda.gov/recarea/colville/recarea/?recid=71047>

and continues to work directly with KRRC on matters related to river recreation, public access, and safety.

Recognizing that the removal of four major dams would fundamentally alter the river's hydrology and recreation opportunities, KRRC proactively assessed potential impacts to whitewater boating and public access. This process included evaluating changes in flow characteristics, identifying new boating opportunities, assessing access needs, and addressing safety concerns.

To understand the whitewater recreation resources within the project area and those directly affected by decommissioning, KRRC completed a Whitewater Boating Study Report.<sup>34</sup> The study covered four boating runs within the 42-mile-long hydroelectric reach between the uppermost reservoir near Keno, Oregon, and the lowermost dam near Hornbrook, California. It examined anticipated flow regimes, whitewater opportunities on existing and restored river segments, and flow-quality relationships, with a focus on mid- to late-summer low flows when decommissioning-related changes would have the greatest impact. The study also evaluated potential flow enhancements from non-project changes in water management and diversion, existing and future boating access, and vegetation encroachment in altered flow regimes. American Whitewater played a key role in developing the study and participated in multiple on-river flow studies coordinated with PacifiCorp and KRRC. These findings informed KRRC's Recreation Facilities Plan, shaping FERC's environmental review and ultimate requirements for mitigating recreational impacts.

We recommend that PG&E conduct a similar study for the Potter Valley Project to ensure a comprehensive understanding of the impacts of decommissioning on whitewater resources. This study should identify necessary safety mitigations and focus on one-time access improvements during project decommissioning. Addressing these issues early would position PG&E to submit a License Surrender Application that is thorough and responsive to public interests. Moreover, proactively conducting this study would likely prevent FERC from later requiring an unanticipated study, which could delay the process.

KRRC's whitewater study and engagement with Tribes and stakeholders, including the whitewater community, led to the identification of five potential new (or reconstructed)

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<sup>34</sup> Whitewater Boating Study Report (February 2021), Appendix B in Exhibit H: Recreation Facilities Plan of Amended Application for Surrender of License for Major Project and Removal of Project Works, Lower Klamath Project. FERC eLibrary Submittal 20210226-5093, ([https://elibrary.ferc.gov/eLibrary/filelist?accession\\_number=20210226-5093](https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20210226-5093)).

river-related recreation sites.<sup>35</sup> KRRC included conceptual designs for these sites in its Recreation Facilities Plan, submitted as part of its license surrender application in February 2021. However, KRRC did not propose to develop these sites, instead presenting them for consideration by future owners of Project lands.<sup>36</sup>

Additionally, KRRC identified two significant project-related hazards to whitewater boating:

1. Sidecast Slide: A hazardous rock congestion where boulders dislodged during project construction dangerously blocked the riverbed.<sup>37</sup>
2. In-channel vegetation encroachment: Below the Copco 2 diversion dam, nearly 100 years of dewatering the river had allowed a dense alder forest to grow within the active channel, posing a significant hazard to river users.<sup>38</sup>

FERC's February 2022 Draft Environmental Impact Statement (DEIS) for project decommissioning determined that:

1. New river access sites would provide a public benefit but would remain unrealized without funding.<sup>39</sup>
2. The hazardous boating conditions at Sidecast Slide and below Copco2 Dam resulted from the project's construction and operation and should be addressed during deconstruction.<sup>40</sup>

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<sup>35</sup> At page 94, Recreation Facilities Plan, Appendix A, section A.4, FERC eLibrary Submittal 20210226-5093, ([https://elibrary.ferc.gov/eLibrary/filelist?accession\\_number=20210226-5093](https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20210226-5093)).

<sup>36</sup> At page 87, Recreation Facilities Plan, Appendix A, section A.3, FERC eLibrary Submittal 20210226-5093, ([https://elibrary.ferc.gov/eLibrary/filelist?accession\\_number=20210226-5093](https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20210226-5093)).

<sup>37</sup> At page 45, Whitewater Boating Study Report (February 2021), Appendix B in Exhibit H: Recreation Facilities Plan of Amended Application for Surrender of License for Major Project and Removal of Project Works, Lower Klamath Project. FERC eLibrary Submittal 20210226-5093, ([https://elibrary.ferc.gov/eLibrary/filelist?accession\\_number=20210226-5093](https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20210226-5093)).

<sup>38</sup> At page 56, Whitewater Boating Study Report (February 2021), Appendix B in Exhibit H: Recreation Facilities Plan of Amended Application for Surrender of License for Major Project and Removal of Project Works, Lower Klamath Project. FERC eLibrary Submittal 20210226-5093, ([https://elibrary.ferc.gov/eLibrary/filelist?accession\\_number=20210226-5093](https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20210226-5093)).

<sup>39</sup> At page 3-404, Draft Environmental Impact Statement for Hydropower License Surrender and Decommissioning, Lower Klamath Project No. 14803-001 and Klamath Hydroelectric Project No. 2082-063, Oregon and California (Feb 2022), FERC eLibrary Submittal 20220225-3040 ([https://elibrary.ferc.gov/eLibrary/filelist?accession\\_number=20220225-3040](https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20220225-3040)).

<sup>40</sup> At page 3-403, Draft Environmental Impact Statement for Hydropower License Surrender and Decommissioning, Lower Klamath Project No. 14803-001 and Klamath Hydroelectric Project No. 2082-063, Oregon and California (Feb 2022), FERC eLibrary Submittal 20220225-3040 ([https://elibrary.ferc.gov/eLibrary/filelist?accession\\_number=20220225-3040](https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20220225-3040)).

3. KRRC's proposed public access restrictions in the year before and during dam removal would have significant temporary adverse effects on whitewater boaters and outfitters.<sup>41</sup>

Based on these findings, FERC staff recommended three modifications to KRRC's proposed action:<sup>42</sup>

1. Access Site Funding Plan: KRRC should work with state agencies to secure funding for access site construction and maintenance. Developing these sites during deconstruction would prevent further ground disturbance and adverse effects later.
2. Hazard Mitigation: KRRC should remove hazardous obstructions at Sidecast Slide and the Copco No. 2 bypassed reach during decommissioning to improve boater safety.
3. Access During Deconstruction: KRRC should consult with outfitters to ensure reasonable access to established launch and take-out sites to minimize adverse impacts on whitewater boaters.

KRRC agreed to these modifications,<sup>43</sup> which were incorporated into FERC's August 2022 Final Environmental Impact Statement (FEIS).<sup>44</sup> The FEIS acknowledged long-term adverse effects on recreation access and the types of opportunities available but also highlighted long-term benefits including enhanced river recreation opportunities.

In its November 2022 Order Modifying and Approving Surrender of License and Removal of Project Facilities, the Commission approved KRRC's Recreation Facilities Plan with three additional modifications to address whitewater resources and broader recreational considerations.<sup>45</sup>

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<sup>41</sup> At page 3-404, Draft Environmental Impact Statement for Hydropower License Surrender and Decommissioning, Lower Klamath Project No. 14803-001 and Klamath Hydroelectric Project No. 2082-063, Oregon and California (Feb 2022), FERC eLibrary Submittal 20220225-3040

([https://elibrary.ferc.gov/eLibrary/filelist?accession\\_number=20220225-3040](https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20220225-3040)).

<sup>42</sup> At pages 3-405 & 3-406, Draft Environmental Impact Statement for Hydropower License Surrender and Decommissioning, Lower Klamath Project No. 14803-001 and Klamath Hydroelectric Project No. 2082-063, Oregon and California (Feb 2022), FERC eLibrary Submittal 20220225-3040

([https://elibrary.ferc.gov/eLibrary/filelist?accession\\_number=20220225-3040](https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20220225-3040)).

<sup>43</sup> Klamath River Renewal Corporation's Comments on Draft Environmental Impact Statement; Lower Klamath Project, FERC Project Nos. 14803-001 and 2082-063. (April 15, 2022), FERC eLibrary Submittal 20220418-5210

([https://elibrary.ferc.gov/eLibrary/filelist?accession\\_number=20220418-5210](https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20220418-5210)).

<sup>44</sup> At page 2-42, Final Environmental Impact Statement; Lower Klamath Project, FERC Project Nos. 14803-001 and 2082-063. (August 26, 2022), FERC eLibrary Submittal 20220826-3006,

([https://elibrary.ferc.gov/eLibrary/filelist?accession\\_number=20220826-3006](https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20220826-3006)).

<sup>45</sup> Ordering paragraph KK at page 61, Order Modifying and Approving Surrender of License and Removal of Project Facilities re: PacifiCorp et al. under P-2082 et al. (Nov. 17, 2022), 181 FERC 61,122

([https://elibrary.ferc.gov/eLibrary/filelist?accession\\_number=20221117-3021](https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20221117-3021)).

1. Consultation with American Whitewater, in addition to the Upper Klamath Outfitters Association, to minimize disruptions to whitewater boating during construction.
2. Adding multilingual signage explaining dam removal impacts on fish species and fishing practices.
3. Consulting with the Shasta Indian Nation and other interested Tribes on recreation site naming.

Pursuant to the Commission-approved Recreation Facilities Plan, KRRRC submitted final designs for five authorized river access sites on November 26, 2024.<sup>46</sup> The Commission approved the designs and authorized construction on December 30, 2024.<sup>47</sup> As of March 2025, KRRRC is preparing to begin construction as soon as weather permits, with the goal of opening the sites for public use by May 2025. Throughout the decommissioning process, American Whitewater collaborated with KRRRC, Tribes, and stakeholders on the site designs and, in November 2024, developed whitewater safety signage for installation at these locations.

The Klamath River dam removals provide a clear, recent, and nearby precedent for how FERC has required licensees to assess and mitigate recreational impacts during decommissioning. By conducting a thorough whitewater boating study, engaging with stakeholders early, and incorporating recreational planning into decommissioning, KRRRC was able to address safety concerns, enhance river access, and ensure long-term benefits for the boating community without delaying its dam removal project.

### ***Summary: Ensuring PG&E's License Surrender Addresses Recreational Access and Safety***

The Klamath, Condit, Dillsboro, and Sullivan Creek dam removals provide clear precedent for how FERC has required licensees to assess and mitigate recreational impacts during decommissioning. In each case, the Commission directed licensees to address recreation through one-time mitigation measures such as modifying or constructing access points, mitigating safety hazards, and ensuring continued public use—without imposing ongoing management obligations.

PG&E has an opportunity to follow this well-established model by integrating recreation planning into its License Surrender Application. Addressing whitewater boating impacts, safety concerns, and public access early will help avoid regulatory delays and ensure a well-planned

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<sup>46</sup> Lower Klamath Project (FERC No. P-14803-001) Supplement to December 2022 Recreation Facilities Plan and Request for Authorization to Begin Construction of Five Recreation Sites, (Nov. 26, 2024), FERC eLibrary Submittal 20241126-5276, ([https://elibrary.ferc.gov/eLibrary/filelist?accession\\_number=20241126-5276](https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20241126-5276)).

<sup>47</sup> FERC Response to KRRRC Recreation Facilities Plan Supplemental Filing, (Dec. 30, 2024), FERC eLibrary Accession Number 20241230-3020, ([https://elibrary.ferc.gov/eLibrary/filelist?accession\\_number=20241230-3020](https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20241230-3020)).

transition. As demonstrated in past proceedings, failure to address these issues early can result in additional requirements imposed later by FERC, potentially delaying the project. By proactively incorporating these considerations, PG&E can streamline the process and support sustainable public access on the Eel River. American Whitewater is ready and willing to work with PG&E, Tribes, and other stakeholders to integrate whitewater boating considerations into decommissioning planning.

#### **Comment 4: Assessing Post-Dam Removal River Conditions and Recreation Opportunities**

The Draft LSA focuses exclusively on existing river conditions and recreation opportunities with the dams in place, but it does not assess how the Eel River will transform after dam removal. The removal of Scott and Cape Horn dams will restore free-flowing river reaches within the Lake Pillsbury and Van Arsdale Reservoir footprints, creating new whitewater runs, altering sediment transport, and reshaping access needs—even for the portion of river between the dams. These changes present both opportunities and challenges for river recreation that must be considered as part of PG&E’s License Surrender Application.

FERC has required similar studies in past decommissioning proceedings, as detailed in Comment 3. To ensure a well-planned transition that avoids unexpected hazards and preserves recreational opportunities, PG&E should conduct an assessment of post-dam removal river conditions and recreation needs, including:

1. Riverbed Conditions & Fluvial Processes
  - 1.1. Evaluate how the Eel River and Rice Fork will reestablish channels within the former reservoirs, including anticipated gradient, flow patterns, and rapid formation.
  - 1.2. Assess sediment transport, erosion risks, and deposition zones that may create new hazards or alter navigability.
2. Whitewater and Recreation Opportunities
  - 2.1. Identify new whitewater runs that will emerge after reservoir drawdown.
  - 2.2. Analyze flow dynamics and difficulty classifications to determine expected whitewater characteristics and potential navigability.
  - 2.3. Consider how changes in seasonal flows and water availability will shape future recreational use.
3. Hazard Identification and Mitigation
  - 3.1. Assess potential risks from unstable sediment deposits, logjams, newly exposed bedrock, and in-channel vegetation encroachment within the river between the two dams as well as downstream of Cape Horn Dam.

- 3.2. Develop a plan for addressing major safety hazards before they impact recreation.
4. Long-Term Access and Public Use Considerations
  - 4.1. Identify where new access points may be needed to accommodate recreation in restored river segments (see Comment 2).
  - 4.2. Identify locations where other river access needs, such as fire engine fill access and emergency response access, can be co-located with recreational access and vice-versa,
  - 4.3. Ensure that public access is managed appropriately to protect natural resources and ensure cultural resource protection.

PG&E has an opportunity to take a proactive approach by addressing these issues in the License Surrender Application rather than waiting for FERC to impose additional requirements later. As seen in previous FERC decommissioning proceedings, engaging Tribes, recreation groups, conservation organizations, and local communities has been key to developing effective management plans. PG&E should collaborate with stakeholders in the development of the management plans that will accompany the final License Surrender Application and Decommissioning Plan to ensure that key considerations for the restored Eel River are identified and addressed.

#### **Comment 5: Ensuring the Continuation of Flow Gages Post-Dam Removal**

Accurate and current river flow information is vital for safe and enjoyable river recreation, aiding in trip planning and ensuring safety. Despite the Eel River's length, it has a limited number of flow gages, and the only gages providing flow data within the Project area and an extended reach below it are operated by PG&E. However, the Draft LSA does not address the future of these gages or how flow monitoring will be maintained post-dam removal.

To prevent the loss of critical data, PG&E should proactively facilitate the transfer of key gages, specifically E2 and E11, to a suitable entity committed to maintaining them and ensuring that collected data remains publicly accessible via the California Data Exchange Center. These gages are essential for:

- River Recreation and Public Safety – Real-time flow data allows boaters and anglers to make informed decisions about river conditions.
- Resource Monitoring and Protection – Agencies and stakeholders need continued data to assess changes in flows, sediment transport, and aquatic habitat after dam removal.
- Adaptive Management – Monitoring will help evaluate whether decommissioning outcomes align with anticipated changes.



- Project Decommissioning Evaluation – Flow data will be critical for assessing the physical and ecological outcomes of dam removal, informing potential adjustments to restoration efforts, and ensuring that expected hydrological changes are occurring as planned.

Additionally, if the New Eel-Russian Facility (NERF) is constructed, it must include real-time gages upstream and downstream of the diversion to provide accurate data on flow conditions. This data should also be made publicly available via the California Data Exchange Center.

FERC has recognized the importance of maintaining river gages in past decommissioning proceedings to support public safety, recreation, and long-term environmental monitoring. By addressing this issue now, PG&E can avoid gaps in critical river data, ensure project decommissioning is properly evaluated, and facilitate a well-managed transition for the restored Eel River.

#### **Comment 6: Ensuring Compliance with the Wild and Scenic Rivers Act**

The Draft LSA acknowledges that the Eel River immediately downstream of Cape Horn Dam is a federally designated Wild and Scenic River under the National Wild and Scenic Rivers Act (WSRA). However, the document fails to address the requirement for WSRA Section 7(a) determinations to assess whether Project decommissioning and FERC approval of the Non-Project Use of Project Lands for the construction of the New Eel-Russian Facility (NERF) comply with WSRA protections.

Under WSRA Section 7(a), FERC may not license and no federal department or agency may assist by loan, grant, license, or otherwise in any project that:

*“will invade or unreasonably diminish the scenic, recreational, fish, and wildlife values present in the area on the date of designation as a component of the National Wild and Scenic Rivers System.”*

The Draft LSA fails to address the necessity of the federal river-administering agency completing WSRA Section 7(a) determinations for two critical actions:

1. PG&E’s proposed decommissioning and project removal, and
2. FERC’s approval of a non-project use of project lands for the NERF.

While FERC’s requirement to comply with Section 7(a) may be limited to the licensing of a project or facility, the Army Corps of Engineers is required to comply with Section 7(a) before issuing any permit for the decommissioning process or for the non-project use of project lands associated with the NERF. The same obligation applies to any other aspects of NERF construction, even if they fall outside of PG&E’s proposed actions.

In our experience with other decommissioning proceedings immediately upstream of designated Wild and Scenic Rivers, such as the Klamath, it is likely that a Section 7(a) determination will find that Project decommissioning benefits the Eel River's scenic, recreational, fish, and wildlife values. However, we are less certain that a Section 7(a) determination will find that the NERF's long-term diversion of the Eel River will not diminish one or more of these values.

Should the NERF invade the state or federally designated river reach by placing project infrastructure directly within the designated river channel—as proponents have previously proposed with the roughened channel option—a protracted legal dispute over its compliance with state and federal WSRA would likely ensue, potentially delaying both the NERF and PG&E's Project decommissioning. Despite the potential for this to disrupt PG&E's project decommissioning, the Draft LSA is silent as to whether NERF proponents are still pursuing this option.

Without a clear WSRA compliance plan, PG&E risks delays in regulatory approval and potential conflicts with federal and state WSRA protections. PG&E should clarify in the License Surrender Application how it intends to ensure WSRA Section 7(a) determinations are completed and engage in early consultation with the appropriate managing agencies.

### **Conclusion**

PG&E's Draft License Surrender Application represents a significant step toward restoring a free-flowing Eel River, and we appreciate the careful planning that has gone into the application. Our comments focus on ensuring that recreation, river access, and public safety considerations are fully addressed as part of decommissioning. We encourage PG&E to continue engaging stakeholders early in the process to ensure a smooth transition for the restored Eel River.

We appreciate the opportunity to provide these comments and look forward to continued engagement as the decommissioning process moves forward.

Sincerely,

A handwritten signature in black ink that reads "Scott Harding". The signature is written in a cursive, flowing style.

Scott Harding  
Stewardship Associate