

The Circle Law Group P.C.



July 23, 2026

Debbie-Anne A. Reese, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

RE: Cover Letter for P-77-332 – Potter Valley Hydroelectric Project

Dear Secretary Reese,

Enclosed for filing in the above-referenced docket, on behalf of the Potter Valley Tribe, please find the following documents:

1. Potter Valley Hydroelectric Project (P-77-332) - PVT Tribal Chairman Comments
2. Potter Valley Hydroelectric Project (P-77-332) - PVT Water Resources Comments

Please contact me at 916-809-8900 if you have any questions.

Respectfully submitted,

Michelle Lee
Counsel for The Potter Valley Tribe



POTTER VALLEY TRIBE



2251 S. State St. • Ukiah, California 95482 • (707) 462-1213 • Fax (707) 462-1240
• E-mail: pottervalleytribe@pottervalleytribe.com

Chairperson
Salvador Rosales

Secretary
Rosemary Rahmaoui

Treasurer
Losario Rosales

July 22, 2026

Debbie-Anne A. Reese, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

RE: Potter Valley Hydroelectric Project (P-77-332)

Dear Secretary Reese,

The Potter Valley Tribe appreciates the opportunity to provide NEPA Scoping comments on PG&E's Final Application for Surrender of License and Final Application for Non-Project Use of Project Lands ("Application") for the Potter Valley Hydroelectric Project ("Project") (P-77-332) submitted to the Federal Energy Regulatory Commission ("FERC"). The Potter Valley Tribe ("Tribe") submits the following comments on the content and scope of NEPA review needed to ensure protection of tribal lands and cultural resources throughout the decommission Project and restoration of the Project area.

I. Introduction

The Potter Valley Tribe (Tribe") is a federally recognized tribe. The Potter Valley Hydroelectric Project is located within our aboriginal territory. Potter Valley tribal members have been tied to our aboriginal lands physically, spiritually, and culturally since time immemorial.

As a sovereign nation, the Tribe has a responsibility to meet the economic, social, cultural, and environmental needs and concerns of its people. Among the foremost duties of the Tribe is the duty to increase the standard of living and quality of life for tribal members through the reclamation of aboriginal lands. As tribal people, we can only meet our stewardship obligations to our aboriginal lands through the continual exercise of our cultural traditions within our ancestral homelands.

The Tribe is particularly interested in the Project decommissioning because it lies in the heart of the Tribe's current and aboriginal territory. The main stem Eel River is five (5) miles from our main land base, purchased in 1895 by our ancestors, and occupied ever since. The following comments on the Application are related to the Tribe's tribal lands, land use, cultural access, tribal cultural resource protection, and tribal participation.

II. Tribal Land

a. Area of Concern

The Eel River travels through the traditional tribal territory of the Potter Valley Tribe. In the Application, Figure 2.2.3.12-1 is a map used to show Yuki and Huchnom territories, but Northern Pomo is also noted on the map. (PG&E, Final Surrender Application and Final Non-Project Use of Project Lands Application, p. 2.2.3.12-12.) Upon comparing Figure 2.2.3.12-1 to satellite image maps of the same area, it is clear that Trout Creek Campground is within the tribal territory of the Northern Pomo, represented today by the Potter Valley Tribe. The Tribe's aboriginal lands are located within the FERC Project boundary and the East Branch of the Russian River Tribal Study area. (Application at p. 2.2.3.12-32)

In the Application, Tribal Lands are defined as "all lands within the boundaries of and Indian reservation and all dependent Indian communities...and any lands held in trust for any Tribe by BIA." (Application at p. 2.2.3.12-38) The Application further claims, "there are no Tribal lands that meet this definition located within or adjacent to the FERC Project boundary..." (Id.) However, the Tribe holds several parcels near the FERC Project boundary, including tribal trust land.

b. Stewardship Council Land Transfer

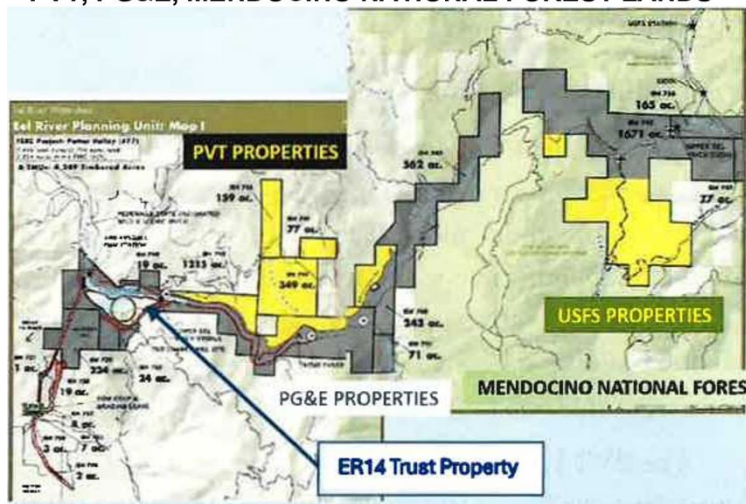
In 2003, the California Public Utilities Commission ("CPUC") approved a bankruptcy settlement agreement regarding PG&E's 2001 bankruptcy filing. The agreement provided for the environmental benefits and conservation of lands that are important to maintain the quality of life for all Californians. This included approximately 140,000 acres of PG&E's watershed lands associated with its hydroelectric system.

As part of the settlement, PG&E formed the nonprofit foundation, the Pacific Forest and Watersheds Lands Stewardship Council ("Stewardship Council") to develop and implement a plan for the protection of such lands. In 2011, three proposals, including one by the Potter Valley Tribe, were submitted to the Stewardship Council for consideration for a donation of fee title to certain lands located within the Eel River planning unit. In 2012, the Stewardship Council Board of Directors recommended the Tribe to receive approximately 723 acres of land at the Eel River Planning Unit located in Mendocino County. The transaction required a conservation easement on the land and a limited waiver of sovereign immunity from the Tribe, as well as agreement from the Tribe not to have the land placed into trust.

In 2014, the Stewardship Council Board of Directors recommended the Tribe to receive approximately 219 acres of land at the Eel River (Lower Trout Creek) Planning Unit located in Mendocino and Lake Counties. On July 24, 2019, after over 12 years of advocacy, the Tribe and PG&E finally closed on the donative fee transfer property, which includes a conservation easement and waiver of tribal sovereignty. Ultimately, the Tribe received 879 acres back of its ancestral lands and we have worked to responsibly steward that land to improve the ecosystem,

In the Application, PG&E notes that there “portions of the land to the north side of Van Arsdale Reservoir that are currently owned by PG&E will be donated to the Potter Valley Tribe.” (Application at p. 2.2.1-14, footnote 2) This provides further evidence that the Tribe has interest in the land within the FERC project boundary.

PVT, PG&E, MENDOCINO NATIONAL FOREST LANDS



Our Water Resources Department, working under our Tribal Environmental Office, has been monitoring water quality in the main stem Eel River to ensure compliance with the Tribe's Water Protection Ordinance and taking on-the-ground actions to improve riparian habitats and protect water quality. We will continue monitoring to protect our trust and fee lands and other properties impacted by changes to the main stem Eel River watershed, with the goal of full participation in restoration efforts in the area.

The Trout Creek Campgrounds are currently owned by PG&E and operated by a separate entity. The location of the campgrounds is within the aboriginal territory of the Potter Valley Tribe. The Tribe has requested the transfer of the Trout Creek Campground to the Tribe as part of this process. The property is adjacent to the lands that have been recently transferred to the Tribe and the Tribe wishes to obtain the property to create a contiguous parcel of traditional tribal land for conservation purposes and for tribal use.

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The Tribe owns both trust and fee property adjacent to the FERC Project boundary. There are conservation easements that are attached to the land that was donated by PG&E to the Tribe through the Stewardship Council process. Additionally, the donated land is subject to conditions which prohibit it from being put into trust by BIA and therefore, prohibits it from being classified as “Tribal Lands” as defined in the Application. The Tribe believes that the donated lands should be classified as “Tribal Lands” because the restriction limiting the land being taken into trust was a requirement of the donation. PG&E could revisit that restriction as part of this decommissioning application, but if that is not possible, the Tribe should not be penalized for the restriction established by PG&E in the land donation process.

III. Land Use and Cultural Access

Dam removal will convert the Lake Pillsbury area from a reservoir environment to a riverine system. This transition may alter traditional land use patterns and affect access to culturally significant locations. The Tribe requests a detailed assessment of how changing hydrology and landform conditions will influence cultural site access, traditional gathering areas, and long-standing land use practices. The Tribe has been utilizing the main stem Eel River since before the building of the reservoirs and continues to use the access to the Van Arsdale Reservoir from its adjacent trust property.

The Tribe is particularly concerned about the reduced availability of water for fire suppression once the reservoirs are drained. Increased wildfire risk and longer response times present significant threats to Tribal land, residences, and cultural resources. The Tribe recommends identification and development of alternative fire suppression water sources before reservoir drawdown.

The Application states that PG&E does not maintain access agreements with any Tribes in or within 0.25 miles of the FERC Project Boundary. (Application at p. 2.2.3.12-38) However, PG&E does have an access agreement for the land that was transferred to the Tribe by the Stewardship Council. Even though the Tribe does have the land and full access, our cultural access can be impeded by PG&E in this decommissioning process if the prior agreement is not maintained.

IV. Tribal Cultural Resources

The Tribe emphasizes the importance of a thorough and transparent Section 106 process. All cultural inventories, evaluation methods, and treatment plans must be developed in close coordination with the Tribe. Protection of sacred sites, artifacts, and cultural landscapes must remain a priority throughout construction, decommissioning, and restoration.

a. Traditional Cultural Properties and Places

During previous relicensing efforts, PG&E reviewed files and databases maintained by the Native American Heritage Commission and BIA to determine whether any Traditional Cultural Properties or Places (“TCPs”) or Tribal government resources had been identified in the

immediate vicinity of the FERC Project boundary. Those searches did not return results, however, given the definition of TCP, there are likely many TCPs that have not been identified or entered into the database. A property that is eligible for a TCP is “one that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community’s history, and (b) are important in maintaining the continuing cultural identity of the community.” The Application provides the following examples of TCPs:

- A location associated with the traditional beliefs of a Native American group about its origins, its cultural history, or the nature of the world;
- A location where Native American religious practitioners have historically gone, and are known or thought to go to perform ceremonial activities in accordance with traditional cultural rules of practice; or
- A rural community whose organization, buildings and structures, or patterns of land use reflect the cultural traditions valued by its long-term residents

The Application states that there is “a high probability of Tribal places and TCPs being present within the Tribal Resources Study Area.” More specifically, there is a high probability of Pomo tribal cultural resources within the Tribal Resources Study Areas. This includes villages, fishing sites, ceremonial areas, and buried archaeological sites. According to the Application, the site records and reports indicate the possibility of 12 “habitation sites” within the Cultural Study Area, which is the FERC boundary plus a half-mile buffer zone. In addition to many pieces of archaeological evidence, including house pits, round houses, and burials, there are known Pomo ethnographic village sites within the FERC Project boundary. (Application at p. 2.2.3.12-22)

These traditional places are likely eligible for TCP classification and should be considered in developing conservation and mitigation plans. The villages and structures are places where Tribal ancestors practiced cultural traditions and held spiritual and cultural ceremonies. The importance and value of these places to the Tribe cannot be overstated.

The Application states that if tribal resources are identified in the proposed Project areas, it is likely there will be unavoidable adverse effects. The physical impacts to tribal cultural resources should be limited and mitigated to the fullest extent possible. TCPs and tribal cultural resources are irreplaceable and hold great significance within the Tribe. Preserving and enhancing tribal cultural heritage and traditions should be a priority for the Project. In the Klamath River dam removals, Tribes were part of the restoration and planning which led to many cultural areas being unearthed, protected, and restored. Now Klamath Basin Tribes have access to cultural and fishing sites that had been lost when the dams were constructed and operated, and the same opportunity should be granted for the Potter Valley Tribe in the Eel River watershed.

Additionally, “disturbance or destruction of human remains” should be avoided to the greatest extent possible and frequent involvement of the Tribe and tribal monitors should be required in areas where potential graves may be present. With the unknown status of many tribal

resources that may be unearthed in the process, we encourage early surveys and identification of potential burial sites with or by the Tribe in areas of interest to the Tribe.

b. Tribal Resources and Traditional Ecological Knowledge

The Tribe emphasizes that the cultural, ecological, and subsistence resources affected by this Project are shared among multiple Tribal Nations throughout the Eel River and Russian River regions. These resources support interconnected cultural practices, fishing traditions, ceremonial sites, and traditional ecological knowledge (“TEK”) that extend well beyond any single tribal boundary.

The decommissioning and restoration programs should therefore be developed with the collective involvement of all regionally interested tribes. This includes early, consistent, and government-to-government consultation to identify culturally significant areas, ensure continued access to culturally important materials, and incorporate TEK into planning and decision-making.

Short-term protections of shared resources during dam removal must be paired with long-term stewardship commitments. Restoration design should reflect the ecological values and stewardship principles of the region’s tribal governments, support sustainable habitat recovery and strengthen the long-term health of the watershed system on which tribal communities depend.

V. Tribal Participation

The Tribe has been a participant in Eel River and Potter Valley Hydroelectric Project proceedings for nearly fifteen (15) years. The Tribe intends to continue participation in the decommissioning, removal of facilities, and restoration of the Tribe’s traditional watershed.

As mentioned above, the Application states it is likely there will be unavoidable adverse effects to tribal resources if they are identified in the proposed Project areas. The Tribe requests and encourages extensive consultation with the Eel River tribes prior to the development of any agreement meant to resolve the adverse effects.

Given the likely exposure of villages, archaeological sites, human remains, and other tribal cultural resources within the FERC Project boundary and cultural study areas, the Tribe should be given the first opportunity to survey the lands and areas of interest to the Tribe. The Tribe should be able to propose protection and mitigation strategies for these lands as resources may be exposed at varying points. Additionally, we want to emphasize the importance of cultural monitoring during implementation of the Proposed Action and construction. The presence of a cultural monitor ensures tribal interests will be protected.

The Tribe encourages incorporation of the TEK from the Eel River tribes who hold generational knowledge of the Eel River Watershed. The inclusion of tribes in the process will ensure the decommissioning, removal, and restoration of the Project area will be developed and

completed sustainably. It will also ensure the protection of tribal cultural resources and tribal heritage of the watershed.

VI. The Potter Valley Tribe Requests Related to the Surrendering, Decommissioning, and Restoration of the Project

The Tribe has the following recommendations:

1. Government-to-Government Consultation With All Regionally Interested Tribes

Consultation must occur early, continuously, and at the government-to-government level with all Tribal Nations in the Eel River and Russian River watersheds. This includes consultation during EIR development, Section 106 NHPA review, ESA Section 7 coordination, and all resource-specific planning stages. Tribes must be treated as full partners in decisions related to decommissioning, restoration design, monitoring, and long-term stewardship.

2. Protection of Cultural, Ecological, and Subsistence Resources Shared by Tribes

Restoration and mitigation plans must protect shared Tribal resources—fisheries, riparian gathering areas, cultural landscapes, and plant and wildlife species of cultural importance. Traditional ecological knowledge should be incorporated into habitat restoration, revegetation plans, species selection, and long-term stewardship strategies.

3. Equitable Participation and Socioeconomic Considerations

The Project should support Tribal participation in restoration programs, monitoring activities, ecological stewardship roles, and related employment opportunities. Socioeconomic assessments must consider the impacts to Tribal lifeways, subsistence activities, and culturally based economies, with mitigations developed collaboratively with affected Tribes.

4. Land Return, Long-Term Stewardship and Tribal Co-Management Opportunities

Restoration and monitoring programs for the Project and any subsequent or related projects, should be designed with long-term stewardship goals shared by all regionally interested tribes. This includes exploring opportunities for tribal co-management of habitat restoration, fish recovery efforts, and watershed monitoring programs. This is especially important since the Tribe has the Eel 14 trust property adjacent to the main stem Eel River and 879 acres of forested lands along the river. The Tribe has committed to recreational development, resources protection, and forest health improvements on these properties, and has already begun planning and implementation. We continue to seek the return of the Trout Creek Campground and other available properties to the Tribe.

VII. Conclusion

The Potter Valley Tribe very invested in the proper implementation of the Application. The tribal lands and cultural resources are important for the preservation of tribal cultural heritage and continuation of tribal cultural practices for future generations. We encourage the

involved entities to engage with the Potter Valley Tribe and other Eel River tribes often and in good faith to ensure the protection and incorporation of tribal interests.

Sincerely,

A handwritten signature in blue ink that reads "Salvador Rosales". The signature is written in a cursive style with a blue highlight effect.

Salvador Rosales, Tribal Chairman, Potter Valley Tribe



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RE: Potter Valley Hydroelectric Project (P-77-332)

Dear Secretary Reese,

The Potter Valley Tribe submitted comments on the Application for the Surrender of License for the Potter Valley Hydroelectric Project P-77-332 in November 2025, and has summarized those comments here, with additional NEPA scoping related comments. The Potter Valley Tribe (“PVT”) urges that NEPA scoping fully encompass the hydrologic, sediment, ecological, cultural, and socioeconomic dimensions of dam removal. The analysis must be comprehensive, watershed-scale, and grounded in Tribal knowledge, with strong monitoring and enforceable mitigation to protect Tribal resources and shared ecosystems.

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Hydrology

The removal of the dams will change flow throughout the downstream system. Early fall rains that are normally captured until Lake Pillsbury at Scott Dam is filled, will now flow unregulated. The new hydrograph will include higher peaks for storm events and no options for late seasons reservoir releases to maintain flow in dry periods.

There are at least 20 houses and greenhouses within 1 mile of the lower Van Arsdale dam. Most of the communities downstream are planned based on floodplain mapping after dam construction. There needs to be hydrological models to estimate the impacts of removal of dam including changes in flood hazard mapping and mitigation of flooding.

Water Quality and Sediment Management

The PVT has significant concerns about water quality impacts associated with rapid dam removal, sediment mobilization, releases of heavy metal as redox changes in sediment occur in sediment released from the reservoir or streambed buried by that sediment and other factors of contaminant transport within both the Main Stem Eel River and Russian River watersheds. These concerns stem from the Project's proposed sediment flushing approach and from recent Tribal water quality

monitoring showing the presence of arsenic in specific downstream locations. Adding to this concern, the Tribe is not seeing the type of sediment studies found for other dam removal projects; for example, the USGS study “Screening-level Evaluation of Potential Toxicity Risks from Release of Sediments Behind Four Dams on the Klamath River, Oregon and California.”

The planned rapid removal of Scott Dam will mobilize an estimated 12 million cubic yards of sediment. This presents substantial risk of extreme turbidity, high suspended sediment loads, nutrient releases, potential mobilization of heavy metals and other contaminants, and burial of downstream aquatic habitat. These conditions also threaten culturally important and ESA-listed fish species by creating short-term but severe reduction in dissolved oxygen. The PVT recommends development of a comprehensive sediment management program that includes real-time water quality monitoring, adaptive management thresholds, and enforceable contingency actions to protect cultural and ecological resources.

As part of the PVT’s independent 2024 surface water monitoring, conducted under a U.S. EPA approved Quality Assurance Program Plan and available to the public in the EPA WQX system, the PVT detected arsenic in Lake Pillsbury, the Main Stem Eel River at the Trout Creek confluence, and the East Fork Russian River at Tribal property in Potter Valley. Arsenic was not detected upstream of Lake Pillsbury in the main stem Eel River, which indicates that both reservoir sediments and downstream hydrology may play a role in where arsenic is currently present.

Detected concentrations include:

- Lake Pillsbury: 0.0047 mg/L
- Eel River at Trout Creek: 0.0040 mg/L
- East Fork Russian River: 0.0051 mg/L

Although these levels are below the Safe Drinking Water Act Maximum Contaminant Level of 0.01 mg/L, they are likely not peak concentrations and highlight the need for proactive contaminant assessment prior to sediment disturbance. The PVT requests that the Project include sampling and analysis of sediments in both Lake Pillsbury and Van Arsdale Reservoir before removal activities begin, and that arsenic monitoring continue in surface water throughout dam removal and for a minimum of four years post-removal.

The PVT is also concerned about potential mobilization and transport of arsenic in disturbed soils during high-flow events, and the possibility of unintentionally transferring arsenic from the Eel River watershed into the Russian River system through the diversion tunnel. To prevent the spread of contaminants during sediment flushing, the PVT strongly recommends that no water be diverted through the tunnel into the East Fork Russian River during high- turbidity events.

Finally, long-term projections indicate that spring and summer water temperatures will increase once reservoir shading is removed. These elevated temperatures post a risk to cold-water habitats and salmonid recovery. The PVT requests the inclusion of cooling-focused habitat restoration strategies such as channel complexity features, expanded riparian shading, and enhancement of groundwater exchange areas to support long-term ecological resilience.

Tribal Resources and Traditional Ecological Knowledge

The PVT emphasizes that the cultural, ecological, and subsistence resources affected by this Project are shared among multiple Tribal Nations throughout the Eel River and Russian River regions. These resources support interconnected cultural practices, fishing traditions, ceremonial sites, and traditional ecological knowledge that extend well beyond any single Tribal boundary. The concerns of the Tribes are supported by their environmental programs that collect environmental data for the Eel and Russian Rivers, data that can support and direct restoration strategies.

The decommissioning and restoration programs should therefore be developed with the collective involvement of all regionally interested Tribes. This includes early, consistent, and government-to-government consultation to identify culturally significant areas, ensure continued access to culturally important materials, ensure good science is available to decision makers, and incorporate Tribal knowledge into planning and decision-making.

Short-term protections of shared resources during dam removal must be paired with long-term stewardship commitments. Restoration design should reflect the ecological values and stewardship principles of the region's Tribal governments, supporting sustainable habitat recovery and strengthening the long-term health of the watershed system on which Tribal communities depend. This includes long-term monitoring of these resources to measure and adjust for long term success.

Fish, Wildlife, and Botanical Resources

Dam removal has the potential to improve long-term conditions for anadromous fish, but the PVT remains concerned about significant short-term impacts to fish populations, aquatic habitat, and riparian ecosystems. These concerns are closely tied to the sediment and water-quality impacts described in the preceding water-quality section, including risk associated with turbidity, dissolved oxygen depletion, contaminant mobilization, and large-scale sediment disturbance.

To fully understand and mitigate these risks, the PVT requests that the project provide a comprehensive sediment transport model covering the entire Eel River system – from the dam sites through downstream tributaries, mainstem reaches, and estuary. This model must identify where sediment deposition, plume movement, and turbidity spikes are expected, along with the duration, intensity, and recovery timeline of these impacts. This information is essential to evaluating the extent of short-term habitat disruption and the potential for increased fish mortality during, and after, dam removal.

A thorough fish protection plan is needed, including continuous monitoring, species-specific rescue contingencies, adaptive management thresholds, and protections for ESA-listed salmonids. Native riparian vegetation and wildlife habitat restoration should prioritize culturally significant species and long-term ecological resilience. Revegetation plans should ensure the use of appropriate native species and include monitoring to confirm establishment and habitat function over time.

Downstream and Marine Ecosystem Concerns

The PVT emphasizes that downstream resources, including the lower Eel River, estuary, and nearshore marine environments, are shared cultural and subsistence areas for multiple Tribal

Nations. These systems traditionally supported fisheries, gathering areas, and ecological relationships central to Tribal cultural practices. Because upstream sediment disturbance will directly influence these shared resources, downstream protections must be a core element of the decommissioning and restoration programs.

Consistent with the water-quality and sediment management concerns outlined previously, the PVT requests development of a comprehensive sediment transport model that extends through the full Eel River system and into the estuary. This model must identify where sediment deposition, turbidity, and contaminant transport may occur, and for how long these conditions are expected to persist. Modeling results should guide protective measures for estuarine habitats, culturally important species, and nearshore marine environments that may be affected by large sediment pulses.

The PVT also requests robust monitoring of downstream sediment, water quality, and biological conditions during and after dam removal, with clear adaptive-management thresholds to prevent or reduce harm to estuarine and coastal resources. Restoration actions should reflect long-term stewardship goals shared by the region's Tribal governments and incorporate traditional ecological knowledge to support recovery of estuarine and nearshore habitats.

Socioeconomic Considerations

Changes to water flow, land use, sediment dynamics, and ecological conditions resulting from dam removal will affect the cultural, subsistence, and economic activities of multiple Tribes throughout the Eel and Russian River regions. Farming, fishing, gathering, and access to cultural sites are directly tied to watershed health and will be influenced by both short-term construction impacts and long-term restoration outcomes.

The socioeconomic analysis must therefore account for the interconnected nature of Tribal communities and resources across both watersheds. This includes evaluating how sediment-related impacts, described in earlier sections, including the need for a full watershed-scale sediment transport model, may temporarily disrupt fisheries, riparian access, and water quality, and how these disruptions could affect Tribal livelihoods and cultural practices.

The PVT requests that the Project include a comprehensive assessment of potential socioeconomic impacts to all regionally interested Tribes, along with measures to ensure equitable access to resources and opportunities during and after the transition. This should include collaborative development of mitigation strategies, long-term monitoring commitments, and restoration actions that support Tribal economic and cultural resilience.

Equitable participation in restoration programs, employment opportunities, scientific monitoring, and stewardship activities should be built into the Project's planning framework. These efforts will help ensure that short-term construction impacts are addressed and that long-term benefits (i.e., improved fish populations, restored habitats, and renewed access to culturally important areas) are realized equitably across all Tribal communities. PVT recommends that Indian Preference hiring practices be implemented during the project.

Potter Valley Tribe Recommendations

NEPA Analysis Components

NEPA analysis must include the following:

1. Watershed-scale hydrological modeling (Eel River through Russian River).
2. Updated floodplain mapping incorporating post-removal conditions.
3. Assessment of flood risk for downstream communities, including residences near Van Arsdale Dam.
4. Include a comprehensive sediment management and transport model covering the entire watershed and estuary.
5. Evaluate redox-driven mobilization of heavy metals (e.g., arsenic) from reservoir and channel sediment
6. Assess contaminant fate and transport, including potential transfer between watershed via the diversion tunnel.
7. Require pre-removal sediment sampling and multi-year post-removal water quality monitoring (minimum four years).
8. Evaluate alternatives that avoid or reduce sediment flushing impacts.
9. Model sediment plume movement, deposition zones, and recovery timelines.
10. Analyze impacts to ESA-listed salmonids and culturally important fish species.
11. Include a fish protection and rescue plan with adaptive thresholds and continuous monitoring.
12. Assess temperature increases following reservoir removal and impacts on cold-water habitat.
13. Extend sediment and water quality modeling into the estuary and marine interface.
14. Evaluate duration and intensity of turbidity impacts on estuarine habitats.
15. Assess effects on fisheries, subsistence uses, and ecological relationships.
16. Include government-to-government consultation with all potentially impacted Tribes.
17. Integrate Traditional Ecological Knowledge (TEK) into analysis and restoration design.
18. Identify culturally significant areas and ensure continued access.
19. Evaluate cumulative impacts to interconnected Tribal uses across watersheds.
20. Assess disproportionately impacts to Tribal communities.
21. Evaluate effects on subsistence activities, fisheries, and cultural practices.
22. Include mitigation measures supporting equitable participation and employment including Indian Preference hiring.

Alternatives to Be Evaluated

The Tribe requests that NEPA examine the following:

- Modified dam removal timelines (slower vs. rapid removal) to reduce sediment impacts.
- Alternative sediment management strategies, including staged removal, sediment stabilization, or partial retention.
- No-diversion alternatives during high-turbidity events to prevent contaminant transfer.
- Enhanced restoration alternatives emphasizing riparian shading, channel complexity, and groundwater exchange.

Mitigation and Monitoring Requirements

The NEPA analysis must include enforceable mitigation measures including the following:

- Real-time water quality monitoring with adaptive management thresholds.
- Sediment transport monitoring throughout the watershed and estuary.
- Long-term post-removal monitoring (minimum four years).
- Immediate corrective actions when thresholds are exceeded.
- Protection of downstream communities through proactive flood and contaminant controls.

Cumulative Impacts

NEPA must evaluate cumulative impacts across the following:

- Multiple Tribal Nations
- Interconnected watershed (Eel and Russian Rivers)
- Fisheries, sediment dynamics, and water quality
- Analysis should account for system-wide ecological connectivity and shared Tribal resource use.

Environmental Justice

Tribal communities are frontline stakeholders affected by both adverse impacts and potential benefits.

NEPA must include the following:

- Identify and mitigate disproportionate impacts.
- Ensure equitable access to restoration benefits and opportunities.
- Incorporate Tribal participation in monitoring and stewardship programs.

Conclusion

On behalf of the Potter Valley Tribe, I request serious consideration of the above recommendations that will enable Tribal participation and the protection of the Tribal communities' traditional practices and current uses. The tribal lands and water resources of the Eel and Russian River watersheds are critical for the continuation of tribal cultural practices for future generations. We encourage the involved entities to engage with the Potter Valley Tribe and other Eel River tribes often and in good faith to ensure the protection and incorporation of tribal interests.

Sincerely,



Michael Shaver, M.S.

Water Resources Manager, Potter Valley Tribe