

ROUND VALLEY INDIAN TRIBES
A Sovereign Nation of Confederated Tribes

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LOCATION: ON STATE HWY 162
ONE MILE NORTH OF COVELO
IN ROUND VALLEY
TRIBAL TERRITORY SINCE TIME BEGAN

ROUND VALLEY RESERVATION ESTABLISHED 1856

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

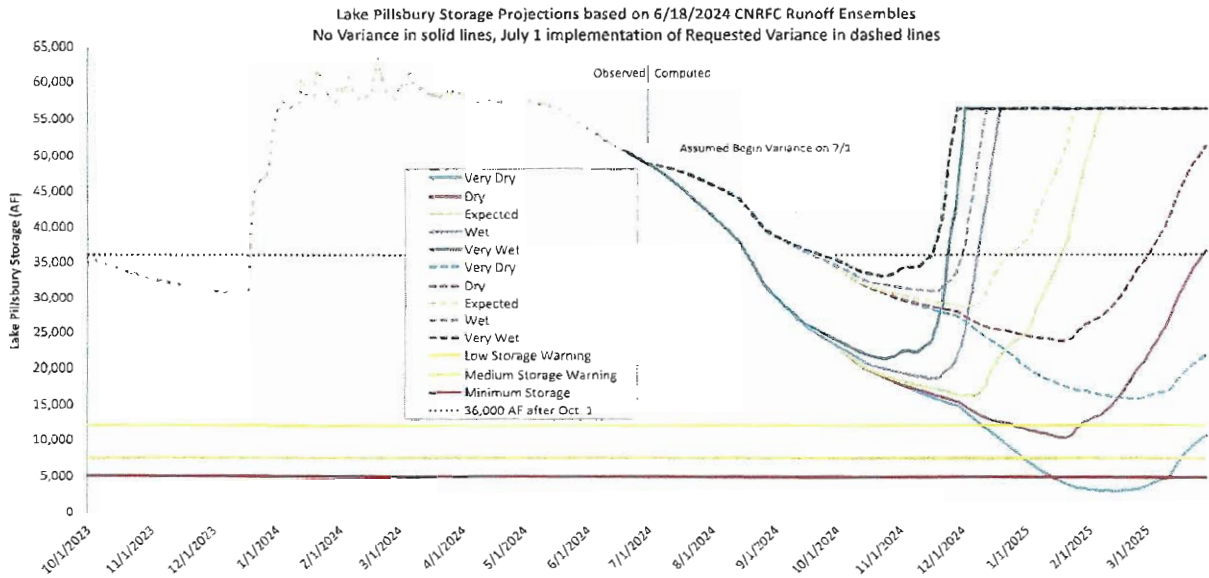
RE: Request for the Federal Energy Regulatory Commission to Approve Pacific Gas and Electric Company's February 22, 2024 Temporary Variance of Flow Requirements (FERC Project No. 77-320)

Dear Ms. Reese:

On behalf of the Round Valley Indian Tribes (RVIT or Tribes), I am writing to support Pacific Gas and Electric Company's (PG&E) request for a Temporary Variance of the Flow Requirements for the Potter Valley Project, dated February 22, 2024 (Temporary Variance). The Tribes have relied on the Eel River and its fisheries since time immemorial. The Tribes' culture and identity depend on a healthy Eel River and fishery. As you may know, the Temporary Variance request was developed by PG&E in consultation with RVIT and the Resource Agencies to address the effects of drought on Lake Pillsbury reservoir elevation levels, water temperature releases from the reservoir, and modified releases and diversion amounts to the Russian River basin. Furthermore, RVIT is a member of the Potter Valley Drought Working Group that was formed by PG&E and includes additional agencies and stakeholders. We respectfully request the Commission act swiftly and approve the Temporary Variance request to avoid further degradation to the Tribes' crucial resource, the Eel River and its fishery.

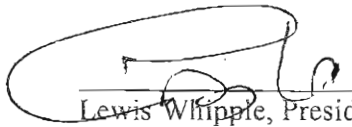
Given that available storage in Lake Pillsbury has decreased by ~20,000 ac-ft in response to the updated seismic risk computations, the importance of maintaining adequate storage in Lake Pillsbury to reduce the magnitude and duration of warmer water temperatures released from Scott Dam is critical to salmonids in late summer. The effect of delayed implementation of the Temporary Variance in 2023 on Scott Dam release temperatures is likely to occur again in 2024 without urgent implementation of the Temporary Variance. As summarized by PG&E in their February 22, 2024 Temporary Variance request, the delay in implementing the 2023 variance prolonged high flow releases through the summer from the needle valve at the bottom of Scott Dam, which depleted the cold water pool and likely caused maximum release temperatures from Scott Dam in 2023 to be up to 2.5° C higher than in 2022. This increase from late August temperatures of 19° C in 2022 to nearly 22° C in 2023 also represents a critical water temperature threshold for juvenile steelhead rearing by causing increased thermal stress to the juveniles and increasing predation rates from non-native Sacramento pikeminnow. A similar negative effect on juvenile salmonids is anticipated for 2024 if there is further delay in approving and implementing the 2024 Temporary Variance.

In addition to the water temperature impacts from delayed implementation of the Temporary Variance, there is increased risk of severely depleted reservoir storage volumes if late fall and early winter rains do not occur (see figure on the following page). In the absence of the Temporary Variance, projected Lake Pillsbury storage volumes could drop below the 12,000 ac-ft low storage warning level in December in drier runoff scenarios, increasing the risk of sloughing adjacent to the Scott Dam outlet works infrastructure.



Consistent with the Commission’s policy statement on tribal consultation in its proceeding, which commits the Commission to assuring that “tribal concerns and interests are considered whenever the Commission’s actions or decisions have the potential to adversely affect Indian tribes, Indian trust resources, or treaty rights”, RVIT respectfully requests the Commission expedite approval of the Temporary Variance of Flow for 2024 to reduce the risk of negative impacts to the Tribes’ and our vital tribal resources. If you have any questions, please do not hesitate to contact the Tribes’ consultant, Scott McBain, at 707-845-0101.

Sincerely yours,


 Lewis Whipple, President
 Round Valley Tribal Council