

***Mendocino County Russian River Flood Control
& Water Conservation Improvement District***

STAFF REPORT

To: Board of Trustees
From: E. Salomone, General Manager
Meeting: Monday, April 3, 2023
RE: Agenda Item 4: Water Supply Conditions Update & District Response

The Strategic Plan relevant priorities are: **Security** through ensuring reliable, resilient, and available sources of water; **Advocacy** in support of equitable water resource stewardship; and **Use** of water in effective and beneficial ways as a public resource, all in alignment with the District's Mission to steward water resources for the benefit of people and environment.

Inter-Basin Diversion of Water Through PG&E Owned "Potter Valley Project"

On March 17, 2023, Pacific Gas & Electric (PG&E) issued a press release announcing its intention to reduce storage in Lake Pillsbury in response to seismic safety concerns. This would result in permanent reduced diversions from the Eel River to the Russian River equating to 15 cubic feet per second (cfs) when Scott Dam was spilling and 5 cfs when releases were made from storage. A letter from PG&E to the Federal Energy Regulatory Commission (FERC) was published detailing the issue. Additionally, PG&E submitted a letter to FERC on March 22, 2023, stating it no longer intends to replace powerhouse transformer.

Congressmember Michael Thompson submitted the **attached** letter to FERC on March 20, 2023 stressing the need for decisions concerning the operations of the dam to be made with a holistic approach and include impacts to water supply dependency on the PVP.

On March 28, 2023, FERC responded to PG&E with the **attached** letter indicating the steps to undertake in consideration of the intended operational changes. It is currently unclear the proposed timeline to undertake these steps.

Lake Mendocino and the Mainstem Upper Russian River

Lake Mendocino storage level was 92,5154 acre feet (af) on March 26, 2023, up from 80,571 (af) on February 27, 2023. On March 1, 2023, the Forecast Informed Reservoir Operations (FIRO) allowed for additional water to be stored in Lake Mendocino and as of March 26, 2023, the reservoir is at 97.8% of FIRO water supply curve.

(Continued....)

Curtailments in the Upper Russian River

Effective March 29, 2023, the Deputy Director for the Division of Water Rights rescinded all curtailment orders issued pursuant to the drought emergency regulation in the Russian River watershed. In June 2022, the Division of Water Rights issued “Orders Regarding Curtailment Status” to each water right holder in the Russian River watershed. The orders required water right holders to monitor a “Curtailment Status List” and stop or reduce diversions when the list showed their water right was curtailed. Following the Governor’s recent Executive Order (N-5-23), and in consideration of reservoir storage conditions and continued precipitation throughout the region, the curtailment orders are no longer needed in the Russian River Watershed.

As a result of this rescission, water right holders will no longer be subject to the curtailment requirements under the drought emergency regulation, such as checking curtailment status, restrictions on riparian diversions, and reporting for human health and safety exceptions. Please note that this rescission does not eliminate or pause ongoing or pending enforcement actions and related settlements.
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The Upper Russian River Voluntary Water Sharing Agreement Program

The Water Sharing Program Steering Committee has continued to meet regularly, working towards 2023 Program implementation if conditions deem it necessary. Due to Emergency Regulations being rescinded, the Program needs to find an alternative process for implementation and a working group is exploring an option.

District 2023 Water Supply & District Response:

The District does not currently have any active water shortage declarations in place. Customers are providing monthly projected water use under District contracts for planning purposes. Meetings are underway with Sonoma Water regarding the Technical Memo with Sonoma Water, however, it is likely the Technical Memo will not be required this water year.

Attachments & Links:

- Congressman Michael Thompson’s letter to FERC
- FERC’s response letter to PG&E
- PG&E Press release: <https://www.pgecurrents.com/articles/3687-water-levels-lake-pillsbury-lower-year>
- Governor’s Executive Order N-5-23: <https://www.gov.ca.gov/wp-content/uploads/2023/03/3.24.23-Drought-update-executive-order.pdf?emrc=641df9c4aa025>

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Prepared and submitted to the Board of Trustees by: *Elizabeth Salomone, General Manager*

MIKE THOMPSON
5TH DISTRICT, CALIFORNIA

COMMITTEE ON WAYS AND MEANS
SUBCOMMITTEE ON SELECT REVENUE MEASURES
CHAIRMAN
SUBCOMMITTEE ON HEALTH



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P-77

March 20, 2023

RECEIVED

By The Federal Energy Regulatory Commission Office of External Affairs at 9:28 am, Mar 21, 2023

Chairman Willie L. Phillips
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Chairman Phillips:

It has come to my attention that Pacific Gas & Electric, which owns and operates Scott Dam, intends to keep its gates open indefinitely in deference to seismic safety concerns. As you know, Scott Dam holds Lake Pillsbury, located in Lake County, California. Plans to indefinitely keep the gates at Scott Dam mean that Lake Pillsbury will likely never be completely full again.

Water resources in California have always been critical to sustaining agriculture, environmental resources, and communities. However in recent years with extreme drought and atmospheric rivers this year, ensuring a stable and viable water system is crucial. Lake Pillsbury provides an important source of water for hundreds of thousands of people who reside in Sonoma and Mendocino Counties.

While I understand Scott Dam is over 100 years old and we must take seismic concerns seriously, decisions concerning the operations of the dam must be made with a holistic approach. As California's water supply will remain unpredictable for the foreseeable future, we must take these concerns seriously.

I would like to request that the Federal Energy Regulatory Commission evaluate this proposed plan as well as ensure that all impacted parties, including those who rely on water resources from Lake Pillsbury have the opportunity to comment.

Sincerely

MIKE THOMPSON
Member of Congress

CC: Commissioner James Danley, Commissioner Allison Clements, and Commissioner Mark C. Christie

2023-00039



FEDERAL ENERGY REGULATORY COMMISSION
Washington, D. C. 20426

OFFICE OF ENERGY PROJECTS

Project No. 77-000--California
Potter Valley Hydroelectric Project
Pacific Gas and Electric Company

March 28, 2023

VIA FERC Service

Jan Nimick, Vice President
Pacific Gas and Electric Company
Mail Code: N11E
P.O. Box 770000
San Francisco, California 94105

Subject: March 17, 2023 Letter to Division of Dam Safety and Inspections

Dear Mr. Nimick:

This letter is in reference to the March 17, 2023 letter filed by Pacific Gas & Electric Company (PG&E) with the Commission's San Francisco Regional Office regarding the "Results of Simplified Seismic Stability Analysis and Proposed Interim Risk-Reduction Measure" for the Potter Valley Hydroelectric Project No. 77. The Regional Office will respond separately regarding the technical content of that letter.

PG&E states that, as an interim risk-reduction measure, starting April 1, 2023, it will leave the spillway gates open at the project's Scott Dam year-round to maintain the water level in the project reservoir, Lake Pillsbury, at or below the spillway crest elevation. PG&E states that this restriction will remain in place until long-term seismic measures are developed and implemented. Further, PG&E notes that the proposed reservoir restriction will reduce the maximum water storage elevation in Lake Pillsbury by 10 feet.

The unilateral decision to keep the spillway gates at Scott Dam open indefinitely could impact PG&E's compliance with the Reasonable and Prudent Measures (RPMs) made part of the Potter Valley license for the protection of federally listed species.¹

¹ On November 29, 2002, the National Marine Fisheries Service filed with the Commission a final biological opinion that requires PG&E to release seasonal minimum

Among other things, these measures establish the required flow regime in the Eel and Russian Rivers. Keeping the spillway gates open reduces water storage in Lake Pillsbury and will likely limit PG&E's ability to meet the summer and fall flow releases required by the license. The failure to provide these flows may violate the Endangered Species Act (ESA) and the terms of the project license.

Should PG&E wish to seek Commission authorization for keeping the gates open indefinitely, it must file an amendment application, pursuant to 18 CFR 4.200. The application must detail any anticipated environmental effects of the proposal to leave the spillway gates open indefinitely, any avoidance and minimization measures that would be enacted, and should contain documentation of consultation from relevant federal and state agencies and Tribes.

Documentation of consultation should include correspondence with the relevant federal and state resource agencies, including the National Marine Fisheries Service, and interested non-governmental organizations and Tribes; any responses received from those entities; and PG&E's response to any comments received. We anticipate that, before acting on any such amendment request, the Commission would have to prepare an analysis under the National Environmental Policy Act and complete ESA consultation.

The Commission strongly encourages electronic filing. Please file the requested plan and schedule using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P-77-000.

flows below Scott Dam for normal, dry, and critical water years. *Pacific Gas & Electric Company* 106 FERC ¶ 61,065 (2004).

Pending approval of an amendment application, you are required to maintain compliance with your existing license, as amended. Thank you for your cooperation. If you have any questions regarding this matter, please contact Shana Wiseman at (202) 502-8736 or shana.wiseman@ferc.gov.

Sincerely,

CarLisa Linton,
Director
Division of Hydropower Administration
and Compliance

cc: Alecia Van Atta
Assistant Regional Administrator, California Coastal Office
National Marine Fisheries Service, West Coast Region
777 Sonoma Avenue, Room 325
Santa Rosa, CA 95404-47