



# Mendocino County Farm Bureau

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Affiliated with the California Farm Bureau and the American Farm Bureau Federation

April 1, 2024

Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
Office of Energy Projects  
888 First Street, N.E., Room 1A  
Washington, DC 20426

Via Electronic Filing (e-file)

***COMMENTS: for Potter Valley Project No. 77-320 by the Mendocino County Farm Bureau in response to the February 22, 2024 filing by Pacific Gas and Electric Company titled Potter Valley Hydroelectric Project, FERC No. 77-CA 2024 Minimum Instream Flow Variance Request Due to Restricted Storage Capacity***

Dear Secretary Bose,

The Mendocino County Farm Bureau (MCFB) is a non-governmental, non-profit, voluntary membership, advocacy group whose purpose is to protect and promote agricultural interests throughout the county and to find solutions to the problems facing agricultural businesses and the rural community. MCFB would like to submit the following comments on the Minimum Instream Flow Variance Request for FERC Project No. 77-320, the Potter Valley Hydroelectric Project (Project), as submitted on February 22, 2024, by Pacific Gas and Electric Company (PG&E).

On March 17, 2023, PG&E notified FERC regarding the results of a seismic stability analysis of Scott Dam. Based on this analysis, PG&E determined that the gates at Scott Dam should remain open year-round under the guise of reducing seismic risk. This decision lowers the height of Lake Pillsbury thus reducing storage by approximately 20,000 acre-feet and forces all future water year operations of the lake to be implemented under “Dry Year” determinations. So, despite the actual amount of precipitation received, the Project will permanently operate as if the system were facing low water year conditions.

Artificial Dry Year operation of the Project will directly impact flow releases into the East Fork of the Russian River. Under the proposed variance, flows into the East Fork of the Russian River will be reduced initially from the current 75 cfs to 25 cfs. These flows could be further reduced to as low as 5 cfs depending on Lake Pillsbury storage levels and other factors.

The Project has been providing power and water benefits to the Russian River communities for 100+ years. This isn't a new fact. It shouldn't be a surprise to FERC that interests in the Russian River, including MCFB, are not supportive of the decision to permanently allow for the gates at Lake Pillsbury to remain open and

for related variance requests to be made that are not connected to actual water year designations based on available precipitation.

The decisions by PG&E in this current variance request directly impacts the water supply reliability within the Russian River Watershed. The impacts of decreased water diversions from the Project are vast as agricultural, municipal and environmental beneficial uses in the Russian River rely on this water. Hundreds of water right holders have been granted the ability to use water from the Project by the California State Water Resources Control Board. Many of these are MCFB members.

Instead of indiscriminately reducing flows to a Dry Year designation, any flow reductions should be based on more detailed and updated predictions of Lake Pillsbury storage levels as conditions warrant. This strategy will support minimum pool levels in Lake Pillsbury, while also reducing impacts on the East Fork of the Russian River and the water that sustains multiple beneficial uses, appropriative water rights, and natural resource uses.

Additionally, in the examination of the variance petition documents, it is not apparent that any NEPA level review has been performed by PG&E. An environmental assessment would inform FERC whether the effects of the operation of the Project under the terms of the variance would cause a significant impact and thus require an environmental impact statement (EIS). As the proposed PG&E variance for 2024, and related future license amendments to permanently open the Project spillway gates, will have both ecological and economic ramifications that need to be fully vetted, MCFB requests that FERC requires PG&E to complete a NEPA analysis prior to considering this variance request. If FERC determines that a NEPA analysis is not warranted to evaluate the impacts from the operational changes to the Project related to this variance, it is also requested that FERC explain why this determination was made.

MCFB and our members are invested in the current and future operations of the Project. PG&E, although beginning a license surrender process, is the owner and operator of this Project. As such, they have a responsibility to work with interests in both the Eel and Russian River watersheds. For the reasons stated above, MCFB requests that FERC deny PG&E's February 22, 2024, filing for a flow variance for the Potter Valley Project.

Sincerely,



Estelle Clifton

President