



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



March 29, 2024

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

SUBJECT: MOTION TO INTERVENE AND COMMENTS FOR POTTER VALLEY PROJECT NO. 77-320 BY CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE IN RESPONSE TO FEBRUARY 22, 2024, FILING BY PACIFIC GAS AND ELECTRIC COMPANY'S MINIMUM INSTREAM FLOW VARIANCE REQUEST DUE TO RESTRICTED STORAGE CAPACITY

Dear Secretary Reese:

On February 22, 2024, Pacific Gas and Electric Company (PG&E) requested a temporary variance of its minimum flow requirements at two project locations. Due to seismic risk at Scott Dam, the licensee has elected to leave the spillway gates at Scott Dam open indefinitely, thereby reducing the storage capacity in Lake Pillsbury by approximately 20,000 acre-feet.

On February 29, 2024, the Federal Energy Regulatory Commission (FERC) issued a notice of application, accepted for filing and soliciting comments, motions to intervene, and protests. (FERC Docket No. 77-314.)

Pursuant to Rule 214 of FERC's Rules of Practice and Procedure (18 C.F.R. § 385.214), the California Department of Fish and Wildlife (CDFW) files this notice of intervention in this proceeding. CDFW is the relevant state fish and wildlife agency for consultation pursuant to the Federal Power Act section 10(j) (16 USC § 803(j)). CDFW as the trustee for the State of California's fish and wildlife resources has jurisdiction over the conservation, protection, and management of the state's fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of these species. (Fish & G. Code, §§ 711.7, 1802.) CDFW intervenes in the proceeding as a matter of right under 18 C.F.R. § 385.214(a)(2).

CDFW fully supports PG&E's variance request to preserve water storage in Lake Pillsbury and conserve cold water for the protection of listed salmonids in the Eel

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River. Implementing this variance as soon as possible is crucial to conserving as much cold water as possible.

All communications, pleadings, and orders with respect to this proceeding should be sent to the following individuals:

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Allan Renger
California Department of Fish and Wildlife
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(707) 834-4359
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Sincerely,

DocuSigned by:

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Michael Harris, Acting for
Tina Bartlett, Regional Manager
Northern Region

ec: FERC Service list

Tina Bartlett, Erin Chappel, Brett Kormos, Janae Scruggs, Debra Hawk,
Allan Renger, Trevor Tollefson, Matt Myers, Chris Ramsey
California Department of Fish and Wildlife