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March 20, 2024

Via Electronic Submittal (E-Filing)

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

Re: MOTION TO INTERVENE AND COMMENTS for Potter Valley Project No. 77-320 by the Potter Valley Irrigation District 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 Potter Valley Irrigation District (PVID) requests to intervene and make comments on Pacific Gas and Electric Company's (PG&E), February 22, 2024 filing with the Federal Energy Regulatory Commission (FERC) titled Potter Valley Hydroelectric Project (Project), FERC No.77- CA 2024 Minimum Instream Flow Variance Request due to Restricted Storage Capacity.

After significant rainfall this past winter Lake Pillsbury began spilling on January 1, 2024. PVID was encouraged by the inflow to Lake Pillsbury and hopeful that a repeat of the very difficult irrigation seasons we experienced in 2020 and 2021 would be avoided. However, on March 17, 2023 PG&E notified FERC regarding the results of a “simplified two-dimensional seismic stability analysis of Scott Dam” undertaken as part of their engineering reevaluation of the dam. Results of the study suggested that Scott Dam may become structurally unstable when subjected to seismic loading based on new criteria using updated ground motion data. The study also showed that the potential of seismic instability is lower when the water level in the reservoir is at or below the spill crest elevation. While the data supporting this conclusion have not been made public, based on the results, PG&E has determined that the gates at Scott Dam will remain open year round. This decision lowers the lake height by ten feet below the maximum reservoir operating level thus reducing available storage by 26% or 20,000 acre-feet (AF). The resulting reduction in storage means that, even in wet years, Lake Pillsbury storage will begin

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every water year in what now, under the current license, would be considered a Dry Year condition.

Under the new reduced storage capacity PG&E proposes, in order to preserve Lake Pillsbury storage and maintain cooler release temperatures at E-2, that the variance will continue with a Wet Year Classification for Eel River flow requirements at E-11 and reduce flows to the East Branch Russian River (EBRR) at E-16 to a Dry Year Classification. Under the proposed variance EBRR instream flows will be reduced initially from the current 75 cfs to 25 cfs. Based on the rate of draw down of Lake Pillsbury and temperature readings at E-2 the minimum instream flows at E-16 could be reduced to as low as 5 cfs. PVID contract deliveries at E-16 will remain unchanged for the season and PVID will voluntarily continue to request up to the contracted 50 cfs on a demand schedule.

While outside of this License Variance proposal a statement made by PG&E in the variance request regarding our contract with PG&E is of concern. On Page 9 of the February 21, 2024 Variance Request PG&E states that “reductions to PVID contract water deliveries are at PG&E’s discretion”. This is unequivocally false. PG&E has very limited discretion to limit the PVID's contracted deliveries and certainly there is nothing in our contract that describes late summer or fall storage levels at Lake Pillsbury as being a reason to limit delivery of our 50 cfs between April 15 to October 15 unless cumulative inflow to Lake Pillsbury is less than 25,000 AF by April 1. The PG&E contract also states that PVID has the right to use up to 19,000 AF per year of water stored in Lake Pillsbury. Further, in the FERC October 14, 2009 Order Granting Amendment of License Article 52, Page 2, Item 4, FERC clearly describes, in Section E.4, "the RPA currently limits the release of water to PVID to 5 cubic feet per second (cfs) from October 16 through April 14, and not to exceed 50 cfs from April 15 to October 15 (or not to exceed 25 cfs if inflow to Lake Pillsbury is less than 25,000 acre-feet (ac-ft) on April 1)".

PVID has participated as a stakeholder in the Potter Valley Project Drought Working Group (DWG) each year that it has been convened by PG&E when drought conditions required license variances to be discussed for protection of storage levels in Lake Pillsbury. PVID intends to voluntarily remain on a demand based delivery of our 50 cfs for the duration of the water delivery season in a good faith effort to help maintain storage in Lake Pillsbury to safeguard infrastructure and maintain license mandated flows for fishery protection.

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Lake Pillsbury storage is currently over 58,000 AF. However, there are several variables that may impact storage in Lake Pillsbury as the season progresses. These include the amount of natural inflow to the lake, evapotranspiration rates, changes in the temperature of the water released at E-2, temperature of inflows to the lake, timing of when fishery agencies may wish to utilize their 2,500 AF of block water and the amount of water saved in Lake Pillsbury by PVID voluntarily going to demand based delivery requests. Because it is unclear how all of these variables will ultimately impact storage in Lake Pillsbury, PVID requests FERC reject PG&E's proposal to preemptively reduce the EBRR flows to 25 cfs and instead approve reductions in EBRR flows slowly over time based on updated storage forecasting. This would ensure that minimum pool levels in Lake Pillsbury and favorable conditions below Scott Dam are maintained while also reducing impacts on EBRR water availability for multiple beneficial uses, appropriative water rights and natural resource uses. PVID supports convening the DWG after the Variance is approved for discussion of whether, based on changing condition, reductions in EBRR minimum flows are warranted.

Finally, while it is technically outside of the purview of FERC, it should not be ignored that changes to the minimum instream flow requirement at E-16 impact water supply reliability within the Russian River watershed. The California State Water Resources Control Board (SWRCB) has granted Appropriative Water Rights to hundreds of diverters, including PVID, along the Russian River from the Project downstream to the Pacific Ocean. These water rights are predicated, in part, on expected annual Eel River diversions that are based on Project license conditions and water year classifications. The impacts of decreased water diversions from the Project are widespread. The water diverted through the Project is either collected into storage at Lake Mendocino or bypassed through the reservoir to provide domestic and agricultural water to communities from Redwood Valley in Mendocino County all the way down the Russian River through Sonoma County and into Marin County. Part of the water stored in Lake Mendocino is required to be used in the Russian River to maintain minimum instream flows determined by the National Marine Fisheries Service (NMFS) 2008 Biological Opinion for species of anadromous fish listed under the Endangered Species Act. All of the summer water in the Russian River system is, in part, affected by the amount of water diverted from the Project. Arbitrarily changing the water year classification and flow rate at E-16 has far reaching consequences.

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Finally, for the reasons given above, PVID urges FERC to deny PG&E's Variance request which would immediately, and unnecessarily, reduce flows at E-16 to a Dry Year Classification and instead, in consultation with the DWG, base any flow reductions on more detailed and updated predictions of Lake Pillsbury storage levels as conditions warrant.

PVID formally files these COMMENTS AND MOTION TO INTERVENE in the matter of FERC Project No. 77-320 Pacific Gas and Electric Company's Application for Temporary Variance of Flow Requirements.

Respectfully Submitted,

A handwritten signature in black ink that reads "Kenneth Stroh". The signature is written in a cursive, slightly slanted style.

Kenneth Stroh, President

Potter Valley Irrigation District

Cc: Service List