



POTTER VALLEY IRRIGATION DISTRICT
10170 MAIN STREET
P.O. BOX 186
POTTER VALLEY, CA 95469
PH: 707-743-1109
www.pottervalleywater.org

May 15, 2025

Via Electronic Submittal (E-Filing)

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

Re: MOTION TO INTERVENE, PROTEST AND COMMENTS for Potter Valley Project No. 77-323 by the Potter Valley Irrigation District in response to the February 14, 2025 filing by Pacific Gas and Electric Company titled Potter Valley Hydroelectric Project, FERC No. 77-CA 2025 Minimum Instream Temporary Flow Amendment Request.

Dear Secretary Reese,

The Potter Valley Irrigation District (PVID) requests intervenor status and to protest Pacific Gas and Electric Company's (PG&E), February 14, 2025 filing with the Federal Energy Regulatory Commission (FERC) titled Potter Valley Hydroelectric Project (Project), FERC No. 77- CA 2025 Minimum Instream Temporary Flow Amendment Request.

In their February request to FERC 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 cubic feet per second (cfs) to 25 cfs. Based on the rate of drawdown of Lake Pillsbury and temperature readings at E-2 the minimum instream flows at E-16 could later be reduced to as low as 5 cfs. This means that PG&E is requiring EBRR flows at E-16 to be reduced as soon as possible to a Dry Year Classification, and perhaps later this season to be reduced even further to a Critical Water Year Classification in a year where we have locally received over 51 inches of rain. PVID strongly opposes the assertion that the diversion flows need to be so drastically reduced early in the season to protect storage in Lake Pillsbury to maintain lower water temperatures below Scott Dam.

Secretary Debbie-Ann A. Reese

May 15, 2025

Page 2.

Lake Pillsbury storage is currently, as of May 13, 2025, 56,116 AF. Based on the current draw down rate it appears that storage in Lake Pillsbury will not reach levels of concern, even assuming no rainfall, until very late in the year. Therefore, continuing the current license required E-16 minimum EBRR flow rate of 75 cfs, which will be reduced to 35 cfs on September 15th, will not threaten storage at Lake Pillsbury. However, there are several other variables that may impact storage in Lake Pillsbury as the season progresses. These include the amount of natural inflow to the lake, evapotranspiration rates, 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 and temperature monitoring. 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 appropriative water rights and natural resource uses. PVID supports convening the Drought Working Group for regular discussions of whether, based on actually observed changes in conditions and not estimates or averages from past seasons, reductions in EBRR minimum flows are warranted.

PG&E states that PVID contract deliveries at E-16 will remain unchanged for the 2025 irrigation season. However, PVID is once again compelled to respond to an assertion by PG&E, stated in Table 3 on Page 10 of their February 14, 2025 Minimum Instream Temporary Flow Amendment Request, that at their discretion they can disallow our contracted deliveries to attain "temperature, storage and facility safety objectives". This is unequivocally false. PG&E has very limited discretion to restrict PVID's contracted deliveries and certainly there is nothing in our contract that describes late summer or fall storage levels at Lake Pillsbury, or water temperatures at E-2, being a reason to limit delivery of our 50 cfs between April 15 and October 15 unless cumulative inflow to Lake Pillsbury is less than 25,000 AF by April 1st. Cumulative inflow to Lake Pillsbury by April 1, 2025 was 519,813 AF. Cumulative inflow to Lake Pillsbury in the month of April alone was 65,510 AF.

Finally, it should not be ignored that changes to the minimum instream flow requirement at E-16 negatively impacts 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

Secretary Debbie-Ann A. Reese

May 15, 2025

Page 3.

diversions that are based on Project license conditions and water year classifications. Water diverted through the Project is utilized in Potter Valley and then is either collected into storage at Lake Mendocino, or bypassed through that 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.

As an important aside to the discussion of the potential loss of appropriative water rights along the Russian River is the fact that PVID's appropriative water right allows us to provide water to our customers at less cost than purchasing water from PG&E under our contract. PVID is obligated to reduce financial impacts to our customers and utilizing our right to use EBRR water below the tailrace of the Potter Valley Powerhouse is one of the ways we can accomplish that goal. Just as for all of the appropriative water rights holders dependent upon water diverted through the Project any loss, or reduction, in those water rights causes serious financial burdens.

Reductions in the water diverted from PG&E's Potter Valley Project also impacts the amount of water that is stored in Lake Mendocino which 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 to be protective of 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. For over 100 years water released at the tailrace of the Potter Valley Powerhouse has been beneficially used as a water supply for over 600,000 people. This diverted water supply supports a thriving agricultural economy, is used to protect listed species of anadromous fish and generally has sustained a quality of life that people have enjoyed in the Russian River watershed for generations. Arbitrarily changing the water year classification, and therefore the diversion rate at E-16, will have far reaching harmful consequences for our communities.

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 Drought Working Group, base any flow reductions to the EBRR on current, and accurate, data for Lake Pillsbury storage levels and water temperature.

Secretary Debbie-Ann A. Reese

May 15, 2025

Page 4.

PVID formally files these COMMENTS, PROTEST AND MOTION TO INTERVENE in the matter of FERC Project No.77-323 Pacific Gas and Electric Company's Minimum Instream Temporary Flow Amendment Request.

Respectfully Submitted,



Janet K.F. Pauli, President