



**POTTER VALLEY IRRIGATION DISTRICT**  
**10170 MAIN STREET**  
**P.O. BOX 186**  
**POTTER VALLEY, CA 95469**  
**PH: 707-743-1109**  
**[www.pottervalleywater.org](http://www.pottervalleywater.org)**

November 25, 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. 77-318 by the Potter Valley Irrigation District (PVID) in response to the October 31, 2025 NOTICE OF APPLICATION FOR NON-CAPACITY AMENDMENT OF LICENSE ACCEPTED FOR FILING, SOLICITING COMMENTS, MOTIONS TO INTERVENE AND PROTESTS.**

Dear Secretary Reese,

The Potter Valley Irrigation District (PVID) wishes to INTERVENE, COMMENT and PROTEST Pacific Gas and Electric Company's (PG&E) filing dated July 31, 2023 with the Federal Energy Regulatory Commission (Commission) titled Potter Valley Hydroelectric Project, FERC No. 77-CA 2023 Long-Term Flow Regime Request Due to Restricted Storage Capacity.

PG&E has requested a non-capacity license amendment of its minimum flow requirements under Article 52. In their letter dated July 31, 2023 PG&E stated that the amendment is necessary to appropriately manage water storage in Lake Pillsbury and remain in compliance with the requirements of Article 52 given current interim risk reduction measures due to seismic concerns, storage limitations and the various water demands on the system. Further, on Page 2 of the July 31, 2023 filing, PG&E detailed the conditions of their long-term flow regime proposal as follows:

- Gaging Station E2 will be reclassified as a Critical Water Year Type (WYT). In practice, the E-2 flows will be the combined releases for E-11, E-16 and the Potter Valley Irrigation District, with a floor set by the minimum opening of the low-level outlet (approximately 35 cubic feet per second [cfs]).
- Gaging Station E-16 flows will initially be reclassified as a Dry WYT (25 cfs). Based

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on storage and water temperature projections, with PG&E and Agency coordination, flows at E-16 may be adjusted between 5 cfs (Critical WYT- 5 cfs) and 25 cfs (Dry WYT- 25 cfs) when mean daily water temperature at E-2 exceed 16 degrees Celsius to maintain cooler water temperatures for ESA-listed salmonid species downstream of Scott Dam. E-16 flows can also be adjusted if the Lake Pillsbury storage forecast shows a reduction is needed to preserve adequate storage through the end of the year (or prolonged dry period).

The October 31, 2025 FERC request for comments on PG&E's application for a non-capacity amendment of the license has a different flow proposal for releases at Gaging Sation E-16 than the original proposal by PG&E, shown above. The table included in the Commission comment request shows that between the dates of April 15 and September 30 of each year, no matter what the water year classification is, that the EBRR minimum flows will be reduced to 5 cfs as soon as Scott Dam is no longer in the spill condition. In the original request for flow reductions by PG&E, and in their numerous Temporary Variance requests over past years, there was a reduction in flows at Gaging Station E-16 to 25 cfs (a Dry WYT) when Scott Dam stopped spilling with the understanding that those flows could be reduced further down to 5 cfs (a Critical WYT) depending upon mean daily water temperatures measured at Gaging Station E-2. The arbitrary reduction in EBRR flows from a Dry WYT to a Critical WYT (25 cfs to 5 cfs) significantly negatively impacts Appropriative Water Rights holders in the EBRR (including PVID).

In the Commission's letter to PG&E dated July 28, 2025, after PG&E indicated that the proposed reductions in minimum flows to the EBRR would negatively affect water users in the basin with deliveries of water decreasing up to an average of 88 percent (compared with average deliveries from 2014 -2023), and up to an average of 97 percent (compared with the average deliveries from 2004-2013), the Commission requested that PG&E identify users that would be affected including their location and amount of water they would no longer have available for their use. This includes operators of the small Commission licensed hydropower projects downstream of the Potter Valley Project (PVP) and agricultural users along the EBRR. The Commission also asked PG&E to address any potential effects of the proposed amendment on storage in Lake Mendocino. PG&E was also directed to address any effects to environmental resources below Lake Mendocino including water quantity, quality and listed salmonids that may be caused by the proposed reduction of diverted flows. PVID supports the Commission's request for this information from PG&E outlining the impacts of the proposed amendment of the minimum flow requirements under Article 52.

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There are several variables that may impact storage in Lake Pillsbury as a water 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 each year PVID requests the Commission reject PG&E's proposal to preemptively reduce the EBRR flows to a Critical WYT (only 5 cfs) and instead adjust reductions in E-16 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 to EBRR water availability for Appropriative Water Rights holders 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 has consistently stated that PVID's long term contract deliveries at E-16 will remain unchanged. 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 1<sup>st</sup>. PVID continues to voluntarily request diversion of their 50 cfs contracted water on a demand based schedule and we will continue to do so.

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 Appropriative Water Right to use EBRR water below the tailrace of the Potter Valley Powerhouse is one of the ways we can accomplish that goal. Note also that, 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.

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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 the Commission to deny PG&E's Variance request which would immediately, and unnecessarily, reduce flows at E-16 to a Critical Water Year Classification every year regardless of the actual rainfall and runoff conditions in the watershed and instead, in consultation with the Drought Working Group, base any flow reductions to the EBRR on current conditions at Lake Pillsbury including, inflow, storage levels and water temperature.

PVID formally files these COMMENTS, PROTEST AND MOTION TO INTERVENE in the matter of FERC Project No.77-318 Pacific Gas and Electric Company's request for a non-capacity amendment of the license.

Respectfully Submitted,



Janet K.F. Pauli, President

Potter Valley Irrigation District