

1 index for its operations on the Russian River; in this index, the proposed water year types (or
2 “schedules”) are no longer tied to inflows to Lake Pillsbury. The Draft EIS for the Project must
3 take this environmental setting and SCWA’s proposed changes to D-1610 into account in
4 assessing the Project’s environmental impacts. As noted in the PAD (PAD 4-42), the last
5 amendment to the Project’s license, Article 58, states that “FERC reserves authority to require
6 modifications to the Project license as may be necessitated by modification by the California
7 State Water Resources Control Board of its Decision 1610.”

8 The EIS should also include a detailed description of the water rights associated with the
9 Project. While SD1 generally describes PG&E’s claimed water rights, it does not provide data or
10 evidence of PG&E’s actual beneficial use of water. Nor does it discuss PVID’s contract for
11 irrigation purposes based on actual water rights, or the legal status of the Project’s abandoned
12 water in the Russian River. *See* PAD comments, *infra*. Understanding Project water rights is
13 critical to an adequate evaluation of the Project’s impacts and feasible mitigation measures and
14 alternatives. Not only must the EIS consider the relative values and efficiencies of the various
15 uses of finite water resources, but the agency must also evaluate whether alternative sources of
16 water could supply those uses, or whether alternative uses could secure substantial benefits
17 while using significantly less water.

18 **III. The EIS Must Include a Larger Geographic Scope of Project Review.**

19 The Conservation Groups believe SD1 improperly limits the geographic scope for Project
20 analysis. For the Eel River, SD1 limits the geographic scope to the River from Lake Pillsbury
21 downstream to the confluence with the Middle Fork Eel River. In the last sentence of last
22 sentence in Section 3.3.3, the PAD states, “*Below the Middle Fork Eel River, potential*
23 *hydrologic effects of the Project are significantly diminished due to inflow from the Middle,*
24 *South and North Forks of the Eel River, and the Van Duzen River.*” As noted in the Kamman

25
26 Friends of the Eel River’s comments on the Fish Flow DEIR can be found at
27 [https://eelriver.org/wp-content/uploads/2017/04/FishHabitatFlowsDEIR-FOER_Comments-](https://eelriver.org/wp-content/uploads/2017/04/FishHabitatFlowsDEIR-FOER_Comments-0309017.pdf)
28 [0309017.pdf](https://eelriver.org/wp-content/uploads/2017/04/FishHabitatFlowsDEIR-FOER_Comments-0309017.pdf).

1 Report (Exhibit 1 at pp. 4-6), this statement fails to take into account that increasing summer
2 water demands along the entire Eel River and tributaries has led to serious concerns about the
3 direct and cumulative impacts of summer diversions, especially to listed salmonids. Moreover,
4 blockwater releases in late summer 2014, intended to help keep temperatures down for juvenile
5 steelhead in the upper river, actually reconnected surface flows at the mouth of the Eel. Thus,
6 Project operations clearly do affect river conditions as far down as the mouth during the summer
7 dry period. Consequently, the Conservation Groups request that the EIS expand the geographic
8 scope of Project analysis to include the Eel River from the Project area to the Pacific Ocean.

9 The scope of analysis on the Russian River should also be expanded. SD1 currently limits
10 the scope for the assessment of water quality and fishery resources to the East Fork Russian
11 River from the PVP powerhouse to the Lake Mendocino. SD1 at p. 17. However, given the
12 dependence on Lake Mendocino water in meeting Russian River minimum instream flow
13 thresholds and associated aquatic habitats, it seems logical that any potential changes to PVP
14 operations would potentially have an impact on the Russian River down to the confluence with
15 Dry Creek. Below Dry Creek, Lake Sonoma also supplies flows necessary to meet Russian
16 River minimum flow needs. Thus, the Conservation Groups ask that the geographic scope on the
17 Russian River be expanded to at least Dry Creek, and that all relevant information be
18 considered.

19 **IV. The EIS Must Undertake an Adequate Evaluation of the Project's Impacts Over the**
20 **Expected Life of the Project.**

21 The EIS must undertake a comprehensive and detailed evaluation of the Project's
22 potential environmental impacts, identification of mitigation measures for those impacts, and
23 formulation of alternatives to the Project that would involve fewer and less severe
24 environmental impacts. The purpose of NEPA is to "promote efforts which will prevent or
25 eliminate damage to the environment and biosphere." 42 U.S.C. § 4321. NEPA's fundamental
26 purposes are to guarantee that: (1) agencies take a "hard look" at the environmental
27 consequences of their actions before these actions occur by ensuring that the agency carefully
28 considers "detailed information concerning significant environmental impacts," *Robertson v.*