



April 11, 2022

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

Re: Interim Protective Measures Pending Decommissioning of the Potter Valley Project (P-77) on the Eel River, California

Dear Secretary Bose:

The undersigned organizations share a deep concern for the Eel River's critically imperiled fisheries, especially its salmon and steelhead. The two Eel River dams operated by Pacific Gas and Electric (PG&E) as part of its Potter Valley Project (Project) have caused serious harms to these fisheries for a century. PG&E's license to operate the Project expires on April 14, 2022. Now is the time for PG&E to begin the process of decommissioning its obsolete, failing structures.

Decommissioning and dam removal provide a chance to shift the balance in the Eel River watershed toward recovery before all is lost. But to protect the hope of recovery, it is imperative that the Commission act to ensure the Project and its operations do not drive Eel River salmon and steelhead extinct before PG&E removes its dams.

We urge the Commission to amend PG&E's license to operate the Project pending decommissioning to include the eight Interim Protective Measures specified by the National Marine Fisheries Service (NMFS) in its letter of March 16, 2022. As well, we strongly encourage the Commission to work with PG&E, the relevant federal and state agencies, and sovereign tribes to ensure the Project decommissioning process proceeds as expeditiously as possible.

The Eel River watershed and its fisheries have been severely affected by a decade of rising temperatures and declining precipitation. For the first time in recent memory, flow in reaches of the Eel River's biggest tributaries, and even the mainstem itself, have disconnected entirely during recent dry seasons.

Humboldt County was required to submit a Groundwater Management Plan for the lower Eel River Valley because of the risks to the Eel River from groundwater pumping. Operations of the Project itself have been subject to flow-related variances seven times in the last decade.

As NMFS noted in its March 16 letter, that agency's 2002 Biological Opinion allowing incidental take of salmon and steelhead listed under the Endangered Species Act (ESA) during operations of the Project also expires on April 14, 2022. In its letter, NMFS confirmed that "the Project is causing take of ESA-listed salmonids in a manner not anticipated in the Opinion and from activities not described in the Opinion."

NMFS' 2002 Biological Opinion found that continued operations of the Project under the license FERC granted in 1982 would jeopardize the existence of Eel River Chinook salmon and steelhead listed as Threatened under the ESA. Today, these populations are in worse condition and face greater threats than was the case two decades ago. The California Fish and Game Commission recognized the severity of those threats when it designated Northern California summer steelhead an Endangered species under California's Endangered Species Act on June 16, 2021.

Other species of concern are negatively affected by project operations as well. Pacific lamprey are an important subsistence, ceremonial, and medicinal food for Wiyot and other Indigenous people. The species decline as a result of the dams and diversion severely impacts the Wiyot Tribe.

Given the current status of Eel River salmon, steelhead, and native fish, and the ongoing negative impacts of the Project on the listed species, it is essential the Commission move to implement the Interim Protective Measures proposed by NMFS to minimize take and avoid jeopardy during any continuing operations of the Project. We wish to emphasize the urgency of the need for a water temperature management plan, improved summer flows, and the management of the Lake Pillsbury reservoir cold water pool. Until Scott and Cape Horn dams are removed, the Project must be operated to avoid unnecessary harms to listed Eel River salmon and steelhead, including significant impairment of migration, spawning and rearing, or habitat degradation.

Thank you for your careful consideration of these urgent questions. Due to the urgency of the imperiled status of these species, we request that FERC provide a public explanation of the Commission's plans regarding inclusion of the requisite Interim Protective Measures in any annual license to operate the Project pending decommissioning.

Sincerely,

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Chairman
Wiyot Tribe

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