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September 24, 2025

Via E-Mail

Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Pacific Gas and Electric Company
Potter Valley Project
(FERC Docket No. P-77-331)

Re: Comments of Friends of the Eel River Concerning Eel River Flows Under Pacific Gas and Electric Company's 2025 Flow Variance

Dear Commissioners:

The following comments are submitted on behalf of Friends of the Eel River.

We are informed that Pacific Gas and Electric Company ("PG&E") stated at an August 28, 2025 meeting of the Drought Working Group that if the onset of fall rains is significantly delayed, further reductions in the release of water to the Eel River may be required to ensure the safety of Scott Dam.[1] The purpose of this letter is to remind both PG&E and the Commission that flows to the Eel River cannot be cut below the minimum amounts required in the Potter Valley Project license and the reasonable and prudent alternative ("RPA") incorporated into the license. Alternatives—such as limiting flows to the East Branch Russian River ("EBRR") and contract water deliveries to the Potter Valley Irrigation District ("PVID")—must be explored.

[1] We concur with PG&E's assessment of the potential risks to Project infrastructure of reducing storage in the Lake Pillsbury reservoir too quickly, or below the minimum storage level of 5,000 AF. Should the accumulated sediments behind the dam mobilize and impinge the needle valve (the only remaining low-level outlet on Scott Dam), the entire project would cease to function, threatening uses in both the Russian and Eel River watersheds. As PG&E has noted, because the needle valve cannot be turned off, at least 30 cfs will be released from Scott Dam under any scenario. The question is whether that water will be diverted to the East Branch Russian, or released down the mainstem Eel River.

Under the terms of the temporary variance FERC approved on August 4, 2025, flows into the Eel River have already been cut to the minimum allowed by the RPA.[2] Absent the variance, the current water year is on track to be classified as "normal" below Scott Dam and "wet" below Cape Horn Dam.[3] The RPA requires Eel River flows of 60 cubic feet per second ("cfs") below Scott Dam through November 30 in "normal" years.[4] The variance allows PG&E to cut flows below Scott Dam to 20 cfs—the absolute minimum allowed under the RPA in "critical" water years—until Lake Pillsbury storage exceeds 36,000 acre-feet after October 1.[5]

PG&E cannot cut flows into the Eel River any further without violating the Project license and the terms of the variance. PG&E's variance request acknowledged as much by noting that "Requested Flows" in the Eel River below Cape Horn Dam (E-11) would entail "[n]o change from [the] RPA."[6] Cutting flows any further not only would require FERC authorization, but also could require National Environmental Policy Act ("NEPA") review.[7] Moreover, to the extent PG&E cuts flows below minimum levels authorized in the RPA, PG&E could incur liability for take of threatened salmonids under the Endangered Species Act ("ESA"); reinitiation of consultation under Section 7 of the ESA also could be necessary before FERC could approve such flows.

Rather than risk violating its license, the variance, and the ESA by cutting flows to the Eel River further, PG&E should explore all other options should further reductions prove necessary for dam safety. The current variance initially allowed 25 cfs to flow to the EBRR based on "dry" year classification under the RPA, but it also preserved the

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[2] Order Approving Temporary Variance of Flow Requirements Under License Article 52 and Denying Rehearing, 192 FERC ¶ 61,108 (Aug. 4, 2025) ("2025 Variance") at ¶¶ 7, 16.

[3] *Id.*, ¶ 15. We note that water year classifications in the RPA are now regularly out of sync with actual conditions due to changes in dam operations. As a result of PG&E's safety-related decision to keep the spillway gates open, every year is now effectively at best a "dry" year in terms of reservoir storage, no matter how much rain falls.

[4] *Ibid*.

[5] *Id.*, ¶ 16.

[6] PG&E, Potter Valley Hydroelectric Project, FERC No. 77-CA, 2025 Minimum Instream Temporary Flow Amendment Request (Feb. 14, 2025) (FERC Doc. Accession No. 20250214-5221) ("2025 Variance Request") at 9-10.

[7] *See id.*, ¶¶ 46-47 (rejecting argument that NEPA required new analysis of variance proposal because variance authorized flows at RPA levels previously analyzed in a Final Environmental Impact Statement).

flexibility to reduce EBRR flows to "critical" levels (5 cfs) "if monitoring indicates that Lake Pillsbury storage is approaching the critical 12,000 acre-feet storage level."[8] It is our understanding that PG&E has currently reduced EBRR flows to 5 cfs; however, under the current variance, EBRR flows will return to 25 cfs between September 30 and October 16.[9] During that time period, PG&E should exhaust its flexibility to modify EBRR flows within the terms of the current variance before considering any other reductions.

If further reductions are necessary, PG&E should curtail releases from Scott Dam for contractual water deliveries to PVID. In its application for the current variance, PG&E asserted that it has "discretion" to reduce contract deliveries to PVID "to meet temperature, storage and facility safety objectives" and that its "[d]emand based deliveries to PVID are secondary to storage, temperature and facility safety objectives."[10] Yet PG&E does not appear to be considering exercising this discretion if necessary to preserve the safety of Scott Dam.[11] If PG&E seriously believes it has this discretion, it should reduce deliveries to PVID before proposing to cut minimum Eel River flows any further.

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[8] *Id.*, ¶ 17.

[9] PG&E, Potter Valley Drought Variance Working Group Monthly Meeting Water Management Report (Aug. 28, 2025) ("August 2025 DWG Slide Deck") at 6 (explaining that Eel River temperatures "were well above 15°C by variance implementation date and reservoir trajectory was dire, and so [EBRR flow] was reduced directly to 5 cfs"). A copy of the August 2025 DWG Slide Deck is attached as Exhibit A.

[10] 2025 Variance Request at 10 (Table 3 & note ***).

[11] In a slide deck that we understand PG&E presented at the August 28, 2025 Drought Working Group meeting, PG&E outlined four different scenarios for deliveries to the EBRR after September 30. August 2025 DWG Slide Deck at 12. Each scenario contemplated delivering an average of 25 cfs to PVID *above and beyond* the 5 cfs or 25 cfs EBRR flows contemplated in the variance. Three of the four scenarios resulted in Lake Pillsbury storage below "Critical Storage Warning" levels in the event that "Very Dry" conditions develop this fall. Nonetheless, PG&E did not present a scenario that would vary or reduce deliveries to PVID. PG&E subsequently filed a slightly updated report in the project docket outlining the same four scenarios; again, none of the scenarios contemplated reducing PVID contract deliveries below 25 cfs. PG&E, 2025 Temporary Minimum Instream Flow Amendment August Storage and Temperature Report (Sept. 11, 2025) (FERC Doc. Accession No. 20250911-5099) at 4-8.

The Eel River's beleaguered fisheries should not be in this position. PG&E applied for a variance in February that—had FERC approved it on a timely basis—would have conserved the cold pool in Lake Pillsbury, kept water temperatures below dangerous levels for fish below the dams, and retained enough water to ensure that the safety and integrity of Scott Dam would not be threatened by a potential delay in the start of the rainy season.[12] But the variance was not timely approved. By the time FERC issued its order granting the variance request, the cold pool in Lake Pillsbury had largely disappeared—a significant portion of it through the diversion tunnel into the EBRR.[13] In the meantime, water temperatures in the Eel River—and even the temperature of the water released through the Scott Dam needle valve, where the reservoir should be coldest—once again rose to levels lethal to listed salmonids.[14]

In sum, PG&E should not be allowed to cut Eel River flows below current levels, which are already at the absolute minimum required by the Project license, the current flow variance, and the ESA. Other alternatives appear to exist and must be explored.

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[12] Attached as Exhibit B is a screenshot of an additional slide entitled "Lake Pillsbury Storage Forecast (if variance had been implemented 6/1)." We understand PG&E presented this slide at the DWG meeting but did not include it in the main slide deck. The slide shows that if the variance had been implemented on June 1, reservoir storage would not have reached the "Low Storage Warning" stage under any precipitation scenario, even with additional deliveries to PVID averaging 35 cfs.

[13] We have been informed that during the DWG meeting, PG&E staff explained that much of the water diverted to the EBRR likely ended up in Lake Mendocino rather than being put to municipal, domestic or agricultural use, raising the possibility that this water will simply be dumped into the lower Russian River when the rainy season comes.

[14] *Id.* at 15 (showing water in Lake Pillsbury below needle valve intake at 22°C as of August 19, 2025). Studies have shown that water temperatures below 16°C are best to protect rearing of juvenile steelhead, and that temperatures above 20°C may be directly lethal even to adult steelhead. Richter, A. and S. A. Kolmes, *Maximum Temperature Limits for Chinook, Coho, and Chum Salmon, and Steelhead Trout in the Pacific Northwest*, Reviews in Fisheries Science 123:29-49 (2005) at 35-36.

Thank you for your consideration of these comments.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Kevin P. Bundy

Encls.: Exhibits A, B

1966025.5

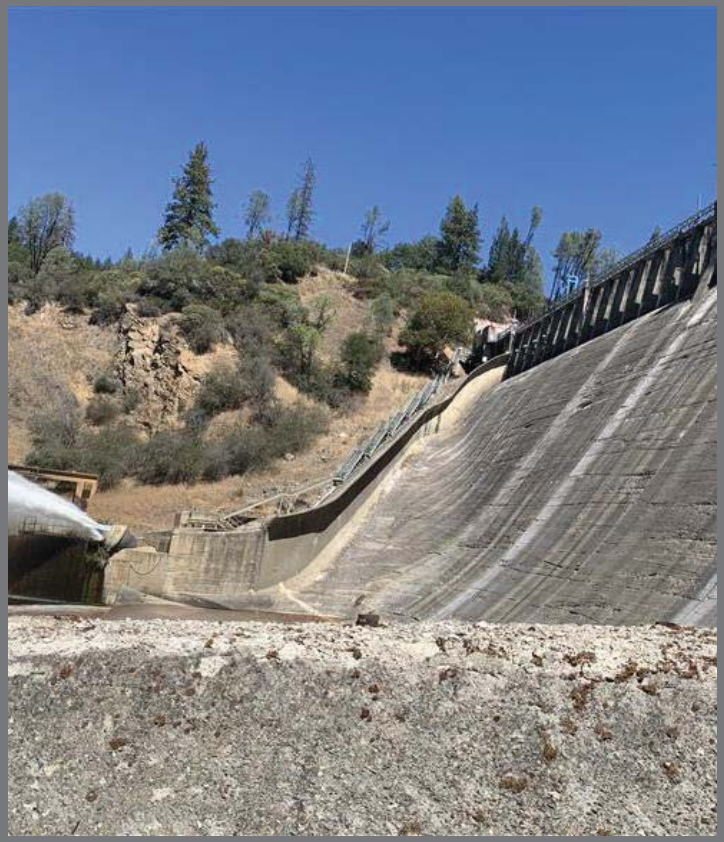
EXHIBIT A

Potter Valley Drought Variance Working Group

Monthly Meeting

Water Management Report

Aug. 28, 2025



We have a short agenda as follows:

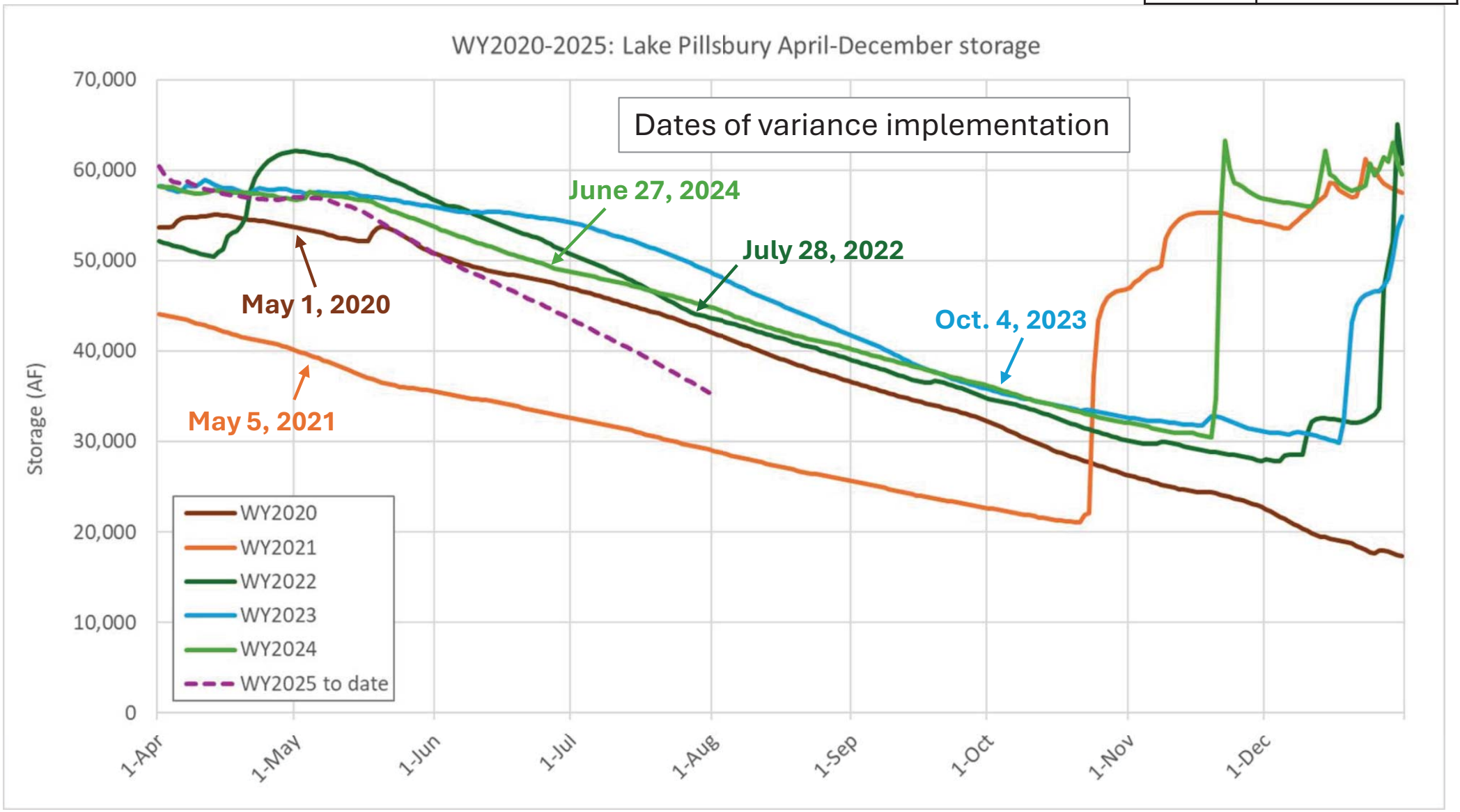
- Welcome/Roll Call – Chadwick
- Variance Conditions Review- Michelle
- Water Management Report- Michelle
- Water Temperature Monitoring- Andrew
- Discussion/Round Table – All

Meeting Ground Rules

Listen	Listen to and Respect Each Other
Act	Act in Good Faith
Open	Open Discussion by All
Seek	Seek Collaborative Solutions
Silence	Silence Your Cellphone
Identify	Identify Yourself with Name and Org when Commenting
Mute	Please Mute your line if not commenting

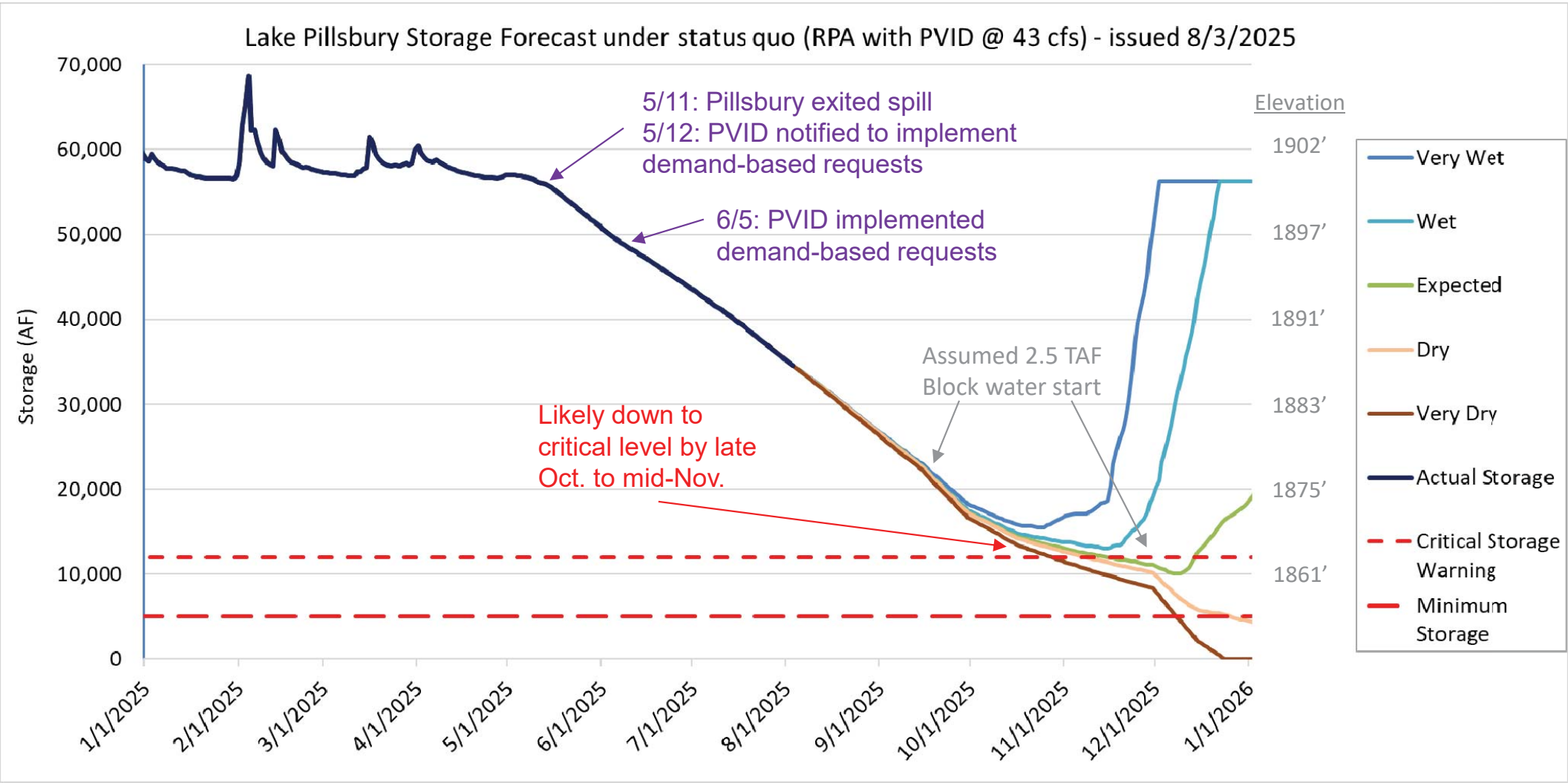
Review of variances in recent years:

Year	EBRR variance flows
2020	15-20 cfs
2021	5 cfs
2022	5 cfs
2023	25 cfs
2024	5-25 cfs



Pre-variance:

Where Pillsbury was headed without flow reductions



Assumptions: PVID @ 43 cfs (post-spill average as of 8/3/25) until Oct. 15th; WY2025 Block water release: 2.5 TAF starting Sept. 16th; WY2026 Block water release: 2.5 TAF starting Dec. 1st

2025 Variance Conditions

The following applicable flow variance conditions will be in effect:

- **E-16 (EBRR) will initially be reduced to 25 cfs (Dry WYT) with the ability to further decrease these flows as low as 5 cfs** if daily average Lake Pillsbury release water temperatures exceed 15° C or as needed based on PG&E and resource agency determinations. **E-2 temperatures were well above 15°C by variance implementation date and reservoir trajectory was dire, and so E-16 was reduced directly to 5 cfs.**
- **After September 30, minimum flows in the East Branch Russian River would remain at 25 cfs for the remainder of the temporary variance barring the reservoir storage forecast indicating a lower release is necessary to avoid the reservoir reaching concerning levels later in the year. Unless the wet season starts early, EBRR may need to remain at 5 cfs into October.**
- **Gaging Station E-2 will be reclassified as a Critical WYT. In practice, the E-2 flows will be the combined releases for E-11, E-16, and PVID**, with a floor set by the minimum opening of the low-level outlet (approximately 35 cfs).
- **The drought variance will end when Lake Pillsbury storage exceeds 36,000 AF following October 1, 2025, or is superseded by another variance or license amendment.**
- **Flows will be calculated at a 24-hour average measured at E-11 rather than instantaneous.** This will allow for a tighter compliance buffer on minimum E-11 flows.

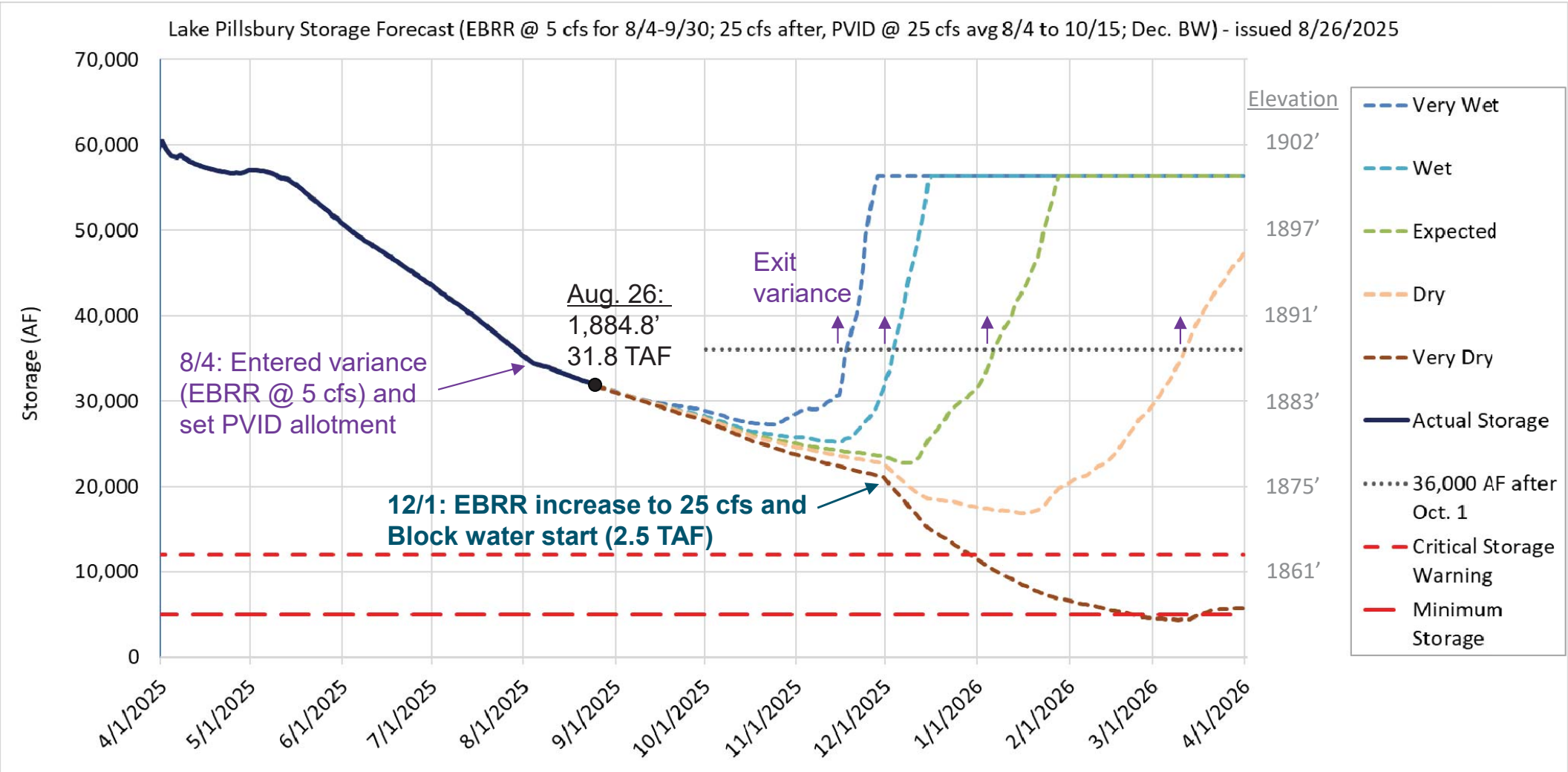
PVID deliveries are not in the variance, but the variance notes that the demand-based deliveries to PVID are secondary to storage, temperature and facility safety objectives. Given the reservoir trajectory, PVID's allotment has been capped at 25 cfs average for the remainder of the irrigation season.

Pillsbury Storage Forecasts

EBRR flow and Block water release scenarios

2025/26 Storage Forecast:

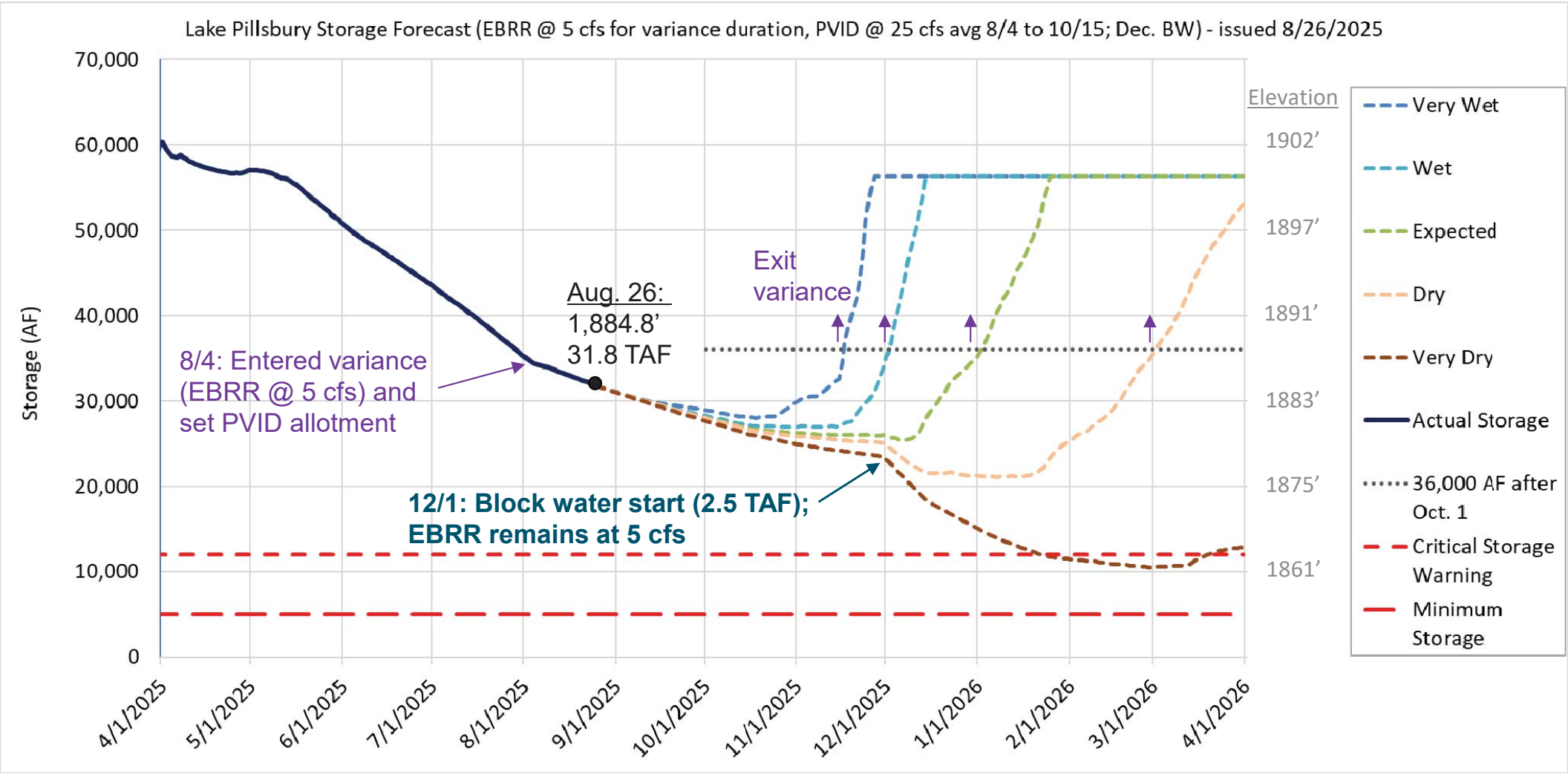
Oct. 1st EBRR increases to 25 cfs; Dec. 1st BW release



Assumptions: EBRR @ 5 cfs until Sept. 30th, then 25 cfs for remainder of variance; Block water release: 2.5 TAF starting Dec. 1st; Post-Oct. 1st, Variance ends >36 TAF

2025/26 Storage Forecast:

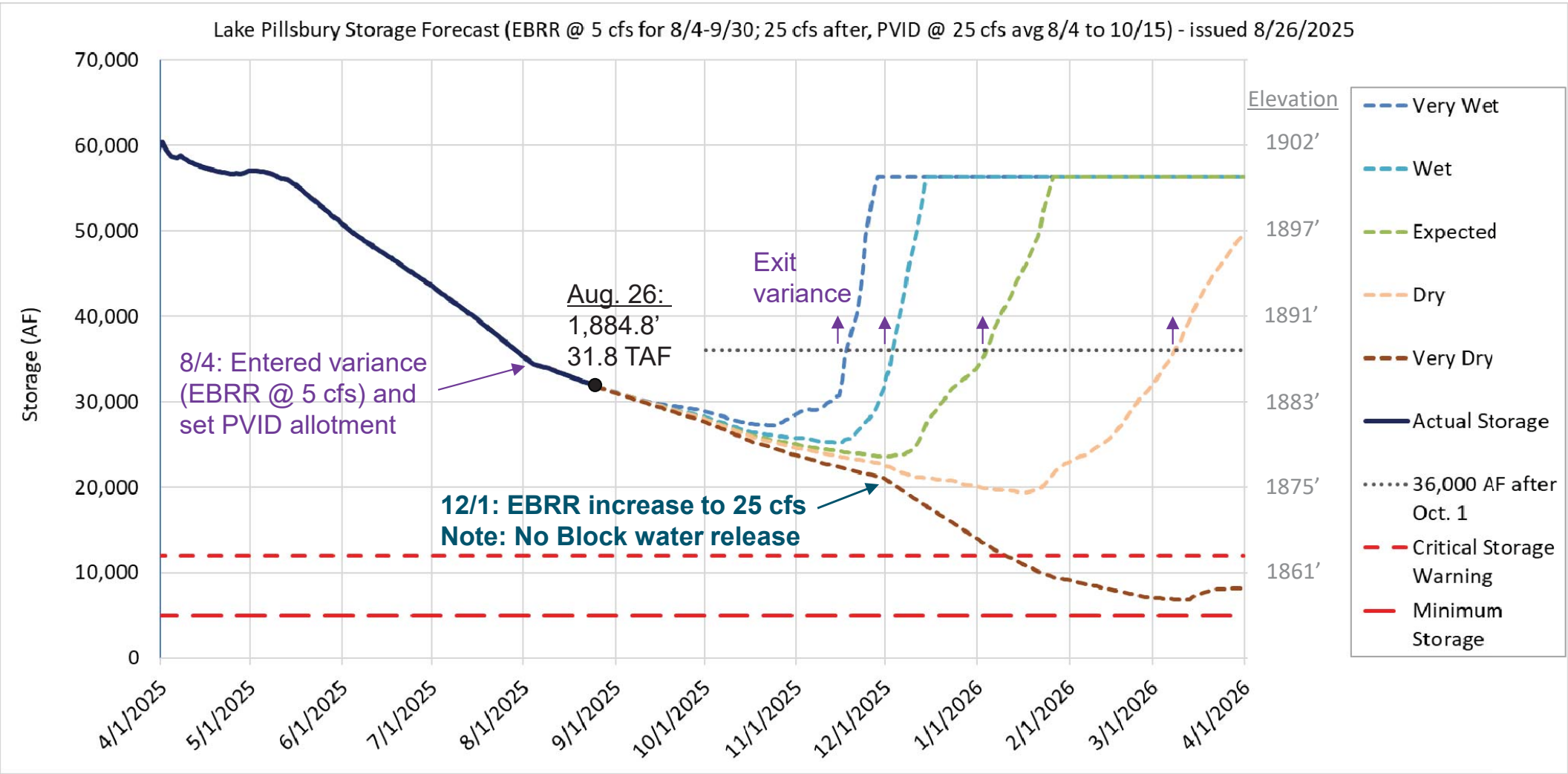
Oct. 1st EBRR remains at 5 cfs; Dec. 1st BW release



Assumptions: EBRR @ 5 cfs for remainder of variance; Block water release: 2.5 TAF starting Dec. 1st; Post-Oct. 1st, Variance ends >36 TAF

2025/26 Storage Forecast:

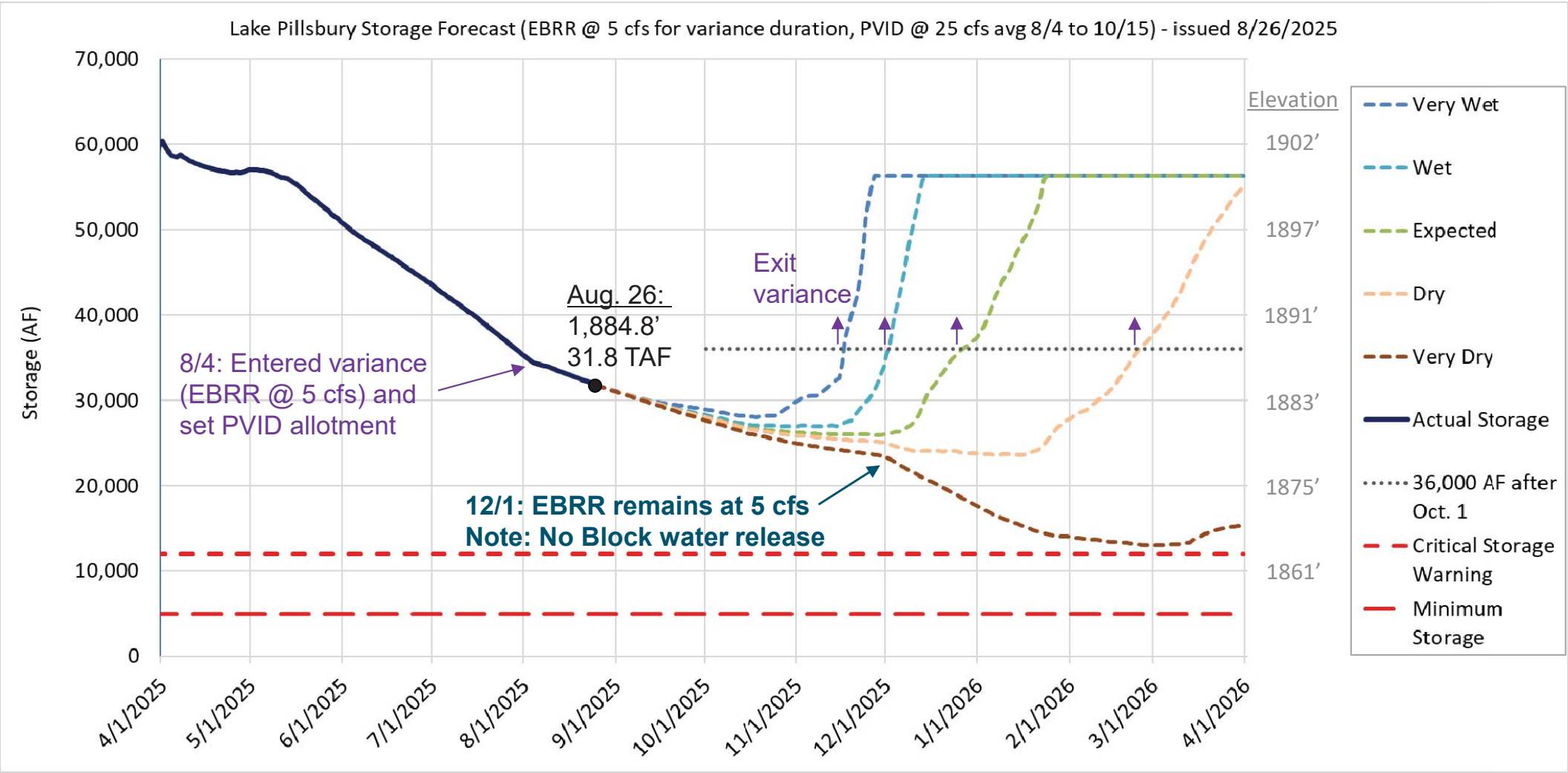
Oct. 1st EBRR increases to 25 cfs; No BW release



Assumptions: EBRR @ 5 cfs until Sept. 30th, then 25 cfs for remainder of variance; No December Block water release; Post-Oct. 1st, Variance ends >36 TAF

2025/26 Storage Forecast:

Oct. 1st EBRR remains at 5 cfs; No BW release



Assumptions: EBRR @ 5 cfs for remainder of variance; No December Block water release; Post-Oct. 1st, Variance ends >36 TAF

Scenario Comparison

EBBR after 9/30?

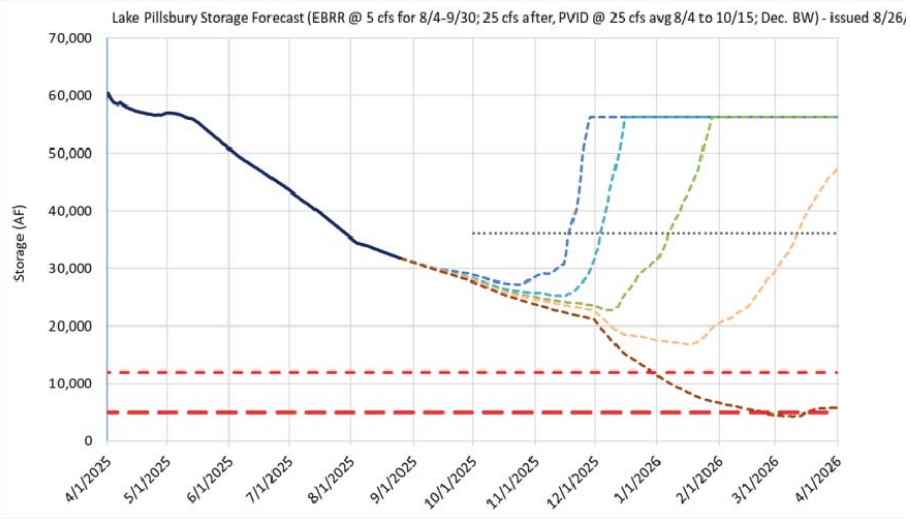
Increase to 25 cfs

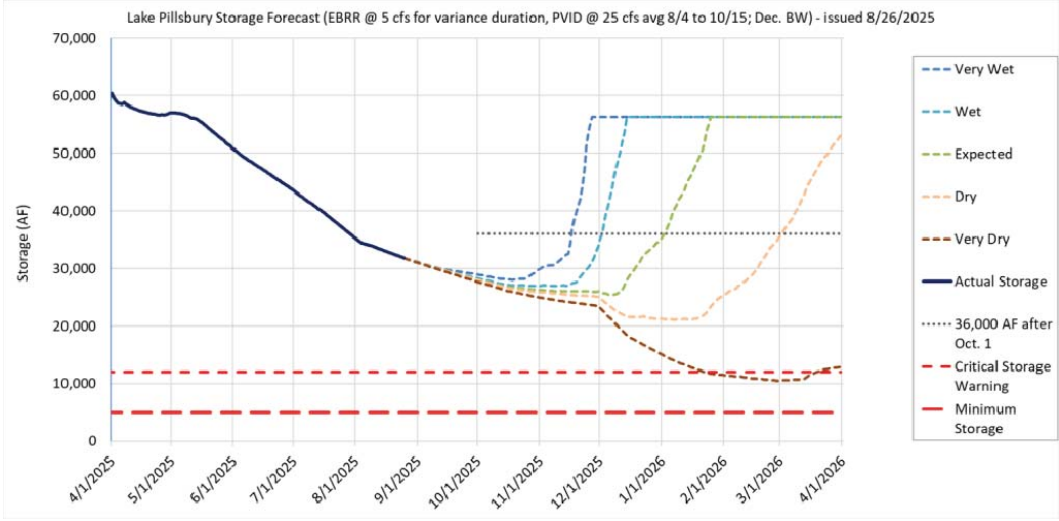
Remain at 5 cfs

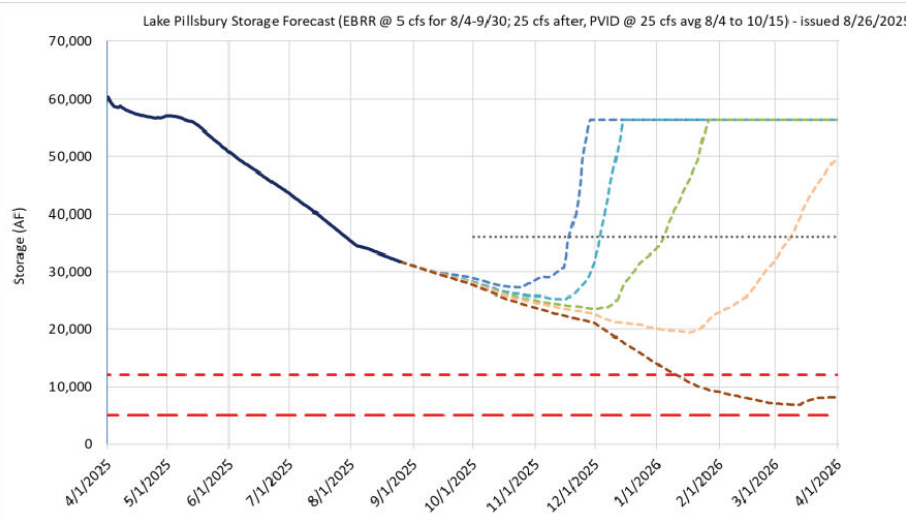
Block Water?

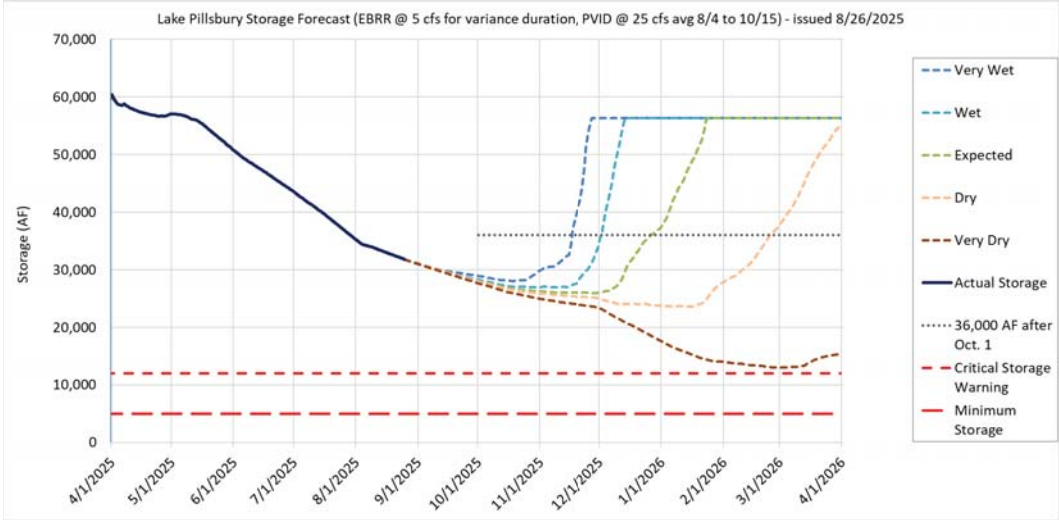
Y

N









Variance was approved Aug. 4th and was implemented that same day

Aug. 2025 - Storage and Flow (Preliminary Data)

Date	PVPH Precip [in]	Lake Pillsbury Storage [AF]	Change in Storage [AF]	Lake Pillsbury Inflow (cfs)	E2 Flow (cfs)	E11 Flow (cfs)	E16 Flow (cfs)	PVID Request (cfs)	PVID Irrig. Season Cumul. (AF)	PVID during variance Cumul. (AF)	EBRR IFR (cfs)	Calpella Flow (cfs)
8/1/2024	0	35,155		-3	142	26	125	45	9,818		75	104
8/2/2024	0	34,869	-286	-2	142	27	121	45	9,908		75	103
8/3/2024	0	34,570	-299	-9	142	45	110	45	9,997		75	88
8/4/2024	0	34,357	-212	3	110	56	80	20	10,037		75 / 5	95
8/5/2024	0	34,287	-71	17	52	30	32	25	10,086	50	5	31
8/6/2024	0	34,188	-99	6	56	23	35	25	10,136	99	5	26
8/7/2024	0	34,104	-84	11	54	20	35	25	10,185	149	5	21
8/8/2024	0	34,019	-84	17	60	21	35	25	10,235	198	5	19
8/9/2024	0	33,893	-126	0	64	26	39	30	10,294	258	5	17
8/10/2024	0	33,781	-112	6	62	23	40	30	10,354	317	5	19
8/11/2024	0	33,683	-98	13	62	22	40	30	10,413	377	5	20
8/12/2024	0	33,503	-181	-27	65	23	40	30	10,473	436	5	22
8/13/2024	0	33,378	-125	2	64	25	40	30	10,532	496	5	21
8/14/2024	0	33,240	-138	-3	67	24	40	30	10,592	555	5	21
8/15/2024	0	33,102	-138	0	69	28	44	35	10,661	625	5	20
8/16/2024	0	32,964	-137	-1	69	25	45	35	10,731	694	5	19
8/17/2024	0	32,841	-124	6	68	25	45	35	10,800	764	5	18
8/18/2024	0	32,717	-123	6	68	26	45	35	10,870	833	5	20
8/19/2024	0	32,581	-137	-1	68	25	45	35	10,939	902	5	22
8/20/2024	0	32,458	-123	6	68	25	45	35	11,008	972	5	25
8/21/2024	0	32,322	-136	-1	68	25	45	35	11,078	1,041	5	22
8/22/2024	0	32,200	-122	6	68	25	45	35	11,147	1,111	5	21
8/23/2024	0	32,065	-135	-1	68	24	45	35	11,217	1,180	5	23
8/24/2024	0	31,930	-135	0	67	24	45	35	11,286	1,250	5	23
8/25/2024	0	31,782	-148	-7	68	24	45	35	11,356	1,319	5	18

PVID's allotment is 3,570 AF for the remainder of the irrigation season.
This corresponds to 25 cfs average for Aug. 5th to Oct. 15th.

Water Temperature Data

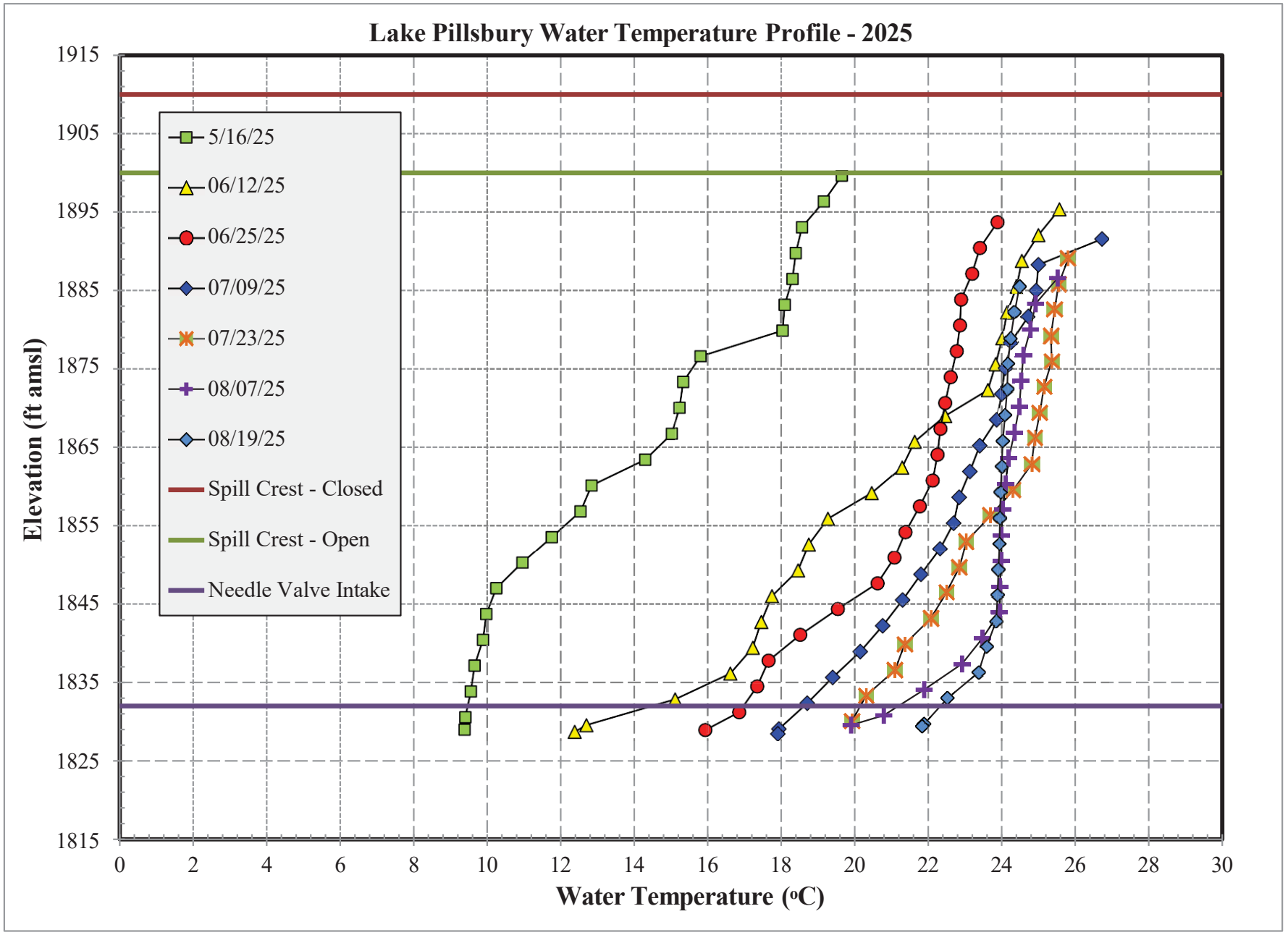
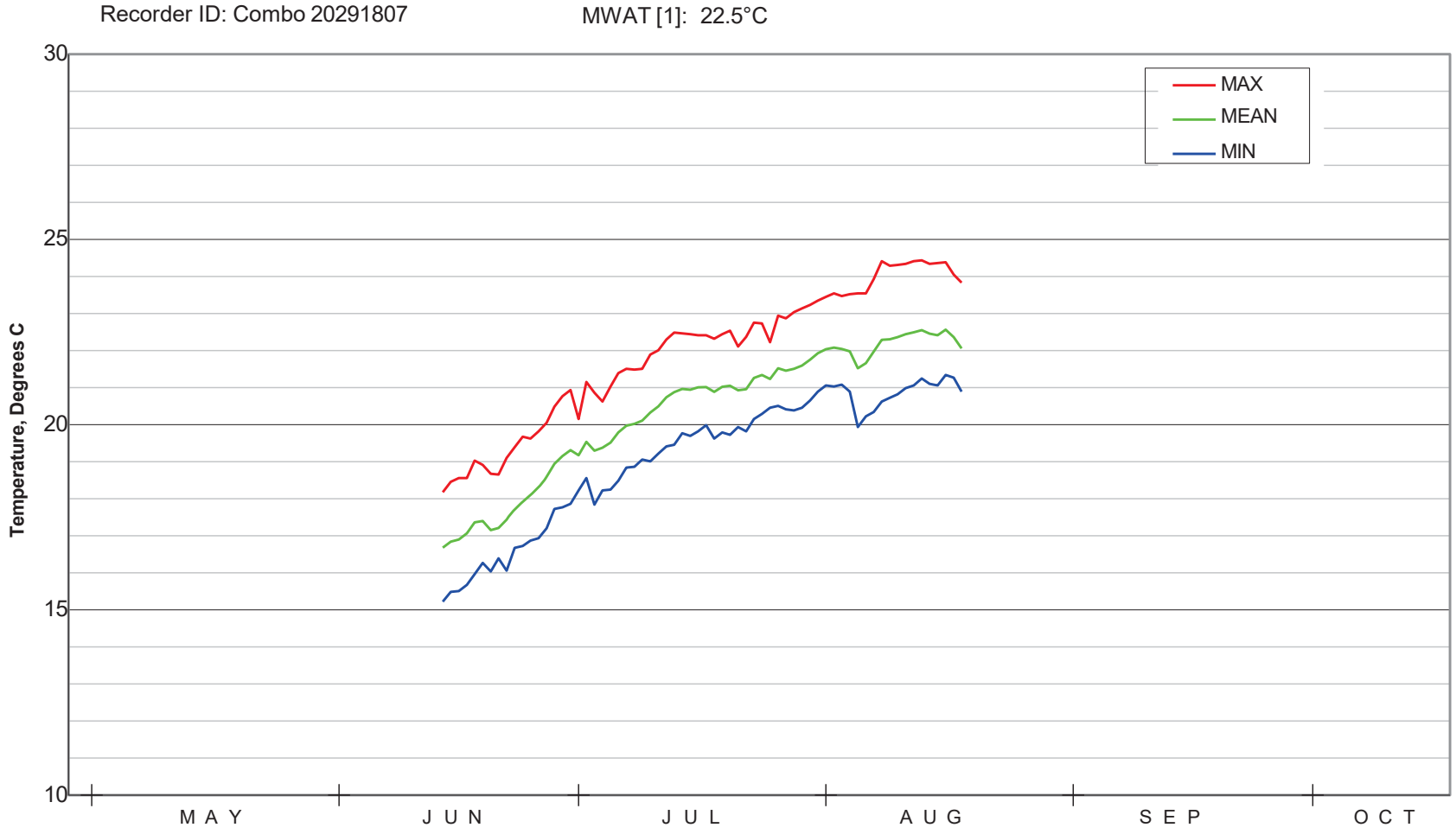
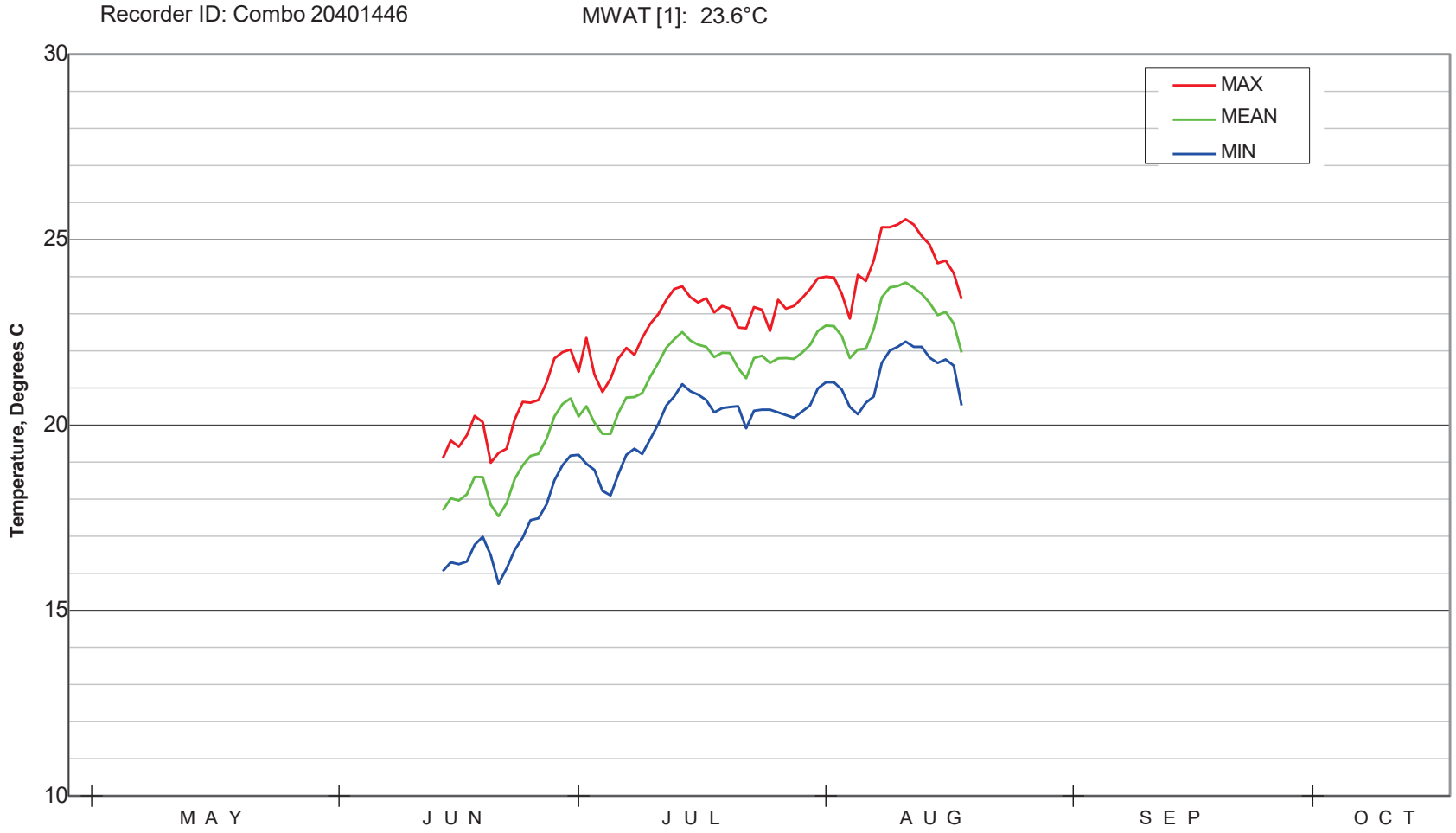

Lake Pillsbury Water Temperature Profile - 2025
Elevation (ft amsl)
1915
1905
1895
1885
1875
1865
1855
1845
1835
1825
1815
0
2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
Water Temperature (°C)
5/16/25
06/12/25
06/25/25
07/09/25
07/23/25
08/07/25
08/19/25
Spill Crest - Closed
Spill Crest - Open
Needle Valve Intake

Figure 1. Mainstem Eel River water temperatures, 2025, Eel River above Benmore Creek



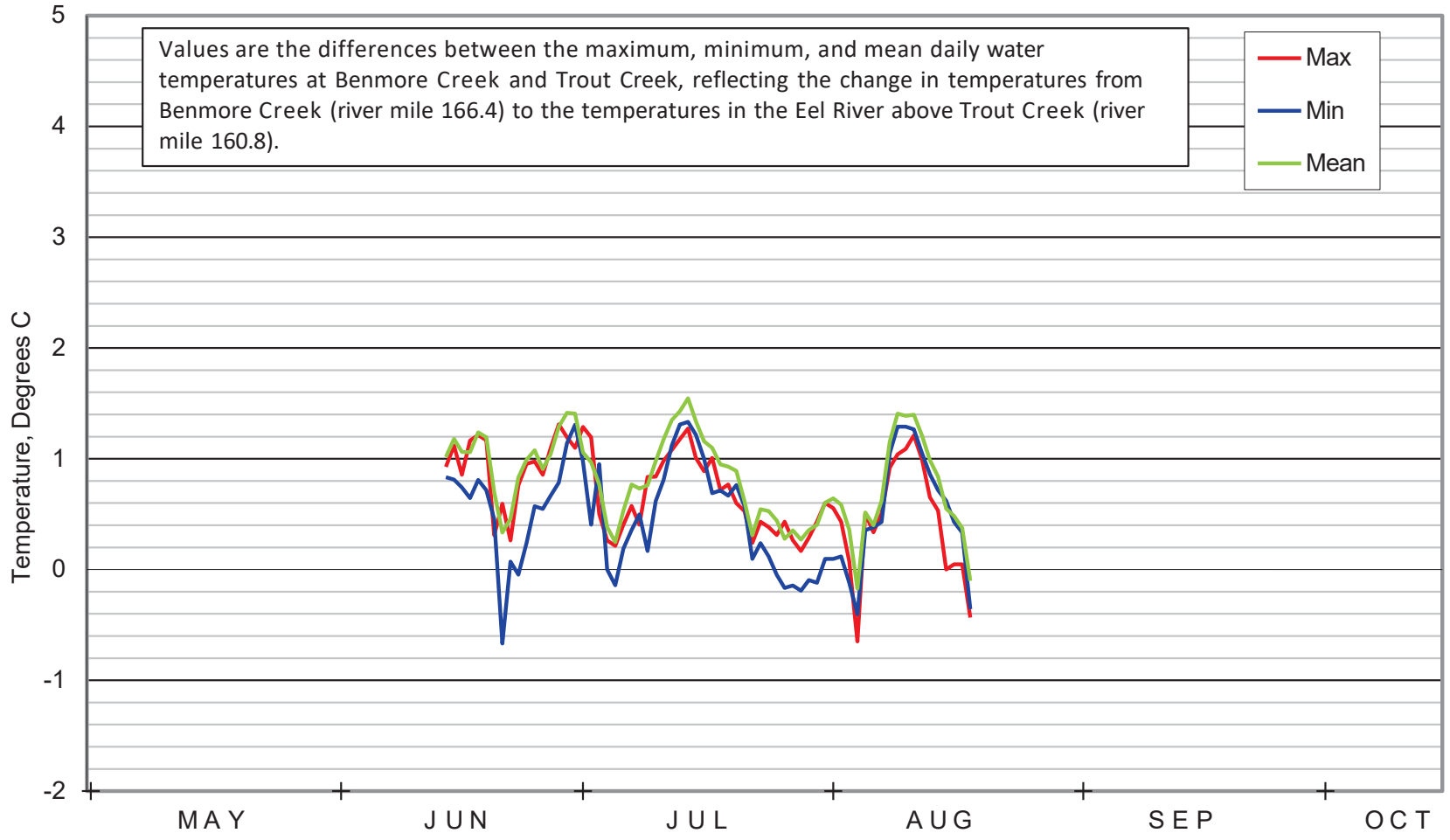
graph_table_2025_Trout and Benmore

Figure 2. Mainstem Eel River water temperatures, 2025, Eel River above Trout Creek



graph_table_2025_Trout and Benmore

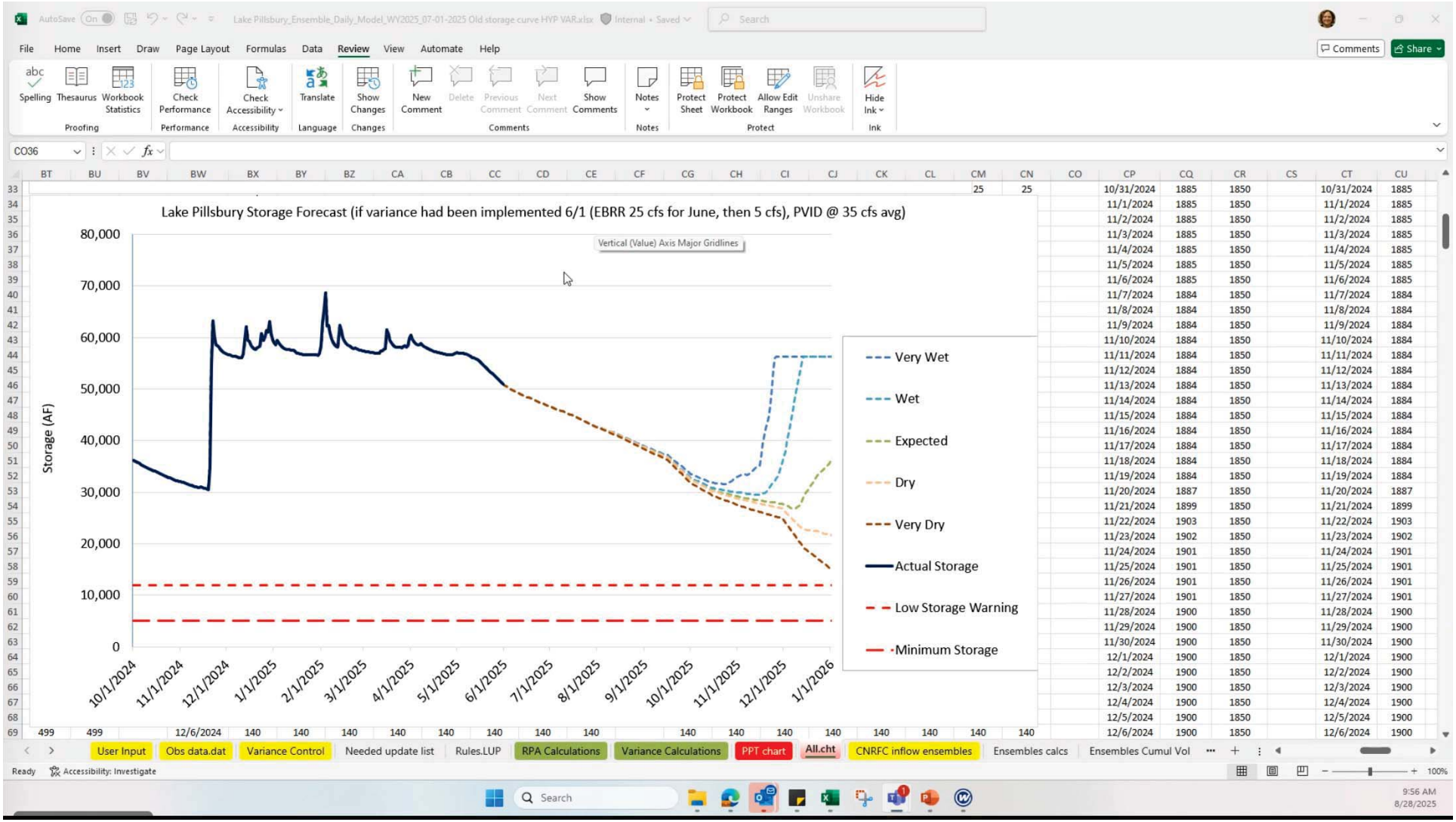
Figure 3. Difference between Mainstem Eel River daily maximum, mean and minimum water temperatures at Benmore Creek (river mile 166.4) and Trout Creek (river mile 160.8), 2025 WY.



Variance Temp Data 2025_Eel River Diffs between Benmore and Trout Creek

Round Table

EXHIBIT B


Lake Pillsbury Storage Forecast (if variance had been implemented 6/1 (EBRR 25 cfs for June, then 5 cfs), PVID @ 35 cfs avg)
Vertical (Value) Axis Major Gridlines
Storage (AF)
80,000
70,000
60,000
50,000
40,000
30,000
20,000
10,000
0
10/1/2024
11/1/2024
12/1/2024
1/1/2025
2/1/2025
3/1/2025
4/1/2025
5/1/2025
6/1/2025
7/1/2025
8/1/2025
9/1/2025
10/1/2025
11/1/2025
12/1/2025
1/1/2026
Very Wet
Wet
Expected
Dry
Very Dry
Actual Storage
Low Storage Warning
Minimum Storage

UNITED STATES OF AMERICA

FEDERAL ENERGY REGULATORY COMMISSION

Pacific Gas & Electric Company Potter Valley Project	Project No. P-77-000

CERTIFICATE OF SERVICE

I hereby certify that I have this day served, by first class mail or electronic mail, a letter to the Federal Energy Regulatory Commission containing a response to comments made by Lake County regarding Scott Dam and the Potter Valley Project, P-77. This Certificate of Service is served upon each person designated on the official P-77-000 Service List compiled by the Commission in the above-captioned proceedings.

Dated this 24th day of September, 2025.

David Weibel

David Weibel
Legal Secretary
Shute, Mihaly & Weinberger LLP

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