UNITED STATES OF AMERICA

FEDERAL ENERGY REGULATORY COMMISSION

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POTTER VALLEY PROJECT

DOCKET NO. P-77-285

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Ukiah Valley Conference Center

200 South School Street

Ukiah, California 95482

Wednesday, June 28, 2017

The above entitled matter, came on for public meeting, pursuant to notice, at 6:00 p.m.

MODERATOR: JOHN MUDRE, FERC

P R O C E E D I N G S

(6:00 p.m.)

MR. JOHN MUDRE: My name is John Mudre, I'm on the staff with the Federal Energy Regulatory Commission. I want to welcome everyone here tonight to our scoping meeting for the relicensing of the Potter Valley Project. With me tonight from FERC are Alan Mitchnick. He's a wildlife biologist. I'm a fisheries biologist myself, but I am the project coordinator for the relicensing. Out front, you probably met Carolyn Clarkin. She's with our Office of General Counsel.

Like I said, I'd like to welcome everyone here tonight to our meeting, and we'll just go ahead and get started. We're with the Federal Energy Regulatory Commission. It's an independent regulatory agency. We have a five-member Commission, usually. We have three vacancies right now and one more in a couple of days.

The Commissioners are appointed by the President, confirmed by the Senate and the Chairman is designated by the President. Two people have been appointed by the President that have not yet been confirmed by the Senate, so we will have some additional ones relatively soon, we hope.

FERC regulates electric power natural gas, interstate pipelines and hydroelectric projects, the

non-federal hydroelectric projects. The FERC hydropower program has three divisions. The Division of Licensing, which is the division that I'm in, and that's the division that issues original licenses and relicenses. We have a License Administration and Compliance branch. Their purpose is to enforce the conditions in licenses to make sure that all of the requirements are being followed, and we also have a Dam Safety Division that works to ensure public safety at all of our dams.

So we're here tonight. It's a scoping meeting, but what we want to do tonight is identify potential environmental effects, issues, concerns and opportunities associated with the relicensing of the Potter Valley Project and the alternatives. We want to identify information and study needs that will ultimately be used to develop operational and environmental recommendations.

We're going to talk about existing conditions at the Project, resource management objectives, existing information, study needs, the process plan that lays out when all the events occur, and cooperating agency status. So for our agenda, I'm giving a brief introduction of the licensing process. PG&E's gonna give a brief description of what the Project is and how it works, their PAD and then we get to the important part, which is to hear the comments of the agencies and the public. And then finally, discussion

of other issues as appropriate.

Procedural issues is, I think everyone has signed in. If you haven't, the sign-in sheets will be in the back here shortly. There were hand-outs on the back table you're welcome to take that explain a lot of the, how to do things on the computer, how to make filings, a lot about the process in general, too.

We also have our FERC.gov website, and it has a lot of information on who we are, how we do things. We also have, that's FERC.gov is the website. One of our better features is our eLibrary, which is an electronic library that contains all of the documents that have been filed with the Commission, and also all of the documents that are issued.

And even better than that, we have something called eSubscribe, which is, you register one time and put in the project that you're interested in and then every time that a document comes in on the project, or we issue a document, you'll receive an e-mail notification that that has occurred. That notification will contain a link, and if you clink on that link, it'll take you directly to that document. And so then you can read it or print it or whatever you want to do with it.

Finally, a couple of things. We do have a court reporter here today who'll be making transcripts of what's

said, so we make sure that we accurately get everything into the record and can refer back to it later when we're doing our analysis and everything. So it's a very, very important. The transcripts will be put on our eLibrary site in about two to three weeks after tonight. If you need the transcripts sooner, you can talk to the court reporter and he can make arrangements.

So PG&E has chosen to do use our Integrated Licensing Process. It was created in 2003, but now it's the default process. It was developed to identify issues early in the process and to help develop study plans early on. There are established time frames that are set out in the ILP and they're reflected in the licensees' process plan and schedule that I mentioned earlier, and will mention probably again in a little bit.

So here's an overview of the ILP process is, basically eight steps, at least for the purposes of this presentation. The first step is the NOI, which is Notice of Intent and Pre-Application Document. This is prepared by PG&E or the applicant. Before they put that together, they identify and contact potential stakeholders. They gather all available information and they file the Notice of Intent, which means that they intend to relicense the project. And then filed with that the Pre-Application Document, or PAD.

The purpose of the PAD is to bring together all existing relevant and reasonably available information. It provides the basis for identifying issues, data gaps and study needs. The PAD is in the form of a NEPA document and it serves as the foundation for future documents.

Then, after they've filed their Notice and PAD, that starts the whole process. And one of the first steps is the scoping, which is what we'll be doing today. Under the ILP scoping meetings are held early, within 90 days of the filing of the NOI and PAD, which was filed on April 6th. And scoping can also be used to refine the process plan to integrate other agency milestones and processes.

So the purposes of scoping are to identify significant issues that need to be analyzed, to identify resources that may be cumulatively affected by relicensing of the Project, to identify reasonable alternatives for analysis, and to identify issues and resources that do not really require detailed analysis.

We make our environmental document, or in this case, an EIS. We have different resource categories and I'll just mention the categories, geology and soils, water resources, aquatic resources, terrestrial resources, threatened and endangered species, recreation, land use, aesthetic resources, socio-economic resources, cultural resources and also developmental resources. So we consider

all of these things in the process.

MS. KELLY LINCOLN: What is a developmental resource?

MR. JOHN MUDRE: Developmental resources has to do with the economics of the project, the costs of proposed measures, effective implementing those measures on the project. Also things like water supply, function of the project, other non-environmental types of considerations.

MS. KELLY LINCOLN: Thank you.

MR. JOHN MUDRE: Did you have something else to say?

MS. KELLY LINCOLN: No.

MR. JOHN MUDRE: Have the power generation, yes. Okay. So we issued Scoping Document 1. Everybody should have gotten a copy. There are copies available on our eLibrary website. If you didn't we had some earlier, but they were all taken, and -- so Scoping Document 1 contains our EIS preparation schedule that identify the dates for that, our proposed EIS outline and identifies comprehensive plans that will need to be considered in our analysis. It contains the official FERC mailing list and how to get on it if you want to get on it. It includes PG&E's process plan and schedule and detailed information on how to provide comments, and when the comments are due.

The next step in the process is the development

of the study plan. The applicant prepares a proposed study plan and after that, the stakeholders meet to discuss the studies and resolve any issues--and that's the stakeholders and the applicants. The applicant submits a revised study plan, so it addresses some of the comments that they received on the proposed study plan.

And then FERC looks over the study plan and approves it, or approves it with modifications. It may approve some alternate studies, so that's called our Study Plan Determination. So to request a study, the ILP process requires you to address seven issues in your study request:

The goals and objectives of any study, the relevant resource management goals, public interest considerations, the existing information and the need for more information. How any study is related to the project, we call it the project nexus. It's basically the connection between a resource impact and the project, or its operation.

You also need to specify the methods of the study and how those methods are consistent with accepted practice, and then finally the study request needs to address study effort, cost and if it's an alternative study, the need for it.

So after our study plan determination, the applicant begins to conduct the studies. The ILP process is set up for one year of studies, but it could turn into two

years of studies based on the findings of the first year of studies. At the end of the first year of studies, the applicant will file study reports for all of the stakeholders to review. We then hold a meeting after that to discuss the results of the studies and the need for any additional studies in the second year.

Then after all the studies are completed, the applicant prepares its preliminary licensing proposal or draft license application. In those license applications we like to see detailed plans for implementing any proposed environmental or other measures, for example, water quality monitoring plans, recreation plans, historic property management plans. This ensures a timely implementation of needed measures, and reduces workload following license issuance.

After all that, the licensee will file their license application and FERC staff will review their application to make sure that everything required by our regulations is in there. If it's not, we send out what's called a deficiency letter and ask them to provide that information. Once we have all of that information that's required, we send out a notice notifying everyone that the application is ready for environmental analysis. It's our REA notice.

In that notice, we ask for comments,

recommendations and conditions. The agencies then file their recommendations and conditions and some of these conditions are mandatory, meaning that FERC doesn't have any discretion to change them. And some examples would be 4(e) conditions from the forest service or conditions contained in a water quality certificate that's issued by the water board.

Once we get all those comments and recommendations, we start our analysis, our EIS and the EIS serves as the basis for our licensing recommendation to the Commission. The Commissioners review the project record and then make the licensing decision.

Just a few of the dates from the Project process schedule. Our study plan determination will be February of 2018. First year of studies would probably be 2018 and if there's a second year, 2019. The applicant will prepare its preliminary license proposal or draft license application in November of 2019, and the final license application in April of 2020.

The milestones that are coming up soon include comments on the PAD, Scoping Document 1 and study requests are due August 4th of 2017. We will issue our Scoping Document 2, which addresses the comments that we receive on Scoping Document 1 on September 18th, 2017, the same date the PG&E will file their proposed study plan.

After they file their proposed study plan in about 30 days after that, or sometime in October, we'll have a study plan meeting to discuss the studies. Yes, ma'am?

FEMALE SPEAKER 1: I notice in the PAD the questions on the FERC website that no questions were asked of the applicant about Humboldt County and the downriver of the Eel River. Now will Humboldt County of other entities within Humboldt County down river on the Eel River have an opportunity to comment and that includes study requests --

MR. JOHN MUDRE: They can all participate in this process.

FEMALE SPEAKER 1: Say that again?

MR. JOHN MUDRE: Can participate in the process, and we encourage them to. I think the problem is, this mic is on right now, and that's why I'm getting some feedback, but if I stay away from it, I think we'll be okay.

Is there another slide, Alan? No? Okay. Yes? Guinness?

MR. GUINNESS MCFADDIN: Who decides what studies are gonna be made?

MR. JOHN MUDRE: Well, ultimately, it's the Commission. Again, the licensee propose some, the agencies review them. Based on that, they put together a revised study plan that addresses some of the comments. That's filed with the Commission and then the Commission looks at

that and any comments that come in on that and issues that study plan determination.

MR. GUINNESS MCFADDIN: [inaudible] slide for a second? I wanna get [inaudible] --

MR. JOHN MUDRE: This screen?

MR. GUINNESS MCFADDIN: If I read that correctly, this is coming up in September, PG&E has to file proposed study plan?

MR. JOHN MUDRE: That is correct.

MR. GUINNESS MCFADDIN: So between now and September, they're gonna hear from the Commission what they have to study?

MR. JOHN MUDRE: No, the proposed study plan is basically the start of the thing. That's what they propose to study. And then after they propose that, the agencies have a chance to look at it, comment on it. After that, they'll file a revised study plan that addresses those comments and then that revised study plan is filed with the Commission. Other stakeholders can file comments that same day, too, and then the Commission looks at the revised study plan and the comments, and then --

MR. GUINNESS MCFADDIN: So that could stretch out things quite a bit then?

MR. JOHN MUDRE: Yeah, well, that's -- it's not supposed to, and that's why our study plan determination,

which says what studies are to be done is February 15th, 2018, so early part of next year. So that's --

MR. GUINNESS MCFADDIN: Sorry.

MR. JOHN MUDRE: It may look long, but it's really short, if you're involved in it. Anything else right now?

All right, at this point then, I'm gonna turn the mic over to PG&E and they're gonna give a brief discussion of the Project and its operation.

MR. KUBICEK: Good evening. My name is Paul Kubicek. I'm an aquatic biologist at PG&E with long-term involvement on the Potter Valley Project. It's a pleasure to be here this evening to provide you with an overview of the Potter Valley Project. For those of you that were part of one of our tours of the Project yesterday, a lot of this is gonna sound familiar to you, but bear with me because I wanna make sure that all the attendees at tonight's meeting have an opportunity to learn about the Project and understand it a bit better.

So Potter Valley Project is a small hydroelectric project. 9.2 megawatt capacity. It has sufficient power for about 7,000 homes. It's important to note that it's an interbasin diversion of water, taking water from the Upper Eel River watershed over to the Upper Russian River watershed by way of the East Branch Russian

River. The Project has been in operation for quite some time, over 100 years, having been completed in 1908. And it's operated under the FERC License Number 77.

What I'd like to do now is show you a few maps to get us oriented. We've got the Eel River watershed to the north, Russian River watershed to the south. The Eel River is flowing in a northwest direction to the Pacific Ocean. The Russian River's watershed flowing to the southwest to the Pacific Ocean. They're separated by a single ridge here, the two headwaters of the watersheds, and that's where our project is located.

Here's a close-up of that divide. The Project consists of Lake Pillsbury, which is formed by Scott Dam. That's our storage reservoir. That's taking advantage of the winter runoff, so that the water can be metered out during the dry season. That water is allowed to flow down the Eel River to Van Arsdale Reservoir, which is formed by Cape Horn Dam.

This is the diversion point for the Project, where water is taken out of the Eel River, put through the single ridge that separates those watersheds, is dropped down about 450 feet to Potter Valley Powerhouse which is at the north end of Potter Valley.

Water from there that's discharged from the powerhouse enters the east branch of the Russian River, and

flows down into Lake Mendocino. Lake Mendocino is formed by Coyote Dam, which is an Army Corps of Engineers facility. The water within Lake Mendocino is managed by both the Army Corps of Engineers and the Sonoma County Water Agency.

Here's a close-up of the Project features. Again, Lake Pillsbury with its release down to Van Arsdale Reservoir, and the diversion down to Potter Valley Powerhouse. To note on this slide, our number of green boxes, centered around Lake Pillsbury, which are indicating recreation facilities associated with the project, mostly campgrounds, day-use facilities and boat launches. And then there's another recreation facility down here at Trout Creek in the river between the two dams, where we have a campground and day-use area located.

So now I'm gonna take you through a tour of the Project through photos. This first one is Lake Pillsbury formed by Scott Dam. What you're seeing here is the Eel River arm of the lake and the Rice Fork arm of the lake. What's not shown in this photo was the large shallow northwest lobe of the lake.

Here's a close-up of Scott Dam, which is forming Lake Pillsbury. What's interesting to note here is that there's two ways to get water out of Lake Pillsbury. The primary way is through the needle valve here at the base of the dam, which is taking cold water from the bottom layers

of the reservoir. The other way to get water out of Lake Pillsbury is to release it through the spill gates at the top of the dam.

There's a series of radial gates in the middle of the dam, as well as a series of slide gates at the top of the dam on either side of the radial gates. And what should be noted here is that, obviously the only time we can use those surface gates is when the reservoir is at a full level, which is in most of our winter periods, but varying lengths of time during the winter and spring season.

Here's the Eel River between the two dams. It's a moderate gradient, moderately open canyon area. The water being released from Lake Pillsbury down to our diversion point. Here's an aerial shot of Cape Horn Dam, which forms Van Arsdale Reservoir. What we have here is the Cape Horn Dam itself under winter conditions with water flowing over the length of the crest.

We also have a fish ladder here that allows adult Chinook salmon and steelhead to migrate upstream beyond Cape Horn Dam and utilize the 12 miles of river and associated tributary streams between the two dams. And I should also note that there is no fish ladder at Scott Dam. So the upstream limit for migration of anadromous salmonids, the Chinook salmon and steelhead, is Scott Dam.

But we do have the fish ladder here at Cape Horn

Dam. We've got the Van Arsdale Fishery Station, which is a facility operated by the California Department of Fish and Wildlife. It was originally constructed as an egg-taking station for steelhead. They would collect eggs from the adult steelhead migrating upstream, propagate those fish and then release them in the Eel River drainage or elsewhere.

As a consequence of having this in place for many, many years, there's an excellent record of fish counts at Cape Horn Dam for steelhead dating back to 1922. Salmon, the records go back to the '50s and a little bit into the '40s.

The reason there aren't early salmon records like there are for steelhead is related to the fact that the department at the time was interested in the propagation of steelhead and not really concerned about the salmon. Nonetheless, we have really good long-term records for both species at this facility.

Here's the Eel River below Cape Horn Dam during summer conditions. This is a low gradient wide-open canyon area. Water temperatures warm up pretty quickly in this in this reach to equilibrium levels not too far below Cape Horn Dam.

Going back up to Van Arsdale Reservoir, here is our intake facility for the Project. This is where we draw water out of the Eel River to send it over to the powerhouse

and the Russian River. There's a set of trash racks here that prevent the large debris from entering the intake. The water then enters two parallel channels.

And within each of these parallel channels is a fish screen. The fish screen allows the water to dive through it and enter the tunnel that leads to Potter Valley Powerhouse. The fish and debris continue over the top of the fish screen and they are picked up in a Archimedes screw pump, which is a large rotating cylinder that has internal veins that take a slice of the water and just like a screw, brings that slice of water upwards.

It has the fish in it, drops it out into a fish return channel that then flows down around the dam and the fish are dropped into the fish ladder. And when we're talking about the fish here are the juvenile salmon and steelhead that have hatched out in the upper watershed and are heading back to the ocean.

The water that's diverted through that facility goes through about a mile-long tunnel. When that tunnel daylights, the water enters a wood stave conduit. It then enters another short tunnel section and then a wood stave conduit before dropping into steel penstocks that drop the water down to Potter Valley Powerhouse.

Now, it's interesting that we recently replaced one section of the wood stave conduit. And we replaced it

in kind, meaning that we, once again, put a wood stave conduit section in, but rather than using redwood that had been used historically, and had been in place for over 100 years, we're now using cedar with 100-year life span expectancy.

The water, after it exits the last wood stave conduit section, enters a pair of steel penstocks here that you see running down the ridge towards Potter Valley Powerhouse.

Here's an aerial shot of Potter Valley Powerhouse. The buried penstocks are coming in from this direction. There are three units within the powerhouse with that capacity of 9.2 megawatts, and you see the three discharge channels from that powerhouse. They then come together to form the tail race here, a single channel that forms the start of the east branch of the Russian River.

And as I mentioned earlier, this water then flows down to Lake Mendocino, where it is then regulated by the Army Corps of Engineers and the Sonoma County Water Agency.

Now I'd like to tell you a little bit about the history of the Project. Cape Horn Dam, the water diversion and the powerhouse were all built in the 1905 to 1908 period and went into operation at that point without having a storage reservoir upstream. It was Scott Dam that was

constructed in 1921 that formed that storage reservoir and made use of the high winter runoff that was available within the Eel River system.

Water has been used for irrigation for some time, dating all the way back to 1924, and the Potter Valley Irrigation District had an irrigation contract with PG&E's predecessor as early as 1926. And then PG&E acquired the Project in 1930.

So now I would like to talk a little bit about the licensing history for the Project. The Project received its first license from the Federal Power Commission, which was the predecessor to FERC. They received that in 1922. That was following the completion of Scott Dam and the formation of Lake Pillsbury.

When that project came up for relicensing in 1972, we were involved in a protracted relicensing process that actually began in 1970 and extended all the way to 1983. An important part of that relicensing process as the development of a study agreement in 1979 that was developed amongst the various stakeholders in both the Eel River and the Russian River watersheds, and that agreement called for a three-year fishery study done under a series of test flows.

And these test flows for the first time required that we mimic the natural hydrograph in the Eel River,

meaning that we followed the general pattern of higher flows in the winter and spring, and then tapering off to the lower summer flows over an extended period of time. Up to 1979, that had not been the case.

And I would like to say that ever since 1979, we've continued to mimic the natural hydrograph with changes being made in the actual flow schedule. Based on the results of various fishery studies that are quite extensive over the years.

That three-year fishery study was conducted in 1979 to 1982, and based on the results of that study, the stakeholders got together and developed a settlement agreement that primarily covered the minimum flow releases for the project, for the protection of salmon and steelhead resources. And that settlement agreement was incorporated into a new license that FERC issued in 1983.

Now that new license required a ten-year fishery study that went on from 1985 to 1996. It was basically designed to evaluate the new flow regime that had been implemented under the new license. Shortly after that was done, we get the listing of Chinook salmon and steelhead as threatened species under the Endangered Species Act.

And so that prompted the National Marine Fisheries Service then to develop a biological opinion for the project operations. And their biological opinion

included something called a reasonable and prudent alternative, or an RPA. And that RPA included a modification of the flow releases to do a better job at protecting the salmon and steelhead resources, as well as a number of other mitigation measures.

And basically this, what would happen then was that FERC accepted the measures in the RPA and incorporated them into the amended FERC license that the company got in 2004. And the Project is currently operated under that amended license using the flow releases from the RPA. And basically this RPA and amended license addressed the beneficial water uses in both watersheds.

So looking at those beneficial uses, the real water use drivers here, the main ones were power production. The project was built for power originally and is still producing that power. Eel River Fisheries protection. The salmon and steelhead resources that we have out there were another very important driver.

On the Russian River side, the important drivers were irrigation, primarily for Potter Valley Irrigation District and Sonoma County Water Agency, and then also fisheries protection in the Russian River, as we also have salmon and steelhead in that watershed.

And then finally, recreation was a driver. And that primarily related to maintaining higher storage levels

in Lake Pillsbury to provide recreation opportunities. So as far as current project operations go, it primarily falls under the RPA and the flow regime that we have. And that flow regime is designed to protect the beneficial water uses, not only the habitat for listed salmon and steelhead, but the other beneficial uses as well.

It's a complex flow regime. The flows can actually be adjusted on a daily basis, dependent upon the inflow to our storage reservoir, Lake Pillsbury. The general pattern of our releases mimic the natural hydrograph in the Eel River in terms of pattern and timing of flows. And this RPA flow regime was based on years of study and modeling that was performed by PG&E and other parties.

There's also a lot of resource monitoring that's been conducted here that's helped inform the flows that we are currently operating under and we continue to conduct monitoring to evaluate the effectiveness of those flows.

So in terms of protection mitigation and enhancement measures, the existing PM&E measures are primarily related to measures in the FERC license and the RPA for the protection of fish, wildlife, cultural, land and recreation resources. And again, a big part of this is the RPA flow regime is protecting these water uses.

An important element associated with the minimum flows of the RPA flow regime is block water. The resource

agencies have 2,500 acre-feet of water available to them on an annual basis for use in fisheries protection. Something else that we is we maintain the fish ladder at Cape Horn Dam for passage of adult salmon and steelhead upstream, and we maintain fish screens at our diversion to protect the young fish from being entrained into the system and drawing over to the Russian River.

In terms of proposed PM&E measures, we have no additional measures being proposed at this time in our Pre-Application Document that was issued a few months back. Although we recognize that additional measures may be developed through this FERC relicensing process that we're embarking upon right now.

What I have here is a list of potential studies that we put into our Pre-Application Document. There's basically five categories here. I don't expect you to be able to read these; I can hardly read them. But there are five categories up here that include aquatic resources, terrestrial resources, cultural resources, land management and recreation.

And I invite you to look at the Pre-Application Document to get more details on these various study plans that have been listed as being potential to help inform our decisions as part of this relicensing process. If you haven't already gotten into that document, I highly

recommend that you do so. It's an excellent summary of resources and potential project effects and yes? A question?

FEMALE SPEAKER 2: [inaudible] Eel River, we weren't able to [inaudible] through the eLibrary [inaudible].

MR. JOHN MUDRE: We can talk about that after the meeting if that's okay with you.

MR. PAUL KUBICEK: I just wanna say a couple words about the approach we took for identifying those potential studies. First off, we identified potential resource issues, and we based that on our knowledge of the Project and our knowledge of various issues that've been brought up in the past that may be impacts from the Project.

Next we looked at the issue of project nexus, that there needs to be a connection between the resource issue and the Project. You know, is the Project having an effect on a particular resource issue? We then evaluated the relevant information that's available on this particular resource issue and identified potential information gaps. Looked for areas where we felt additional information would be useful, to help inform the relicensing process.

And we basically had two categories of study types here. We had one situation where we felt that we needed potentially some new studies to address some of the

information gaps that had been identified, basically because there was no to little information available on that particular resource issue.

The second category, and this was a very large one for us here, was the analysis of existing data sets. As I mentioned earlier, we've got a wealth of information on this Project, particularly as it relates to aquatic resources. And so the potential studies that we've identified in the PAD include a large amount of additional analyses that could be done on those existing data sets.

And so that concludes my overview of the Project. And I guess I would like to conclude by saying we're looking forward to working with all the stakeholders in this relicensing process and developing the study plans will help inform our decisions as we go down the road. So thank you. I'd be happy to answer any questions that you may have.

MR. JAMES RUSS: When you mentioned the woodhouse [inaudible]

MR. JOHN MUDRE: Yeah, with the presence of the court reporter, it's important that you speak your name and if it's a difficult one to spell, spell it so we can make sure we get everything properly attributed.

MR. JAMES RUSS: My name is James Russ, and I had a question just about the woodhouse, you mentioned that

it was made out of redwood and now you have replaced it with cedar? So my question is, when you guys made that determination, was it because it was failing? Was that, that failing to get the water where it needs to go? Or was it leaking or anything like that?

MR. PAUL KUBICEK: What we have is a situation with these wood stave conduits that have an expected life of about 100 years. And this one ran over 100 years. And what we were experiencing was some leaking that occurred. And over the years there was some leaking that occurred and various repairs were made to continue to use this conduit.

But it finally reached the point that the decision was made that it was a better economic decision to replace the wood stave conduit, rather than to continue with the repairs that were being done. And so we actually have two different sections of wood stave conduit there, as I mentioned. And we replaced the one that was having some of the leaking issues. The other one is still in operation because it's been functioning better.

MR. CHRIS LOVE: In the extensive study information y'all referred to regarding fisheries and especially regards relicensing, is the loss of habitat above Scott Dam addressed in those studies for salmonids?

MR. PAUL KUBICEK: We took a look at the loss of habitat back in the 1979-81 study. That was the first time

we looked at it. And then since then, the U.S. Forest Service did an evaluation and came up with some numbers of habitat that might be available above Lake Pillsbury.

And now the most recent thing that has happened is that Humboldt State University, through one of their graduate students, has conducted a study up there. And that study report just recently came out and is now available. So there is information that's out there available now, and is something that we'll be evaluating as we move forward in this process. Thank you.

MR. JOHN MUDRE: Thank you, Paul. Now we're getting to the important part of the meeting, where we hear your comments and I'm just gonna ask the court reporter how best to proceed with respect to the sound system.

Okay. So I'm gonna turn this mike off and people that speak will just go up to the podium. We have a list of people that signed up and --

MR. JAMES RUSS: Good evening. First of all, before I start my comments, I would like to acknowledge the Creator and I'd like to thank the Creator for this day and for all of us and all the people here this evening. And I would like to also acknowledge some of our tribal council members that are here this evening, Miss Cora Lee Simmons, Mr. Lewis Whipple, Mr. Doug Hutt and we have our THPO officer here, our Tribal Historic Preservation Officer, Miss

Stephanie Britton is with us as well. But anyway thank you for this opportunity this evening.

My name is James Russ, and I am the President of the Round Valley and Tribal Council, which is the governing body of the Round Valley Indian Tribes. Round Valley, for those of you that don't know, Round Valley is one of the oldest and largest reservations in the State of California, and once again, thank you for the opportunity to comment on the Scoping Document.

From the Tribes' perspective, the document omits some of the most important facts about the Potter Valley Project. The Project was built in the heart of the ancestral territory of our tribal people. The diversions from the Eel River to the Russian River have decimated the fishery that we have relied on for centuries. Our community has suffered because of these diversions -- our traditions and culture, our diet and our economic opportunities have all suffered.

Our elders tell stories about the abundance of fish in the Eel River before the Project. Now those numbers have dwindled to the point that several species of salmon may be going extinct. This is a crisis for our tribes. We understand that federal laws frame the scope of this review. But we should not lose sight of the human toll the Project has had on the Round Valley Indian Tribes. We will submit

written comments on the Scoping Document and Pre-Application Document at a later time.

But tonight, we wish to highlight four concerns. First, the Round Valley Indian Tribes and our tribe history and culture are nearly invisible in these documents. The maps of the watersheds do not show our reservation. The description of the major land uses includes only a single sentence that we have a reservation in the Eel River watershed.

Our tribes have existed as sovereign nations long before the United States, states, cities and counties were created, yet that basic fact is not acknowledged. Our federal water rights are not included among the list of water rights, even though PG&E's unadjudicated rights and claims are included.

The tribes are not even listed as a source of information on cultural resources or tribal resources in the PAD. All of the information in the documents about our people and history comes from PG&E, anthropologists and ethnohistorians, or federal and state databases. No one talked to us about any of the that information.

To correct this, there needs to be a new ethnographic study that evaluates the central place of the Eel River as a Traditional Cultural Property of our people and our tribes. Words are not sufficient to tell you how

discouraging it is to be rendered invisible in a proceeding which is intended to address the heart of our tribal homeland. Indian people have been overlooked and we've been invisible for far too long.

Second point, the geographic scope of the review of impacts on water quality is too narrow. It should also include the North Fork of the Eel River. The scoping document does not explain why the geographic scope for water quality is limited to the Middle Fork of the Eel River. We believe the cumulative effect of the Project on water quality extends to the North Fork as well.

Third, the alternatives to be analyzed should include a No Project Alternative. We disagree with the statement in the Scoping Document that there is no basis for including an evaluation of decommissioning the Project. We are advised by our lawyers that federal law requires consideration of environmental impacts of this Project.

Scott Dam cuts off significant fishery habitat above the dam, so it makes sense to evaluate the effect of decommissioning on the health of the Eel River fishery. Last October, we asked that dam removal issues be studied when PG&E sought information to include in the Pre-Application Document. So we are mystified by the statement that there is no basis for including this issue in the scope of the environmental reviews.

The scoping document should be revised to include project decommissioning as an alternative to be evaluated. This should include removal of Cape Horn Dam, removal of Scott Dam and removal of both. We do not understand how one could evaluate the environmental consequences of the project without considering the alternative of decommissioning the Project.

Fourth, the scope of the studies on cultural resources and tribal resources needs to be clarified. We are concerned that because PG&E did not find any Indian Trust Assets or Traditional Cultural Properties within the Project boundary or in the immediate vicinity, the scope of these studies will be too narrow.

The tribes have trust assets that will be affected by the Project, but even that category is too restrictive for this situation. The National Historic Preservation Act defines tribal lands to include all lands within the tribe's reservation, whether or not it is held in trust.

On our reservation, there are many parcels of land owned by non-Indians, as our reservation is checker-boarded. These areas do not lose their cultural significance to us because we no longer own them. The entire reservation should be included as an area of potential effect, not just the parcels owned by the tribes.

The tribes should have a role in helping to define the area and resources that could be affected by the Project. The PAD says that only the State Historic Preservation Officer and the U.S. Forest Service will decide what the area of potential effect will be. Because the tribes have cultural and tribal resources that are directly impacted by the Project, we must have a voice in that decision. And also, we have our own Tribal Historic Preservation Office as well.

We look forward to working with FERC and PG&E to make sure that the scope of the environmental review and studies are properly defined, so that all of the impacts of the Project may be properly evaluated and we look forward to working and being a stakeholder during this process. So thank you for your considerations. And I also have a copy of this to whomever.

MR. JOHN MUDRE: I want to thank you very much for those comments and look forward to meeting with you and other members of the council and the tribes tomorrow.

MR. JAMES RUSS: Okay. Thank you.

MR. JOHN MUDRE: Our next speaker is Chris Love.

MR. CHRIS LOVE: Hello. I'd have to say that I agree with everything I've heard the previous speaker say, and as somebody who's not associated with the tribe, I would ask, as a citizen of the United States, that this be dearly

considered. In the previous relicensing, their tribes probably didn't have the necessary assistance and help from the federal government and our local communities to receive the necessary information and assistance to engage in relicensing.

FEMALE SPEAKER 3: I cannot hear you.

MR. CHRIS LOVE: Okay. I'll try to speak more directly into the mic. But I would further like to say, from my own particular perspective, that I would like to see, at the very minimum, serious studies for fish ladders at the Scott Dam site, and also studies of the effectiveness of the fish ladder at the Cape Horn Dam site, as well as issues on the Eel River, particularly dealing with low flows and high temperature and sediment impairments, as well as overwatering of the Russian River, and that it is receiving higher water flows than would be historically capable on that river.

And what that may be doing to salmonid habitats, and that we have -- the Eel River is the third largest river in California, the Klamath and the Sacramento being ahead of that. And our fisheries are currently closed, primarily in direct relation to the drought conditions we've experienced and whatever other impacts our communities cause on our river habitats and aquatic habitats.

Recent studies in the last twenty to thirty

years before licensing has helped us show that there are no upstream nutrient flows from the ocean besides salmonid species and eel species that come into our Pacific western rivers. And these are nutrients are necessary for the survival of our forests.

Studies from Switzerland show that the timberline of the Black Forest is dropping in direct relation to a lack of salmon species returning to the rivers. And once there's a loss of these species, it could take a hundred years to recover these species and they are crucial to our community's survival and health, as well as especially the tribes who depend directly on the protein and the fats from these fish.

And that indigenous fishing rights are crucial as well. And I did ask a question about, what is missing from the extensive previous studies that may or may not address the loss of fish habitat above Scott Dam, and I would like any recent and ensuing studies to address this issue. And I think those are my particular comments.

Salmon means life. It means business. It means a lot, and I'd like for us to find a balance for creating power, farms, fish, everybody for sure. And in the greater scheme of things, 9.2 megawatts is not a great deal of power for PG&E to be highly concerned about where I think the value of the salmon far outweighs the value of the 9.2

megawatts. Thank you.

MR. JOHN MUDRE: Thank you, Chris. That's all the people that signed up to speak. If anyone would like to speak now, I'll give you the opportunity. Then, what I'd like to do is thank everyone again for coming out tonight. And we look forward to working with all of you as this process progresses. Thank you again.

CERTIFICATE OF OFFICIAL REPORTER

This is to certify that the attached proceeding before the FEDERAL ENERGY REGULATORY COMMISSION in the Matter of:

Name of Proceeding: Potter Valley Project

Docket No.: P-22-285

Place: Ukiah, CA

Date: Wednesday, June 28, 2017

were held as herein appears, and that this is the original transcript thereof for the file of the Federal Energy Regulatory Commission, and is a full correct transcription of the proceedings.

Jason Butko

Official Reporter