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 9:00 a.m.

MODERATOR: JOHN MUDRE, FERC

P R O C E E D I N G S

(9:00 a.m.)

MR. JOHN MUDRE: Can everybody hear me now? I apologize for the delay. My name is John Mudre. I'm on the staff of the Federal Energy Regulatory Commission. I want to welcome everyone for coming. Thank you for coming today.

We are here for what's called a scoping meeting and we want to hear what you people think are the important issues. Next to me is Alan Michnick. He's a wildlife biologist with FERC. And as you signed in, that's Carolyn Clark, and she's with the Office of General Counsel.

So, we're with the Federal Energy Regulatory Commission. It's an independent regulatory agency, five-member Commission. Usually, supposedly, but right now we only have two Commissioners and as of June 30th, we'll be down to one, but several people have been nominated for these positions, but they haven't been confirmed yet.

These Commissioners are appointed by the President, confirmed by the Senate, and the President designates who the Chairman is. So the Federal Energy Regulatory Commission regulates electric power, natural gas, oil pipelines and federal hydroelectric projects.

The hydropower program consists of three parts. We have the licensing route, which is us. We have a licensing administration and compliance group that, once a

license is issued, they ensure that all of the various conditions of the license are followed. And then we have a dam safety program that is independent of licensing that ensures public safety at the various FERC licensed projects.

We're here today to identify potential environmental effects, issues, concerns and opportunities associated with relicensing of the Potter Valley Project, and any alternatives. We want to identify information and study needs we use to develop operational and environmental recommendations.

So we want to talk about existing conditions at the Project, resource management objectives, existing information, study needs, the process plan for the relicensing and the cooperating agency status.

Our agenda for today -- I'm going to give a brief introduction about the licensing process, then PG&E is going to provide a brief description of the Potter Valley Project, status of the proceeding, and then we get to the important part, which is to get the agency and public comments. And then we may discuss other issues after that.

So I think everyone is signed in. We have sign-in sheets. We have a court reporter over here. His role is to make transcripts so we have an accurate record of people's comments and the transcripts will be available on the Commission's website in a couple of weeks, or if you

need them sooner, you can speak with the court reporter. Before you speak, you should say your name for the court reporter and if it's one that's difficult to spell, maybe spell it for him, so we can get it accurately into the record.

This relicensing process is going to be conducted using the Integrated Licensing Process, ILP. It was created in 2003 and it's the default process for relicensing. It was designed to identify issues early on and develop the studies necessary to provide the information needed to issue the license. And the process has established timeframes, which can be annoying because sometimes they're pretty short.

This box shows basically the eight different steps in the process. I'll speak briefly about each one. The PG&E filed their Notice of Intent to relicense the Project and the PAD on April 6th. The PAD, the Pre-Application Document, identifies and contacts potential stakeholders, gathers available information and again, then the applicant files a Notice of Intent and PAD and all of that's already been done.

The purpose of the PAD is to bring together all existing relevant and reasonably available information about the Project. It provides the basis for identifying issues, data gaps and study needs. And it's in the form of a NEPA

document and it serves as the foundation for future documents.

Then the next step in the process is scoping and this is a requirement of NEPA, the Natural Environmental Protection Act. So we hold scoping meetings early within 90 days of the NOI and PAD being files. There's a process plan in the PAD and it can be refined to integrate other agency processes and milestones.

So the purposes of scoping is to identify significant issues for analysis, to identify resources that may be cumulatively affected, to identify reasonable alternatives for analysis, and to identify issues and resources that don't really require detailed analysis.

Our NEPA documents, we have different categories for resource issues and I'll just mention, there's a lot more detail in Scoping Document 1, which should have been sent to everyone. There are some copies in the back. And it's also available on our FERC website. I'll mention that, too, that we have some handouts in the back about how to file comments, a little bit about the process, the licensing process, and some other information related to electronic communications.

But getting back to the resource issues that we're going to be looking at -- geology and soils, water resources, aquatic resources, terrestrial resources,

threatened and endangered species, recreation, land use, aesthetic resources, socio-economic resources, cultural resources and developmental resources.

Scoping Document 1, which I mentioned, it has the BA preparation schedule, it's actually an EIS of the proposed outline for the EIS, a list of comprehensive plans that we need to consider during the process. It has an official mailing list from FERC, FERC's official mailing list. The process plan and schedule that lays out the dates for all the various steps along the way. And it contains information on how to provide comments on SD-1.

Then after we receive those comments, we'll review all the comments and issue a Scoping Document 2, which addresses the comments and makes any necessary changes.

The next step in the process is the development of study plans. The applicant prepares a proposed study plan and the stakeholders meet to discuss the studies and resolve any issues relating to what studies are needed or how studies should be conducted.

Following that period, the applicant will submit a revised study plan to FERC, and then FERC will approve the study plan, but there may be modifications to the study plan and so we may make some changes to it based on comments we've received or other study requests that the applicant

didn't adopt.

We have specific criteria that must be addressed in requesting a study. The goals and objectives of this study must be laid out. Relevant resource management goals must be discussed, as well as public interest considerations. We have to look at existing information and see if existing information is enough, so we have to explain why existing information may not be enough, as part of your study request.

You have to discuss the nexus and how the nexus, which is how the project is causing these effects, the relationship between the project and any effects that people want studied. And discuss how the results would help inform a licensing decision.

They have to discuss the method of the study that you're proposing and how it's consistent with accepted practice. And then also discuss the effort, cost and if there's a need for an alternative study.

Again, then FERC approves the study plan, we do have a dispute process, that if stakeholders with mandatory conditioning authority do not like our determination and think we should change it somehow, there's a process built in for dispute resolution.

But after everything is settled, the applicant conducts the studies. One year and sometimes, maybe two

years, after the first year of studies, the applicant files the study reports for stakeholders to review, and there's comments on those. But then the applicant prepares their preliminary licensing proposal.

What we like to see in license applications are implementable plans to minimize post-licensing plans. The application should contain detailed plans for implementing any proposed environmental or other measures, such as water quality monitoring plans, recreation plans, historic properties management plans, and having these things in the application itself ensures timely implementation or needed measures, and reduces the workload following license issuance.

After all that, the applicant files their final application with FERC, and FERC's staff then reviews the application for adequacy to make sure that all of the required information is in there. Once it is, we accept the application and issue a notice saying that the application is ready for environmental analysis, an REA notice.

We ask for comments, recommendations and conditions and then the agencies will file recommendations and conditions and some of these conditions are mandatory. In other words, FERC does not have any discussion 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.

But we do prepare our EIS and the EIS serves as the basis for our recommendations to the Commission as to whether and under what conditions the project should be relicensed. The Commissioners will review the project record and then make the licensing decision.

Just to mention intervention. You can file to intervene in the proceeding, which makes you a party to the proceeding, and if you're an intervenor, then you can request a rehearing of the license. In other words, if you think we did something wrong, you can file for rehearing, and then the Commission takes another look at it and what your comments are and makes a decision on rehearing.

Some of the initial process items that are coming up is, we're going to issue a study plan determination on February 15th of 2018. Studies would be conducted in 2018 and perhaps 2019. Again, the preliminary licensing proposal or draft license application is due from the applicant in November of 2019, and the final license application must be filed by the Commission by April 14th, 2020.

So it's kind of a long process, but there's a lot of information to look at, and things to think about. Upcoming milestones or comments on the PAD, SD-1 and study requests are due on August 4th of 2017, and these are some

of those milestones that can be annoying at times, because again, the periods of time are short and they need to be adhered to.

We'll issue our scoping document, too, on September 18th, 2017, and on that same date the applicant will file their proposed study plan. After that, I think within 30 days, sometime in October, we'll hold the study plan meeting to discuss the proposed studies and any recommended studies from stakeholders. We don't know what date that is yet, but it's going to be sometime, probably in the middle of October, and people will be kept informed of where that occurs.

And I think that's about it for me. Right now we're gonna go -- are there any questions right now? Okay. Right now, we're gonna let PG&E make their presentation on just the basic operation of the project and their potential proposed studies.

Actually, before we do that though -- sorry. Is Parker here? Parker Thaler? Parker Thaler is with State Water Resources Control Board. He's gonna give a very brief talk about what their role is in the process.

MR. PARKER THALER: I'm Parker Thaler. I'm with the State Water Resources Control Board, and I'm a Senior Environmental Scientist. I'm also joined by Meiling Roddam who is an Environmental Scientist with the State Water

Board.

Our goal in the FERC process is to evaluate the project as proposed for the protection of water quality objectives and the balance of beneficial uses of water, which includes a wide variety of items like cold water spawning habitat for anadromous fish, recreation, both contact and non-contact, irrigation for agricultural, domestic and hydropower.

And we do this via the issuance of a water quality certification, which would contain conditions that are mandatory and would be implemented at the issuance of a FERC license and that process for the water quality certification comes later in FERC relicensing.

After the filing of a final license application by PG&E, but in 2013 the State Water Board reached a memorandum of understanding with FERC that laid out better coordination between both of our agencies and part of that is the state water board participates early in the FERC process, so we're here reviewing the PADs and will be a commenter like everyone else, and we look forward to collaboratively working with PG&E and others in developing studies and trying to address everyone's needs throughout this process. Thank you.

MR. JOHN MUDRE: Thank you, partner. I'll mention a matter or two -- I'll mention our FERC website.

It's www.FERC.gov, and if you go to that site, there's lots of information about the licensing process.

One of the best features that we have is something called our eLibrary and that stores all of the letters or comments that we receive from stakeholders and also any issuances that the Commission makes, all the letters, all the information that's part of the record for this proceeding is available on the eLibrary website.

And the other good feature about that is that we have a eSubscription, and if you register to the eSubscribe, then you'll automatically get an e-mail every time that a document comes in relating to this project, or if we issue a document about this project, you'll get an e-mail saying that this document was issued on such-and-such date and has a brief description of what it is and also a link that you can just click on that link and it'll take you directly to the document and you can read it or print or whatever you want. So I think -- anything you guys want to add?

MS. BARBARA RENICK: I think you made a reference to the native tribes because of the ancestral protection laws?

MR. JOHN MUDRE: I did mention cultural resources, one of the resource areas that we look at in our environmental document. But also, separate from that, we sent letters out to seventeen tribes that may be affected by

this project and we're meeting tomorrow with the Round Valley Indian Tribes as part of our --

MS. BARBARA RENICK: You're meeting tomorrow with seventeen tribes, did you say?

MR. JOHN MUDRE: No, just the Round Valley Indians.

MS. BARBARA RENICK: Oh, Round Valley.

MR. JOHN MUDRE: Yeah, they're the ones that responded -- we sent seventeen letters and then followed up with several phone calls and we received one request for a meeting from the Round Valley Indian Tribes, which is just downstream of the Project. And we received a response from another tribe that we're gonna have a telephone conference with later on. So it's definitely an important part of the process. And with that, I'll turn it over to PG&E.

MR. PAUL KUBICEK: All right, well, good morning. My name is Paul Kubicek. I'm an aquatic biologist for PG&E with long-term involvement on the Potter Valley Project. It is a pleasure to be here today to provide you with an overview on the project.

For those of you that were involved with the tours that we had yesterday of the project, you'll find a lot of similarities in what I'm about to present, but bear with me, please. We want make sure that everybody in attendance today has an opportunity to get a good basic

understanding of the project.

Towards the end of my presentation, I will provide some information on the history of the project, including the relicensing history. And at the very end, I'll be discussing a little bit about the potential studies that could be implemented as part of this relicensing process.

So some basic facts on the project, Potter Valley Project is a small hydroelectric project with 9.2 megawatt capacity. That's sufficient power for about 7,000 homes. It's important to note that this is an interbasin diversion of water from the Upper Eel River Watershed to the Upper Russian River Watershed by way of the east branch Russian River.

The project was initially constructed in 1908, so it's been in operation for a good long time, well over a 100 years. And it's operated under FERC License Number 77. Just to get you oriented a little bit on the project here, I've got a couple of maps.

What we see here are the two water drainages that we're dealing with. We've got the Eel River drainage to the north and we've got the Russian River drainage to the south. Eel River is basically flowing in a northwest direction to the Pacific Ocean, while the Russian River is flowing in a southwest direction. They're separated by a

single ridge here, the headwaters of the two watersheds, and that's where our project is located.

Focusing in a little bit closer on the project area, the project consists of Scott Dam on the Upper Eel River, which forms Lake Pillsbury, our storage reservoir. Water is released downstream for about twelve miles to the diversion point, which is at Van Arsdale Reservoir that's formed by Cape Horn Dam. From there the water is brought the single ridge that separates the two watersheds into the Potter Valley Powerhouse.

Water from there is released into the east branch of the Russian River which flows into Lake Mendocino. And Lake Mendocino is formed by Coyote Dam, which is an Army Corps of Engineers dam, and the water in that reservoir is managed primarily by the Army Corps of Engineers in the Sonoma County Water Agency.

Zeroing in a little bit closer, this is the immediate project area. Again, like Pillsbury here, our storage reservoir with the release down to the diversion point and down to Potter Valley.

You'll note here there's a number of green symbols up around Lake Pillsbury. Those are a number of our recreation facilities that include day campgrounds, day use facilities and boat launches. We also have a recreation facility here at Trout Creek on the Eel River between the

two dams which is a camp ground and day use area.

What I want to do now is take you on a tour of the project through a series of photos. Here's an aerial shot of Lake Pillsbury. We've got the Rice Fork arm here and the main stem Eel River arm here. What's missing from this photo is the northern lobe of the reservoir. Here's Scott Dam, which forms Lake Pillsbury.

A close-up of Scott Dam shows us that there are two ways to get water out of the reservoir. Either through the needle valve at the bottom of the reservoir, which is taking cold water from the lower layers of the reservoir, or when the reservoir is full, we can take water off of the top of the reservoir through a series of gates. There are a series of radial gates in the middle of the dam, as well as a series of slide gates to either side of the dam.

The needle valve is automated and can be controlled from the Powerhouse. There's also one slide gate that is automated. It can be controlled from the Powerhouse. The rest of the gates are operated manually by operators that have to go onsite to do that. I'd like to note that there is no fish ladder at Scott Dam. This is the upstream limit of anadromous fish migration.

And the fish species that we're primarily dealing with in the Eel River are the Chinook Salmon and steelhead which are both listed as threatened under the

Endangered Species Act. A number of other important native species are out there including the Pacific Lamprey, which is another anadromous species.

Moving downstream, here's a photo of the Eel River between the two dams. It's an open canyon area, a moderate stream gradient, and carries a lot of good flow from the storage reservoir down to our diversion point.

Here's an aerial shot of Cape Horn Dam. You've got the dam itself here under some winter conditions with a lot of water spilling over the dam. And we've got a fish ladder that is traced by that path there. Fish coming up the Eel River enter the fish ladder here and continue up over the dam to get into the twelve miles of river and tributary streams between the two dams for spawning purposes.

The California Department of Fish and Wildlife operates a facility here known as the Van Arsdale Fishery Station. It's what was originally put in place as an egg-taking station for steelhead to propagate steelhead. It's no longer used for that purpose, but it has been used long-term for the counting of both adult salmon and steelhead that are ascending the Eel River.

And the records are excellent. We've got steelhead records that go all the way back to 1922, and we've got salmon records that go back to the 1950s for sure,

and a little bit before that, but in the early years the department was not interested in the salmon because again, it was primarily an egg-taking station for steelhead, thus we don't have the early salmon counts from this station.

Going downriver on the Eel River, below Cape Horn Dam, we've got a low gradient open canyon area that ascends downstream, a very warm canyon area, I might add, with the water temperatures increasing very rapidly as you move downstream to an equilibrium point not too far below the project.

Going back up to Van Arsdale Reservoir, here is the intake for our Powerhouse. There's a set of trash racks here to prevent large debris from entering the intake. Once through the initial intake there are two parallel channels that extend back to the tunnel that takes water to Potter Valley Powerhouse.

There's a fish screen in each one of these parallel channels. The fish screen is a inclined-plane screen made out of wedge wire material. It prevents the young salmon and steelhead that are migrating to the ocean from being entrained and taken to the Powerhouse and to the Russian River System.

At the tail-end of these two channels, the fish that are screened out, end up in Archimedes screw pump, which is a large rotating cylinder with internal veins,

taking a slice of the water, including the fish, raising them up in elevation so that they can then be dropped into a fish return channel that takes the young fish down around the reservoir and dam and puts them into the fish ladder so that they can continue their downstream migration.

The water that's diverted over to Potter Valley Powerhouse goes through a tunnel initially that's about a mile long. It then enters a wood stave conduit. In fact, there are two different wood stave conduit sections. They were initially put in place in 1908, made out of redwood. One of those is still functioning. The other one was replaced just this past year and was replaced in kind. Another wood stave conduit, this time using cedar.

As we get to Potter Valley, the conduit drops water into two steel penstocks that you see partially buried here that run down the slope into Potter Valley. There's about a 450-foot elevation difference between the Eel River and the Russian River at this point. And so it was an ideal location for building a hydroelectric project. You had both the water and the head and a very short distance between the water source and the Powerhouse.

Here's an aerial shot of Potter Valley Powerhouse. The penstock is coming in from this direction over here. There are three units in the Powerhouse, thus three different exit channels from the Powerhouse.

Here's where these three channels merge into the single tailrace, and this is the beginning of the east branch of the Russian River. And as I said earlier, the east branch flow goes down to Lake Mendocino, where it's regulated by Army Corps of Engineers and Sonoma County Water Agency.

I'd like to talk a little bit about the project history now. Hit upon some highlights. Cape Horn Dam, the diversion and the Powerhouse were all constructed in the period 1905 to 1908, and as I mentioned earlier, the project's been operating since then.

Scott Dam was added later on in 1921 to provide storage for the system, take advantage of the high winter flows that we had, so that the water could be released during the dryer season. Water's been used for irrigation for a very long period of time, dating all the way back to 1924.

Potter Valley Irrigation District had its initial contract with PG&E fore water at our tailrace beginning of 1926. And there's still a contract in place whereby Potter Valley Irrigation District takes water from our tailrace. They could take up to 50 cubic feet per second during the summer irrigation season. PG&E acquired the project in 1930, and have been operating it ever since.

So let's turn to relicensing history. The

initial license for the project was issued in 1922 after the completion of Scott Dam and the formation of Lake Pillsbury. It was a 50-year license that was issued, meaning that it would expire in 1972. There was a protracted relicensing process that began in 1970 and ran up through 1983. That included a study agreement that was reached in 1979 amongst stakeholders in both the Eel and Russian River Watersheds to study the fishery resources of the Upper Eel River and begin making some determinations on stream flow releases that would be needed for protection of those resources.

There was a three-year fishery study conducted from 1979 to 1982 that led to a settlement agreement amongst those same stakeholder parties in 1982. And that became the basis for the new FERC license that was issued in 1983. The elements of that settlement agreement, which included minimum flow releases for the project were incorporated into that new FERC license issued in 1983.

And by the way, the study agreement actually called for more than study. It called for a series of study flows to be released. And this was a big step in the protection of anadromous salmon in the Upper Eel River because we went from a situation where there was a minimum flow release requirement of just two cubic feet per second below [inaudible] dam prior to 1979.

And with the study of flows in place, we were

mimicking the natural hydrograph and basically following the pattern and timing of the flow conditions within the river to create a more natural situation. And ever since the study flows were started in 1979, we've continued with the mimicking of the natural hydrograph through changes in various study regimes based on the results of fishery studies that have been conducted over the years.

So the 1983 license required a ten-year fishery study to evaluate the new flows that have been put into place. That study was conducted in 1985 to 1996. And while the agencies and PG&E were working on determining if some changes in the flow regime should be made based on the results of that study, both Chinook Salmon and steelhead were listed under the Endangered Species Act.

So that prompted the National Fishery Service to develop a biological opinion evaluating the impacts of the project and they developed, as part of that biological opinion, something called the reasonable and prudent alternative or an RPA, which contained recommendations for changes in the flow regime, as well as other mitigation measures.

And so FERC in 2004 accepted the RPA from NMFS biological opinion, incorporated that into an amended FERC license, and that's the current license that the project is operating under. So it incorporated the RPA and what it was

doing was addressing the various beneficial water uses in both the Eel and the Russian River System.

So taking a look at what the primary water use drivers were through that process, first it was power production. Obviously, the project was built for that purpose, and that was an element of consideration through the development of the RPA flows. Next would be Eel River Fishery's protection. I had mentioned earlier that we've got the Chinook Salmon and steelhead resources, as well as other native species that need protection there.

Then the Russian River side, there was irrigation, primarily a part of irrigation district at Sonoma County Water Agency, among other parties. And there's also the fishery's protection element of the water in the Russian River system.

And then finally, there was the element of recreation. Primarily associated with Lake Pillsbury and maintaining storage levels in Pillsbury for that purpose. So the current project operations are all related to the amended FERC license from 2004, as well as the RPA from the National Marine Fisheries Service.

And a very important element of that is the RPA flow regime that's basically designed to protect the various beneficial uses including habitat for the listed salmon and steelhead. It's a very complex regime. Flows can be

adjusted on a daily basis, based on inflows to Lake Pillsbury.

As I mentioned earlier, the flow regime mimics the natural hydrograph in terms of the pattern and timing of natural flow conditions out there so that the various species can respond to appropriate cues. And these RPA flows have been based on years of study and modeling. Studies that have been going on since 1979 have provided us with a wealth of information that we have. And there's been a lot of muddling that's going on in terms of water for fish, as well as water for all the other beneficial uses.

In terms of protection mitigation and enhancement measures, the existing PM&E measures are taken from the requirements that we have under the amended FERC license and the RPA. For the protection of, not only fish and wildlife, but also cultural land and recreation resources.

And again, an important element of the PM&E measures is that RPA flow regime. Associated with that RPA flows, the minimum flow requirements, it is a block water element. There's 2,500 acre-feet of water that is made available on an annual basis for the agencies, the resource agencies to make decisions on use for fishery's protection.

Another element that's important here from the fishery standpoint is the maintenance of the Cape Horn Dam

fish ladder that allows for passage of adult salmon and steelhead into the watershed between Cape Horn Dam and Scott Dam, and then also the operation maintenance of the fish screens at the diversion that prevents young salmon and steelhead from being diverted out of the system.

In terms of proposed PM&E measures, we have no additional measures being proposed at this time, although we realize that additional measures may be developed through the FERC relicensing process which we're embarking upon at the present time.

What I have here is a slide that shows the potential relicensing studies that PG&E has identified in the pre-application document that we produced a few months back. I'll just run through the list to give you an idea of the types of studies that are here. If you have not already read through the pre-application document, I recommend highly that you do so.

That document was our effort to summarize all the information that's available about the project and the resources, the effects of the project. And within that pre-application document we've identified several potential studies that can be used here as a starting point for our discussions on relicensing studies to inform the whole relicensing process.

We've broken down those studies into five

different categories, aquatic resources, terrestrial resources, cultural resources, land management and recreation. And I know you really can't read those very easily up there. Again, I refer you to the PAD to get more details on these, but let me just run down the list within each of those categories.

We've got, under aquatic resources: Potential studies including hydrology and project operations, modeling, water temperature, water quality, geomorphology, instream flow, Lake Pillsbury fish habitat, fish passage, fish entrainment, fish populations, special status amphibians and aquatic reptiles, macroinvertebrates and special status mollusks.

Under terrestrial resources, we've got two basic categories of studies: Botanical resources and wildlife resources.

Under cultural resources, again, two basic categories: Cultural resources, tribal resources.

Land management, two elements: Project roads and trails assessment and visual resource assessment.

And finally for recreation, there are three elements: Recreation facility assessment, reservoir recreation opportunities and white-water boating flow assessment.

So those are the potential studies that we

identified. Let me just give you a little bit of information on the approach we took to identify these potential studies. We first looked at the arena of potential resource issues. And we based our list of resource issues on our knowledge of the project, our knowledge of known issues that have been brought forth by our own people, as well as many of you over the years as we've evaluated the project operations.

We then took those resource issues and evaluated them against project nexus. What is the connection between the resource issue and project operations? We then looked at relevant information. How much information is available? Related to these resource issues that have been identified. And as I mentioned earlier, there's a lot of information available for a number of resource issues, particularly the aquatic issues on this project due to the large amount of [inaudible] that's been conducted over the years.

We then evaluated the existing relevant information against the resource issue to determine what information gaps may exist. What are the gaps that we might want to fill in order to inform the relicensing process? And we found that there are really two different categories of items there.

We've got in some cases some of these resource issues, we don't have much information that exists. And in

those cases we would be looking at the potential to conduct studies to develop new information to fill those identified significant information gaps.

On the other hand, as I already mentioned, we've got a lot of information available in certain resource areas. And we see, in those areas, the opportunity to conduct additional analyses of the existing data to augment the existing information and fill those data gaps. So keep in mind those two categories as we go through our determination on resource studies for the project.

And so that concludes my overview of the project and where we are right now. And I guess I would just like to conclude by saying that we're looking forward to working with all the stakeholders here in the development of study plans for the project to inform the relicensing process. So with that, I guess I'll pass it back to you, John.

MR. JERRY ALBRIGHT: [inaudible] recreational mentioned several times, and most of it's pertaining to the water for Lake Pillsbury and Scott Creek. Is there any consideration to downstream as far as recreation?

MR. PAUL KUBICEK: That's always a question that can come up and be evaluated. And so we're always looking for recreational opportunities associated with the project. As you mentioned Trout Creek. We do have that down there and is providing a good recreational opportunity in that

area. But it's certainly a potential to be evaluated as part of this process.

MR. JOHN MUDRE: And I might add with that, certainly, that's the type of information, concerns we would like to see people comment on, so when you go by your scoping comments, that's the really the form for bringing these items to our attention. Right now, I'll get to the questions here in a minute.

If anyone came in a little late and hasn't signed in, I think there are sign-in sheets in the back of the room, one for just who's here in attendance, and another sheet for individuals that are willing to speak and provide us oral comments today. Again, you can also file written comments that are due August 4th.

Was there another question? Don?

MS. DAWN ALVAREZ: Dawn Alvarez with the Forest Service. And this is really for Paul and PG&E. It wasn't clear to us whether the potential studies that were in the PAD or studies that you guys are proposing to do? Or if they're just the wide sweep of potential studies that could be done, so therefore, we weren't sure what study requests we need to make or modify from that potential list. If you guys could address that, that would be helpful. And then we're gonna have meetings before, requests are due, but we would like to put our application all that.

MR. JOHN MUDRE: Let me just say that, in the SD-1, we did have a list -- it said List of Proposed Studies, but in the paragraph above that, it explained that who's a potential proposed studies, and I think I made a mistake in not putting potential proposed studies in that table, which may have lead to some confusion and your question today. We'll let Paul briefly answer the question.

MR. PAUL KUBICEK: Very simply, the answer to the question would be that we identified those studies as being potential studies. When we went through this process of trying to identify information gaps and what studies would be appropriate to fill those information gaps, we came up with this list of studies. And we called them potential studies, not that we were proposing or deciding that we were gonna do these at this point.

Obviously there's a process that we go through here with FERC and the study determination process. And we wanted to start that process with our list of potential studies that we thought were most appropriate to identify or to fill the information gaps that we've identified. And we fill that the proposed studies will be coming down the road here, particularly when we submit our actual proposed studies, which I believe is September 18th.

And at that time, I guess those studies would then become proposed, but of course, between now and then,

there's gonna be a lot of input provided by all the parties here, for making those determinations.

MR. JOHN MUDRE: Thank you, Paul. Yes, one last question, then we'll get to the public comments.

MR. DAVID KELLER: Appreciate that. David Keller, Friends of the Eel River. My question is on FERC's jurisdiction and the relicensing, is that specifically to lands owned by PG&E or does the jurisdiction in terms of issues studies and so forth go beyond lands owned by PG&E?

MR. JOHN MUDRE: Well, I'm not sure I understand your question. Obviously, the project, we have a project boundary. There's project operations that we consider, but you know, project effects can extend beyond the project boundary and we need to consider those as well.

MR. DAVID KELLER: Thank you.

MR. JOHN MUDRE: I'm gonna pass this mike back under the table and put it up at the podium, and then we'll start taking public comments. We have a list of people that have said that they wanted to speak. We'll go in the order that people signed in, and to ensure that everyone gets an opportunity to comment, we're gonna try to limit your comments to above five minutes at most. And again, you can certainly file extensive written comments. So I'm gonna turn the mike off briefly, pass it, get it back to the podium and then we'll start.

(pause)

MR. JOHN MUDRE: I apologize for the sound system here, but we're ready now and Carolyn is gonna be our first speaker.

MS. CAROLYN CLARKIN: Janet?

MS. JANET PAULI: Good morning and welcome to Ukiah. My name is Janet Pauli and I am a Director and Vice President of the Potter Valley Irrigation District. I have been authorized to make comments on behalf of the District today.

First, I'd like to give just a little bit of history. The Potter Valley Irrigation District did not exist prior to the building of Scott Dam forming Lake Pillsbury. Before Scott Dam was built, the Potter Valley Project was only able to divert water to the Powerhouse from the Van Arsdale reservoir during times of high flows on the Upper Main Eel River in the winter and early spring. This branch of the Eel River, like many other Eel River tributaries, normally has very low natural flows during the late spring, summer and fall. The reason that Scott Dam was built was to store winter runoff to provide a supply of water that could be diverted to the Powerhouse for power production during times of the year when natural flows became extremely low.

Until Scott Dam was built, Potter Valley farmers

relied on natural flow in the small tributaries within the valley's drainage to the East Fork of the Russian River. On a normal rainfall year this water supply provided irrigation water until early June. Run of the river wintertime flows diverted through the Powerhouse were of no use to Potter Valley prior to 1922 and today, even with increased storage capacity, are still of very little, to no, value for Potter Valley agriculture.

The District was formed in April of 1924 and a contract for the delivery of water from the Project was negotiated with Snow Mountain Water and Power and signed in 1926. With the advent of summer irrigation, agricultural production in Potter Valley was transformed and the economic viability of the residents who invested in farming has flourished.

The District's contract for water delivery was transferred from Snow Mountain Water and Power to Pacific Gas and Electric on February 5, 1936. Over these many years the District has been very involved with the Project's relicensing and license amendment proceedings.

As briefly and simply as I can, I would like to recount a complex series of events that occurred during the license amendment proceedings in order to describe an ongoing issue of concern to our District. During the last relicensing, amendments to the license required PG&E to

complete a series of fishery studies which culminated in an agency-based Fisheries Review Group decision on how the releases from Scott Dam and Cape Horn Dam should be modified to enhance habitat below the Project during various times of the year.

This decision was based on many different parameters including natural inflow, storage levels at Lake Pillsbury, dam safety, accretion flows between the dams, water year type as well as the life histories of Chinook Salmon and Steelhead Trout. FERC completed their Final Environmental Impact Statement for the license amendment in May of 2000.

A subsequent Section 7 Consultation, under the Endangered Species Act, was initiated by the National Marine Fisheries Service. This resulted in the development of a Reasonable and Prudent Alternative, or RPA, that further adjusted the required releases of water at various times with the Project. The District was particularly concerned about how the modified flow regime might impact deliveries of water to the East Branch of the Russian River.

At the conclusion of these negotiations the RPA, and all of the agencies, including the FERC, who were involved in the proceedings concurred that, as a consequence of the adjusted flow regime, there would be an approximately 15% reduction in the total annual diversion from the Eel

River through the Project. This 15% reduction was equivalent to about 25,000 acre-feet of water.

FERC's Final Order, dated January 28, 2004, was based on the RPA. It wasn't until August of 2006 that the California Department of Fish and Game, now California Department of Fish and Wildlife, and NMFS wrote to FERC and reported that releases at the Project were above the amounts allowed in the Final Order.

Upon review it was found that the language of the published Final Order was different than the RPA and there had been a misinterpretation of part of the RPA's rule curve operational principals. A section of E.5 of the RPA, that defined exceptions to the minimum diversion rule conditions, was deleted in the Final Order.

And at issue was the implementation of a "literal" versus the "as modeled" interpretation of an important section of the RPA having to do with the rule curve system in the spring. In a letter to FERC, dated April 3rd, 2007, Potter Valley Irrigation District described these differences, and the impacts, in detail.

The result of the omission and misinterpretation has had serious consequences. First, it precluded the District from using frost water between March and mid-April, at the peak of our critical frost season. It also resulted in a further reduction of the total annual volume of water

diverted by more than 25,000 acre-feet.

The omission in, and misinterpretation of, the RPA language actually resulted in a total reduction in the diversion in excess of 50,000 acre-feet. This is more than double the estimate we, and all of the other entities involved in the analysis of the impacts, understood to be the reduction in the diversion based on the language of the RPA.

The timing of this reduction in the diversion that occurs predominately at the end of the rainy season in the spring, has had a particularly adverse impact on storage in Lake Mendocino downstream of Potter Valley.

We therefore ask, as part of your request for studies, that a review of the original language and intention of the RPA be compared with the Final Order and that an analysis of the consequences of the deletion of a section of E.5 of the RPA and implementation of the "literal" versus the "as modeled" interpretations of the rule curve be conducted.

In particular, we ask that the original language of the RPA in Section E.5 be reinserted into the new license and that the original model assumptions be clearly delineated and employed.

I would like to take just a few more moments to describe what is at stake for the community of Potter

Valley. We have filed many comments with FERC over the years. Some of these comments were requested in order to explain our water use, how we farm, the commodities we produce and the economic value of these commodities. It is not an over-exaggeration to say that the community of Potter Valley is completely dependent upon the continued existence of the Project.

It provides our water supply, without which our economy would collapse, and our very way of life and our quality of life would be truly diminished. Yet, while we have been very clear about what is at stake for our community, we have also been very active in, and supportive of, efforts to reduce the impacts of the operation of the Project on the riverine habitat of the Eel River.

There are many examples of the support and concern shown over the years by the Potter Valley Irrigation District. The most recent example of this was our participation in the Potter Valley Drought Working Group in 2015 and 2016. Many of the agencies and stakeholders in this room were also actively involved in that collaborative effort.

The drought required immediate action by all of us to protect storage at Lake Pillsbury and to manage a greatly reduced water supply for the fishery and beneficial users. This effort resulted in compromises being made to

manage a very serious situation. Flows were reduced to both the Eel River and the Russian River. The District voluntarily curtailed deliveries of water to our customers resulting in fields being fallowed and in the reduction in crops.

On the Eel River carefully calculated releases of water stored in Lake Pillsbury were made to protect fish that had begun to migrate, but had become trapped in the rapidly dwindling river. The hope was that releases from water stored in Lake Pillsbury would allow the nearly stranded fish to move farther up into the watershed and then be better positioned to successfully migrate upon the arrival of the first rains.

In conclusion, we would like to thank FERC for their responses to our concerns over the years, and more recently, to environmental conditions that were out of everyone's control as a result of a historic drought.

We understand that the relicensing process is complex and that the concerns of all of the various agencies and stakeholders will be taken into account. We are hopeful that the resulting license for the Potter Valley Project will balance the needs of endangered fish with the historical dependence upon this water by people in the Russian River Watershed. Thank you.

MR. JOHN MUDRE: Thank you, Janet. Our next

speaker will be --

MS. CAROLYN CLARKIN: Mr. Jerry Albright.

MR. JOHN MUDRE: -- Mr. Jerry Albright.

MR. JERRY ALBRIGHT: Hi, I'm Jerry Albright and I am the coordinator for a growing group of Eel River Stakeholders here to speak out for the Eel River. PG&E has applied for the relicensing of the Potter Valley Project, a project that uses fractured rock as a base as an anchor for a dam. A dam that is constructed on top of an earthquake fault and adjacent to two other active earthquake faults. A project that is identified by FERC as High Hazard. A 100-year-old project, if approved for relicensing, might last another, say, 50 years. We'll never know. I hope it does last.

If this project is approved or denied we, as downstream stakeholders, need to know if there exists any means of notification in the case of dam failure. I see nothing in my research as to who or how those living below the dams are part of the notification process.

Many of the riverside homes in Van Arsdale will be gone with the lead wave in less than 32 minutes. Much of Emandal Resort and the community of Hearst will be gone as the lead wave passes in about 60 minutes. Notification to stakeholders should be mandated and not a secret.

February's near disaster at Lake Oroville is a

prime example that something is wrong with this system. Supplying evacuation plans to those threatened should not be considered a security risk.

Let me talk about the struggles of the salmon and steelhead in the Eel River. The dams on the Eel block access to over 250 miles of spawning grounds. The fish ladder at Cape Horn Dam during a highwater event will fill with gravel and then becomes almost useless for salmon and steelhead migration.

The invasion of the pikeminnow has now taken over much of the lower Eel River as they continue to feed on the native fish populations. These pikeminnow were introduced into the Eel River through a bait bucket dumped into the water of Lake Pillsbury and now they have never really been addressed afterwards.

The warm low flow dry season releases into the Eel River are harmful to the native fishery and make for a great habitat for these pikeminnow. Change is needed to support the threatened salmon and we do not feel it is by continuing with the same practices that exist currently. Block water that is set aside with the specific purpose of helping with the salmon migration is rarely used for that purpose.

Let's talk equitable releases. If this relicensing is approved or denied, during the interim there

needs to be a more equitable release of the retained waters during the dry season. The dams on the Eel River have caused enormous environmental damage to the Eel River and Eel River Basin.

As stakeholders we feel a portion of that damage should be offset by requiring a more equitable flow over Cape Horn Dam of the waters stored behind Scott Dam. Currently the diversion into the Pottery Valley Complex can be up to 90% of the release out of Scott Dam. The Eel River below this dam system is designated Wild and Scenic on a federal level and on a state level. I don't see how such a diminished flow can work with the Wild and Scenic status.

To be useful as a recreational purpose, there needs to be a minimum flow of 50% of the typical releases from Scott Dam. It is about recreational purposes in the Eel River, something that seems to be purposefully overlooked. Stepping aside the intent of the Wild and Scenic designation must not be a focus during a FERC proceeding.

I mean, just last weekend, there was probably 100 people swimming at the Hearst Bridge and it gets pretty murky and dirty as the season goes on, and I'd like to see consideration for recreational purposes below the dam as really part of this proceeding, as well as everything else I said. Thank you.

MR. JOHN MUDRE: Thank you very much for your comments. Our next speaker is --

MS. CAROLYN CLARKIN: Mr. Guinness McFaddin.

MR. JOHN MUDRE: Mr. Dennis McFaddin.

MS. CAROLYN CLARKIN: I think it's Guinness.

MR. JOHN MUDRE: Guinness McFaddin.

MR. GUINNESS MCFADDIN: Everybody does it. Don't worry about it. We'll just call you [inaudible]

Good morning. Welcome to Mendocino County. I'm sure that you're well aware of the critical importance of the deliberation upon which you are beginning today with this scoping session to the hundreds of thousands of electricity customers, water right holders and private and municipal water users who have depended on the water release from the Potter Valley Project for more than a 100 years.

I thank you for coming here to hear comments from us and it is my hope that you will come to the conclusion that the Potter Valley Project is a vital element, a life bed of the civilization that's been flourishing along the Russian River for that century, that should by all means be continued.

My interest in this stems from my responsibilities as a board member of the Potter Valley Irrigation District, and appropriative right holder for agricultural use, and a small 300 KW hydroelectric producer.

I have every confidence that the interest of fish recovery and protection efforts, electrical generation and agricultural, recreational and domestic water usage will be considered and a consensus can be reached to the benefit of all parties. Thank you again for coming and listening. I'm always available to answer any questions. Thank you.

MR. JOHN MUDRE: Thank you, Guinness. Our next speaker is --

MS. CAROLYN CLARKIN: Mr. Tito Sasaki.

MR. JOHN MUDRE: I'm not gonna try that. You can introduce yourself when you come up.

MR. TITO SASAKI: Good morning. My name is Tito Sasaki of Sonoma County Farm Bureau. I appreciate this opportunity to add to the brilliantly written SD-1 and to the relicensing process that PG&E has been meticulously following.

To make your EIS more complete, I would like to suggest you add "Agricultural Resources" to the list of resource issues, and expand its geographic scope to the entire Russian River Watershed.

Agriculture was addressed in the 2004 EIS for License Amendment, but was apparently deemed not warranting detailed impact analysis then or in the future. The geographic scope at that time covered only an area between the Powerhouse and Lake Mendocino, which included the

contractually protected Potter Valley Irrigation District, and the assumed reduction in the diverted flow was around 15%. Under such a premise it did sound reasonable to dismiss agriculture from further impact analysis.

However, the reality of the past decade was that the average reduction of PVP flows into Lake Mendocino was 56%, rather than 15%. This was an unprecedented event, triggered by the prolonged drought, in the otherwise stable history of the PVP that had provided a reliable supply of water to Lake Mendocino. This had a considerable impact on the irrigation water availability along the Russian River. We cannot preclude a similar drought-induced anomaly over the 30- to 50-year Temporal Scope.

In Sonoma County, agriculture in the Russian River Watershed is a half-billion-dollar industry. For every dollar that anadromous fish contributes to the local economy, agriculture contributes well over $1,000. Although both fish and agriculture in the Watershed are dependent on the Russian River water, agriculture lacks the ironclad regulatory protection that fish enjoys; rather, agriculture is the first target for water rights curtailment.

We have been making every effort to conserve water, including "deficit irrigation" where we give the plant less water than it loses through evapo-transpiration. But, under such a tight water budget, any marginal reduction

in the Russian River water can be the last straw for the several thousand farmers and farmworkers struggling in the watershed.

This is why we ask you to examine the impact of any further reduction in PVP flows on agriculture in the entire Russian River Watershed. Thank you very much for your consideration.

MR. JOHN MUDRE: Thank you.

MS. CAROLYN CLARKIN: Thank you. Ms. Candis Horsley?

MS. CANDACE HORSLEY: Hello, my name is Candace Horsley, and I'm here to present comments from the Mendocino County Inland Water and Power Commission.

The Commission is a Joint Powers Authority whose member agencies include the County of Mendocino, the City of Ukiah, Redwood Valley County Water District, Potter Valley Irrigation District and the Mendocino County Russian River Flood Control and Water Conservation Improvement District.

All of our member agencies represent constituencies that are dependent upon the continued operation of the Potter Valley Project. The Project has provided the basis of our local water supply since 1922 when Scott Dam was built forming Lake Pillsbury.

You have already heard the concerns of the Potter Valley Irrigation District; however, the water

released below the Potter Valley Powerhouse also provides the domestic, agricultural, recreational and industrial water supply for all of the communities represented by the Commission from Potter Valley south to the Mendocino County line within the Russian River corridor.

These communities include Redwood Valley, Calpella, Ukiah, Talmage and Hopland. Below Mendocino County, the Sonoma County communities of Cloverdale, Geyserville, Healdsburg and Alexander Valley also depend upon water diverted from the Project. In all, over 600,000 people are dependent upon the water that is released from the Potter Valley Powerhouse into the East Branch of the Russian River.

After flowing through Potter Valley the water released from the Project is stored in Lake Mendocino. Redwood Valley County Water District diverts water directly from Lake Mendocino for their domestic and agricultural customers. All of the rest of the communities mentioned above divert water for drinking, and other consumptive uses, from the Russian River below Lake Mendocino.

The agricultural economic value of water stored in Lake Mendocino and used for irrigation within the Russian River basin in Mendocino County alone was calculated by Dr. Robert Eyler in a report released in January 2016, to be over $740 million per annum. There is also a thriving

agricultural economy in Sonoma County that is dependent upon Project water.

The reliability of water storage in Lake Mendocino, with and without the Project, was calculated and reported by Pablo Silva-Jordan and Samuel Sandoval Solis, PhD from U.C. Davis in October 2015. They concluded that the reliability of Lake Mendocino storage was dependent upon the Project and that this was true, to a lesser degree, even if Coyote Valley Dam were to be raised 36 additional vertical feet as authorized by Congress in the 1950s.

Lake Mendocino, formed by Coyote Valley Dam, is considered by the U.S. Army Corps of Engineers to be one of the highest used recreational sites of all of their lakes.

In addition to providing the domestic, agricultural and recreational water supply for our region, the water stored in Lake Mendocino is used to enhance migration flows for listed salmonids in compliance with a Section 7 Consultation, and resultant Reasonable and Prudent Alternative, produced by the National Marine Fisheries Service.

As a result of the license amendment proceedings, which were outlined in the FERC Final Order in 2004, the diverted flows at the Project were reduced on average by well over 30%. We are very concerned that the relicensing process accurately assesses the impacts to our

member agencies of the previous flow reduction, as well as any further reduction in the flows at the Project that might be considered in any proposed alternatives during this process.

Over the 95 years since the Project has been diverting water in the summer from storage in Lake Pillsbury, many water rights have been granted by the California State Water Resources Control Board, and perfected by landowners and water suppliers along the Russian River. These water rights begin along the East Fork of the Russian River in Potter Valley and include water stored in Lake Mendocino and then continue downriver with the water released below Coyote Valley Dam.

The Project provides a water supply upon which water rights have been granted for so long that the State Board's Decision 1030 actually describes the diverted water as having the appearance of "apparent naturalness and permanence".

Finally, we wish to emphasize our commitment to work with the agencies and stakeholders in Lake, Humboldt and Sonoma counties during these relicensing proceedings. In doing so, we believe that we can continue to use this shared resource beneficially as our critically important water source and, at the same time, strive to protect and enhance the habitat of listed fish in both the Eel and

Russian Rivers. Thank you very much.

MR. JOHN MUDRE: Thank you, Candace. Our next speaker is Reggie Collins.

MR. REGGIE COLLINS: How you doing today? My name is Reggie Collins and I'm here representing California Trout. I'm a staff attorney for that organization. Since 1971, California Trout has worked to ensure they'll be resilient populations of wild fish thriving in healthy waters for the future wellbeing of all Californians.

I'll also be speaking on behalf of Trout Unlimited, our close partner in all things coastal water, and a long-time collaborator in hydropower proceedings across California. I'll talk mainly about CalTrout's interest. But the recommendations are from both of us. Each of us has a long history of doing water and habitat projects along the Eel and Russian Rivers, and we're collaborating now on-stream flow efforts in the South Fork.

CalTrout has heavily invested in protecting and restoring the Eel River, as one of California's best opportunities to restore wild fish abundance. In a joint effort with U.C. Davis Center for Watershed Science, CalTrout produced a report on the status of all 31 remaining salmonid species in California.

The results are found in our report online, our website, as well as in our physical report. But the short

of it is that we need to make major steps towards the rehabilitation of our inland fisheries to support our anadromous fish populations in California, including opening up additional fish habitat beyond existing fish barriers.

Although I'm not an expert on T.U.'s work, I know they've done dozens of habitat restoration projects in the Basin, and their work in this region reflects our commitment to this cause. CalTrout has established the Eel River Forum in 2002 to coordinate a basin-wide effort of agencies, tribes, NGOs and the public members to restore the Eel River.

Through our leadership in the Eel River Forum, we record in stakeholder input and wrote the Eel River Action Plan, which was completed last year. In order to prioritize the near-term actions aimed to recovery on the Eel River. In order to inform our position on the Potter Valley relicensing, CalTrout partners with Humboldt State University's Institute for River Ecosystems and NMFS to implement a study in order to determine the quantity of salmonid and steelhead habitat and estimated stream carrying capacity above Lake Pillsbury.

The study found that the total drainage area above Lake Pillsbury is 288 square miles. Further, we found that 288 miles are accessible to steelhead and of those 288 miles, 89 of those miles are accessible to Chinook salmon.

CalTrout has also assembled a database of estimated unimpaired stream flows for the Potter Valley Project for a period on record from 1977 to 2016, which is available for all stakeholders.

We also developed a spreadsheet model for PVPs, RPA flow regime to aid understanding of current flow requirements. In studying these numbers, we found a real encouragement and solution that we can find a solution that works for all parties in this process. We also heartened by the NIMPS 2002 Biological Opinion Conservation Recommendation Number 4, which states that "FERC should study the feasibility and develop a schedule for decommissioning and removing the Potter Valley Project in order to restore unimpaired flows and restore access to historical salmonid spawning and rearing habitats to aid in the recovery of listed salmonids in the Eel River Basin."

Although this is very early in the Project, we feel very comfortable and confident in the following: We believe that volitional passage of salmon and steelhead to their ancestral spawning and rearing habitat above Lake Pillsbury is a necessary step to the recovery of salmonid abundance in the Eel River. We recommend studies that can assess these best options for fish passage.

We believe that decommissioning, either wholly or in part, must be an alternative fully analyzed by the

FERC process. We recommend studying a couple of options for partial or complete removal of project dams, for example, lowering Scott Dam or replacing Cape Horn Dam with a different diversion facility. We also believe that we need to conduct an evaluation of water rights and water uses on the Eel River, water diverted to the Russian River bases as an integral part of FERC relicensing.

We also believe and support an evaluation of water supply alternatives that might be part of the basin-wide solution, even if some of this has to be done outside of the FERC legal framework. At this point in the process, we need to keep all options on the table. Given the close relationships, goodwill and talent that can be assembled by all these stakeholders, we're hopeful for a collaborative resolution to the proceeding that makes everyone better off than they are today. And the first step in the scoping process is to understand what these options are. Thanks.

MR. JOHN MUDRE: Thank you, Reggie. Our next speaker is Carre Brown.

MS. CARRE BROWN: Welcome to Mendocino County. For the record, I am Mendocino County 1st District Supervisor Carre Brown, and I'm here to represent my county at today's scoping session. There are four counties very interested in the proceedings of the relicensing of the

Potter Valley Project. Those counties are Humboldt, Lake, Mendocino and Sonoma.

In fact, these same counties are the members of the Eel Russian River Commission that was formed in 1978 through a Joint Powers Agreement as a result of the previous relicensing of the Potter Valley Project that commenced in early 1970s. The Commission continues on today, providing a forum for information and studies to be shared, involving both watersheds along with hearing from the public at every meeting.

Mendocino County is the only county of the four geographically having both the Eel and Russian River Watersheds within its boundaries. It is the same for the 1st District I represent on the County Board of Supervisors. The Mendocino County Water Agency represented the county throughout the last relicensing and license amended proceedings. As a result of the economic downturn, the county water agency no longer has the same professional staff to fully run the agency.

Therefore, these duties now fall under the direct oversight of the Board of Supervisors, the Agency's Board of Directors. It is the position of the County of Mendocino to work for regional benefit of our water resources. We are a region that must stand together as water has a unique role in our everyday lives. Water cannot

be easily substituted. Both watersheds are the primary source of water for residents, businesses, agriculture and the environment in the region.

Like any shared resource, competition over water makes for a complicated set of political and economic decisions. The key here is we must all work to reach reasonable decisions for our water capacity and security for all beneficial uses. The County of Mendocino is a member of the Inland Water and Power Commission. Ms. Horsley testified on behalf of IWPC earlier regarding the dependency of our constituency on a continuation of the Potter Valley Project, citing the crucial points and studies as to why.

There was significant testimony and essential recommendations made by Dr. Pauli for the Potter Valley Irrigation District. The County of Mendocino fully supports both testimonies on all points made and will not repeat them verbatim. However, I will re-emphasize one point. This is to understand what has occurred in the past relicensing terms and what the impacts were as a result. It is vital. Part of the Reasonable and Prudent Alternative, the RPA language, and Section 8.5 just disappeared.

An Eel Russian River Commission meeting a few years back, a Natural Marine Fishery Service representative was asked to explain what happened to the original RPA

language of Section 8.5. The response was, he did not know, and there was no way to fix it until the relicensing. This is where we all are here today. The County of Mendocino will be engaged in the relicensing process and I thank the Commission for being here today for this scoping session. Thank you.

MR. JOHN MUDRE: Thank you, Carre. Our next speaker is Scott Greacen.

MR. SCOTT GREACEN: Good morning. My name is Scott Greacen. I'm the Executive Director of Friends of the Eel River. I've been working on environmental issues with federal agencies for almost 30 years. I have never seen a federal agency so unprepared and unwilling to address critical issues as FERC appears in Scoping Document 1. It's hard to distinguish incompetence from indifference. That means we have to spend our time pointing out that your plans leave out the most important parts of the decision before you.

So, on Page 16 of your Scoping Document 1, you state that the alternative of considering decommissioning of the Potter Valley Project will be eliminated with the following discussion: The Project provides a viable, safe and clean renewable source of power and consumptive water to the region. No party has suggested Project decommissioning would be appropriate in this case, and we have no basis for

recommending it.

Now, to state that the Eel River Dams provide "a viable, safe and clear renewable source of power and consumptive water to the region" assumes facts not in evidence. It is to assert as conclusion precisely the questions which ought to be at the heart of this relicensing process. Are these dams economically and ecologically viable? Are they safe? Is the power and water the dams yield clean and renewable if it comes at the cost of Eel River fisheries?

It's truly disturbing to see FERC dismissing the consideration of a dam removal alternative on the basis of such conclusory and improbable statements. It is still more discouraging to consider that FERC has taken this position, not because it lacks basic information, but in the very teeth of the facts already in the agency's possession. If this is ignorance, it's willful ignorance. Worst of all though, FERC has to ignore more than the facts in the record to reach the conclusion that it not consider decommissioning alternative. It has to ignore its own policy as well.

In 2002, the Interagency Task Force Report on NEPA Procedures and FERC Hydroelectric Licensing stated very clearly that "FERC and the resource agencies have identified factors to be considered in determining whether, in certain cases, a more thorough analysis of decommissioning is

warranted." Using these factors, FERC will either examine decommissioning as a reasonable alternative, or briefly discuss the reason for eliminating it from detailed study.

The Task Force introduces these enumerated factors as follows: Where information is available the beneficial or adverse effects of the Projects on a variety of resources or interests including, but not limited to, and it lists seventeen factors, which I will list.

Listed threatened or endangered species, economic viability of a project including costs of resource protection measures, river targeted for fish recovery, feasibility of fish passage, consistency with comprehensive plans, protected river status, effectiveness of past mitigation measures and availability of future measures, support by applicant or other party for decommissioning, tribal lands resources or interests, water quality issues including presence of toxic sediments, potential opportunities for recreation, physical condition of the project, presence of existing project-dependent development, other non-power related benefits, project-dependent resource values, need for power and ancillary surfaces, and history properties.

Now, in brief, are there listed or endangered species in this Project? Yes. In fact, in 2002, the National Marine Fisheries Service determined that continued

operation of the Project under the license FERC granted would result in jeopardy, the extinction of Chinook and steelhead in the Eel River. That's a jeopardy call. That's as hard a call as NMFS makes under the endangered species act.

That's why there's a reasonable and prudent alternative for the operation of this Project. Because your agency got it wrong and NMFS said, "If you do that, you will kill the fish." And you had to go back and fix it, and that's in your records and it's in the PAD and you don't talk about it. It's obvious that dam removal would benefit those fish. You didn't talk about it in the scoping document.

Now, economic viability of a project. It's highly doubtful that this project is economically viable if you have to account for the costs of resource protection. We've already talked about, we're heard about the fact that power production and water diversions have been lowered in order to accommodate the need to protect fish in the Eel River.

What we haven't talked about is the fact that there's that RPA framework has not been adequate to actually provide for fisheries recovery in the Eel River. We need more protection. We need more flows in the Eel, not less. The idea that we're going to go back to the old system and

put more water over on the Russian side is not credible. Decommissioning could well save money, as well as species without impairing our ability to produce energy in more sustainable ways.

Factor Three. Is the river targeted for fish recovery? National Marine Fisheries recovery plan says so. The California Department of Fish and Wildlife's KOHO Recovery Strategy says so. In 1941 the California Department of Fish and Wildlife said we should target the Eel River as a steelhead sanctuary.

Feasibility of fish passage. Well, Scott Dam's 140 feet tall. Is that feasible? We have significant problems with fish passage at Van Arsdale. We've heard about that yesterday. 51 days that the fish passage mechanism was out of commission, from February of this year. Was out of commission in 2005. Yeah, they put in a lot of work and a lot of energy trying to make it better. Is it adequate? Arguably not. Perhaps the most obvious benefit of dam removal would be restoring fish passage to the upper main.

Is it consistent with comprehensive plans to remove dams? Obviously. Again, NMFS recovery plans, U.S. Forest Services Management plans. Does the Eel enjoy protected river status? Only from a 100 yards down from Cape Horn Dam all the way to the mouth, only on all of its

tributaries. It's designated as both a federal and a state Wild and Scenic River. Yeah. And there's a lot of designated wilderness in the Mendocino National Forest. But do you mention that in the scoping document? No.

The effectiveness of past mitigation measures and the availability of future measures. Again, the RPA measures, the Reasonable and Prudent Alternative measures imposed in 2003 had proved difficult and/or impossible to implement. Flow variances have been sought repeatedly in recent years because water was not available to provide the flows required in the RPA. When flows were cut off to the upper main stem Eel in December, I think it was 2013, we saw the Chinook migration end that day.

The RPA has failed to provide for salmon and steelhead recovery. The agencies are now clear that the reach between the dams is not productive habitat, but an ecological trap. It's not clear what mitigations might work here. Climate change and the diminishing capacity of the reservoir makes it clear that the past strategies review for fish mitigations are less certain, probably more unlikely than other [inaudible] injuries in dry years as we've seen in the recent drought.

Is there support by the applicant or other parties for decommissioning? We've been calling for it since 1977. The Round Valley Indian Tribes called for it in

2000 and 2002. The National Marine Fisheries Service called for you to examine dam decommissioning in 2002. Friends of Eel River, CalTrout, the California Sportfishing Protection Alliance and the Sierra Club, all asked for FERC to at least consider decommissioning in the early 2000s, so did the EPA.

You can look at the PAD, Volume 2, Page 188. The tribal lands, resources and interests, pretty obviously. You'll hear about that from the Round Valley Tribes tomorrow. Are there water quality issues? Well, yeah. The entire watershed's listed for temperature and sediment. The fish with the highest level of mercury in its tissues ever, found in the State of California, was found in the Pillsbury Reservoir. Four parts per million of mercury.

Would removing the dams possibly mitigate those impacts? Yes. If we dried out those sediments, we'd no longer be methylating the mercury that's in the sediments. The physical condition of the Project. This brings up the point that scoping is not about environmental issues. Scoping is a broad category of questions about what should you be looking at in this process and how should you be looking at it?

Dam safety is a critical issue in relicensing for this project. The idea that we're gonna just let the Division of Safety of Dams and FERC's dam safety folks think about this as they go and just assume everything's safe is

ludicrous. If you look at how this Project was constructed and the current conditions it's facing, it doesn't make sense.

Are there existing project developments? Yeah. There's some folks on the Rice Fork who have summer homes. There's some resorts on the lake. Would they be affected by dam removal? Probably. Some other people might be really happy to have summer homes on a functioning wild stream with wild fish in it. They might also be happy to not be exposed to mercury.

Are there project-related benefits? Of course there are. We've heard a lot today about the importance of irrigation to the Potter Valley Irrigation District, and about how 600,000 people depend on the water from the Project, which is counting every drop of water that comes out of the Project. Yeah. But there are real benefits to dam removal, too.

Is there a need for the power provided by this Project? Absolutely essential question for the Federal Energy Regulatory Commission. As you've said, a faceplate rating of 9.4 megawatts doesn't mean this project produces 9.4 megawatts. It's been producing under half that for a long time. We could produce as much power as the Potter Valley produces at its peak with five acres of solar panels. We'd have more power, more reliably, cheaper, with less

impact. Is there a need for this power? No.

Are there historic properties in the area? Number 17. No. Again, the policy says that FERC will consider these seventeen factors. You've looked at part of one of them. Did the applicant ask for dam commissioning? Can we just have a show of hands, does anyone here want to see decommissioning studies as an alternative in this process?

I do. Anybody else? Okay. You know. Here's some folks. So the point is, taking these dams out could well help restore a wild, healthy Eel River and the salmon and steelhead runs that are central to its wellbeing. You must examine decommissioning as a reasonable alternative. Thank you.

MR. JOHN MUDRE: Thank you for your comments, Scott. I just want to say that the Scoping Document 1 is our initial take on the issues. We hold these meetings and ask for comments to further refine the issues and what we're going to look at, and we will be releasing a Scoping Document 2 that could very well be a significantly different than what we have. But obviously we had some more issues that we're hearing about today and we'll get it in written comments. So thank you again.

The next speaker is Theresa Simsiman.

MS. THERESA SIMSIMAN: Good morning. I am

Theresa Simsiman. I am the California Stewardship Director for American White Water. We are a nonprofit organization that has been in existence since 1954 and it is our mission to conserve and restore white water resources and to enhance opportunities to enjoy them safely.

I am really here today to talk to you about recreation. And what we have seen in the PAD so far. I will open my statement by letting you know that the outdoor industry association just recently did a study on economics of outdoor recreation. California alone, we generate $85 billion in consumer spending. $6.7 billion in state and local taxes and we generate 732,000 jobs. So that is one of the reasons I'm coming here to talk to you about some information gaps in recreation for this Project.

First of all, what has already been mentioned is, the Eel River is a Wild and Scenic River, designated federally and state. On the federal level, that means there is Section 7(a) in the Wild and Scenic Rivers Act that says managing agencies must determine whether the project either invades or unreasonably diminishes the scenic recreational fish or wildlife values present at the date of designation.

While FERC is not responsible for federal Wild and Scenic Rivers Act, agencies are not restricted from providing terms and conditions or other article requirements under the Federal Powers Act that addresses Wild and Scenic.

So one of the things that I haven't seen in the PAD, it was addressed that it is Wild and Scenic, that the Eel River, from the mouth to 100 yards downstream of Van Arsdale. What I don't see identified is the outstanding remarkable value, which I think would shed some light on how it should be managed.

What were those values? Was it specifically steelhead? Was it recreation? The classification of the Wild and Scenic River, over 70% is recreational. And a lot of that is what is in the project downstream of Van Arsdale.

So I think it is very important that we address some recreational interests in the studies. While it is mentioned that there would be a boating study for flow, I'd like to point out that our studies that we request include more than just the flow. One of them, obviously, is access. The user experience. Existing information that we have is just the tip of the iceberg.

You've identified one description. You've identified the gauges that are available. But really, what we need to find out is what is the user experience on the project today? On the river? Are the access points adequate? The flow gauges, are there flow gauges that are needed? Is there information that is missing that can help a recreational user use the resource?

Are the timing of the flow adequate for the

users? It is mentioned that flows usually happen in the wintertime, which of course, we understand. We want to try and keep within the natural hydrograph, but really, are those flows happening during the day, or are they happening in the middle of the night?

Another thing I wanted to address, although there is a lot of hydrology information out there, a trend that we've been looking for is to identify recreational opportunities that complement the benefits to aquatic species in more natural flow regime. And one of the things that is happening across the board. We see it on the Feather River, we are working on it on the San Joaquin River, and we are currently working on it on the Moke River. And that is management of spill cessation, a more natural ramping rate off the spill.

And what I would like to see is a study including in our white-water boating study is a characterization of historic spill, a summary of existing infrastructure capabilities to control spill, and a stage discharge relationship study at key aquatic specie sites.

In closing, I would also like to echo some of the concerns about dam safety. American Whitewater was a signatory to the settlement agreement on Oroville. And in that process, we were assured that the spillway was safe. So we certainly in any of our relicensing process, we take

dam safety seriously and we would like to see what kind of information that can be given to, especially the landowners downstream of Van Arsdale. Thank you for your time.

MR. JOHN MUDRE: Thank you, Theresa. Our next speaker is David Keller.

MR. DAVID KELLER: Good morning. David Keller for Friends of the Eel River. Thank you for holding this scoping session. I want to pick up on some of the issues about dam safety. We are now in a post-Oroville era and to examine relicensing of a dam that is almost a 100 years old, and a lower dam that is over a 100 years old, without publicly examining dam safety, is unconscionable.

And at this point, I understand that you're saying that there's a separate division in FERC that will deal with dam safety. However, as part of the scoping session, as part of the documentation, there are immense data gaps that must be filled for a full and fair and public consideration of whether this dam should be relicensed and, if so, under what conditions? Or should it be decommissioned and removed?

The data gaps in the PAD, in the NOI and the scoping document -- the scoping document -- no geologic issues are present. That's absurd. And the list of potential studies supplied by PG&E that's not included. We're looking at safety for residents, for tourists, for

people on the water, as well as business and property downstream that's public and private property.

A failure of Scott Dam, it will release under wet conditions, a wall of water flowing at over 800,000 cubic feet per second. By the time it reaches Fortuna, it's almost a million cubic feet per second. To not consider that as a factor in this dam relicensing is, again, unconscionable.

We're looking at reliability for power, for water, for recreation, for habitat. Dam failure has to be considered within those contexts. Liability to PG&E, to the public, to property owners, to licensing and permitting authorities. Certainly nobody's gonna walk away scot free with the failure at Oroville. And I think we need to learn from that experience and prevent that from happening in the future.

What are the risks? We don't know. Much of that is covered by CEII designations, which means that between the agency and PG&E, essentially nobody else has access to that information. Or if you do want to have it, you are bound by a nondisclosure agreement, which means you can't talk about it in public, nor can you comment on it. Again, that is absurd.

There are people talking about beneficiaries on the Russian River side. 600,000 people who have come to

depend on this water. A study that needs to be done is, "How much of that water supplying 600,000 people, which are primarily Sonoma County Water Agency customers, how much of that water is actually coming from the Eel River and Lake Mendocino, versus, how much is supplied at Lake Sonoma?"

The bulk of the water by far is coming from Lake Sonoma. So the use of the 600,000 figure is really distorting the reality of what the value of this project is. When we went through the modeling on Sonoma County Water Agency's draft EIR on revising the flows in the Russian River, we found approximately 40,000 acre-feet of water on the Russian River side was unaccounted for.

And that black box is primarily illegal, unpermitted and unlicensed withdrawals in the Russian River, in the upper and middle sections. So if we're going to talk about the flows in the Russian River as a component of your considerations of the value of the diversions, that black box has to be unwrapped. That's a study that needs to be done.

CEII, as mentioned, prevents us from having access to a great deal of critical information on whether this project is viable for the next 50 years. We've managed to get through a 100 years without dam failure. There have been failures along the way. None of them have been systemic that we know of.

But Part 12(d), inspection reports, our CEII, engineering analysis or CEII, design reports, instrumentation reports, emergency action plans, dam break reports, construction reports, including foundation reports, plans and specs, all of those are CEII. All of those are critical for public scrutiny, for peer review, for experts other than FERC, other than PG&E to be able to comment, review and provide intelligent and informed decision making.

What are the issues that bring us to this question of dam safety? What we know about is -- we'll start with the Bartlett Springs Fault Zone. There was an earthquake August 10th, '16, ten miles southeast of Scott Dam, 5.1 magnitude, and that fault is indicated as being capable of the magnitude of 6.0 to 7.4 earthquakes. In the next 50 years, will there be that magnitude? We don't know.

If there is, what is the impact on the dams and on the safety? We don't know. For the design and construction of the dam itself, why is Scott Dam not a straight line across the river? In 1921, it was designed to do that. The foundation was being dug and poured and they left the south end of the dam open for winter flows between '21 and '22, and they were going to connect the dam to an outcropping, what they considered to be foundation rock, large block of greenstone.

However, during that winter, that side of the

river was open, and that greenstone block dropped 60 feet. It was not bedrock. The angle of the dam was designed following that to avoid that, so that greenstone block is now behind the dam. That slope continues to move.

It is monitored by PG&E. We don't have access to all the monitoring data. We don't know if the lower portion of that landslide is being monitored and what the information is on that. There's a possibility both of that landslide, not only continuing to move, but to move catastrophically in an earthquake or with saturated soils or both, which could then put additional pressure behind the dam.

The dam also acts at this point as a strut across the valley. And so there's lateral pressure on that dam. A landslide could also push sediments up if the dam foundation is not sufficiently connected or based on bedrock. There's a possibility that it could push the dam up, producing uplift. Again, dam failure.

That left abutment bank continues to move. That information needs to part of this consideration as public documentation for professionals, for peer review. Other issues. There's no spillway. We do know that there is aversion at the retaining walls. PG&E was recently informed that they need to deal with the splashing and spilling over the retaining walls on the side to prevent erosion of the

banks.

Sedimentation and debris could well clog the needle valve, which is the only release point when the reservoir is below over topping. The gate operation, we don't know how consistent and reliable it is. If the road access is not there, if there's a power failure, if personnel cannot get there within sufficient time to prevent overtopping of the dam, what's the action plan? We don't know. Is it sufficient? We don't know.

I really think that FERC does not want to be in the position of relicensing this facility, telling the public that it's safe without that information available to the public. We need time to stand from a geotechnical standpoint. What is the probability of failure? Would this dam be built and designed and maintained as a structure if it was having to meet 2017 standards? The answer is no.

We need to have the information. We talk about the reliability of water supply to the east branch Russian. All of that is non-existent if this facility fails. All the talk about dependence on the Russian River side for that water as a reliable source of water for whatever use is irrelevant if this facility fails. All the talk about habitat restoration on the Eel River, all the talk about fisheries restoration is meaningless without understanding the reliability of this facility.

And to go further in this process without having that information, again is unconscionable. I don't think that FERC wants to have another dam failure on your hands. And part of the way of spreading that risk and that reliability and that responsibility is to ensure that the public has access to all that information as part of this process early on. Thank you very much.

MR. JOHN MUDRE: Thank you, David. Our next speaker is Al White.

MR. ALFRED WHITE: My name is Alfred White, and I am a trustee on the Russian River Flood Control & Water Conservation Improvement District Board of Trustees. And I am here today to read our District's mercifully brief comments on the scoping document into the record for the FERC Project Number 77, Potter Valley Project.

The District is very concerned with the relicensing efforts on the Potter Valley Project. Diversions through the Project have been allocated as water rights in the Upper Russian River, including our approximately 8,000 acre-feet right that is stored in Lake Mendocino.

The scoping document does little to address the potential impacts of the project on the agriculture economy that is essential to the Ukiah Valley. Without the water from the Potter Valley Project diversion, there would be

severe impacts to agriculture, including the potential conversion of agricultural lands to other, more intensive, land uses. Impacts from the project on agricultural land use and its economic value must be addressed in the relicensing process.

The scoping document does little to address the potential impacts to drinking water, which preserves the health and safety of hundreds of thousands of users. Without the water from the Potter Valley Project diversion, over half a million people could be placed into a regulatory drought that could devastate businesses and residences throughout three counties.

Impacts from the Project on drinking water and its critical role in maintaining public health must be addressed in the relicensing process. Drinking water and agriculture should be top priorities throughout the relicensing process. We look forward to continued stakeholder involvement during that process. Thank you.

MR. JOHN MUDRE: Thank you, Al. We've been hearing a lot of good information so far. But I think we've been sitting a long time and let's take about a five-minute break and then resume after that.

(break)

MR. JOHN MUDRE: Okay, that was a well-needed break. But we have six speakers left to go, so and the

first one here is Chris Shutes.

MR. CHRIS SHUTES: Good morning. I guess it's morning still. Chris Shutes with the California Sportfishing Protection Alliance. And I'm sorry, but I'm gonna read this off my computer, because I wrote it in the hotel room last night and didn't have a chance to print it out.

Last month I gave a talk at the conference of Association of California Water Agencies that some of the folks in this room attended. One of my points was that 50% of FERC relicensing is process, and true to form at least 50% of what I say today will be about process.

Unless I've forgotten one, this will be my eighth full-on run at an Integrated Licensing Process, and my third with PG&E. My first was the DeSabla-Centersville Project on Butte Creek. In February of this year, PG&E withdrew its license application for the DeSabla-Centersville Project, about twelve years after the relicensing process began. My first message today is for PG&E. Please, if you're going to back out of the Potter Valley Project, be kind to yourselves and to everyone else and start that process decisively, and start it soon.

This is not an offhand concern. Power markets are changing. As a stand-alone power project, the Potter Valley Project makes no economic sense. However, any

knowledgeable observer understands that by far the greatest value of this project is that it is primarily a water supply project. In order to find an outcome to this relicensing that is going to meet as many interests as possible, this process needs to embrace analysis of the project's water supply function.

To understand the interests, we need facts and data that support that analysis. So my second message is jointly to PG&E and to staff from FERC: Let's get the water supply data into the record. Let's not draw fences between water and power operations that have a basis in labelling but not in reality. Let's not oppose or deny studies because their subject matter has more to do with water than with power. You can't balance water supply interests if you don't put numbers on them.

My third message is for the State Water Board. Even if FERC makes poor choices and does not order studies of water supply and water balance in the Russian River Watershed, such topics fall squarely within the Board's water quality certification responsibilities. For the State Water Board, please get that into your scoping process now, and order studies you will need to inform those responsibilities now.

FERC staff, PG&E, my colleagues in the Hydropower Reform Coalition and I all agree that the State

Water Board's certification process needs to synch up better with the Integrated Licensing Process. As Parker mentioned this morning, the Board has an MOU with FERC that says you'll do that. Please get started now.

The State Board's comment letter on scoping should be detailed and specific about what the Board staff sees as necessary for CEQA and for Certification. This project should define and be a practical, affirmative example of the new way the Board will do business in scoping and analyzing information for CEQA and for certification. I also recommend that the Board bring to the process staff from the Division of Water Rights who has expertise in water rights as such.

My fourth message is for the Sonoma County Water Agency. The Agency built a water balance model in support of its recent petitions to modify its water rights. Please share that model in this process, and share the modelers. And please come prepared to discuss water use and flows in the Russian River Watershed.

As I read it, Sonoma County Water Agency's EIR that it recently issued for its water rights' petitions, found that about 90,000 acre-feet of water per year are unaccounted for in the Russian River Watershed between Coyote Dam and the mouth of the river. That may be a result of channel losses, but it may be the result of unauthorized

diversions or pumping of groundwater that is connected to the river channel. Not accounting for that water is in itself a decision. The slop in the system that allows that much unaccounted-for water means that somebody else is going to be shorted.

My fifth message is for Potter Valley Irrigation District. Everyone in this process needs to understand your operations and your water use. Please help us do that with accuracy and clarity.

To everyone else in this process, including my colleagues: We need to do our best to work together. There are interests here that have perceived and perhaps real conflicts. How we say things is often as important as what we say. So let's set a tone for the process that doesn't create more conflicts than we may already have to face.

I have some specific comments on SD-1. Some of them follow on a little bit from Mr. Keller's comments, but they're a little more general.

Recent events at Oroville have shown that it is unwise for FERC and licensees not to involve an informed public in dam safety discussions. Section 3.3 of SD-1, titled "Dam Safety," suggests that relicensing participants evaluate proposed modifications to project dams to assure that modifications keep the dam compliant with FERC dam safety requirements.

In the absence of understanding the structural characteristics of project dams because of Critical Energy Infrastructure Information restrictions, this is shadow boxing. The Commission should work with the licensee to carefully determine what information about project works they can reasonably share with relicensing participants, and find a way to share that information.

Evaluation of dam safety should be part of this and every other relicensing. The Commission needs to change the default that says it's not. There is no better time to start than at the beginning of a relicensing.

In addition, I recommend changing the title of SD-1's Section 3.3 to "Dam Safety and Reliability." There is only, for example, one outlet work for Scott Dam. If that valve fails, the river downstream will be de-watered. This process should evaluate alternatives to provide safety for aquatic resources from a potentially catastrophic failure of non-redundant project features. Too much infrastructure in California and other states was designed without redundant facilities, on the assumption that everything will always work the way it's supposed to. This was a series of bad decisions in the previous century. It is unacceptable in the 21st.

The geographic scope for fishery's resources in the Russian River should be from the Potter Valley

Powerhouse to the mouth of the Russian River, into the Pacific Ocean. While we don't really have the data to say how indispensable Eel River water delivered through the project is to fisheries in the Russian River, current project operation has a clear effect on Russian River anadromous fisheries. Without prejudging the outcome, balancing Russian River fisheries is an important element in this relicensing.

Equally, the scope of fisheries in the Eel River Watershed should extend into the Pacific Ocean. Even more than the Russian, the Eel River supports the commercial and recreational ocean salmon fishery, and has enormous potential to improve that support.

The EIS should evaluate a dam removal alternative, for Scott Dam as a minimum. It may prove infeasible, and it may prove that the cost does not warrant the expense. But it is a reasonable alternative given the potential value of the headwaters that are blocked by Scott Dam and inundated by Lake Pillsbury.

I recognize that such an evaluation will not be a simple exercise. It would have to consider alternatives to Potter Valley's water supply and alternatives for providing adequate water supply reliability for diversions from the Russian River downstream of Coyote Dam. So that one decision makes a very big additional amount of work, but

I believe it's warranted. Thank you very much for the opportunity to comment today. CSPA will also provide written comments.

MR. JOHN MUDRE: Thank you, Chris. Our next speaker is Pam Jeane.

MS. PAM JEANE: Good morning. Thanks for hanging in there with us. My name is Pam Jeane. I'm an assistant general manager at the Sonoma County Water Agency. One of my responsibilities is managing water coming out of both Lake Mendocino and Lake Sonoma. So I have a very much, a vested interest in this whole process here.

We really appreciate the opportunity to be able to speak to you today and hear what other people have to say also. The Sonoma County Water Agency, as I just mentioned, is responsible for managing the water storage in Lake Mendocino and the releases out of Lake Mendocino, and we're in control of the reservoir which is when it's not in the flood pull.

We are also responsible for meeting the minimum instream flows in the Russian River in accordance with our water rights permits that were issued by the State Water Resources Control Board. And so what happens with Potter Valley Project and its effects on Lake Mendocino are very much a concern for us. We reviewed the Scoping Document 1 and we're surprised and a little bit concerned that the

geographic scope of the EIS at this point, the Environmental Impact Statement, would end on the Russian River, on the East Fork Russian River at Lake Mendocino.

We do believe that changes, any changes to the diversions of the Potter Valley Project to the Russian River could have significant potential impacts to adversely affect, not just water supplies, but something that is very much a concern to us, and that is listed fish species on the Russian River. Also, it could impact recreation and other resources downstream of Lake Mendocino.

We've been engaged in doing a lot of work to restore fisheries habitat and bring back two--specifically two fish species that are subject, of the biological opinion that are subject to in the Russian, and we've concerned, not just about the fish on the Russian River, but also the fish on the Eel River and don't want to see either one of those fisheries impacted, if we can at all avoid it.

Adverse impacts on water levels for Lake Mendocino would necessarily and directly affect resources, both at and downstream of Lake Mendocino. We also believe that, in addition, that FERC should expand the geographic scope in Scoping Document 2 to include impacts on resources downstream of Lake Mendocino, consistent with the environmental impact statement that was developed during the amendment proceedings several years ago. The Russian River

was included as part of that EIS and the impact analysis there, and we'd like to see that happen here.

One of the things that I wanted to bring up here, after hearing Chris speak, is that we do have new models that are available for both the Potter Valley Project, flow models, water balance models that are available for both Potter Valley Project and the Russian River. And those models are definitely available to FERC staff. We'd be happy to meet with you.

We'd be happy to provide our modelers to work with you. That will be included in our written comments and we do intend to subject more detailed comments by the August 4th deadline. That offer will be in there and we look forward to working through this process with not just FERC and PG&E and everybody else in the room that's here today. Thank you.

MR. JOHN MUDRE: Thank you, Pam. Our next speaker is Vivian Helliwell.

MS. VIVIAN HELLIWELL: Hi, I'm Vivian Helliwell. I'm with Pacific Coast Federation of Fisherman's Associations and our associated non-profit institute for fisheries resources. And we're a large west coast commercial fishing group that involves fishing ports up and down the west coast.

The impacts of the Potter Valley Project extend

far beyond the mouth of the Eel River. The documents don't mention ocean fishing. Many in the room may not know this. You certainly won't find it in the scoping document or the pre-application document. The ocean fishing around the Eel River has been closed now for decades.

In fact, 10,000 square miles of ocean are closed to commercial fishing, salmon fishing, to benefit coastal fall-run Chinook, which were listed as threatened in 1999. The closures affect, not only the local fishing industry, but also fisherman from up and down the coast who would fish here and contribute to the local economy. The immense economic losses reverberate through the local economy and include loss of infrastructure and jobs that support and are supported by fishing.

Tourists who come to the Eureka like to see the fishing fleet, which is tied up. And consumers are deprived of fresh local product. Visitors often ask me, 'Where can I get fresh, local salmon?' All we have is flying salmon. $29 a pound at Costco for Pacific wild-caught salmon.

Maintaining the status quo by allowing an important species to remain in threatened status is unacceptable. At the very least, we need to reassess project impacts and they need to be part of the decision-making going forward.

Additionally, the PAD only mentions various

reports of upstream spawning and rearing habitat. It's critical information that must be assessed, reconciled and incorporated into future scoping with the availability of that habitat upstream from Lake Pillsbury. That's all I have for you right now. Thank you.

MR. JOHN MUDRE: Thank you, Vivian. Our next speaker is Devon Jones.

MS. DEVON JONES: Good morning. My name is Devon Jones, and I'm the executive direction of the Mendocino County Farm Bureau. The Mendocino County Farm Bureau, the nongovernmental, non-profit voluntary membership advocacy group, whose purpose is to protect and promote agricultural interests throughout the county and to find solutions for the problems facing agricultural businesses in the rural community.

We currently represent approximately 1,100 members, and I'm here today to present comments on behalf of the Farm Bureau and our members who benefit from the Potter Valley Project. A number of our members are dependent upon the Potter Valley Project for augmenting local electrical power supply, as well as agricultural, domestic, municipal, industry and recreational water supply.

The water diverted from the Potter Valley Project is used directly or through water stored in Lake Mendocino by our members in the area of Potter Valley,

Redwood Valley, Calpella, Talmage, Ukiah, Hopland and south to the county line. Overall, Lake Mendocino provides the water supply for thousands of people in the Russian River Watershed, as well as for listed salmonid species.

Farmers and ranchers in all these communities benefit from the water that originates from the Project, and this is the primary reason why Farm Bureau is engaged in this process. The development of water resources for the Potter Valley Project and Lake Mendocino have allowed for the creation of a substantial agricultural economy in Mendocino County.

The economic value of water stored in Lake Mendocino that is used for farming and ranching with the Russian River, based in the Mendocino County, was calculated by Dr. Robert Eyler in 2016, to be over $740 million per year. This is a significant economic driver for a rural county like Mendocino.

Impacts to the entirety of the agricultural industry that benefit from Potter Valley Project water, from the Powerhouse to the confluence at Dry Creek, needs to be fully vetted and any alternative that is considered during this relicensing process. In addition, Farm Bureau is concerned that further reductions and flows at the Project that may be considered and any alternative for this relicensing process accurately assess the impacts to water

right holders and the Russian River Watershed.

As a result of the last licensing amendment described during the FERC Final Order in 2004, the diverted flows at the Project will reduce up to 50% depending on the year. The cumulative impacts from this previous flow reduction and any proposed future flow reductions on the hundreds of water rights holders and the Russian River Watershed deserves full analysis.

Agricultural water rights are not as protected as domestic water rights, so it is critical that unnecessary curtailments that result from flow reductions be fully vetted. Mendocino County Farm Bureau has been involved with the Potter Valley Project, Project Number 77, license-related proceedings for many years.

The continued operation of the Potter Valley Project is critical to a large number of Farm Bureau members, their families, their businesses and their communities. For this reason, Mendocino County Farm Bureau appreciates the opportunity to continue to be part of this discussion as the current relicensing proceeds. Thank you.

MR. JOHN MUDRE: Thank you, Devon. Our next speaker is Frank Lynch.

MR. FRANK LYNCH: Hi. My name's Frank Lynch. I did give the recording secretary a copy of most of what I'm gonna say, I guess. First I want to thank FERC for coming

and I also want to thank PG&E. PG&E has worked with the group I represent very well over the last couple of years in meeting and talking about lake levels and what they're projected to be over time, and I very much appreciate that.

I represent the Lake Pillsbury Homesite Association, which includes 71 families who have cabins on four service-lease land at Lake Pillsbury. And I guess I could also say, since there's no one else here that I see that I know, I can also say I kind of represent a lot of the other user groups at the lake. There's three other organizations, the Lake Pillsbury Ranch Organization, which has about a 125 homes on their places at Lake Pillsbury.

There's the West Shore Campground, which has permanent campsites which they lease from PG&E, and I think there's about 50 of those sites. And there's also the Rice Fork Homeowners Group, which has about 35 or 40 homes at the south end of the lake. These facilities have been used for families for generations, and that's true for all those facilities.

There are people on the lake that I've known my entire life who have gone up there, and most of these are vacation homes and it's become very much a part of all of our lives. And there's also the campgrounds. There's five campgrounds on the lake, and people come from all over the state and I've met people actually from all over the world,

who come to Lake Pillsbury to enjoy its environment.

The relicensing is going to affect the viability of Lake Pillsbury for maybe up to the next 50 years. And in the past, recreational level was something that was talked about in the FERC license. And recreational levels were supposed to be maintained through Labor Day weekend.

However, in the 2004 amendment, that was replaced by the RPA and the result of that has been that the lake has been, for the last dozen or more years, has been left high and dry most of those years. By mid-July, the lake has gone down a level that, for example, the docks that we have within our organization, they're lying in the mud.

The facilities that have been developed at the lake over periods of time have been mostly developed at the northerly end of the lake, and so about 70% of the more permanent sites and the camp sites are at the north end of the lake, and when the lake gets low, those sites are all far away from the water and there was a mitigation that was put in in 2004 to put a low lake level launch ramp.

That's towards the south end of the lake. It's--for me--it's about a 25-minute or 30-minute drive to get there, and by the time the lake is really that low that it becomes necessary to use that, the lake emits an unpleasant odor, there's blue algae that's come up, and the ambiance of the lake is lost. And so it's not a very

realistic mitigation for recreational use.

Well, I believe that all of use respect the goal of protecting the endangered species, I think there's lots of things and challenges that come into play. Climate change and the rising ocean temperatures, I think, also have an effect on fisheries. There's the unmetered agricultural diversions.

And there's also a huge impact by the illegal--if you will--agricultural uses that draw water from the Eel and the Russian River, and those are not even considered in the releases and how that impacts the releases.

There's also the introduction of the pike minnow that has affected the fisheries, both in the lake and downstream, and all of those combine to impact the water that flows downstream of the lake.

I think it also needs to be remembered that without Lake Pillsbury being there, historically both the Eel and the Russian River have gone dry in the summer. So there is a beneficial reason why that lake should be there.

Further, since the lake has been there since the 1920s, the lake has created its own environment and its own areas that are worthy of respect and protection. We have four nesting bald eagle nests in the area and the elk community, it's interestingly up there in the fall, you can

see herds of elk, sometimes 60 or 70 of them up to their waists in the water. It's a very cool thing to see.

Recreational values, I think, also merit strong consideration on a couple of other levels. The Forest Service Management Plan says, "The heaviest demand for development recreation facilities will continue to be centered around water-oriented activities." So the Forest Service plan calls for that. Also the Lake County General Plan, if you read that, puts a lot of effort into protecting water oriented recreational facilities.

The loss of the lake would have a huge impact on Lake Mendocino and Sonoma County's, not just related to water consumption, but also the economic health of Upper Lake, Lakeport, Ukiah and Potter Valley. Also, the Eel River System has had significant flooding over the years. In 1955 and 1964, there was significant flooding that, without the lake and the dam being there, we don't know what would happen. So any evaluation for the loss of the dam should also consider, what would change in downstream flood plain and floodways.

Lake Pillsbury's also used very frequently by fire agencies used as a source for water for both aerial and direct drafting for fire protection. With the drought and climate change, this is going to occur more and more and as a water source for fire protection, I think it's a good

thing for it to be there.

Water from Lake Pillsbury feeds Lake Mendocino and on to provide the agricultural water from Healdsburg to Redwood Valley and north of Ukiah. And I think this likely includes, I think everyone -- I've heard different numbers, but I think it's safe to say, at least a couple hundred thousand people benefit directly from the water in that area.

The Press Democrat, the Santa Rosa paper, recently had an editorial dated June 16th, 2017 that stated, "As surface reservoirs fell to critical levels during the drought, it became clear that California needs more water storage for this generation and future generations." It just does not seem prudent to take away a significant water storage structure at this time.

Studies that might be appropriate for FERC to consider would be an investigation of what kinds of tools and machinery that can be developed to control temperatures for water releases, not just from the bottom and the top that perhaps, some kind of syphon or something from the middle to vary water temperatures.

We heard yesterday on the tour that Fish and Wildlife has put in a new, basically it's PVC pipe that has been introduced to allow for the passage of the lamprey as it migrates upstream, and it's cheap and easy, and I don't

know if there's any other kinds of new or low-tech kinds of things that could be done to promote fish passage over the lake. I'm not sure, but that's worthy of investigation.

I think the effects of ocean temperatures on fish migration should also be considered, quantify the impacts of stream flows from unmonitored agricultural diversion, as well as illegal water diversions from the marijuana industry. I think it might be appropriate to have a demographic study of Lake Pillsbury visitation during dry versus high water years. When the lake is dry, it's not very inviting to go to.

The economic impacts on the surrounding communities should also be examined and flood plain, floodway impacts downstream should be considered as a loss of the dam. One thing we heard in the introductory comments today was, when the RPA was developed, it was developed in the '70s and early '80s.

And that coincided with the timeframe, I believe, that the introduction of the pike minnow and also the marijuana industry taking off occurred around that same time. So how those two things affected downstream water availability and the impacts of those, should also be considered, because they did affect the judgment from the RPA, I believe.

Finally, I think that it needs to be recognized

that man is part of the environment as well. And so balancing this is going to be very difficult and I don't envy you your jobs, but I would advocate that you go back to the pre-2004 status and require that optimum levels of the lake should be maintained for beneficial uses. Thank you.

MR. JOHN MUDRE: Thank you, Frank. Our next speaker is Regina, and Regina, you're gonna need to spell your name for the court reporter.

MS. REGINA CHICHIZOLA: Hello, my name is Regina Chichizola. I'm speaking today on behalf of a mainly volunteer organization that's fairly new called Save California Salmon. We were created out of a group called Save the Klamath-Trinity Salmon and now have expanded into other watersheds. We are an all-volunteer group concerned about the demise of the fisheries in Northern California.

I wanted to speak of a few things, as far as the PAD and the scoping documents and how I think FERC should go about the process. First of all, I feel like PG&E and FERC have understated what the scope of the impacted area is, which is evidence by PCFFA's comments. Obviously, the ocean fisheries are in a state of crisis right now. It's mainly because of the Klamath and Sacramento systems that we're dealing with almost no commercial fishery this year.

But the zone that would be fished from fisherman in the Eel River has been shut down for a long time, and the

Eel River used to have about 800,000 salmon that returned to pre-dams, and now have about 1% to 3% of that with KOHO being predicted to possibly go extinct within the next 10 to 15 years.

Therefore, I believe that the scope has to include the coastal area, and I'm also requesting that there is a hearing within either the Humboldt Bay or Eel River Watershed. I believe that there is a lot more people that are from the Russian River in the room because of where this is. I just got an e-mail from a lot of tribal members up in my area that are impacted on the Eel River, saying they won't be able to make it to this hearing, because it's too far away, and they can't afford it. So I'm asking that there's other hearings that are in the Eel River Watershed or in Humboldt County coastline where people are impacted.

I also would like to request an independent cost benefit analysis that looks at a restored fishery in the Eel River and it looks at the impacts of these projects on Eel River salmon recovery and restoration. Some of the scientific documents I've read from scientists like Peter Moyle, who are very revered, have said that it's very hard to imagine restoring the Eel River without removal of this project, or at least looking into the removal of this project.

Furthermore, I believe to not look at fish

passage at the Scott Dam is ludicrous at this time. There is regulations in the State of California related to fish passage. And there is at least 79 miles of habitat for Chinook, and up to 280 miles of habitat for steelhead above the Scott Dam. I believe this needs to be looked at.

I know that there's actually varying numbers that are less that have come from other places, so obviously what habitat exists and whether those numbers are correct, will also need to be looked at. We support looking at a dam removal alternative of both dams.

I'm not going to comment on the water right situation. I'm not sure if it's possible for some diversions to continue, and I do think we need to look seriously at how that can impact the Russian River and legal water right holders and whether or not some diversions need to continue even if dams are removed.

However, I also think tribal trust responsibility and tribal water rights need to be looked at on the Eel River and also whether or not the diversions are impacting legal water right holders on the Eel River. I also think there needs to be a very thorough cumulative impact analysis within this process.

And when you look at it, they might come to -- well, actually these dams are not a big impact -- but a lot of research I've seen shows that other tributaries of the

Eel River are doing much better than the upper main stem. And that salmon numbers and trout numbers are very low in this area and many people point to the dams and the reservoirs.

I would like to see a study looking at the dissolved oxygen and temperature impacts from these reservoirs. Obviously, the state board will have to engage in that, but also, I think the North Coastal Regional Board should engage in that and talk about the TMDL loads and how TMDL implementation can happen in this area, and whether or not it can happen, the loads can be met with the reservoirs in place.

I'd also like to see PG&E engage in a watershed-wide restoration planning. I know there's a lot happening right now within the area, and it might be that there is no possibility for true restoration with these dams in place, or it might be that there is. I think the impacts to the Wild and Scenic values of the Eel River need to be looked at as part of this process.

And I also think that whether or not this power is actually needed or if it could be produced without the reservoirs in place need to be looked at. As it was said, these reservoirs produce about 9 megawatts of power and I believe when the Project started, that was probably considered a lot of power, but at this point, one windmill

can produce 3 megawatts of power.

Therefore, I think if we look at a true cost benefit analysis that looked at public subsidies for habitat restoration and things of that nature, that we might see that there is no cost benefit of these dams being in place and that they can easily be replaced with several windmills or one solar array, and that the State of California would probably help offer tax breaks for that because it's trying so hard to be a climate leader right now.

And I also think removing dams and putting in true alternative power could show PG&E's commitment to being a climate leader within the United States. Let me look over my notes for just one second.

And then, so my final comments are about -- I think it's very important to look at the habitat of both the dams in light of global warming. A lot of studies that I've read have said that the habitat above the Scott Dam is some of the best habitat within the watershed, and that it's also some of the coldest water within the watershed.

Therefore, if we look at the drought situation that's happened in the last couple of years and we look to the future of predictions under global warming, I think we will see that that habitat becomes more important under the scenario of increased global warming within the future. So I think that how global warming plays into the situation and

also plays into water quality within Lake Pillsbury needs to be looked at as part of this process.

I would love to engage in the process as much as possible. I, again, think that you need to do some hearings up north so that people who utilize the Eel River for fishing, recreation, homeowners, and people of that nature, can actually make it to this meeting. As you know, a lot of people in Humboldt County have very small incomes, including a lot of tribal members and fisherman and are not able to make it here today.

So I engaged, as some of you know, in the Klamath process and those hearings happened in many different impacted areas and I believe this process also needs to happen in many different impacted areas. I also think that you need to do a good analysis of the water right situation and how looking at some of this water that is disappearing in the Russian River could maybe supplement, if we need to put more flows as part of this process into the Eel River, so that legal water right holders are not impacted.

I think that's all my comments. Thank you so much for having us today, and I apologize for my wild child. This is a very long meeting to sit through. Thank you very much.

MASTER MALCOM CHICHIZOLA: [inaudible]

MS. REGINA CHICHIZOLA: Malcom just went fishing for the first time and he really likes fish and wants to talk about saving the fish some other time.

MASTER MALCOM CHICHIZOLA: Save the fish.

MS. REGINA CHICHIZOLA: Thank you.

MR. JOHN MUDRE: Thank you, Regina. That's everyone who signed up to speak. If there's anyone left that didn't sign up that wants to speak, we can hear from you now.

MR. GEORGE CINQUINI: My name is George Cinquini. And I signed up earlier to speak and took my name off and decided, well, I guess I better comment or I won't be satisfied when I go home. So I've listened to a lot of points about the dam safety. I totally agree with the comments about dam safety is absolutely gonna be necessary.

I'm an avid fisherman. I'm all about fish. I'm involved in a lot of the organizations that have put out these reports. You have to do fact-checking on some of these reports. They kind of exaggerate. I have to say, I am a resident at Lake Pillsbury. The habitat above the lake is more like possibly 45 to 50 miles of spawning ground that would be available, and I actually had that confirmed by a fish and wildlife biologist here a while back, and I have some recordings of that.

So that's a little exaggerated. Not only that,

Lake Pillsbury, Scott Dam is not the whole reason why we've lost our salmonids. We've lost them up and down the coast. They're just not coming back. So we have a lot more problems than just one dam. And some of the dams up and down the coast and throughout United States need to be taken out, so I'm not totally against that.

However, we need the water. And in this case, I believe the water supersedes the need to take the dam out. We have to balance it. We have to create natural conditions below Van Arsdale. And I believe in working with the NMFS biologist here recently, the temperature of the water really indicates to salmonids wanting to go home, so to speak. And I think we need to continue doing the job.

Maybe with the block water release, but why not do it on a continual basis and try to keep the temperature of the water between Scott Dam and Van Arsdale at a natural temperature. Even though the flow is gonna be not natural between the two dams, it could be natural from Van Arsdale downstream all the way to the Eel.

Well, on a dry year, guess what? There's not gonna be much water down below Van Arsdale. But in a heavier rain year, more water coming in, then that water should go down the Eel River and take care of the fish. We have a real bad situation in the Russian, as well, I know they advocate low flow so we get subterranial flow, less

water from the dams, warmer water, and the salmonids could live in the cold pools.

Well, the same thing would happen in the Eel River. But you have to have the pools. You have to have the water, and I think the drawdown on the Eel's been a lot from the illegal industries drawing a lot of water from the tributaries and what-have-you, so anyway, thank you so much for your letting us vet our feelings, and good luck.

MR. JOHN MUDRE: Well, thank you, George. We've heard a lot of useful information today. We've got a lot of thinking to do and we will be producing our Scoping Document 2, which will address a lot of what we've heard today. I want to thank everyone again for coming and we're having another meeting this evening at 6:00, if you're a glutton for punishment, you're welcome to come. 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