

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D. C. 20426

OFFICE OF ENERGY PROJECTS

Project No. 77-000--California
Potter Valley Hydroelectric Project
Pacific Gas and Electric Company

March 28, 2023

VIA FERC Service

Jan Nimick, Vice President
Pacific Gas and Electric Company
Mail Code: N11E
P.O. Box 770000
San Francisco, California 94105

Subject: March 17, 2023 Letter to Division of Dam Safety and Inspections

Dear Mr. Nimick:

This letter is in reference to the March 17, 2023 letter filed by Pacific Gas & Electric Company (PG&E) with the Commission's San Francisco Regional Office regarding the "Results of Simplified Seismic Stability Analysis and Proposed Interim Risk-Reduction Measure" for the Potter Valley Hydroelectric Project No. 77. The Regional Office will respond separately regarding the technical content of that letter.

PG&E states that, as an interim risk-reduction measure, starting April 1, 2023, it will leave the spillway gates open at the project's Scott Dam year-round to maintain the water level in the project reservoir, Lake Pillsbury, at or below the spillway crest elevation. PG&E states that this restriction will remain in place until long-term seismic measures are developed and implemented. Further, PG&E notes that the proposed reservoir restriction will reduce the maximum water storage elevation in Lake Pillsbury by 10 feet.

The unilateral decision to keep the spillway gates at Scott Dam open indefinitely could impact PG&E's compliance with the Reasonable and Prudent Measures (RPMs) made part of the Potter Valley license for the protection of federally listed species.¹

¹ On November 29, 2002, the National Marine Fisheries Service filed with the Commission a final biological opinion that requires PG&E to release seasonal minimum

Among other things, these measures establish the required flow regime in the Eel and Russian Rivers. Keeping the spillway gates open reduces water storage in Lake Pillsbury and will likely limit PG&E's ability to meet the summer and fall flow releases required by the license. The failure to provide these flows may violate the Endangered Species Act (ESA) and the terms of the project license.

Should PG&E wish to seek Commission authorization for keeping the gates open indefinitely, it must file an amendment application, pursuant to 18 CFR 4.200. The application must detail any anticipated environmental effects of the proposal to leave the spillway gates open indefinitely, any avoidance and minimization measures that would be enacted, and should contain documentation of consultation from relevant federal and state agencies and Tribes.

Documentation of consultation should include correspondence with the relevant federal and state resource agencies, including the National Marine Fisheries Service, and interested non-governmental organizations and Tribes; any responses received from those entities; and PG&E's response to any comments received. We anticipate that, before acting on any such amendment request, the Commission would have to prepare an analysis under the National Environmental Policy Act and complete ESA consultation.

The Commission strongly encourages electronic filing. Please file the requested plan and schedule using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P-77-000.

flows below Scott Dam for normal, dry, and critical water years. *Pacific Gas & Electric Company* 106 FERC ¶ 61,065 (2004).

Pending approval of an amendment application, you are required to maintain compliance with your existing license, as amended. Thank you for your cooperation. If you have any questions regarding this matter, please contact Shana Wiseman at (202) 502-8736 or shana.wiseman@ferc.gov.

Sincerely,

CarLisa Linton,
Director
Division of Hydropower Administration
and Compliance

cc: Alecia Van Atta
Assistant Regional Administrator, California Coastal Office
National Marine Fisheries Service, West Coast Region
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