



DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 77-320]

Pacific Gas and Electric Company; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. Application Type: Application for Temporary Variance of Flow Requirements
- b. Project No: 77-320
- c. Date Filed: February 22, 2024
- d. Applicant: Pacific Gas and Electric Company (licensee)
- e. Name of Project: Potter Valley Hydroelectric Project
- f. Location: The project is located on the Eel River and East Fork of the Russian River in Lake and Mendocino counties, California. The project occupies federal lands managed by the U.S. Forest Service.
- g. Filed Pursuant to: Federal Power Act, 16 USC 791a – 825r
- h. Applicant Contact: Jackie Pope, License Coordinator; Pacific Gas and Electric Company; 300 Lakeside Drive, Oakland, CA 94612; Phone: (530) 245-4007
- i. FERC Contact: John Aedo, (415) 369-3335, john.aedo@ferc.gov
- j. Cooperating agencies: With this notice, the Commission is inviting federal, state, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item k below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).
- k. Deadline for filing comments, motions to intervene, and protests: April 1, 2024.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. 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: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include the docket number P-77-320. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

1. Description of Request: The licensee requests a temporary variance of its minimum flow requirements at two project locations. Due to seismic risk at Scott Dam, the licensee has elected to leave the spillway gates at Scott Dam open indefinitely, thereby reducing the storage capacity in Lake Pillsbury by approximately 20,000 acre-feet. The licensee also states that there is a high potential for bank sloughing and ensuing dam safety and operational constraints should the reservoir recede to a pool level of between 5,000 and 12,000 acre-feet.

To preserve water storage in Lake Pillsbury and conserve cold water for downstream aquatic resources, the licensee proposes to release flows below Scott Dam (as measured at gage E-2) to be consistent with a critical water year type minimum flow of 20 cubic feet per second (cfs). However, actual releases would be closer to the minimum facility limitation of 35 cfs from the low-level outlet. In addition, the licensee would reduce minimum flows in the East Branch Russian River (as measured at gage E-16) to match the dry water year minimum flow requirement of 25 cfs with the flexibility to further reduce flows to the critical water year requirement of 5 cfs, depending on water availability, safety concerns, and water temperature conditions in the Eel River. After September 16, 2024, the licensee would resume the dry water year flow release of 25 cfs. In addition, the licensee requests that compliance with the minimum flow requirement in the Eel River below Cape Horn Dam (as measured at gage E-11) be modified to a 24-hour average instead of an instantaneous requirement to allow for a tighter compliance buffer.

The request licensee's request also includes provisions for water temperature and biological monitoring, environmental mitigation, and monthly consultation throughout

implementation of the proposed variance. The licensee requests that the variance begin immediately upon Commission approval and conclude when Lake Pillsbury storage exceeds 36,000 acre-feet following October 1, 2024, or is superseded by another variance or license amendment.

m. Locations of the Application: This filing may be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or e-mail FERCOnlineSupport@ferc.gov, for TTY, call (202) 502-8659. Agencies may obtain copies of the application directly from the applicant.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. Comments, Protests, or Motions to Intervene: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. Filing and Service of Documents: Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

q. The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Dated: February 29, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

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