



Mendocino County Farm Bureau

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Affiliated with the California Farm Bureau Federation and the American Farm Bureau Federation

November 13, 2020

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

Electronically Submitted

RE: FERC Project Nos. 77-298, 77-285; NOI Parties Revised Initial Study Report

Dear Secretary Bose,

The Mendocino County Farm Bureau (MCFB) is a non-governmental, non-profit, voluntary membership, advocacy group whose purpose is to protect and promote agricultural interests throughout the county and to find solutions to the problems facing agricultural businesses and the rural community. MCFB would like to submit written comments on the Revised Initial Study Report (ISR) submitted by the NOI Parties for Federal Energy Regulatory Commission (FERC) Project Number P-77-298, P-77-285 (Project).

General Comments

MCFB would like to reiterate the importance of the analysis of the water supply components related to the Project. Since a number of MCFB members are dependent upon the Potter Valley Project for their agricultural, domestic, municipal, industrial, fire suppression and recreational water supply, MCFB requests that FERC ensure that the water supply benefits and impacts from the Project in the Russian River Watershed beyond Lake Mendocino, including impacts to water rights holders, is included in the ISR analysis.

The nexus between the discussion in Scoping Document 3 and the ISR is not apparent. How have the FERC considerations discussed in Scoping Document 3 been incorporated into the ISR?

What is the timing of the release of the FERC Scoping Document 4 that was mentioned at the initial study report meeting? See comment #7 in the initial study report meeting summary.

Several study proposals appear to be limited to qualitative analysis. Qualitative analysis is not sufficient. There needs to be quantitative analysis included in the evaluation of the various impacts from the proposed project.

Attachment 3

Aquatic Studies (AQ1-AQ12)

AQ1

Relevant Information lists the hydrological period of record being from 1911-2017. It is requested that the record be extended to include data from 2018-2020. This data is available and should be included in the analysis.

The potential information gaps section discusses the operational scenarios with the potential removal of Scott Dam and a modified Van Arsdale diversion. AQ1 is specifically listed as a study to “provide as much data as possible” to SE1 and should not be left as information gaps.

The study area is limited and does not match the study area in SE1.

SE1 needs to be added under relationships to other studies.

AQ2

All relevant AQ2 temperature studies that involve the establishment of various sampling/modeling sites and sampling/modeling procedures performed on or near private property should require prior approval and notification of the property owner before the activity occurs.

AQ3

All relevant AQ3 water quality studies that involve the establishment of various sampling/modeling sites and sampling/modeling procedures performed on or near private property should require prior approval and notification of the property owner before the activity occurs.

AQ4

All relevant AQ4 studies that involve the establishment of various sampling/modeling sites and sampling/modeling procedures performed on or near private property should require prior approval and notification of the property owner before the activity occurs.

How will the recent wildfire impact on the areas surrounding Lake Pillsbury be incorporated into the analysis of sedimentation, erosion and woody debris loading?

AQ5

Any AQ5 site visits to access minimum flows on the Eel or Russian River performed on or near private property should require prior approval and notification of the property owner before the activity occurs.

AQ5 is specifically listed as a study to “provide as much data as possible” to SE1. However, AQ5 doesn’t include analysis of instream flows beyond Lake Mendocino. The study area should be expanded to match SE1 for the analysis of instream flow changes in relation to the impacts to socioeconomics.

SE1 needs to be added under relationships to other studies.

AQ7

Coho salmon habitat is not present in the proposed study area therefore analysis for this species is not required

AQ8

Under data gaps, how will revised diversion patterns connected to the proposed removal of Scott Dam in AQ12 be connected to potential limitations to the functionality of the existing fish screen? The fish screen is already limited due to debris presence during high flows. If revised diversion patterns are limited to high flow diversions, will the existing fish screen be an inhibition to the ability to divert water through the project? If so, what fish screen alternatives are being proposed to correlate with the operational changes?

AQ9

Coho salmon habitat is not present in the proposed study area therefore analysis for this species is not required.

Any AQ9 site visits to perform snorkel surveys on the Eel or Russian River performed on or near private property should require prior approval and notification of the property owner before the activity occurs.

AQ 12

AQ 12 needs to fully address how the existing Project water rights connected to Lake Pillsbury storage, will be amended with the State Water Resources Control Board and the timeframe for doing so to ensure that water rights are secured to allow for the operation of the Project before any infrastructure changes (like the removal of Scott Dam) are considered.

Under “potential resource issues”, “project nexus” and “potential information gaps” the impact on water supply reliability and water rights (both on the Russian and Eel River) needs to be specifically listed. This is a separate concern from impacts to groundwater elevations in the Project vicinity.

Impacts from sedimentation of downstream Project facilities following Scott Dam removal is listed as a potential resource issue and information gap. This is a serious concern for water supply capacity and reliability. Sedimentation impacts to Project diversion infrastructure need to be fully addressed.

The proposed studies focus mainly on sedimentation concerns on the Eel River. The removal of Scott Dam and the related impact analysis should not be limited to the Eel.

Under “study method and analysis” there is language discussing the formation of a Scott Dam removal working group. The makeup of the working group needs to include representatives of beneficial users that could be impacted by the potential removal of Scott Dam.

The study area is limited to the Eel River. At a minimum, the geographic scope within the study area for AQ12 for the analysis of potential impacts to water rights should be extended to include the Russian River from the Project diversion point in Potter Valley to the confluence with Pacific Ocean to be consistent with SE1.

AQ 12 has a direct relationship to the socio-economic impact analysis in SE 1. The proposed removal of Scott Dam, as analyzed in AQ 12, needs to be connected to and consistent with SE 1 to fully document the potential socio-economic impacts related to water delivery capacity, power production, water supply reliability, water rights holders and other beneficial uses of water. The proposed removal of Scott Dam will eliminate a year-round water supply connected to the Project diversion. Full qualitative and quantitative analysis should be included on the nexus of potential dam removal and impacts to the multiple beneficial water uses.

Land Studies

Land 3

Will the hazardous fuels assessment performed in coordination with the USFS account for anticipated fuel loads as a result of the 2020 wildfires adjoining Lake Pillsbury and the Project?

Will the USFS be providing updated land management plans in relation to short- and long-term fire fuel load reduction activities?

Will Cal Fire, USFS fire and local volunteer fire districts (Pillsbury, Potter Valley, etc.) be consulted in the process of identifying potential alternative water drafting sites for fire suppression? This is also a question for SE1.

Recreation (REC 1-3)

None of the recreation studies include Lake Mendocino within the study area. If there is no assessment of historic recreational use at Lake Mendocino within the REC 1-3 analysis, it is assumed that the full analysis will be completed under SE1.

Socioeconomics (SE1)

Potential information gaps connected to the socio-economic impacts related to Scott Dam removal are numerous. It is stated that in some cases, these data gaps will remain and/or full quantitative analysis will not be included. The quality of life and economic stability of multiple communities are connected to the water supply from the Project. It is unacceptable to not perform full qualitative and quantitative analysis of the impact of the potential removal of Scott Dam and the impacts to the overall beneficial users of the water supply.

The word adjudication is mentioned multiple times in the context of water supply reliability for various uses. Adjudication may be the preferred for a one size fits all solution, but a complete re-allocation of existing water rights is not the preferred course of action for existing water users. The context of the potential for adjudication under SE1 is not clear and requires additional explanation.

When did the removal of Cape Horn Dam become part of the study context since it was not included in the original feasibility study report? In the initial study report meeting summary filed by the NOI parties on October 14, 2020, comment #46 (below) asks the same question. The response to this comment stated that the mention of Cape Horn Dam removal in SE 1 was an error and that SE1 was revised to remove reference to the removal of Cape Horn Dam. This error and revision were not brought forward into the ISR document. For this reason, references to the removal of Cape Horn Dam need to be taken out of the language in SE1 and other study plan sections if applicable.



Comment Number	Topic	Question/Comment	Response
45	Socioeconomics	Scott Greacen (FOER): Given that (according to PGE's PAD) "tissue sampling results for fish from Lake Pillsbury showed high mercury concentrations, averaging 1.31 parts per million (ppm) in 350 millimeter (mm) largemouth bass (<i>Micropterus salmoides</i>), and the highest concentration for an individual fish (4.08 ppm in a 559 mm largemouth bass) in statewide sampling (Davis et al. 2009)," how do you assess the economic impact of the public health threat from mercury in Lake Pillsbury fish?	Study SE 1 – Socioeconomics will consider the recreation value of fish in Lake Pillsbury. The economic impacts of mercury concentrations in fish in lake Pillsbury are not currently included in Study SE 1 – Socioeconomics and the NOI Parties are not aware of subsistence fishing on Lake Pillsbury or that any current restrictions on consumption of fish from Lake Pillsbury have significant economic impacts.
46	Socioeconomics	Lawrence Baer (Affiliation Not Provided): In many places SE-1 seems to assume removal of Cape Horn Dam, but this isn't a part of any other piece of the document, including the Project intent. How can any of the above cited studies be used to support/inform the removal, versus alteration of fish passage, of Cape Horn Dam?	Currently the proposed Project and the proposed studies focus on Cape Horn Dam fish passage modifications. The mention of Cape Horn Dam removal in Study SE 1 – Socioeconomics was an error. Study SE 1 – Socioeconomics has been revised and included in Attachment D.

Indirect impacts are not limited to wineries in the context of agricultural processing facilities. Pear production has historically been in the top five million-dollar crops for Mendocino County. A large percentage is fresh market product that supports regional packing houses (Lake County). In addition, there are local timber milling facilities that could be impacted. Indirect agricultural impacts need to be expanded and included in the proposed study analysis.

The proposed studies for SE 1 do not include data collection for water users/water rights holders on the Russian River. This analysis should not be limited to the Eel River below Scott Dam.

Is cannabis being considered as “agricultural production” in the flood damage assessment below Scott Dam? Cannabis is not an agricultural commodity.

What is “next available water supply source” and how would the “next least costly alternative for the water be identified”? The Potter Valley Project has been in place for 100+ years. Communities and economies have developed around this water supply. Looking for additional water supply sources has come up over time. Some feasible such as recycled water programs others not so feasible such as transporting water from Ruth Lake on the Madd River in Humboldt County (Humboldt Bay Municipal Water District) for storage in Lake Mendocino. The ability to find an additional water source to replace the Potter Valley Project is not likely.

Potential reduced water availability from the Project to Lake Mendocino will decrease stored water availability for fire suppression use. The seasonal fire-fighting water storage value study method and analysis should include Lake Mendocino and private agricultural ponds on the Russian River.

The 2020 Highlands Economics study is listed as privileged and confidential. If this is the only current Russian River based economic analysis being sited in SE1, then there is a need to either 1) have the NOI partners perform a similar analysis and make it available for comment or 2) release the Highlands Economic study for public comment.

MCFB does not agree with other commenters that “non-use” values should be equally assessed in the Socio-Economic analysis. The impacts to “use values” should have higher priority.

The Mendocino County Farm Bureau has been involved with the Potter Valley Project FERC Project No. 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 the discussion as the current licensing progresses.

Sincerely,

A handwritten signature in black ink that reads "George Hollister". The signature is written in a cursive, flowing style.

George Hollister
President