



## Mendocino County Inland Water and Power Commission

P.O.1247, Ukiah, CA 95482

mciwpc@mendoiwpc.com

December 15, 2022

**Via Electronic Submittal (E-Filing)**

Honorable Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E., Room 1A  
Washington, D.C. 20426

**Re: Potter Valley Project No. P-77-314: COMMENTS AND MOTION TO INTERVENE by the Mendocino County Inland Water and Power Commission in response to the NOTICE OF PROCEEDING TO CONSIDER REOPENING THE LICENSE AND SOLICITING COMMENTS, MOTIONS TO INTERVENE, AND PROTESTS FOR PROJECT NO. P-77-314**

Dear Secretary Bose,

The Mendocino County Inland Water and Power Commission (MCIWPC), a Joint Powers Authority, whose member agencies include the County of Mendocino Water Agency, 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 wishes to intervene and comment on the November 16, 2022 Federal Energy Regulatory Commission (Commission) NOTICE OF PROCEEDING TO CONSIDER REOPENING LICENSE AND SOLICITING COMMENTS, MOTIONS TO INTERVENE AND PROTESTS PROJECT NO.P-77-314.

MCIWPC has an interest in this proceeding that no other party can represent, and it's intervention is in the public interest. 18 C.F.R. § 385. 214(b)(2)(ii), (iii). All of the member agencies of MCIWPC are dependent upon the continued diversion of water through the Potter Valley Hydroelectric Project (Project) for municipal, domestic, agricultural and environmental beneficial uses. MCIWPC has been engaged in all aspects of the Project license amendment and relicensing proceedings since 1996. In 2019 MCIWPC was one of the five members of the Two Basin Partnership that prepared and filed a Notice of Intent to License the Project. While the Partnership was not able to ultimately file an application, MCIWPC remains actively engaged

Kimberly D. Bose, Secretary  
December 15, 2022  
Page 2

with some of those partners, including the Round Valley Indian Tribes, in exploring solutions that both benefit the Eel River fishery and also protect the health and economic benefits of Eel River water being diverted into the Russian River watershed. For these reasons MCIWPC's request to intervene in this proceeding should be granted.

MCIWPC agrees with Pacific Gas and Electric Company's (PG&E) position described in their filing dated July 11, 2022. That filing was in response to a request by the National Marine Fisheries Service (NMFS) for interim measures and reinitiation of a Section 7 consultation dated March 17, 2022. In the July 11, 2022 filing PG&E clearly details the factual record going back to the license amendment proceedings resulting in implementation of the Reasonable and Prudent Alternative (RPA) which was prepared by NMFS and filed with the Commission January 28, 2004. MCIWPC agrees with PG&E's assessment that there appears to be no "substantial evidence in the record to justify reopening of the license by the Commission".

Opening the license now, understanding that negotiations will be undertaken during the ongoing License surrender and Project decommissioning process, introduces an increased level of risk that changes in the license could result in decreased diversion flows into the Russian River. MCIWPC also notes both the inefficiency and the confusion of two simultaneous consultations running concurrently (one on reconsultation for the operation of the Project and a second for decommissioning the very same Project). At a point in time when mechanical failures at the Project and a continuing multi year drought have combined to make the security of our water supply tenuous, and when all agencies are finding it more difficult to provide resources for the processes that are currently ongoing, MCIWPC opposes reinitiation of a Section 7 consultation.

For the above reasons MCIWPC wishes to formally intervene in proceeding No. P-77-314 and is opposed to reopening the license for the Project.

Respectfully Submitted,

A handwritten signature in black ink that reads "Janet K.F. Pauli". The signature is written in a cursive, flowing style.

Janet K.F. Pauli, Chair

Document Content(s)

IWPC Motion to Intervene with FERC P-77-314 12.15.2022.pdf .....1