



FRIENDS OF THE EEL RIVER



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“An Advocate for Fisheries, Habitat and Water Quality”

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August 30, 2010

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE, Mail Code PJ-12.3
Washington, D.C. 20426

Dick Butler
Supervisory fish Management Officer
National Marine Fisheries Service
777 Sonoma Avenue, Suite #325
Santa Rosa, Ca 95404

Re: *FERC Project No. 77-250, Potter Valley Hydroelectric Project; Request for Water Supply Information*

Dear Secretary Bose and Mr. Butler,

This letter is submitted on behalf of Friends of the Eel River, California Trout, and the California Sportfishing Protection Alliance in response to the Federal Energy Regulatory Commission's ("Commission's") July 20, 2010 letter to Pacific Gas & Electric Company ("PG&E") requesting further information on water supply from the Potter Valley Project ("PVP"). The Commission's request was prompted by a letter from the Mendocino County Inland Water and Power Commission ("IWPC") dated April 19, 2010, in which the IWPC claimed that the water supply impact from the PVP was "well in excess of the expectations of all of the agencies and stakeholders involved in the lengthy License Amendment proceeding."

While the undersigned environmental organizations do not agree with the IWPC's view of the PVP's water supply impacts, we do not object to the further collection of data regarding the PVP. In fact, we encourage such public data reporting and respectfully request that the Commission require PG&E to provide further detailed water supply data, as follows:

(1) Provide the daily (or, at a minimum, weekly) number (in acre-feet) of water diverted through the PVP for each year since 2004. Such further detail is necessary to assess compliance with license requirements and to correlate diversion data with species data.

(2) Provide the daily (or, at a minimum, weekly) number (in acre-feet) diverted for frost protection each year since 2004.

(3) Provide the daily (or, at a minimum, weekly) number (in acre-feet) diverted to the Potter Valley Irrigation District each year since 2004.

Furthermore, it is our view that species and habitat indicators in the mainstem Eel River do not reflect a recovery of listed fish species, as anticipated by the Biological Opinion and Reasonable and Prudent Alternative adopted by the Commission to comply with the Endangered Species Act ("ESA"). Thus, if the Commission is reviewing the PVP's actual water supply impacts since implementation of the License Amendment, it should also review the PVP's actual impacts to listed fish species, to ensure continued compliance with the ESA.

Thus, as a counterbalance to the water supply data, we respectfully request that the Commission require PG&E to provide a summary report regarding the PVP's progress towards the survival and recovery of listed fish species in the Eel River. Such a summary report should include data and information regarding important species and habitat indicators, such as flow, daily water temperature, fish counts, carcass surveys, and hatchery data, for all years since 2004. This biological information should be compared with data anticipated by the National Marine Fisheries Service ("NMFS") at the time of the License Amendment as necessary for the survival and recovery of listed fish species in the Eel River, including Southern Oregon/Northern California Coasts (SONCC) coho salmon, California Coastal Chinook (CCC) salmon, and Northern California (NC) steelhead.

Additionally, we request that NMFS provide to the Commission a report on the current status of two important License requirements for the PVP that appear to have languished:

(1) **The Pikeminnow Suppression Program.** The report should include the current status of Pikeminnow suppression efforts. It is our understanding that all such efforts have ceased given that prior programs (including electrofishing and gillnetting) have resulted in incidental take of listed species. The report should indicate whether further pikeminnow suppression efforts are currently underway and, if not, what additional measures will be taken to ensure the survival and recovery of listed species in the Eel River. As stated in NMFS' draft Biological Opinion (p. 67) for the License Amendment, "the pikeminnow control measures must prove successful. If these should prove unsuccessful, the remainder of the RPA is unlikely to completely avoid jeopardizing the listed species, and consultation will have to be reinitiated in order to examine other alternatives."

(2) **Fishery pulse flow management in the Eel River.** The report should include information regarding:
(a) how, when, and by whom such pulse flows are being managed, and
(b) the amount and timing of any pulse flows released since 2004.

This information request tracks that of the Eel/Russian River Commission, which was submitted to NMFS on July 23, 2010.

Finally, should the Commission decide to re-open the license or License Amendment proceeding in response to IWPC's concerns regarding water supply, this letter serves as an official request by the undersigned for the Commission to (1) also reopen the license to examine the PVP's fisheries impacts and compliance with the ESA and other environmental laws, and (2) issue a call for intervention by all interested parties so that the undersigned environmental groups may participate in such a proceeding.

If you should have any questions or require further information, please do not hesitate to contact us at the below listed numbers.

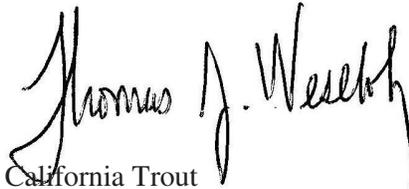
Respectfully Submitted,



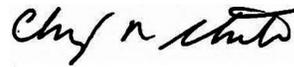
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