

UNITED STATES OF AMERICA

BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

In Re: ) Project No. 77-320  
 )  
Potter Valley Hydroelectric Project )

MOTION TO INTERVENE AND COMMENTS OF THE COUNTY OF LAKE

Introduction

The County of Lake hereby moves to intervene in this proceeding. The County of Lake meets the requirements of FERC Rule 214, subdivision (b), which provides:

- (1) Any motion to intervene must state, to the extent known, the position taken by the movant and the basis in fact and law for that position.
- (2) A motion to intervene must also state the movant's interest in sufficient factual detail to demonstrate that:
  - (i) The movant has a right to participate which is expressly conferred by statute or by Commission rule, order, or other action;
  - (ii) The movant has or represents an interest which may be directly affected by the outcome of the proceeding; or
  - (iii) The movant's participation is in the public interest.

Description of Intervenor

The County of Lake is a political subdivision of the State of California. The provisions for the government of California counties are contained in the California Constitution and the California Government Code. A county is the largest political subdivision of the state having corporate powers. It is vested by the Legislature with the powers necessary to provide for the health, safety, and welfare of the people within its borders. Located in Northern California, Lake County is home to Clear Lake, the largest, natural freshwater lake in California with 68 square miles of surface area. There are three major watersheds in the County: Cache Creek, Putah Creek and Eel River. Agriculture is the predominant industry in the County, including the Lake Pillsbury Area formed by Scott

Dam. Other prominent industries include tourism/hospitality and outdoor recreation, which is found large part in the Lake Pillsbury Area.

#### County of Lake's Interest in this Proceeding

It is well known that the significance of the Potter Valley Project must be measured by more than simply the generation of power. The value of the water supply generated by the Project for those who live down river is very important. That water supply is necessary for water users and fish in the Eel River, as well as the ecosystem, agriculture, and recreation in Lake, Mendocino, Humboldt and Sonoma Counties.

The County of Lake also has an interest in matters relating to Potter Valley Project flows. Pacific Gas and Electric and its predecessors created Lake Pillsbury on the Eel River as part of its Potter Valley Project. Located on the Upper Lake Ranger District in Lake County, this lake has 31 miles of shoreline. Fishing, boating, sailing and waterskiing are popular activities. In light of recent developments and filings this year related to Pacific Gas & Electric's (PG&E) proposed decommissioning plan and transfer of its interests to Pacific Generation, the County of Lake has filed this motion to retain and ensure its party status for the aforementioned project nos. 33-320.

#### Comments of the County of Lake

PG&E's proposed temporary variance on the basis of seismic risk is an attempt to once again leverage a "simplified seismic stability analysis" to justify its goal of permanently lowering of the gates. PG&E seeks to determine the future of the Lake Pillsbury Community, the economic factors which influence the County of Lake's recovery after a prolonged and destructive pandemic, what is allowed to exist in the County's ecosystem, and the very access to an available water source in a county plagued for years by drought and wildfires.

Water resources in the County of Lake have been critical for agriculture, environmental

resources, and communities. Even with recent rainfall, ensuring a stable and viable water system is still crucial. Lake Pillsbury provides an important source of water to many surrounding communities, whose water supply would be severely compromised by this interim measure.

Lake County residents have repeatedly faced the horrors of wildfires and the County has lost 60% of its land mass due to wildfire. Yet, PG&E proposes to significantly reduce the one resource that can extinguish these horrors, all while waiting for the completion of long-term measures which may never arrive. There are no comparable alternate sources for additional water, and it is undisputed that indefinitely leaving the spillway gates open would significantly reduce the storage capacity of Lake Pillsbury. The proposed measure would result in the substantial depletion of a large reservoir of water in an area heading towards a high fire fuel growth season for this year and beyond. The wildfire risks of this measure should not be imposed upon the County of Lake for a proposal that will likely have long-term drought effects. With prior extensions habitually requested by PG&E, each year that passes increases the risk of severe drought to Lake County residents with insufficient water levels used to fight wildfires.

PG&E's repeated variance requests contributes to its plan to decommission the dam without addressing the water supply needs of Lake County residents. The County of Lake has remained steadfast in opposing decommissioning and removal of Scott Dam. Even after filing its initial draft surrender application and decommissioning plan, PG&E has not demonstrated the proposed dam removal can be done while addressing the significant environmental and safety concerns previously raised by County of Lake representatives in comments filed with this Commission, and in meetings with various stakeholders in this proceeding.

Upon receiving PG&E's initial draft surrender application decommissioning plan on or about November 23, 2023, the County of Lake submitted its written comments to PG&E outlining the concerns over the lack of detail and specificity on the proposed draft. The County of Lake has

reached out to PG&E representatives to further discuss this draft, and PG&E expressly rejected responding to the specific concerns raised in the County of Lake's comments. Moreover, the County of Lake has learned through news reports and other agencies that PG&E, just weeks after closing comments on the initial draft surrender plan, had already indicated that it no longer intended to honor core aspects of the plan such as the diversion. This demonstrates that even the sparse details disclosed in the plan cannot be effectively relied upon as meaningful public process.

Pursuant to the FERC's July 29, 2022 approval of PG&E's Plan and Schedule for its surrender application and decommissioning plan, PG&E has until May of 2024 to "[p]rovide final draft surrender application and decommissioning plan to agencies and stakeholders for a 30-day review and comment period." To date, PG&E has not addressed the comments submitted by the County of Lake, and it appears unwilling to do so absent some direction from FERC.

The County of Lake once again appreciates very much the consideration of your Commission. We ask the FERC to introduce a larger perspective in reviewing PG&E's plans as it seeks to achieve its goals at the expense of the County of Lake, its communities, its ecosystem, and its safety from wildfires. To legitimize this proposal will allow PG&E to dictate critical aspects of Lake County's future with no accountability afterward.

#### Contact Information

The County of Lake requests that all communications and service in this matter be directed as follows:

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#### Conclusion

For the reasons set forth above, the County of Lake requests that the Commission grant its motion to intervene and take into consideration the County of Lake's comments to PG&E's variance request and overall decommissioning plan submitted by PG&E.

Dated: April 1, 2024

Respectfully submitted,

/S/ Lloyd C. Guintivano  
Lloyd C. Guintivano  
County Counsel County of Lake

CERTIFICATE OF SERVICE

I hereby certify that the Motion to Intervene and Comments of the County of Lake has been served upon each person designated on the attached official P-77-000 service list compiled by the Commission in this proceeding via electronic mail or first-class mail.

Dated this 2nd day of April, 2024

/S/ Lloyd C. Guintivano

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