

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

---

In the matter of

THE POTTER VALLEY  
HYDROELECTRIC PROJECT

PACIFIC GAS AND ELECTRIC  
COMPANY

Project Number 77-332

COUNTY OF HUMBOLDT'S  
MOTION TO INTERVENE AND  
SUBMITTAL OF COMMENTS ON  
FILING

Pursuant to 18 C.F.R. 385.214, the County of Humboldt, a political subdivision of the State of California, hereby moves the Federal Energy Regulatory Commission (FERC) to intervene in the proceeding involving Pacific Gas and Electric Company's (PG&E's) Final Surrender Application and Final Non-Project Use of Project Lands Application for the Potter Valley Hydroelectric Project, FERC No. P-77 (Project), submitted on July 25, 2025. The County of Humboldt also submits the comments provided herein regarding PG&E's submittal.

Service of process and other communications concerning this proceeding should be made to:

Hank Seemann, Public Works Deputy-Director  
County of Humboldt  
1106 Second Street  
Eureka, California 95501  
email: [hseemann@co.humboldt.ca.us](mailto:hseemann@co.humboldt.ca.us)  
Telephone: (707) 445-7741

Destinee Valeska, Deputy County Counsel  
County of Humboldt  
825 Fifth Street, Rm 110  
Eureka, California 95501  
email: [dvalueska@co.humboldt.ca.us](mailto:dvalueska@co.humboldt.ca.us)  
Telephone: (707) 445-7236

Joel Campbell-Blair, Deputy County Counsel  
County of Humboldt  
825 Fifth Street, Rm 110  
Eureka, California 95501  
email: [jcampbell-blair@co.humboldt.ca.us](mailto:jcampbell-blair@co.humboldt.ca.us)  
Telephone: (707) 445-7236

## I. DESCRIPTION OF INTERVENOR

The County of Humboldt (Humboldt County, or County) is a political subdivision of the State of California with a population of approximately 135,000 residents. The Eel River is a major river on the North Coast of California with a biologically rich watershed spanning multiple counties. Humboldt County contains approximately 81 river miles of the Eel River, including its estuary, and the Eel River watershed comprises approximately 33% of Humboldt County. The portion of the Eel River that flows through Humboldt County is situated downstream from the Project's facilities which include Scott Dam and Cape Horn Dam. Within Humboldt County, the Eel River passes through or adjacent to several communities including Holmes, Shively, Scotia, Rio Dell, Fortuna, and Ferndale and the ancestral lands of the Wiyot Tribe, Bear River Band of Rancheria, and Wailaki people. Humboldt County is the local public agency with land use authority over the unincorporated portions of the county and serves as the Groundwater Sustainability Agency for the Eel River Valley Groundwater Basin.

The Eel River is highly valued for providing fish and wildlife habitat, water supply, recreation, scenic beauty, and other ecosystem services. Anadromous fish species native to the Eel River such as salmon, steelhead, and lamprey pass through Humboldt County between their freshwater and ocean life stages. Commercial, recreational, and tribal fisheries are a vital part of Humboldt County's economy, food supply, and core community values. Humboldt County's coastline spans approximately 100 miles and the City of Eureka and Port of Humboldt serve as an economic focal point with infrastructure for commercial and recreational fisheries, including ocean harvest of Pacific salmon stocks.

The Eel River provides the municipal water supply for the Scotia Community Services District and the City of Rio Dell, and replenishes the alluvial aquifer of the Eel River Valley Groundwater Basin. Sediment deposition from the Eel River affects agricultural farmlands in the floodplain, gravel bars, water intake facilities, and navigability within the lower Eel River and Humboldt Bay entrance channel. Recreational uses within the Eel River include fishing, rafting, paddling, swimming, and enjoyment of nature.

## II. GROUNDS FOR INTERVENTION

18 CFR §385.214(b)(2)(iii) provides that a movant may intervene if “the movant’s participation is in the public interest.” Humboldt County moves to participate in this proceeding because the County has a duty, as a political subdivision of the State of California, to protect resources within County boundaries and to safeguard the interests of its constituents. This interest gives the County a direct stake in the outcome of this proceeding and makes its participation essential to serving the broader public interest.

Humboldt County’s interests have been materially affected since the Project was constructed between 1905 and 1922 which resulted in inter-basin water transfers from the Eel River to the Russian River, blockage of fish passage above Scott Dam, disruption of natural riverine processes, alteration of the natural flow regime, and creation of a source for invasive species (e.g., Sacramento pikeminnow). In 1972, FERC granted Humboldt County’s intervention after PG&E submitted its re-licensing application and again in 1982 after PG&E submitted an amended application. Humboldt County’s interests include fisheries, water supply, water quality, agriculture, recreation, tribal cultural resources, and ecosystem health. In addition, almost all the residents of Humboldt County are PG&E ratepayers and/or customers.

For the foregoing reasons, Humboldt County respectfully requests that the Commission grant its motion to intervene in the above-referenced proceeding.

## III. COMMENT ON FILING

### Summary

According to FERC’s decommissioning policy, “interested parties should generally be able to negotiate the proper approach to decommissioning,” and the Commission encourages a “mutually acceptable resolution.”<sup>1</sup> In that spirit, Humboldt County has worked for nearly a decade with regional partners—including Round Valley Indian Tribes (RVIT), Sonoma County, Mendocino County Inland Water and Power Commission, Sonoma Water, California Trout, and Trout Unlimited—to build a collaborative framework to address the PVP’s water-supply and environmental challenges and to foster long-term cooperation between the Eel and Russian River Basins.

PG&E proposes the Commission authorize a non-project use whereby the Eel Russian Project Authority (ERPA) will construct a New Eel Russian Facility (NERF) on project lands to continue diversion into the Russian River Basin. This

---

<sup>1</sup> Federal Energy Regulatory Commission. Project Decommissioning at Relicensing; Policy Statement. Docket No. RM93-23-000. 60 Fed. Reg. 339 (1995)].

non-project use will be undertaken consistent with an agreement signed by RVIT, California Department of Fish and Wildlife, ERPA, Humboldt County, Sonoma County, Mendocino County Inland Water and Power Commission, Sonoma County Water Agency, California Trout, and Trout Unlimited. The agreement, which is outside the request for Non-Project Use of Project Lands, establishes terms for the construction (and post-surrender operation) of NERF to implement co-equal goals for the Eel and Russian River Basins. These goals are:

- (1) Improving fish migration, habitat, and water quality within the Eel River with the objective of achieving naturally reproducing, self-sustaining, and harvestable native anadromous fish populations; and
- (2) Maintaining material and continued water diversion from the Eel River through the existing Van Arsdale Diversion tunnel to the Russian River to support water supply reliability, fisheries, and water quality in the Russian River Basin.

Accordingly, Humboldt County supports PG&E's Surrender Application and Decommissioning Plan as described in Volume II, Section 2.0, and the Application for Non-Project Use of Project Lands for ERPA to construct NERF as described in Volume II, Section 3.0.

### **Background**

On January 25, 2019, PG&E announced that it did not intend to apply for re-licensing the Project and withdrew its Notice of Intent and Pre-Application Document to relicense the Project. In choosing not to apply for re-licensing, PG&E made a business decision that continued operation was not in the interests of PG&E's ratepayers and investors.

On March 1, 2019, FERC issued a notice soliciting interest from other parties to submit a license application for the project. Interested parties had nearly three years to develop a plan for taking over the project, as FERC established a deadline of April 14, 2022, to file a license application. On May 11, 2022, FERC issued a letter stating that no timely and sufficient application had been received by the deadline and directing PG&E to provide a plan and schedule to file a license surrender application. On July 8, 2022, PG&E submitted its plan and schedule for the surrender application which was approved by FERC on July 29, 2022. PG&E's decision to decommission the Project is irreversible because, under the Federal Power Act, FERC cannot force PG&E to seek a new license and continue operating the Project.

For the last several years, Humboldt County has been actively involved with other public agencies, tribes, and organizations in the Russian River and Eel River Basins to build a regional partnership for joint problem solving and creating

solutions to the water supply challenges and environmental and community impacts associated with the Project. Together we're working to substantially improve conditions for fisheries within the Eel River Basin, to support the transition from the Potter Valley Hydroelectric Project (operated by PG&E under FERC jurisdiction) to the NERF (operated by ERPA outside FERC's jurisdiction), and to develop new water storage projects for communities like Potter Valley which have been historically dependent on PG&E's water diversions from the Project.

The application for Non-Project Use of Project Lands is limited to a request for FERC to authorize actions within the boundary of FERC's jurisdiction in accordance with the Federal Power Act. ERPA will acquire all necessary permits for construction and operation of the NERF separate and independent from FERC's License Surrender Order (Volume 1B, Page 2-1, Note 4). Construction of NERF will allow for continued water diversion from the Eel River through the existing Van Arsdale diversion tunnel to the Russian River based on a diversion scheduled established and agreed upon separate and independent from the FERC proceeding.

### **Humboldt County's Specific Comments**

Comment No. 1: Decommissioning of the Project and authorization of Non-Project Use of Project Lands for the NERF are both in the public interest.

The proposed decommissioning and non-project use of project lands will serve the public interest in several significant ways:

- Restoration of natural processes – Re-establishment of habitat connectivity and functional stream flows in the Eel River will contribute significantly toward restoration of physical, chemical, and biological processes and interactions that are essential to a functioning aquatic system.
- Increase in fish populations – Restoring access to headwaters habitat, restoring the key elements of the natural flow regime, and improving water quality conditions will benefit native fish populations.
- Economic and social benefits from an increase in commercial, recreational, and tribal fisheries. Humboldt County's economy is linked to the Eel River through fishing, recreation, and tourism. Residents, businesses, and coastal fishing communities will benefit from improved commercial and sport fishing opportunities.
- Social and cultural benefits from a healthier river. Humboldt County's residents have deep connections to the Eel River for fishing, boating, swimming, and many forms of appreciating nature. A healthier Eel River

will generate many unquantifiable social and cultural benefits for the people of Humboldt County.

- Equity and fairness. The Project has redistributed the natural wealth of the Eel River to the detriment of downstream communities in Humboldt County. The residents of Humboldt County have endured the environmental, economic, and social impacts of the Project for over 100 years. The benefits of impounding water behind Scott Dam and diverting large volumes of water to the Russian River year-round came at the expense of substantial downstream impacts to the Eel River, its fisheries, and the residents and communities within Humboldt County. Decommissioning of the Project will be a significant step toward recovering from decades of inequity.
- Regional collaboration. The proposed Non-Project Use of Project Lands is associated with strong regional collaboration to support construction of NERF for run-of-the-river operations and allow continued water diversions to support Russian River communities with appropriate protections and benefits for the Eel River and its fisheries.

Comment No. 2: Decommissioning must be carefully planned and implemented to protect water supply and other downstream beneficial uses in the Eel River.

PG&E will develop a set of management plans as listed in Volume II, Table 2-12 with a targeted completion date before July 2027. Appropriate analysis, monitoring, protective measures, and (if warranted) response measures will be needed to ensure that the drinking water supplies of the Scotia Community Services District and City of Rio Dell are protected during and after decommissioning activities. In addition, decommissioning activities will need to avoid significant adverse effects on aquifer replenishment, agricultural farmland productivity, commercial gravel mining, waterway navigability, and water-based recreation.

Dated: December 1, 2025

Respectfully submitted,



---

Hank Seemann  
Public Works Deputy-Director  
County of Humboldt