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October 20, 2025

Opposition to the Proposed Resolution Regarding the Future of the Potter Valley Project and the Loss of Water Supply Reliability

**Mendocino County Board of Supervisors
Agenda for Oct. 21, 2025 (Item 4b)**

To the Mendocino County Supervisors:

PCFFA is the west coast's largest trade organization of commercial fishing families, many of whom reside in or typically harvest ocean fish to make their livelihoods in and around the coastal ports of Mendocino County, particularly in Northern California ocean salmon fisheries. PCFFA's sister organization, Institute for Fisheries Resources (IFR) has been working with PCFFA for more than 30 years on restoring the damaged salmon-bearing rivers of Northern California, particularly the Eel River.

Our ocean commercial fishing industry **must oppose** this proposed Resolution for several reasons, as set forth below. While its authors are well-meaning (i.e., it's an effort to minimize adverse impacts likely from the planned removal of the now obsolete Potter Valley Project dams), this effort is unfortunately misguided in a number of ways as set forth below:

- 1. The Resolution does not recognize nor acknowledge the enormous economic harms done to Mendocino County and its once-abundant coastal salmon fisheries by the Potter Valley Project dams over the past 100 years.**

Before the Potter Valley Dams were built, a large number of commercial fishing boats would normally have traveled out of the booming ports of Fort Bragg, Eureka, Crescent City, and Trinidad to fish for salmon off Northern California, especially including Eel River salmon. Before these dams were built, the Chinook salmon runs of the Eel River were also the fourth largest runs in the continental U.S., and could number up to 800,000 returning Chinook adults, around 100,000 Coho salmon and 150,000 steelhead (a fish important for local recreational fisheries economies),

supporting major local fisheries and well over 1,500 coastal fishing jobs, many of them in Mendocino County.

However, these dams as designed and built many decades ago physically block an estimated 288 stream-miles of prime salmonid spawning and rearing habitat, and diverted at least 155,000 acre-feet/year of water from the Eel River that salmon needed to survive.¹ Today, after 100 years of destructive Potter Valley Project dam operations and water diversions, the total number of adult Chinook salmon annually still found in the mainstem river has drastically collapsed to in 2024/25 to about a mere 9,500.² **This represents more than a 98% decline of these once-abundant Eel River Chinook salmon runs. This is why this once-abundant Eel River Chinook stock is now ESA-listed.**

Our ocean fisheries—hook and line only—are also very conservatively managed, restricted and sometimes closed down entirely in order to protect the weakest intermingling salmon stocks. In northern California this “weakest stock” is usually the ESA-listed Chinook run from the Eel River.

What these “weak stock management” protective restriction requirements mean is that even when there are other abundant salmon stocks all intermingling in the ocean, commercial fishing boats cannot catch them because of the possibility of accidentally catching some of these “weakest” (and now ESA-listed) Eel River salmon. The only way our industry and the coastal salmon-dependent communities it supports can likely access these other abundant but intermingling stocks in the ocean in future years is if the Eel River’s protected stocks are on the road to recovery. But recovery of these valuable Eel River salmonids cannot occur with the Potter Valley Dams, and the water diversions they require, still in place.

PCFFA and its coastal salmon-fishing families opposed FERC’s license renewal nearly 50 years ago because of its devastating impacts on a once-abundant Eel River salmon fishery. We strongly oppose any efforts to retain these destructive dams today.

Today it is now clearer than ever that both dams’ removal is necessary for recovery of the Eel River’s now ESA-listed (i.e., threatened with extinction) salmonids. Both the Scott Dam and Cape Horn Dam are clearly at the end of their engineered lifespan. Scott Dam lacks any provision for fish passage and is now partially shut down because PG&E has recognized the ongoing risk of serious seismic failure hazards. *Retaining the Scott Dam only increases the chances of catastrophic dam failure in the next inevitable earthquake, a failure which would risk lives and property far down the river.*

The Cape Horn Dam fish ladder, installed much more recently, is the longest and tallest fish ladder in the state, is poorly designed, frequently fails, routinely harms fish and prevents the recovery of salmon and steelhead listed under the federal Endangered Species Act (ESA). Both

¹ The original PG&E water right for hydropower was up to 340,000 acre-feet/year. Since 2007 however, when ESA-mandated minimum flows were first required to prevent extinction of ESA-listed fish in that system, the diversions have become gradually reduced to no more like 40,000 acre-feet/year in recent years.

² For historical population estimates, see Ronald M. Yoshiyama & Peter Moyle, *Historical Review of Eel River Anadromous Salmonids, With Emphasis on Chinook Salmon, Coho Salmon and Steelhead*, UC Davis Center for Watershed Sciences Working Paper (Feb. 1, 2010).

FERC and PG&E are named in federal lawsuits under the ESA for allowing the dams' continued harm to ESA-protected fish. The primary reason for any remaining disputes over the removal of the dams is continuing efforts by certain water users to retain the dams so as to continue to confiscate Eel River water at the expense of Eel River fisheries.

The water diverters who enjoy the use of Eel River water have never paid for that water, but it was never without an economic cost. Instead, the Eel River fish and those who rely on them have paid – and continue to pay – a very steep price, including at least \$80 million/year in lost coastal fisheries economics benefits and the loss of the equivalent of some 1,521 family-wage jobs.³

Current water users of Eel River water under the PG&E water right simply need to think creatively about meeting their water needs within the rainfall they have. An artificially engineered diversion from an entirely different river system is surely not the only method to ensure that farmers and fish both have a reliable water supply. Other far cheaper solutions exist in water conservation, aquifer storage, local storage, curtailing illegal diversions, or expanding the capacity of Lake Mendocino by raising Coyote Dam. **But those would be entirely separate projects and cannot legally be intertwined with the current expired FERC license for an entirely different facility operated for entirely different purposes.** But this proposed Resolution attempts to do just that – to entangle multiple other unspecified and hypothetical water storage projects with uncertain outcomes, no clear plans and no clear timeline with this now expired FERC license. This will only create years of confusion and delay.

Far from assuring “water supply security” to Mendocino County, what the Potter Valley Project did over the last 100 years was to strip a great deal of water out of Mendocino County’s once-nearly pristine Eel River and ship that water out-of-basin to the Russian River, to the great detriment of Mendocino County’s own economy. Removing the now obsolete and dysfunctional Potter Valley Project dams and returning most of that confiscated water back to its Eel River origins would simply help rectify that historic economic injustice!

Our primary goal, however, is to restore the once-abundant Eel River Chinook salmon fisheries for the benefit of our communities and the economic support of future generations of coastal towns where fishing has always been the backbone of their economies. To accomplish that goal requires the full removal of the Potter Valley Project dams as well as guaranteeing the future water needs of Eel River fish.

³ See for instance *A River in the Balance: The Benefits and Costs of Restoring Natural Water Flows to the Eel River*, Center for Environmental Economic Development (CEED), Summer 2002, citations on page 12 under “Market Value of the Entire Eel River Fishery,” which was \$50 million in 2002 dollars. In 2023 dollars, estimated Eel River salmon-related fisheries economic losses are now about \$80 million/year, and the median household income in Humboldt County as of 2023 is \$52,594 as a definition of a “family-wage job.” Dividing that figure into \$80 million in losses = the equivalent of 1,521 lost full-time family wage jobs.

2. The Proposed Resolution also does not acknowledge the major economic benefits that Potter Valley Dam removal will also generate.

In addition to restoring valuable salmon fisheries and fisheries-related jobs to Mendocino County, the removal of the Potter Valley Project would also create numerous other economic opportunities from a restored Eel River. Any accurate costs vs. benefits analysis must include the multiple and broader socio-economic benefits of dam removal and not just focus on the costs of that change to a limited group of stakeholders.⁴ The proposed Resolution artificially biases its required studies only to the costs of change to a selected group of stakeholders, and ignores the broader social and economic benefits of that change.

3. The Proposed Resolution asks FERC to do the impossible, i.e., predetermine the fate of certain water rights associated with the FERC-licensed Potter Valley Project facility. But FERC has no jurisdiction over water rights.

The legal basis of this proposed Resolution is also flawed. Its proponents ask that the County urge FERC to determine the fate of abandoned PG&E water rights that are well beyond the legal power or authority of FERC to decide. The States have the sole right to deal with State-issued water rights, not FERC. Those decisions will ultimately have to be made by the State Water Quality Control Board, not by any federal agency. Aiming this request at FERC is both pointless and futile.

4. FERC will thoroughly analyze the impacts, and ultimately prescribe certain mitigation measures, regarding dam removals under NEPA, a process in which all stakeholders can participate.

Again, while we understand and sympathize with the need of those who may be affected by Potter Valley Project dam removal to have some assurances that those impacts may be minimized or mitigated, FERC must identify and consider all these impacts (positive and negative) in its still upcoming NEPA analysis, which is also a robust public process in which all concerned stakeholders are invited to participate. It is that FERC forum, and not this County forum, in which those mitigation measures should be offered for detailed discussion.

Likewise, any new proposed storage facilities are separate new projects, and those proposals should be submitted to the appropriate State agencies separately, after many more of the details of those hypothetical projects have been fleshed out. This County process is not the appropriate forum to decide the merits of so far purely hypothetical new “water storage solutions.”

In Summary: This Proposed Resolution is not appropriate in this purely County forum or at this time. The Proponents should instead present much more detailed proposals to address their

⁴ See for instance Economic Benefits to Mendocino and Lake Counties from Removing the Dams on the Eel River, a report prepared by the Center for Environmental Economic Development (CEED), prepared by Daniel M. Ihara, Ph.D and Matthew Marshall (Fall 2024), available at: <https://eelriver.org/wp-content/uploads/2024/03/Economic-Benefits-to-Mendocino-Lake-Counties.pdf>.

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concerns in the upcoming FERC NEPA process and/or suggest appropriate mitigation measures in other more appropriate forums.

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Sincerely,

A handwritten signature in dark ink, appearing to read 'GHS', with a stylized flourish extending to the right.

Glen H. Spain, Esq.
General Legal Counsel
PCFFA and IFR

PCFFA-IFR opposition to resolution (10-20-25)