

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

In the Matter of)	February 7, 2018
)	
State of California)	
Department of Water Resources)	Project No. 2100
)	
“Oroville Facilities”)	

**COMMENTS OF
FRIENDS OF THE RIVER, SIERRA CLUB
SOUTH YUBA RIVER CITIZENS LEAGUE,
CALIFORNIA SPORTFISHING PROTECTION ALLIANCE,
AND AMERICAN WHITEWATER**

SUMMARY OF COMMENTS

On January 16, 2018, we filed comments with the Commission about information revealed in legislative informational hearing by representatives of the California Department of Water Resources (DWR) that DWR believed there was risk of losing all power supply to the spillway radial gate hoists on Oroville Dam’s main spillway during the February 2017 Oroville Dam spillway incident.¹

This statement of DWR’s representatives is at odds with the description of standby power for the radial gates in DWR’s Bulletin 200. We asked the Commission to require DWR to describe the basis for their testimony and whether standby power such as described in Bulletin 200 has been supplied, and to require standby power if it has not.

Neither the Commission nor DWR responded to our filing. However, DWR has responded to press inquiries and has reversed the statements provided at the hearing.

LICENSING BACKGROUND

Friends of the River (FOR), Sierra Club, and the South Yuba River Citizens League (SYRCL) are parties to the Oroville Dam relicensing proceeding.² In their intervention, FOR, Sierra Club, and SYRCL requested that the Commission address in relicensing or other

¹ eLibrary # 20180117-5012

² Motion to Intervene of Friends of the River, Sierra Club, South Yuba River Citizen’s League , Project No. 2100-052 (filed Oct. 17, 2005), eLibrary no. 20051017- 5033 (FOR *et al.* Intervention).

expeditious proceeding the physical deficiencies at the Oroville Facilities, and in particular deficiencies in the infrastructure needed to conduct (when necessary) floodwater-management surcharge operations over the dam's emergency/auxiliary spillway. The California Sportfishing Protection Alliance (CSPA) is also an intervenor. CSPA's intervention supported FOR's arguments in relation to flood-related facilities modifications.³ American Whitewater (AW) intervened as well, citing the FOR *et al.* intervention. In its intervention, AW recommended that the licensee respond to concerns relating to the ungated spillway at Oroville Dam and that the Commission analyze these concerns.⁴

The FOR *et al.* intervention described the damage that could result if the spillway hillside was used for a spillway discharge, including problems to transmission towers, power lines, and backwater conditions that would prevent operation of the Hyatt Powerhouse.

Based on geologic opinions from DWR, FERC's Division of Dam Safety and Inspections did not accept the concerns of FOR *et al.* as factual.⁵ FERC's Office of Energy Projects (OEP) issued a Final EIS for the relicensing of the Oroville Facilities on May 27, 2007⁶ that rejected the relevance of the matter in a licensing proceeding⁷ and that apparently rejected the factual basis of these concerns.

In February 2017, both Oroville Dam complex spillways experienced significant damage, causing a major dam-safety incident that resulted in the evacuation of 188,000 residents in the Feather River Basin. Contrary to FERC's Division of Safety of Dam and Inspections and DWR's 2005–06 representations, major hillside erosion occurred.⁸ The incident gained worldwide attention.

³ Comments and Motion to Intervene, Draft Environmental Impact for the Oroville Facilities (filed December 19, 2006), eLibrary no. 20061219-5001, p. 3. (CSPA Intervention)

⁴ Motion to Intervene of American Rivers, American Whitewater and Chico Paddleheads (filed March 31, 2017), eLibrary no. 20060331-5090, p. 5 (AW Intervention).

⁵ Memo from John Onderdonk, Senior Civil Engineer, San Francisco Regional Office, Division of Dam Safety and Inspections Emergency Spillway Safety Questions related to Intervention Motion, Proj. No. 2100, Letter to John Mudre, FERC Division of Hydropower Licensing, July 27, 2006. (Onderdonk Memo), eLibrary no. 20060801-0158. *Independent Forensics Team Report, Oroville Dam Spillway Incident*, January 5, 2018, Appendix C, Sections 3.13 & 3.14, pp. C-28–32. On January 26, 2018, the Commission issued a letter to many of its licensees with a link to the Report on the Commission's website, eLibrary no. 20180126-4002.

<https://www.ferc.gov/industries/hydropower/safety/projects/oroville.asp>

⁶ Federal Energy Regulatory Commission *Final Environmental Impact Statement for the Oroville Facilities Project* Docket No. P-2100-052, May 18, 2007, eLibrary no. 20070518-4001. (FERC Oroville Facilities FEIS)

⁷ *Id.* p. C-10, eLibrary no. 20070518-4001.

⁸ Appendix C of the *Independent Forensics Team Report, Oroville Dam Spillway Incident*, provides a detailed discussion on the history of the erroneous erosion-resistant hillside belief. Section 4.0, pp. C-38–40, the summary, provides a concise description of this appendix.

In a letter to the Commission on April 19, 2017, FOR *et al.*, CSPA, and AW asked the Commission to clarify what decisions of concern to relicensing participants the Commission would make in the apparent Dam Safety reconstruction process and what decisions the Commission would make in the licensing process. This April 19, 2017 letter also asked the Commission to devise a transparent and expeditious process to make these decisions with involvement by an informed public.⁹

The Commission has not clarified these issues. The Commission has not issued a new Project license.

JANUARY 16, 2018, COMMENT LETTER

In our January 16, 2018, comment letter we noted that DWR Bulletin 200 states that standby power to the radial gates is part of the as-constructed Oroville Dam project.¹⁰

We reported to the Commission that DWR Deputy Directors Joel Ledesma and Cindy Messer told a recent California State Assembly joint informational hearing that loss of the normal transmission line/powerhouse power would have prevented DWR from operating the radial spillway gates for “a few days.”¹¹

We found it difficult to reconcile Bulletin 200 and the testimony provided by DWR to the legislature and asked the Commission to request clarification from DWR and to require standby power if such project works are not in existence. We also conceded that DWR’s testimony could have been in error.

We noted that the Independent Forensic Team Report¹² did not discuss the lack of an independent means to provide standby power to the Oroville Dam Flood Control Outlet radial gates.

⁹ FOR, Sierra Club, SYRCL, CSPA, and American Whitewater Request for Clarification and Public Process, Project 2100, April 19, 2017, eLibrary no. 20170419-5231 (FOR *et al.* Request for Clarification)

¹⁰ *California State Water Project, Volume III Storage Facilities, Bulletin 200*, November 1974. State of California, the Resources Agency, Department of Water Resources, p. 100.
<https://www.documentcloud.org/documents/3532240-DWR-Bulletin-200-State-Water-Project.html>.

¹¹ DWR Deputy Directors Joel Ledesma, Cindy Messer at the California State Assembly joint informational hearing, Oroville Dam and Dam Safety Efforts, a hearing of the California Assembly’s Accountability and Oversight and Water Parks and Wildlife Committees, January 10, 2018, time 36.50–37.20 & 41.20–41.48. <http://assembly.ca.gov/media/joint-hearing-accountability-administrative-review-water-parks-wildlife-20180110/video>.

¹² Independent Forensics Team Report, January 2018. To the extent that the fear of complete loss of power to the radial affected DWR’s assessment of the balances and risks that resulted in the use of the emergency/auxiliary spillway, the availability or non-availability of standby power should have been covered in the IFT Report. See section 2.1 p. 3.

We did note that from press accounts we know that PG&E has relocated power lines to make them less vulnerable to hillside erosion from Oroville Dam’s main or emergency spillways.¹³ We also noted that from a recent FERC proceeding (Project # 2100-108) we were aware of the relocation of DWR’s transmission lines away from these Oroville Dam spillways.¹⁴

The description of these physical systems at even a general level does not appear to be available to the public from either DWR or the Commission because of their Critical Energy Information Infrastructure status—although as-built information has commonly been available for decades as in DWR Bulletin 200. We raised the apparent standby power issue in part because Oroville Dam’s radial gates hoist mechanism may remain at risk of losing its normal power supply if the powerhouse is shut down. Even with planned work, such a shutdown remains a real possibility if significant spillway outflows reach a hillside that has shown significant erosion potential (planned work still leaves emergency spillway flows to be discharged over an unlined hillside).

DWR PRESS CLARIFICATIONS

Neither the Commission nor DWR responded to our comment letter with any information that we sought in our filing. However, in response to a press inquiry from a reporter from the Chico Press-Enterprise, DWR reversed its hearing testimony and assured the reporter the following:

“The Oroville Complex has redundant power sources including backup generators to ensure operation and control of critical equipment at the facility including the spillway gates,” Mellon wrote. “Those redundant systems existed before the emergency. Additional generators were brought in during the emergency to provide a back up to the existing emergency generators.”

This was a helpful clarification. However, as we noted before, we are unaware of DWR providing its response provided to the press to the e-service list generated by our previous filing. This present filing is, in part, to accomplish that goal.

Perhaps the press statement meant that DWR does not consider this kind of general information to be behind the cloak of CEII. That, too, would be a welcome development.

Department/Resources Agency spokesperson Erin Mellon also attempted to provide further and obvious context about the importance of the powerhouse and associated transmission lines to operations during and after the incident:

“Even though we had many redundant systems to ensure we could continue operating the gates, it was important to prioritize the power lines because without them, DWR would have had to depend on backup systems for weeks or months to

¹³ “PG&E to fly poles as it re-routes power lines near Oroville Dam Spillway,” Gridley Herald, May 26, 2017, <http://www.gridleyherald.com/article/20170426/NEWS/170429740>.

¹⁴ High Voltage Transmission Line Relocation, DWR letter to FERC, May 17, 2017, p. 1. eLibrary no. 20170517-5093.

control the spillway gates,” Mellon wrote. “These same power lines are also the primary power source to operate releases from Hyatt Powerplant. With a broken main spillway, Hyatt became even more important as the primary way to safely manage lake levels since the emergency.”

We presume that Ms. Mellon meant to write that without transmission lines to serve load the Hyatt Powerplant could not operate. It is certainly undisputed that powerhouse releases are the principal way that Oroville Reservoir levels are managed during more typical operations (when large releases are not required or water levels are below the radial gates). We presume, however, that powerlines are not “the primary power source to operate releases from Hyatt Powerplant” unless she is referring to blackstart procedures for a powerhouse not generating electricity that may need external or internal standby power to *begin* operations. It may be appropriate for the Department and the Commission to clear up any confusion regarding this statement and satisfy itself and parties that this aspect of operational readiness is present.

As we have noted earlier, attention to the adequacy of project works is a legitimate purpose for the work of the Commission’s Division of Dam Safety and Inspections as well as the Office of Energy Project’s licensing activities. We continue to hope that deliberations with the Commission and DWR could result in Commission-related public proceedings to deal with these issues.

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Attachments:

“DWR could have lost control of Oroville spillway gates during crisis,” Enterprise Record, January 23, 2018

“DWR says there was redundant power for spillway gates,” Enterprise Record, January 25, 2018,

CERTIFICATE OF SERVICE

I hereby certify that I have e-filed this document in the Commission's e-library for Project 2100, and have this day served this document on each person designated on the official service list compiled by the Secretary in this proceeding, via e-mail or surface mail as directed on the service list.

Dated this 7th day, February 2018

/s/

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