

**INFORMATIONAL DOCUMENT FILING AND COMMENTS OF  
CALIFORNIA SPORTFISHING PROTECTION ALLIANCE,  
AMERICAN WHITEWATER,  
AND FRIENDS OF THE RIVER  
ON SCOPING DOCUMENT 2 FOR THE RELICENSING OF THE  
POTTER VALLEY PROJECT, P-77**

November 10, 2017

Ms. Kimberley Bose, Secretary  
Federal Energy Regulatory Commission  
via electronic filing

Dear Ms. Bose:

The California Sportfishing Protection Alliance, American Whitewater and Friends of the River respectfully submit these comments on Scoping Document 2 for the relicensing of the Potter Valley Project, FERC no. 77. In addition, we are simultaneously filing in this docket as a separate pdf file a supporting document entitled *The Oroville Dam 2017 Spillway Incident and Lessons from the Feather River Basin* (“Oroville Report”). California Sportfishing Protection Alliance (CSPA), American Whitewater (AW) and Friends of the River (FOR) produced the Oroville Report, along with colleagues from the South Yuba River Citizens League. The Oroville Report bears on issues that CSPA, AW, and FOR raise in these comments. These issues concern in particular the role in FERC’s relicensing of hydropower projects of the evaluation of dam safety and infrastructure. On October 10, 2017, we filed the Oroville Report in the docket of the Oroville Facilities, FERC no. 2100.<sup>1</sup>

On June 1, 2017, Commission staff issued Scoping Document 1 for the relicensing of the Potter Valley Project.<sup>2</sup> The only discussion of dam safety and the adequacy of project facilities in Scoping Document 1 related to possible mitigations that might be developed in relicensing:

**3.3 DAM SAFETY**

It is important to note that dam safety constraints may exist and should be taken into consideration in the development of proposals and alternatives considered in the 20170601-4019 FERC PDF (Unofficial) 06/01/2017 pending proceeding. For example, proposed modifications to the dam structure, such as the addition of flashboards or fish passage facilities, could impact the integrity of the dam structure. As the proposal and alternatives are developed, the applicants must evaluate the effects and ensure that the project would meet the Commission’s dam safety criteria found in Part 12 of the Commission’s regulations and the engineering guidelines (<http://www.ferc.gov/industries/hydropower/safety/guidelines/eng-guide.asp>).<sup>3</sup>

---

<sup>1</sup> See eLibrary no. 20171010-5246.

<sup>2</sup> See eLibrary no. 20170601-4012.

<sup>3</sup> *Id.*, p, 14-15.

In response to Scoping Document 1, CSPA, AW, and FOR, together with a number of other Conservation Groups,<sup>4</sup> commented on the need to include analysis of dam safety, infrastructure issues, and climate change in the Environmental Impact Statement that the Commission will prepare for the relicensing. We stated in relevant part:

[B]ecause of the significant structural, geotechnical, and seismic issues presented especially by Scott Dam and its setting, FERC must consider dam safety issues directly as a central issue in this relicensing process. ... FERC can and must consider dam safety as a distinct question in each dam relicensing process. It is not enough to suggest that routine safety inspections and reviews are adequate to assure dam safety when it is evident that such reviews and inspections have failed to reveal critical underlying weaknesses in design, engineering, and construction of significant structures.<sup>5</sup>

These comments on Scoping Document 1 also recommend: “FERC should re-designate relevant safety information currently hidden from public review as CEII.”<sup>6</sup>

Additionally, the comments describe numerous known or potential issues relating to dam safety and infrastructure adequacy at the Potter Valley Project.<sup>7</sup>

Commission staff issued Scoping Document 2 for the Potter Valley Project on September 18, 2017.<sup>8</sup> Scoping Document 2 responds to some of Conservation Groups’ comments on Scoping Document 1, as follows:

Comment: Conservation Groups state our EIS must include consideration of known and projected information regarding dam safety (including issues related to the current status of the dams, geology, and soils) and climate change.

Response: The dam safety program at the Potter Valley Project and other Commission projects is set forth in part 12 of the Commission’s regulations and is independent of the relicensing process. However, any information relating to dam safety concerns developed during this relicensing proceeding will be forwarded to our Division of Dam Safety and Inspections (D2SI) for their review. Because the dam safety program is ongoing throughout the license term, any changes in climate that could affect dam safety, such as changes in hydrology, would be addressed as they occur. Under part 12, the project is inspected annually by D2SI engineers. Further, part 12, subpart D requires a comprehensive analysis of the project, including the adequacy of the inflow design flood by independent consultants every five years.<sup>9</sup>

---

<sup>4</sup> The other Conservation Groups are California Trout, Friends of the Eel River, the Native Fish Society, and Trout Unlimited. Friends of the Eel River also provided extensive project-specific comments regarding infrastructure in oral scoping comments.

<sup>5</sup> *Conservation Groups’ Comments on Scoping Document 1 (SD1) and Pre-Application Document (PAD); Study Requests*, eLibrary no. 20170804-5042, p. 19.

<sup>6</sup> *Id.*, p. 26.

<sup>7</sup> *Id.*, pp. 28-31.

<sup>8</sup> See eLibrary no. 20170918-3011.

<sup>9</sup> *Id.*, p. 9.

As we have stated in our comments on Scoping Document 1, in our Oroville Report, and in our October 10, 2017 comment letter in the Oroville docket, we cannot accept the adequacy of the stock response in Scoping Document 2 that the Commission does not address dam safety and infrastructure adequacy in relicensing. The Part 12 process failed dramatically at Oroville, despite detailed warnings in relicensing of infrastructure inadequacy more than ten years prior to the 2017 Oroville Spillway events. The purpose of a relicensing should not only be to evaluate and make as needed operational changes or passage or recreational improvements. Relicensing must also ensure that project infrastructure supports the post-licensing mission of the project. The Commission needs to ensure that its licensing process, including studies where needed and appropriate public engagement, supports this overarching mission-driven purpose.

At the September 26, 2017 Potter Valley stakeholder meeting for the relicensing of the Potter Valley Project, licensee PG&E's staff lead told those in attendance that PG&E would evaluate convening a stakeholder workshop on the topic of Potter Valley Project infrastructure, once the immediate task of developing first year studies is concluded. We welcome this productive suggestion and offer our assistance and support as well as our commitment to participate. However, this does not resolve the broader issue.

At the same September 26, 2017 stakeholder meeting, the Commission's staff lead for the relicensing told the assembled people that any decision to include dam safety and infrastructure adequacy issues in the relicensing would be "above my pay grade." We understand that such inclusion would require a default change in FERC policy. It is for this reason that we respectfully request that the Commission consider changes to this policy forthwith, as we have suggested in our filings in the Oroville Facilities docket, in documents we have cited above, and in numerous other filings with the Commission. In order to be timely for the Potter Valley relicensing, such a course change in Commission policy would need to commence very soon.

We specifically request, as we requested in our October 10, 2017 comments in the Oroville Facilities docket, that the Commission develop new protocols by which it will allow a public evaluation of the fitness of project infrastructure to achieve the mission of every project as it undergoes relicensing. We recommend that the Commission conduct a workshop at its Washington D.C. offices to hear recommendations and discussion for the development and substance of such protocols. We stand ready to cooperate and inform any such workshop.

Respectfully submitted,

CALIFORNIA SPORTFISHING PROTECTION ALLIANCE

By \_\_\_\_\_/s/ \_\_\_\_\_

Chris Shutes

FERC Projects Director

California Sportfishing Protection Alliance

1608 Francisco St.

Berkeley, CA 94703

[blancapaloma@msn.com](mailto:blancapaloma@msn.com)

AMERICAN WHITEWATER

By \_\_\_\_\_/s/\_\_\_\_\_

Dave Steindorf

Special Projects Director

American Whitewater

4 Baroni Drive

Chico, CA 95928

[dave@americanwhitewater.org](mailto:dave@americanwhitewater.org)

FRIENDS OF THE RIVER

By \_\_\_\_\_/s/\_\_\_\_\_

Ronald M. Stork

Senior Policy Advocate

Friends of the River

1418 20th Street

Sacramento, CA 95811

[rstork@friendsoftheriver.org](mailto:rstork@friendsoftheriver.org)