



September 22nd 2021

We are sending you a copy of the evidence relating to the Dam that the Feather River Recovery Alliance (FRRA) submitted to FERC on September 10th, 2021, to Protest relicensing the Dam without a Supplementary Environmental Impact Statement (EIS).

The FRRA was founded in the aftermath of the 2017 Spillway Incident which exposed the fundamental weaknesses in the management and governance of the dam and, perhaps incidentally, of an aging structure built with inadequate funds.

The original financing of the Dam was predicated on supplying more water than has been available. This has resulted in minimizing maintenance, renegeing on the promises of support for recreation given to the community to gain support for the Dam Project, and operating the Dam to maximize water deliveries rather than to minimize risks. So, it is not surprising that after the Spillway incident over 6,000 residents signed the FRRA petition to 'Hold the DWR Accountable'.

The shortcomings in the way the Dam operates are known to people who have worked on it, many of whom live in Oroville although they are often muzzled by non-disclosure agreements. They are also known to many in the professional dam community, although the reach of the DWR is such that few are truly independent and willing to talk freely.

The evidence we are submitting to FERC deals with these shortcomings. The memorandum by Bill Connelly on Recreation deals with a history of broken promises. The extensive and detailed report by Patrick Porgans, which we have prefaced with a summary, is based on public documents, many from litigation. It exposes a sad story of mismanagement and deception over the past 40 years. The report by Dr. Rune Storesund, which is supported by copious Appendices, not included here but posted on the FRRA website (www.notjustaspillway.com), makes clear the limitations, particularly with respect to risk, of the DWR's Comprehensive Needs Assessment (CNA).

These documents throw light on the truth about the way the Dam has been operated. Positive steps are being taken to base the management the reservoir on modern weather forecasts, but it is difficult to be confident that there will be improvements in other areas, particularly in minimizing risks and supporting recreation. ORAC the joint community/DWR committee established by FERC in 1993 to handle recreation has not been effective nor improved community DWR trust.

For these reasons we are requesting FERC not to relicense the Dam without a supplementary EIS. Many aspects of an EIS appear to have been handled adequately in the Alternative Licensing Process in 2007. But this process was not appropriate for dealing with Recreation and Safety. In the case of recreation, the Community interests were submerged under the blanket of DWR manipulation and safety/risk reduction was not seriously addressed. Many normal requirements of relicensing, such as the need for a study of the impact of the project standard flood releases, were ignored.

Since the conditions for relicensing had not been met, there has been continued use of one-year licenses without significant conditions, something that raises questions about the sincerity of the regulatory and relicensing process.

Unless the truth is understood and acted on, the evidence suggests that an incident during which control of the releases is lost and evacuation required, such as those in 1997/8 and 2017, is inevitable.

Sincerely,

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