



Ms. Kimberley Bose,
Secretary, FERC
888, First St. N.E.,
Washington D.C.

March 6th, 2020

MOTION TO APPROVE LATE FILING OF THE FEATHER RIVER RECOVERY ALLIANCE INTERVENTION FILED ON NOVEMBER 19TH, 2019 IN THE MATTER OF FERC PROJECT 2100 LAKE OROVILLE (FEATHER RIVER) DAM CALIFORNIAN DEPARTMENT OF NATURAL RESOURCES APPLICATION FOR RELICENSING.

On November 19th, 2019, The Feather River Recovery Alliance (FRRA) filed an intervention in the Oroville Dam relicensing process – attached – seeking, among other things, the replacement of the Alternative Licensing Process (ALP) of the Oroville Dam inappropriately used in 2000 with a regular formal licensing process.

We received an acknowledgement of the filing of this intervention. We have since learned that, to ensure that our intervention is accepted and acted on, we should submit a motion seeking approval for filing our intervention after the 2006 expiry date for interventions in the licensing process.

We are working with local governments and agencies as well as local organizations and businesses to fulfill the requests of the Petition with 6500 signatures submitted to FERC in 2017 and make sure that FERC is aware of the legitimate concerns of those living and working in the shadow of the Dam. It would be inappropriate and damaging for a long-term license to be issued without the understanding and support of these people and organizations.

We are seeking a waiver for late filing because failure of the spillways in 2017 and the DWR's responses to this incident.

1. The February 2017 failure of the main spillway and the subsequent erosion of the hillside beneath the emergency spillway, caused fundamentally by poor management and governance, is sufficient reason to conclude that the ALP should not have been used in 2000. Rather, a dam of this size and age, managed ineptly, should have been subject to the most rigorous 50-year relicensing process.
2. There has been no comprehensive, independent forensic study of all aspects of the dam and its operation. The IFT report on the causes of the 2017 incident covered only the spillways related incident. No person or organization has been held accountable for the 2017 incident.
3. The steps taken by the DWR, including the Comprehensive Needs Assessment (CNA)/Part 12 Inspection process, since the 2017 incident to ensure that all the risks associated with the dam are well understood are not convincing. Equally, appropriate action, other than replacing and strengthening the spillways, has not been taken to address the known risks.
4. It is doubtful whether the DWR's historic pattern of addressing FERC concerns about known weaknesses by making plans while taking no action to fix them has changed. For instance, the piezometers now being installed were first recommended by FERC 20 years ago.
5. It is logical to suppose that inappropriate governance is behind this reluctance to investigate the risks comprehensively and to deal with necessary renovation. As far as we know, the appropriateness of governance of the dam is not currently being assessed.



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In the belief that this motion will be allowed, and our intervention approved, we are moving forward with the preparation of detailed material prepared with the help of well qualified, independent experts to support our contentions, including:

1. A history, since the dam was built, of the incidents during years of heavy rain that caused damages and put the downstream communities at risk. This will include the costs and how these costs were met. These incidents were caused by reasons similar to the those which caused the 2017 incident. Those responsible for the incidents and those the dam benefits were not held accountable and bore only a small proportion of the costs. Equally, innocent parties who were damaged, were not adequately compensated. The same pattern is emerging following the 2017 incident.
2. A summary of the inadequacies of the ALP used in 2000 and of the manipulations involved.
3. A comprehensive review of the actions being taken by the DWR both in response to the 2017 incident and to address the historic inadequacies in the maintenance, operation and governance of the dam. The response of the DWR has been significantly more proactive than it was following the similar incident in 1997. But, the response, including the CNA/Part 12 process, has shortcomings which were pointed out in the Intervention. Also, the DWR response omits addressing important weaknesses, some of which were also noted in the IFT report.

The FRRA is a community-based organization that was formed after the 2017 incident. It does not have a paid staff and the Intervention was prepared by members supported by professionals working pro bono. Providing supporting studies endorsed by experts will involve raising funds. This will be facilitated by confirmation by FERC that our intervention has been accepted.

The purpose of the FRRA is to ensure that every realistic step is taken to prevent a recurrence of the regular incidents at the dam during years of heavy rainfall that have led to significant damages and risk to our lives and livelihoods. A prerequisite for this is the development of trust in the DWR throughout the downstream communities. It is unlikely that this can be achieved without the issues raised in our intervention being addressed and changes along the lines of our recommendations being adopted.

We therefore respectfully request that FERC confirms that our intervention has been accepted and grant this motion to approve the late filing.

Sincerely,

Richard Thompson, President

Robert Bateman, Secretary

Genoa Widener, Director

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