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January 3, 2018

Honorable Kevin McIntyre
Chairman
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

FERC Project No. 2100 – Request for Delay of New License

Dear Chairman McIntyre:

The purpose of this letter is to respectfully reiterate our previous request that the Federal Energy Regulatory Commission (Commission) delay the issuance of the new license for the Oroville Facilities.

In August of 2017, a coalition of stakeholders filed the attached letter requesting that the Commission delay relicensing. Specifically, our coalition urged delay until the parties and the licensee could better understand the causes of this 2017 spillway incident and how it may change the underlying assumptions of the pending license.

We are writing to reiterate our request that the Commission, local entities and other relicensing participants should understand the project being relicensed, how the facility will be put back into a proper and safe function, how damages will be compensated and impacts addressed, and whether the Commission's analysis and preferred alternative need to be reassessed in light of the changed conditions at the Oroville Dam complex.

The relationships between DWR, local communities, and other relicensing participants remain strained. DWR still has not systematically evaluated the impacts to local communities of the incidents of 2017. Simply put, our concerns outlined in the August 2017 coalition filing remain unresolved.

While discussions continue relating to the impacts of spillway failures and appropriate mitigations, more time is needed to fully address these issues and to identify and evaluate all impacts of any changes to the relicensed Oroville Facilities.

We understand that the California Department of Water Resources is eager to move forward with the new license implementation. However, it would be prudent for the Commission to issue a new license only when there is clarity on both the configuration of the project and its potential effects and how the damage from the February incident will be addressed by the licensee.

For these reasons, along with the details provided in the August 2017 filing, we request that FERC delay the issuance of the new license for Project no. 2100.

If the Commission is inclined to issue a new license expeditiously, it should at the very least mandate the following conditions:

- 1) Require the licensee to build a true auxiliary spillway or larger low level outlet.
- 2) Require the licensee to modify water management operations to lower the lake elevation during periods of heavy snowpack like we experienced in 1986, 1997 and 2017.
- 3) Require the licensee to assess and mitigate all impacts from the 2017 incident.
- 4) Require the licensee to form a citizen's advisory committee to allow for local independent oversight of the facility and its operations.

If you have any questions, please do not hesitate to contact us at (916) 651-4004 (Nielsen) or (916) 319-2003 (Gallagher).

Sincerely,



JIM NIELSEN
Senator, 4th District



JAMES GALLAGHER
Assemblyman, 3rd District

Enclosures: (1) Original letter to FERC from Coalition, dated 08/08/17
(2) Companion Letter to FERC from Congressman Doug LaMalfa, dated 01/03/18