California Department of Water Resources

Oroville Facilities Relicensing News

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Federal Energy Regulatory Commission Project No. 2100

Oroville sign posted by Feather River Recreation and Park District

Riverbend Park Commitment Celebrated

DWR officials, representatives from the State Water Project Contractors, and Oroville community dignitaries gathered at the Riverbend Park site on October 23, 2002, to mark a major collaborative process milestone as the Department seeks a new license to operate the Oroville Facilities.

With funding from the State Water Project Contractors, DWR will provide up to a total of $3 million to the Feather River Recreation and Park District for initial Riverbend Park improvements.

Oroville Area Chamber of Commerce President Steve Norman said "it's a great project, one that's bringing many individuals together and is an overall benefit to the community, not only for the current generation but for many generations to come." Norman went on to say that "it's a project that's building enthusiasm and encouragement that the community sorely needs."

State Water Contractors General Manager John Coburn reminded the gathering that the $3 million did not come from California's General Fund but from the 29 contractors who buy water from the State Water Project. He added that a spirit of cooperation resulted in the funding agreement and called for that spirit to continue. "We have some difficult times ahead," said Coburn. "We've got the settlement agreement to work out with the FERC relicensing process, a lot of issues to be discussed. We just have to keep working together, that's the only way we're going to get through."

DWR Deputy Director Tom Glover said that over the past 10 years DWR and the State Water Contractors have done a very good job of improving the recreational facilities at Lake Oroville but realized as they began the Alternative Licensing Process that there would be a gap between the end of the existing license and the start of the new license. "We were looking at some ways to continue improving Lake Oroville's recreational facilities for the next five years. Working together with representatives of the community, we agreed to accelerate some of the recreation based projects that might not otherwise have been realized until 2007. Today, I think we're showing that DWR and the State Water Contractors have stepped

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FERC Official Discusses the Alternative Licensing Process

By Meghan Blake

When DWR began the process of relicensing the Oroville Facilities (FERC Project 2100), DWR chose an Alternative Licensing Process (ALP) to give the public the greatest opportunity to have input into the relicensing process.

Mark Robinson

"Licensees are more likely to use the ALP if there is a high number of constituents that want to be involved in the process because it offers a mechanism for everyone to get involved easily and early in the process," said Mark Robinson, Director of the Office of Energy Projects (OEP) at the Federal Energy Regulatory Commission (FERC).

The Oroville community has proven to have a very strong interest in the relicensing of the Oroville Facilities and, through the ALP, has been able to provide a great amount of commentary.

Across the country, the success of the ALP process has meant that settlement agreements have increased in number and the time it takes to achieve them has decreased. This means that as decisions come more quickly and easily, the people in the community and all other parties tend to be happier when the final product is finished in a time efficient manner. "The environment also benefits by getting mitigation out more quickly," said Robinson.

Using an ALP combines the pre-filing consultation process under the Federal Power Act (FPA) with the environmental review process under National Environmental Policy Act (NEPA). Under this process the parties interested in the licensing of the facility work collaboratively prior to the filing of the application to develop the application and a preliminary draft NEPA document, and generally anticipate efforts to conclude a settlement agreement. The ALP doesn't have an inherent edge over the traditional process because both work well in the right setting.

"The point of the ALP is to optimize the final result of the licensing for all the parties involved," said Robinson. "Even though not every party involved will get everything they want, their recommendations will be considered."

For the Oroville Facilities, DWR decided that the ALP seemed to be a more reasonable way to proceed. The main benefit is that it allows the process to be fully integrated into the community.

"If members of the public see that they have an opportunity to change things and that their concerns are listened to, then the licensee is able to develop a sense of good will among the community," said Robinson. "That sense of good will is important when you have issues come up in the future and you need the public's trust to respect your decisions about the project." Other agencies and Indian tribes also benefit from this open line of communication.

Study plans comprise a vital aspect of relicensing. "We need study plans to lay out what to collect and to get everyone in the same boat," said Robinson. Study plans help identify a direct course of information that needs to be gathered and reported in a thorough, timely manner. If these studies are not completed in an efficient manner, then the whole process becomes more complicated and time consuming. But, the studies must be thorough to assure that all important data have been collected.

There are a few key issues that licensees should keep in mind in order to make the relicensing process work.

Always keeping the facts in the open is a key part of making the ALP work. If facts are hidden, it can create distrust in the licensee by other groups involved with this process. It can also cause problems in communication and studies, which are necessary to develop collaborative solutions.

If licensees choose to use an ALP, they must thoroughly involve the public in all areas of the relicensing.

"If licensees hide behind their licenses then they can't develop the environment they need for the success of the ALP," said Robinson.

Compiling a thorough record is also very important in the relicensing process.

"The record helps to show that there was equal participation among all groups in the resolving of issues and the development of a license that brings in the interests of the public," said Robinson.

All involved parties must remain aware of each other. Though relicensing seeks to address the concerns of all parties involved, "it is wrong to think that the licensee is responsible for meeting the needs of everyone," said Robinson. Constant discussion among all of the parties helps to assure that the needs of everyone, including the licensee, are being met throughout the process.

A special concern in the relicensing of the Oroville Facilities is the chance that power production may be decreased. In light of California's 2001 energy crisis, this could be a challenge for the functioning of the State Water Project. FERC finds that a decrease in power

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Oroville Facilties Relicensing Schedule

- **1957** Construction of Oroville Facilities Began
- **1971** Oroville Dam Completed
- **2000**
- **Jun** Informal Public Meeting
- **Nov** First Plenary Group Meeting
- **2001**
- **Jan** Use of Alternative Licensing Process Approved
- **May** Approval of Process Protocols
- **Sept** Public Release of Draft Scoping Document 1 (SD1)
- **Oct** Public Scoping Meeting & Site Visit
- **Dec** Review Scoping Comments
- **2002**
- **Jan** File Notice of Intent
- **Mar** Initial Field Studies

BIOGRAPHY

Mark Robinson

Mark Robinson became the Director of the Office of Energy Projects (OEP) at the Federal Energy Regulatory Commission (FERC) in June of 2001.

Robinson started at FERC in 1978 as a limnologist assigned to large scale projects located in the western part of the country, including Alaska. In 1983, he was promoted to the position of Chief, Biological Resources Branch.

In 1988, he became Director of the Commission's new Division of Project Compliance and Administration. In that capacity, he was charged with creating and administering the Commission's hydropower compliance program which provided the groundwork for the Commission's first civil penalty actions.

In 1995 he became Director of Licensing and Compliance during which time he oversaw the implementation and expansion of the use of the alternative licensing process.

When the Commission's Office of Energy Projects was created in 1999, Robinson became Director of the Division of Environmental and Engineering Review. In addition to handling hydropower licensing actions, Robinson was also charged with overseeing the environmental analysis component of the natural gas pipeline certification process. In this position, he was able to bring a lot of the innovations employed in the hydropower program to enhance the efficiency of the certification process.

Reflecting on his recent visit to Lake Oroville, Robinson stated: "The Oroville Facilities are very big, and I think the relicensing seems to be very promising and beneficial for the community."

Boat Launch Ramp Extensions Completed

Remaining projects of the 1994 Lake Oroville Recreation Plan were concluded during the month of December 2002, with completion of boat launch ramp extensions at Lime Saddle Marina, Bidwell Canyon, and the Oroville Dam Spillway.

- Lime Saddle's ramp was extended from a 725 foot elevation to 702 feet. The project was completed on December 12, 2002.
- Bidwell Canyon's ramp improvement was finished on December 13, 2002, with extension from 710 feet to 700 feet.
- The Spillway ramp was lowered to a 695 foot elevation from 725.5 feet. Work crews competed that job on December 23, 2002.

Extension of the launch ramps will accommodate boaters when lake levels are low, particularly during heavy use periods, such as bass tournaments.

Feather River Fish Hatchery Fall Run Figures

More than 20,000 fall run King Salmon were processed through the Feather River Fish Hatchery in 2002.

The count shows 9,678 males 7,838 females and 2,991 jacks.

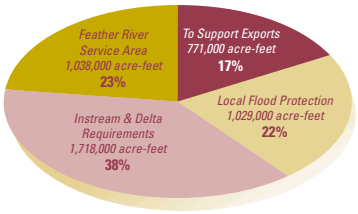
Combined with spring run figures, the total for year 2002 stands at 24,696 King Salmon with a total of 11,711,933 eggs taken.

Visitor totals for August through November were 94,707 people and 29,092 vehicles.

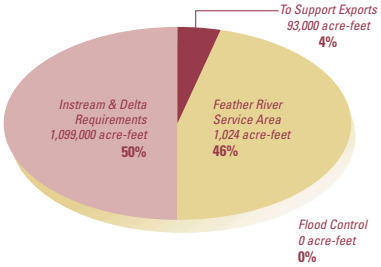
Meanwhile, assessment work continues on landscaping upgrades at the hatchery, one of the interim projects approved by DWR. Although the interim projects are actually being implemented under the existing FERC license for the Oroville Facilities, it is DWR's vision that these efforts will help ensure a successful Alternative Licensing Process as DWR works towards acquiring a new license to operate the Oroville Facilities.

Primary Reasons for Lake Oroville Releases

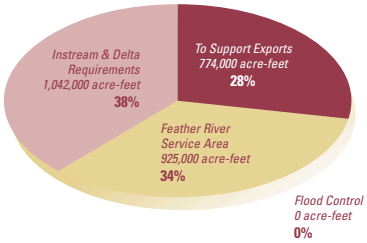
Calendar Year 2000



Calendar Year 2001



Calendar Year 2002



(Actuals through August; September through December assumes 90% exceedence forecast)

Note: Total annual water volumes vary based on hydrology

We Are Here

2003

- **Sept** Public Release of Final SD1
- **Feb** Public Release of Draft SD2
- **Apr** Public Release of Final SD2
- **Jun** Development of Additional PM&E Proposals

Initial Submittal of PM&E Proposals

2004

- **May** Prepare Draft Application/ APEA/DEIR
- **Aug** End Comment Period on Draft Application/ APEA/DEIR

2005

- **Nov** Settlement Agreement
- **Jan** File Final Application/ AEPA/DEIR

2007

- **Jan** New FERC License Issued

RIVERBEND Continued from page 1

up to that challenge with a $3 million contribution to this wonderful park that will provide recreational and economic benefits to the community."

$2.2 million of the $3 million grant will be allocated for capital cost financing, a portion of which ($360,000) will be used for planning and environmental review and compliance.

DWR also agreed to provide up to $800,000 ($160,000 annually) for operation and maintenance costs through January 31, 2007.

Initial park improvements include:

- Drilling of two wells to provide irrigation water.
- Extension of public water and sewer lines for potable water and sanitation.
- Electric service.
- Parking facilities for day use and bicycle path users, with signage and striping.
- Three floodproof public restrooms plus stubbed lines for future expansion.
- Day use facilities: approximately 40 family picnic sites; ADA compliant concrete pads; sheds; shelters; trash receptacles; barbecues; drinking fountains; a tot lot; horseshoe pits; and lighting.
- Revegetation of the Riverbend Park Corridor with native plantings, turf, and trees. Water supply and irrigation to be included.
- Temporary visitor facility and allied infrastructure.
- Recontouring, restoration and revegetation of the southern edge of the Riverbend Park Corridor damaged by previous rock quarry activity, litter and debris, dumping, and indiscriminate vehicle activity.

Although the Riverbend Park site is outside the FERC boundary, DWR intends to refer to the initial park improvement project as a symbol of collaboration and good community relations as it moves to file a FERC license application to succeed the original 50-year license which expires on January 31, 2007.

Riverbend Park was selected because it promises to have positive social impacts and promote recreation, tourism, and economic development in the community.

Three development plans are currently under review and groundbreaking is expected this fall with construction getting under way in the spring of 2004.

Process Update: Another Step Forward in the Relicensing Process

The Oroville Facilities Relicensing Process has a lot to accomplish in 2003! Study Plans are being conducted in the field, and the Collaborative Team will be reviewing study reports and beginning to develop resource measures to form the basis of a Settlement Agreement hopefully to be included with the Application for License in January 2005. This is the year we make the leap from gathering information to planning PM&E measures.

Study Plan Results/PM&E Development

Study Plans are well underway and initial results have begun to come in from the field. As results become available, Work Groups will receive the information and, if necessary, recommend gathering additional information.

Study reports will summarize the studies' progress and may contain tables or graphs to help present important information. The number of reports under review will vary from month to month. Some months a work group may have as few as 5 reports to review while other months, a work group may have 20 reports or more.

Scoping Documents 1 & 2

The purpose of scoping is to: 1) describe how interested parties can participate in the relicensing process; 2) identify relicensing and evaluation activities; 3) present information about the Oroville Facilities; and 4) preliminarily identify resource issues.

Scoping Document 1 was finalized and submitted in September 2002. Comments received from the stakeholders were addressed in a comment matrix included with SD1. Scoping Document 2, which will primarily act as a roadmap for the process from now until 2005, will be released in February 2003.

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Stay Informed!

Visit the relicensing web site at
http://OrovilleRelicensing.water.ca.gov
to find continually updated information including relevant documents, a calendar of upcoming meetings, and summaries of past meetings.

Toll-free number: 1-866-820-8198
E-mail: orovillep2100@water.ca.gov

EQUESTRIAN CAMP ROAD

The Loafer Creek Equestrian Camp access road was paved in October 2002.

About 2,110 feet of the 18-foot wide-road were surfaced with a three-inch depth of asphalt. Approximately 100 feet were left unpaved to allow horses to walk from the camp to the equestrian trail on natural ground.

Protecting, Mitigating, and Enhancing Resources – PM&Es

An integral part of the relicensing process is to consider how – or if – to adjust, correct, or enhance current operations. This begins with scoping of issues leading to studies evaluating potential operational impacts upon a broad range of resources. Studies provide the data to systematically assess the significance of impacts on resources and to evaluate proposed solutions. Thereafter, potential changes are considered to protect, mitigate, or enhance (PM&E) impacted resources. Where possible, feasible, and cost-effective, PM&Es should eliminate or minimize those impacts.

As initial study results began coming in during late 2002, work groups and the Plenary Group began discussing and developing PM&E measures. More than 70 studies are now being conducted to identify the most critical impacts. DWR staff also identified operational constraints such as State Water Project contracts, flood control requirements, and fish and wildlife statutes. These contracts, requirements, and statutes place some limits upon those PM&Es that are feasible or possible.

Study data and staff input on constraints set the stage for group discussions of potential PM&E measures that might be feasible. As future negotiations on potential PM&E measures occur, greater clarity will be sought on feasible resolutions of ongoing concerns and issues about resources.

While work groups will develop potential PM&E measures, the Plenary Group will create a settlement process for resolving disputes in 2003-2004. The work groups will determine the attributes of each potential PM&E and address issues that may arise in each resource area. The Plenary Group will seek to reduce potential conflicts among resources.

DWR and the Plenary Group are working on criteria to help define the attributes of potential PM&E measures. This process involves providing clear definitions of potential PM&E measures, identifying Project 2100 linkages and constraints, analyzing and determining further information needs, and finally rejecting or selecting each particular PM&E.

There will likely be proposed actions that may not survive the collaborative review process. Approved PM&Es also become the substance of a possible settlement agreement. The primary goal is a comprehensive settlement agreement based on collaborative discussions about protection, mitigation and enhancement of resources.

On January 31, 2005, DWR's application must be filed with FERC. A non-settlement alternative is permissible under FERC requirements if impacts are reduced to less than significant. In this case PM&E measures in effect under the current license would likely continue. DWR-developed PM&E measures, different from those that would be developed in a settlement agreement, would be proposed. Of course, an agreement among all interested parties is the objective of the collaborative process.

DWR Studies the Impact of Oroville Operations

It's one of the most extensive efforts ever to scientifically and systematically assess the impacts of hydroelectric facilities. In the nearly 10-year process to relicense its Oroville Facilities, DWR is striving to address, in a reasonable and objective fashion, all of the issues raised by the diverse interests in a collaborative process. The goal is to reach consensus on operating conditions for a new license.

How do the operations of the Oroville Facilities affect the lives of fish, wildlife, and human beings? How might operations be changed?

The studies to answer such questions are as diverse as the participants of this highly collaborative relicensing process. Participants include Indian tribes, State, federal, and local resource agencies, local governments and special districts, community groups, and recreational, agricultural and other interests.

Through an elaborate process, work groups critiqued and approved each and every study plan before they went into the field. Before a single study began, DWR collaborated with multiple interests and stakeholders. In multiple workgroup meetings comprised of stakeholders and resource professionals, every major issue raised resulted in a study. Each study plan was adopted only after consensus was reached on study objectives and methods. In the end, over 70 study plans were painstakingly crafted from the input of this consensus-driven collaborative process.

Study plans were devised to be fair to all interested parties and to be based on sound science and careful measurement. They will collect real data to guide Oroville Facilities operations over the period of the next license.

The studies and work groups focus upon impacts to five diverse categories of resources - environmental, cultural, recreation and socioeconomic, land use and management, and engineering and operations. Five corresponding work groups, ad hoc committees, and a plenary group refined and approved each study plan before field work began.

For example, the environmental resources under study include water quality, water temperature, water flow, terrestrial resources, riparian resources, bald eagle habitat, Salmon habitat, etc. Over a dozen studies cover fisheries issues. Another 11 address terrestrial wildlife and their habitat. Nineteen studies cover recreation resources like fishing, biking, horse trails, sailing, etc. Four cultural resource studies survey and inventory cultural sites along 165 miles of Lake Oroville shoreline. A dozen studies of engineering and operations are collecting and evaluating data for use in existing computer models, or in new models being developed, that will allow the simulation of a great variety of scenarios for operating the Oroville Facilities. The simulations will enable DWR to evaluate potential impacts of different operations upon diverse resources.

ALTERNATIVE LICENSING Continued from page 2

production is usually the result of the facility having to release more water in order to meet minimum flow requirements for environmental and other water needs. This in turn leaves less water available to recycle and use for power production.

"Reduction in flexibility in when power can be produced is the main thing that we see because of certain environmental regulations, and this can cause a decrease in the amount of power that is produced," said Robinson.

As a result of the energy crisis, FERC asked hydropower-producing facilities to figure out if they could produce more power. Those that could produce more power had their licenses amended to allow this increase in power generation.

FERC hopes to bring parties together.

"We want to help with the resolving of issues with people that relicensing affects the most," said Robinson. As DWR is a state agency and is in compliance with state and federal regulations, relicensing of the Oroville Facilities should be less complicated and easier due to the good relationships that the agencies have together, he indicated.

The relicensing process taking place at the Oroville Facilities may seem very time consuming and even frustrating at times

"But overall, relicensing can result in a project that is even more compatible with the overall environment, which includes issues of energy, the community, and the environment and making sure that they are all in tune," concluded Robinson.

PROCESS UPDATE Continued from page 5

An initial outline for SD2 was developed and discussed by the Plenary Group in September 2002. In addition, Project Description and Alternatives to be included in SD2 were discussed at Plenary Group meetings in October and November.

Process Task Force

The Process Task Force was created by the Plenary Group to help guide the development of PM&E measures and to formulate a process for evaluating them while conducting a cross-resource analysis to identify impacts that PM&E proposals from different resource areas may have on one another. In March 2003, the Process Task Force will set forth the Settlement Process Protocol, a document which structures how settlement discussions will be conducted.

Anyone interested in more information regarding the relicensing process for the Oroville Facilities, participating in the Plenary Group, any of the resource area work groups, or any task force discussion, should call 1-866-820-8198 or email orovillep2100@water.ca.gov.

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