

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D. C. 20426

OFFICE OF ENERGY PROJECTS

Project No. P-2409-141--California
North Fork Stanislaus River Project
Calaveras County Water District

February 20, 2024

VIA Electronic Mail

Jake Eymann, P.E.
Manager, Hydroelectric Operations
Northern California Power Agency
Murphys, CA 95247
Jake.Eymann@ncpa.com

Subject: July 27, 2022 Temporary Minimum Flow Deviation – Article 37

Dear Mr. Eymann:

This letter is in reference to your August 8, 2022 filing with the Federal Energy Regulatory Commission (Commission), reporting an instream flow deviation event that occurred at the North Fork Stanislaus River Hydroelectric Project No. 2409 on July 27, 2022. Article 37 of the project license states, in part, that that you shall release a continuous minimum flow of 16.5 cubic feet per second (cfs) or the natural inflow, if less, below Beaver Creek Diversion Dam.¹

In your August 8, 2022, letter, you state that on July 26, 2022, the project experienced significant damage to electronic equipment due to a lightning strike. The lightning strike resulted in the automated protection system sensor to close the Beaver Creek diversion tunnel intake gate. On July 27, 2022, in order to restore operational readiness of the diversion tunnel, 1.9 cfs of flow was diverted into the tunnel. You explain that under limited circumstances, your operational procedures allow for short-term diversions of half of natural inflow for the purpose of re-filling either the Beaver

¹ Order Issuing License (Major) and Denying Motions, (18 FERC ¶ 61,124), issued February 8, 1982.

Creek reservoir, diversion tunnel, or penstock. This diversion caused flows below Beaver Creek Diversion Dam to decrease from natural inflow of 3.8 cfs, down to 1.9 cfs.

At 1030 hours on July 27, 2022, you state that flows below Beaver Creek Diversion Dam then dropped below 1.9 cfs due to a Beaver Creek diversion tunnel intake gate malfunction. You explain that the diversion tunnel intake gate had opened 0.25 inches more than it was programmed to, diverting more water into the Beaver Creek tunnel intake than was intended. You state that immediately upon discovering the malfunction, you drove back to the project site and manually closed the intake gate at 1215 hours, causing flows to increase below Beaver Creek Diversion Dam back to 2.1 cfs by 1300 hours. In all, the resulting deviation, according to your August 8, 2022 letter, resulted in flows dropping below 1.9 cfs for a period of 2 hours and 30 minutes. The lowest flow measured below Beaver Creek Diversion Dam during this time was 0.2 cfs.

On November 29, 2023, Commission staff contacted you to inquire about the aforementioned operational procedures that allowed for short-term diversions of half of project inflows while refilling either the Beaver Creek reservoir, diversion tunnel, or penstock. It was determined that such procedures had not been previously approved by the Commission, and as such, you were requested to provide the Commission with data indicating when flows below Beaver Creek Diversion Dam fell below natural inflow, and for how long. You filed your response with the Commission on December 4, 2023, whereby you indicated that flows fell below the natural inflow of 3.8 cfs after 0815 hours on July 27, 2022, for a period not exceeding six hours and 30 minutes.

Based on our review of the available information, your operational procedures allowing short-term diversions of half of natural inflow for the purpose of re-filling either the Beaver Creek reservoir, diversion tunnel, or penstock, had not received prior Commission approval prior to implementation. Because the natural inflow of 3.8 cfs was less than the required 16.5 cfs minimum flow at the time of the event, any decrease in flow below this level would be considered a deviation from the requirements of Article 37. The flow deviation on July 27, 2022 was a result of intentionally diverting half of the natural inflow into the Beaver Creek diversion tunnel. Due to these reasons, we will consider the July 27, 2022 deviation to be a violation of Article 37 of your project license. In the future, you should request a temporary amendment to license Article 37 minimum flow requirements prior to initiating any planned activity that would knowingly result in a deviation of Article 37. Accordingly, this incident will be made a part of the compliance history for this project and considered during our review of any similar future incidents to determine appropriate Commission action.

Thank you for your cooperation. If you have any questions concerning this letter, please contact Mr. Jonathan Schram at (202) 502-8264 or jonathan.schram@ferc.gov.

Sincerely,

Andrea Claros
Chief, Aquatic Resources Branch
Division of Hydropower Administration
and Compliance