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May 9, 2024

Andrea Claros  
Chief, Aquatic Resources Branch  
Division of Hydropower Administration and Compliance  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

**SUBJECT: July 27, 2022 temporary minimum flow deviation – Article 37  
Acknowledgement of violation and corrective plan**

Dear Ms. Claros,

We are in receipt of your February 20, 2024 letter regarding the temporary minimum flow deviation and your issuance of a violation of Article 37 for project P-2409. This letter is to inform you of the steps NCPA has taken to address this matter.

As part of the review of this violation and history of operations at this location, we also discovered a letter received on December 15, 2008, issuing a violation of a similar event at Beaver Creek Diversion Dam. In response to the 2008 letter, NCPA in 2009 updated the standard operating procedure for filling the Beaver Creek tunnel and reservoir. During our review of this procedure following the 2022 event, we found the procedure to be deficient. The procedure did not cite adherence to minimum streamflows during the refilling sequence of Beaver Creek reservoir/tunnel. Refilling the reservoir/tunnel is a somewhat common occurrence, in this small facility, which can arise either during normal or unforeseen operational shutdowns like the one experienced during the July 27, 2022 event.

Due to this, NCPA has updated standard operating procedures to ensure that Article 37 requirements are fulfilled and that reservoir/tunnel refillings will now initiate only when there are sufficient available inflows to maintain flows below the dam no less than 16.5 cfs.

These changes were instituted and will be followed. All operations staff will be trained in the procedure update as well as Article 37 requirements. If there are any unforeseeable operational constraints or force majeure that would negatively affect NCPA's ability to meet the Article 37 requirements, NCPA will 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.

Should you have any further questions or require additional information, please contact the undersigned at (209) 728-1387.

Sincerely,  
NORTHERN CALIFORNIA POWER AGENCY



Jake Eymann, P.E.  
Manager, Hydroelectric Facilities

JE/mc

cc:

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