

FEDERAL ENERGY REGULATORY COMMISSION  
Office of Energy Projects  
Division of Dam Safety and Inspections - Portland Regional Office  
805 SW Broadway, Suite 550  
Portland, Oregon 97205  
(503) 552-2700 Office - (503) 552-2799 Facsimile

RECEIVED  
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Licensing & Compliance

3/06/2017

In reply refer to:  
P-00637, P-00943, P-02145

Mr. Jeff Osborn  
Compliance Program Manager  
PUD #1 of Chelan County, WA  
PO Box 1231  
Wenatchee, WA 98807

Subject: Annual Letter – Reminder of Responsibilities

Dear Mr. Osborn:

We encourage you to read this letter carefully and in its entirety, including enclosures and the referenced FERC website links, in order to understand your dam safety, public safety, and security responsibilities. **It is mandatory that you sign and return the acknowledgement form (Enclosure 1) to this office via postal service or fax within 10 days of the date of this letter.** It is not necessary to formally file the acknowledgement form with the Commission.

The Federal Energy Regulatory Commission (FERC) provides this letter on an annual basis to all who have been issued a License or Exemption to operate or construct a hydroelectric facility, regardless of the size of the project. We realize that not all aspects of this letter are equally applicable to all recipients, and therefore the letter should be passed to your Chief Dam Safety Engineer or Chief Dam Safety Coordinator, if different from the addressee, for proper processing. It is your responsibility to be familiar with the terms and conditions of your License or Exemption. This will enable you to apply this letter, as appropriate, to your project. Please contact our office if you have any questions about the applicability of a specific requirement to your project.

This letter serves as our opportunity to bring to your attention changes in our dam safety program that have occurred, as well as to provide reminders of items crucial to a good dam safety program and important reporting requirements. It is your

ongoing responsibility to ensure that your project is operated and maintained in compliance with FERC Regulations and the terms and conditions of your license or exemption, including the conditions prescribed by resource agencies for exemptions.

### **New or Highlighted Items for 2017**

1. **Drilling Guidance.** Drilling into, in close proximity to, or through dams and their foundations may pose significant risk to the structures. Therefore, it is necessary to obtain authorization from our office prior to performing any field investigation activities. We recently issued new drilling guidelines to provide guidance for drilling in and near embankment dams and their foundations. These guidelines are available on our website:

<http://www.ferc.gov/industries/hydropower/safety/guidelines/eng-guide/drilling/guidelines.pdf>

An investigation plan is also required for any trenching or similar ground-disturbing activities. Please consult with this office in advance of these activities for guidance to provide a plan commensurate with your exploration plans.

2. **Spillway Gate Inspections.** We will soon be issuing New Spillway Gate Inspection Report Guidance. Chapter 14 of the *Engineering Guidelines for the Evaluation of Hydropower Projects* will include an Appendix L that will provide guidance on what to include in the Gate Inspection Reports - which are required to be submitted every ten years for projects with Category 1 radial gates. Please monitor our website for updates:

<http://www.ferc.gov/industries/hydropower/safety/guidelines/eng-guide/chap14.pdf>

If your project has a gate inspection report due in 2017, please contact your regional engineer.

3. **Security Guidance.** Revised Security Guidance went into effect on January 1, 2016 and is available on our website:

<http://www.ferc.gov/industries/hydropower/safety/guidelines/security.asp>

As a reminder, applicable cyber security measures must be implemented by the end of 2017 and confirmed in the annual security certification letter.

- 4. Supporting Technical Information Document.** FERC has revised Chapter 14, Appendix H of the Engineering Guidelines. The Division of Dam Safety and Inspections has further described the responsibility of the Part 12 Independent Consultant (IC) to assess the contents of the “Supporting Technical Information” document (STID) compiled by the licensee. The revised Appendix H clarifies items to consider when summarizing each section of the STI. In addition, it now contains example statements that are offered as general guidance for use by the IC when making a definitive statement regarding each section of the STI. A new edition of Chapter 14, Appendix H can be found at:

<https://www.ferc.gov/industries/hydropower/safety/guidelines/eng-guide/chap14.asp>

<https://www.ferc.gov/industries/hydropower/safety/guidelines/dspmp/apx4a.pdf>

- 5. Review and Submittal of Consultants’ Reports.** Each cover letter transmitting a consultant’s report needs to include a statement that the report has been reviewed by you, or your CDSE, and/or your staff and provide either your concurrence or disagreement with the consultant’s findings and/or recommendations. When you concur that urgent actions are necessary or when the actions are simple and straightforward, you should include your proposed plan and schedule in the cover letter. Justification needs to be provided to support any dissenting opinion. All reports submitted on behalf of your consultants should be signed by the individuals who performed the work discussed in the reports.

### **Reminder of Responsibilities**

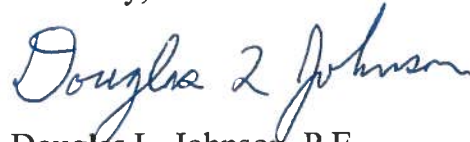
In addition to the above items, to assist you in ensuring compliance with FERC dam safety regulations, Enclosure 2 includes a summary of common requirements, primarily from Title 18, Parts 8 and 12 of the Code of Federal Regulations (CFR), as well as a number of administrative requirements that are often overlooked. Please review Enclosure 2 along with your project-specific license or exemption in order to ensure that your operations comply with all requirements.

Throughout the year, the Division of Dam Safety and Inspections hosts workshops and training courses that may be of interest to you. A schedule and description of upcoming workshops and courses can be accessed at the following website:

<http://www.ferc.gov/industries/hydropower/safety/wkshps.asp>

Please call me at (503) 552-2700 if you have any questions about the enclosed information or about your project(s) in general.

Sincerely,

A handwritten signature in blue ink that reads "Douglas L. Johnson". The signature is written in a cursive style with a large, prominent "D" and "J".

Douglas L. Johnson, P.E.  
Regional Engineer

Enclosures

1. Acknowledgement of Receipt of Annual Letter
2. Reminder of Responsibilities





## REMINDER OF RESPONSIBILITIES

### ANNUAL REQUIREMENTS:

1. **Spillway Gate Operation.** See 18 CFR §§ 12.44(b) and (c), and 12.13 for periodic requirements and verification. Please ensure that you are correctly measuring and documenting the current and voltage for each electric motor during load testing. You must submit a notarized “Annual Spillway Gate Operation Certificate” by December 31 of each year or as arranged with the Regional Engineer. Please ensure that you are using our latest form, which may be provided upon request or downloaded from the following website:

<http://www.ferc.gov/industries/hydropower/safety/guidelines.asp>

2. **Emergency Action Plans (EAPs).** There are a number of annual requirements regarding EAPs, including performing exercises. By December 31 of each year, you should submit to this office an EAP Status Report regarding these requirements for each of your projects that require EAPs. Chapter 6, Emergency Action Plans (EAPs), of our Engineering Guidelines explains what should be included in the Status Report.

If the emergency management agencies involved with your project have Geographical Information System (GIS) capabilities, your EAP inundation maps should be based on GIS data. Guidance on GIS inundation map files can be obtained at:

<http://www.ferc.gov/industries/hydropower/safety/initiatives/tips-gismaps.asp>

For a project previously exempted by this office from filing an EAP, you are still required to (1) perform a field reconnaissance to determine if there have been any changes to upstream or downstream conditions affecting the determination that no reasonably foreseeable project emergency would endanger life, health, or property; (2) develop, maintain, post, and annually verify a contact list of people and organizations such as local emergency management authorities and upstream and downstream dam owners who will be called during flood events, if the dam is in danger of failing, or has failed; and (3) submit an annual report regarding your field reconnaissance along with a request to continue your EAP exemption. Your emergency contact list and a statement that you have verified the accuracy of the information on the list should be submitted with your annual report.

**3. Dam Safety Surveillance and Monitoring Plan (DSSMP) and annual Dam Safety Surveillance and Monitoring Report (DSSMR).** Reference 18 CFR, § 12.41 and Chapters 6, 9, and 14 of our Engineering Guidelines, which can be downloaded from:

<http://www.ferc.gov/industries/hydropower/safety/guidelines/eng-guide.asp>  
<http://www.ferc.gov/industries/hydropower/safety/guidelines/eng-guide/monitor-plan.asp>

All DSSMPs are to include all instrumentation and monitoring activities on all features located within the FERC project boundary of each Project. This includes conveyance structures such as flumes, penstocks, and any other conveyance features. For some projects, this includes only visual observation, which alone may be the appropriate monitoring required for that portion of the project.

The DSSMR together with any update to the DSSMP should be submitted annually to this office on a schedule previously arranged with the Regional Engineer.

Our previous correspondence included the requirement to develop a new table in your annual DSSMR submittal(s). See the revised Appendices J and K of Chapter 14 of our Engineering Guidelines located at:

<http://www.ferc.gov/industries/hydropower/safety/guidelines/eng-guide/monitor-plan.asp>

*Note:* The requirements for your annual DSSMR submittal(s) include the requirement that your Chief Dam Safety Engineer make a definitive statement that your dam(s) are safe for continued operation. The statement is to be included in your annual DSSMR(s).

**4. Hydropower Security Program.** As applicable, licensees/exemptees must annually file a security certification letter with this office. For required items to be included in the letter, refer to pages 36 and 37 of the Security Document Revision 3A on our website at:

<https://www.ferc.gov/industries/hydropower/safety/guidelines/security/security.pdf>



## REPORTING REQUIREMENTS:

**5. Reporting of Project Safety and Public Safety Related Incidents.** See 18 CFR §§ 12.10(a), 12.10(b) and 12.3(b)(4). When a project safety condition or public safety event is discovered, you must:

- Call the Regional Office as soon as practicable
- Follow up with a summary email to the Regional Engineer
- Submit a written report as directed by the Regional Engineer

It is imperative that we be notified immediately of any condition, event, or action at a project that compromises the safety, stability, or integrity of any project work or otherwise affects life, health, property, or safety. In addition to reporting of deaths and serious injuries, events such as spillway gate mis-operation and public safety rescues at or near FERC projects that did not involve death or serious injury should also be reported. If you are uncertain if an emerging, ongoing, or completed event constitutes a reportable incident, you should contact this office.

*Any activation of the EAP, including activation of the Non-Failure or High Flow Conditions, is considered a safety-related incident* (see Chapter 6 of our Engineering Guidelines). Your incident report or subsequent correspondence should include your analysis of the incident and your specific plans for any necessary project improvements or additional prevention measures

**6. Review and Submittal of Project Conditions.** Aberrant conditions encountered during new construction, project modifications, or geotechnical work should be reported to this office immediately after discovery or while attempting to control the situation in accordance with 18 CFR § 12.10(a).

**7. Emergency Modifications.** See 18 CFR, § 12.11(b)(1). You must report to this office any project modifications taken to respond to emergency conditions as soon as practicable.

**8. Flow Violations.** Daily records to document compliance with minimum flow and/or reservoir operation requirements required by your license or exemption and resource agencies must be maintained. If a violation occurs, a thorough report describing the violation, its duration, and any actions taken to correct the violation must be reported to Secretary of the Commission. See the website <https://www.ferc.gov/docs-filing/docs-filing.asp> for filing with the Secretary.

## OTHER RESPONSIBILITIES:

**9. Instrument Readings during Floods.** Instrumentation readings during flood events are important in order to confirm the performance of your dams. Staff safety should always be considered and planned for when recording instrumentation data.

**10. Excavations and Investigations.** Your plans for any proposed ground-disturbing activities, such as excavations or intrusive explorations on or near your water-retaining structures, must be submitted for our review at least 30 days prior to commencement. These activities must also be coordinated with the Commission's Division of Hydropower Administration and Compliance. Our recently issued drilling guidelines provide guidance for drilling with general principles and applications to other forms and purposes of investigation, maintenance, construction, modification, or other activity that physically penetrates the dam or foundation. These guidelines are available on our website:

<http://www.ferc.gov/industries/hydropower/safety/guidelines/eng-guide/drilling/guidelines.pdf>

**11. Drawdowns and Dewatering.** See 18 CFR § 12.4(b). All *non-emergency drawdowns* of a reservoir, canal, or forebay outside of the operational requirements specified in your license or exemption require prior approval. Documentation of coordination with resource agencies must accompany your drawdown request. We will coordinate review of your request with the Division of Hydropower Administration and Compliance. *Emergency drawdowns* to protect life or property must be reported to our office and the resource agencies on the day of the drawdown. *Requests to dewater tunnels, conduits, or penstocks* must be requested at least 30 days prior to initiation, unless the routine maintenance procedure will follow previously executed procedures that have previously been coordinated and requires only a notice in advance of the planned routine maintenance dewatering.

**12. Plan Approval.** See 18 CFR, § 12.11(b)(2). Your plans for any proposed modifications or major maintenance to your project must be submitted for review and approval at least 60 days prior to initiation. You are also responsible for obtaining all necessary permits from other agencies to perform the proposed work. Earlier submittal will minimize delays in coordinating and obtaining approvals from other agencies or organizations.

**13. Review and Submittal of Consultants' Reports.** Each cover letter transmitting a consultant's report needs to include a statement that the report has been reviewed by you, or your CDSE, and/or your staff and provide either your concurrence or disagreement with the consultant's findings and/or recommendations. When you concur that urgent actions are necessary or when the actions are simple and straightforward, you should include your proposed plan and schedule in the cover letter. Justification needs to be provided to support

any dissenting opinion. All reports submitted on behalf of your consultants should be signed by the individuals who performed the work discussed in the reports.

14. **eFiling.** Submittals should follow the procedures described at:

<http://www.ferc.gov/docs-filing/efiling.asp>

*Paper copies of certain documents are required;* see the Filing Guide/Qualified Documents list at:

<http://www.ferc.gov/docs-filing/efiling/filing.pdf>

15. **Extension Requests.** If you will be unable to meet a due date, your written request for an extension of time must include an explanation of why the date could not be met and your plan and schedule for completion of the required action. Your request should be submitted sufficiently far in advance of the due date (typically 30 days) for us to review and accept or reject your request.

16. **Critical Energy Infrastructure and Privileged Information.** Any of your documents that meet the definition of Critical Energy Infrastructure Information (CEII) must be marked in bold print “Contains Critical Energy Infrastructure Information – Do Not Release.” Additional information on CEII submittals is available at:

<http://www.ferc.gov/legal/ceii-foia/ceii.asp>

Security-related items should not be electronically filed through our eFiling system. Any security related issue should be in a letter with the footer “Privileged – Security Sensitive Material”, with two hard copies mailed directly to this office.

17. **Contact Information.** Any changes to your dam safety point of contact (e.g., chief dam safety engineer), including: contact names, addresses, phone numbers or email addresses should be promptly reported to our office so that we can contact your staff in the event of an emergency.

18. **Owner’s Dam Safety Program (ODSP) and Chief Dam Safety Engineer (CDSE).** If you have filed an ODSP, please remember that your ODSP is a living document that should be updated when organizational and project personnel changes occur. Prior to conducting an audit of your ODSP, please submit a statement of qualifications of the proposed auditor to this office for our review and acceptance prior to performing the audit. A copy of the final audit report should also be submitted to this office for our review and comment. In addition, please notify this office immediately upon the designation of a new Chief Dam Safety Engineer (CDSE) or Chief Dam Safety Coordinator (CDSC). It is highly

desirable for a CDSE or CDSC to be well-versed in dam safety. However, we understand this is not always possible. In the event they are not experienced, we strongly encourage they attend dam safety training courses and become involved in professional dam safety organizations such as the United States Society on Dams (USSD) and the Association of State Dam Safety Officials (ASDSO).

**19. Risk-Informed Decision Making (RIDM).** RIDM has been implemented as part of our dam safety program. We have posted DRAFT RIDM guidelines posted on our website below. These guidelines will be available for review and comment for the next several months; we encourage and welcome all comments.

<http://www.ferc.gov/industries/hydropower/safety/guidelines/ridm.asp>

RIDM training is currently in the planning stages so please periodically check our website for updates on courses, dates, and locations. We are continuing our request for projects to conduct risk pilot project studies. If you are interested in participating in a risk pilot project study, please reference our DRAFT guidelines and contact me at the phone number at the end of this letter for more information.

**20. Supporting Technical Information Document (STID).** As indicated in our Engineering Guidelines, all reference documents referred to in the STID, and sometimes in the PFMA report should be included on CDs with the STID. This can also include large documents such as construction records and photographs. Researching your files and including this information will provide critical support for your current analyses and evaluations, and may eliminate the need for, or reduce the scope of, any additional investigations and/or analyses to confirm the safety and adequacy of your water-retaining structures.

**21. Inoperative Projects.** See Federal Power Act Section 10(c). You must report a project or project feature that is inoperable or in poor condition to this office. Your report must contain a plan and schedule for restoring the project or project feature to a safe operational status. 18 CFR § 6.4, states that if generation from the project is *discontinued for a period of three years*, the Commission will deem it to be the intent of the licensee to surrender the license/exemption; and not less than 90 days after public notice may in its discretion terminate the license/exemption.

**22. Public Safety.** See 18 CFR, § 12.42. You may be required to install and maintain public safety devices, and develop and submit a Public Safety Plan (PSP). Periodic internal review of your PSP is encouraged due to possible changes in project operations or public use. You must notify our office of any plans for removal of any safety devices at least 10 days in advance, unless the removal is a periodic occurrence that has been previously approved.

Please review your current public safety measures for all project operations, including the operation of spillway gates. Downstream conditions should be reviewed, and adequate public safety measures should be implemented in order to warn anyone who could be in danger due to project operations. Any public safety plan that has not been updated within the past 10 years must be reviewed for any changes and resubmitted in its entirety with any changes that may have occurred. See our public safety guidelines located at:

<http://www.ferc.gov/industries/hydropower/safety/guidelines/public-safety.pdf>

**23. Recreation Signs.** Where appropriate, posting of project lands as to their availability for recreational use is required in Part 8 of the regulations.

**24. Records.** See 18 CFR § 12.12. Permanent project records must be maintained. Design drawings such as Exhibits F or L, instrumentation data, and operational history records must be maintained at the site.

**25. Erosion and Pollution.** You are required to prevent or minimize soil erosion, sedimentation, or any form of water or air pollution. An Erosion and Sediment Control Plan (ESCP) is typically required, by a letter from this office or a license article, for any construction involving ground disturbance. Project operators must be aware of State requirements regarding hazardous liquids or materials, as well as those of the Environmental Protection Agency (EPA). You should assist owners of public marinas and private docks in minimizing pollution and advise them to report any incidents to the appropriate local, State and Federal agencies, as well as to FERC. A Spill Prevention and Pollution Control Plan (SPPCP) may also be required, by a letter from this office or a license article, for construction or major maintenance activity.

**26. Personal Safety.** When our staff is conducting inspections of your facilities, conversations with our staff should occur prior to the inspection. This will ensure that safety equipment requirements are discussed such that all attendees are adequately prepared. In addition, a safety meeting should be conducted on site where you can review any special safety conditions at the project and any Personal Protective Equipment (PPE) necessary for the inspection. You should maintain any safety equipment that is necessary in order to facilitate inspections by your staff, as well as by our staff, and to allow observations of all project features and important operating equipment. Any special PPE requirements for our staff necessary to observe all project features and important operating equipment during our inspection should be coordinated in advance.



# **Quick Reference Filing Guide**

Division of Dam Safety and Inspections (D2SI)

Portland Regional Office (PRO)

This guide is intended to summarize filing protocols that help our staff efficiently handle a very high submittal volume. When in doubt, please contact your PRO project engineer for clarification – and if you don't know who that is, please call 503-552-2700.

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## **General Procedures**

- Most submittals require 3 hard copies to be submitted to PRO.  
*Please address all items to Douglas Johnson, P.E., Regional Engineer*
- Include the project name and number on the cover letter.
- Include a copy of the cover letter for each copy of a document.
  - If submitting 3 copies each of EAP revisions for 5 developments under one letter, please include 3 x 5 = 15 copies of the letter.
- Please bind (staple, binder clip, 3-ring binder, etc.) each copy of your cover letter and document.
- Use a separate cover letter for unrelated documents. For example:
  - An EAP revision, STI reprint, and an extension of time request should be under separate letters.
  - A for-construction design package (plans, specifications, QCIP, TCEAP) can be under one cover letter.

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## **Electronic Submittals (e-filing)**

- When filing electronically (e-filing) through FERC's eLibrary system, you only need to send 2 hard copies to PRO.
- If you choose to e-file, please include something on the cover letter to indicate that you submitted it electronically. For example, include "ELECTRONICALLY SUBMITTED [date]" above the subject line.
- E-file one document at a time. Do not put multiple documents in a single file to make e-filing "even more efficient."

**Please Do NOT e-file security-related documents!**

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*Thank you!*

Revised January 2016

