

**FEDERAL ENERGY REGULATORY
COMMISSION
WASHINGTON, DC 20426**

OFFICE OF THE CHAIRMAN

December 30, 2020

The Honorable Lisa Murkowski
United States Senate
Washington, DC 20510

Dear Sen. Murkowski:

Thank you for your November 4, 2020, letter providing comments on the Commission's Notice of Proposed Rulemaking under Docket RM20-9-000. Your concerns echo the comments provided by the Alaska Power Association and a number of Alaskan licensees both individually and through the National Hydropower Association. Your letter and this reply will be placed in the Commission's official record for Dockets RM20-9-000 and AD20-21-000 and will be considered by the Commission in its decisions on next steps.

In addition to comments on the Proposed Rule, we received comments on Advisory Docket AD20-21-000, which provided a draft of Chapter 16 of the Commission's *Engineering Guidelines for the Evaluation of Hydropower Projects* (Guidelines). This proposed chapter provides details and supporting information on how Commission staff would implement the proposed regulations under Title 18 part 12, subpart D of the Code of Federal Regulations (commonly referred to as the Commission's Part 12D Program).

The Commission began this effort to revise the regulations and Guidelines after the 2017 incident at the Oroville Dam spillway, with the ultimate goal of ensuring that we are appropriately fulfilling our responsibility to protect life, health and property, as mandated by Congress in the Federal Power Act. It was clear from the conclusions and recommendations in the Oroville Independent Forensic Team's Report¹ that changes to the Commission's Part 12D Program were warranted. The Commission carefully developed and thoroughly evaluated potential revisions to the regulations and, after due consideration of the benefits and associated costs of implementation, proposed those that would improve our ability to identify and assess potential safety issues.

¹ Independent Forensic Team Report, Oroville Dam Spillway Incident (Jan. 5, 2018), <https://damsafety.org/sites/default/files/files/Independent%20Forensic%20Team%20Report%20Final%2001-05-18.pdf>.

The Commission is diligently working to improve our dam safety program and to continue to ensure it aligns with the goals and provisions outlined in the Federal Emergency Management Agency Federal Guidelines for Dam Safety². Further, we are committed to balancing the interests of maintaining a single consistent framework for all licensees in all states, and respecting and accommodating the wide variety of water power projects and licensees. We also recognize that costs and markets vary and that Alaska licensees face a number of unique circumstances different from those experienced by licensees in other states.

If I can be of any further assistance with this or any other Commission matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "James Danly".

James P. Danly
Chairman

² Federal Emergency Management Agency, Federal Guidelines for Dam Safety, Washington, DC, April 2004.

Document Content(s)

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