

12 F.P.C. 1334, 1953 WL 1415

Pacific Gas & Electric Co.

Project No. **2107**

**Order** issuing license (major)

October 26, 1953

**\*\*1 \*1334** Application was filed May 9, 1952, by Pacific Gas & Electric Co. of San Francisco, Calif., for a license under the Federal Power Act (hereinafter referred to as the act) for proposed major project No. **2107**, to be located on the North Fork Feather River in Butte County, Calif., in the vicinity of Quincy and Oroville, and affecting lands of the United States within the Plumas National Forest.

The proposed project will occupy approximately 119.96 acres of lands of the United States and consists of:

(a) All lands constituting the project area and enclosed by the project boundary or the limits of which are otherwise defined, and/or interest in such lands necessary or appropriate for the purposes of the project, whether such lands or interest therein are owned or held by the applicant or by the United States; such project area and project boundary being more specifically shown and described by certain exhibits which formed part of the application for license and which are designated '**Poe** project' and described as follows:

*Exhibit J.*-(409749: **F. P. C.** No. **2107**-1) 'General map'.

*Exhibit K-1.*-(409750: **F. P. C.** No. **2107**-2) 'Map of reservoir area'.

**\*1335** *Exhibit K-2.*-(409751: **F. P. C.** No. **2107**-3) 'Plan and profile of dam, intake, conduits and power house'.

(b) Principal structures, comprising:

A diversion dam of reinforced concrete type, across North Fork Feather River, about 60 feet high above stream bed and with spillway crest at elevation 1345, containing five radial gates with top elevation 1382.

A reservoir, formed by the dam, to extend upstream about two miles to applicant's existing Cresta powerhouse of project No. 1962, and to have an effective reservoir capacity of about 470 acre-feet between normal operating water surface at elevation 1380 and minimum water level at elevation 1370.

An intake structure, immediately upstream from the diversion dam.

A pressure tunnel, concrete-lined and about 19-foot inside diameter, approximately 33,700 feet long, between the intake and the beginning of penstocks.

A differential surge chamber, located near the downstream end of the tunnel.

Two steel penstocks, each approximately 780 feet long.

**Poe** powerhouse, on left bank of North Fork Feather River, to house two vertical turbine-generator units each of 63,000 kilovolt-ampere (0.9 power factor) capacity.

A substation and switchyard, adjacent to **Poe** powerhouse, to contain the necessary switching and transforming equipment.

Two short, 220-kilovolt tap lines, to extend from the high tension switch and bus structure at **Poe** powerhouse to applicant's transmission system.

(Note: All elevations are based on applicant's datum: elevation 0.0 P. G. & E.= elevation 10.0 U. S. G. S. approx.)

the location, nature and character of which structures are more specifically shown and described by the exhibits hereinbefore cited and by certain other exhibits which formed part of the application for license, which are designated **Poe** project, and described as follows:

**\*\*2 Exhibit L-1.**-(409752: **F. P. C.** No. **2107-4**) 'Dam, intake and conduits'.

*Exhibit L-2.*-(409753: **F. P. C.** No. **2107-5**) 'Power house'.

*Exhibit M.*-'General descriptions and general specifications of mechanical, electrical, and transmission equipment-**Poe** project'.

(c) All other structures, fixtures, equipment or facilities used or useful in the maintenance and operation of the project and located on the project area, including such portable property as may be used or useful in connection with the project or any part thereof, whether located on or off the project area, if and to the extent that the inclusion of such property as part of the project is approved or acquiesced in by the Commission; also, all riparian or other rights, the use or possession of which is necessary or appropriate in the maintenance or operation of the project.

The Secretary of the Army and the Chief of Engineers have reported that the proposed development would have no significant effect on any existing, authorized or presently contemplated flood control or navigation project of the Corps of Engineers; therefore, terms and conditions in the interest of navigation are not considered necessary.

The Acting Secretary of Agriculture, who has supervision over the Plumas National Forest, has reported favorably on the application, subject to the imposition of certain conditions for the protection and preservation of fish, wildlife, recreational, and aesthetic resources substantially as hereinafter provided.

The Under Secretary of the Interior, acting for the Secretary of the Interior, has reported favorably on the application, subject to the imposition of certain conditions in the interest of fish and wildlife-jointly devised and agreed upon **\*1336** by interested agencies including the United States Forest Service, California Department of Fish and Game, the applicant, and the United States Fish and Wildlife Service, substantially as hereinafter provided.

The Department of Public Works of the State of California has reported favorably on the application, provided the plant is so constructed that its normal tailrace elevation is higher than the water surface elevation of 900 feet (U. S. G. S. datum) in the Oroville Reservoir.

The Department of Fish and Game of the State of California has reported favorably on the application, subject to the imposition of certain conditions in the interest of fish and wildlife substantially as hereinafter provided.

The Commission *finds*:

(1) The applicant is a corporation organized under the laws of the State of California and has submitted satisfactory evidence of compliance with the requirements of all applicable State laws insofar as necessary to effect the purposes of a license for the project.

(2) No conflicting application is before the Commission. Public notice has been given as required by the act.

(3) The applicant has submitted satisfactory evidence of its financial ability to construct and operate the proposed project.

**\*\*3** (4) The project does not affect any Government dam, nor will the issuance of a license therefor as hereinafter provided affect the development of any water resources for public purposes which should be undertaken by the United States.

(5) The issuance of a license for the project as hereinafter provided will not interfere or be inconsistent with the purposes for which the Plumas National Forest was created or acquired.

(6) Under present circumstances and conditions and upon the terms and conditions hereinafter imposed, the project is best adapted to a comprehensive plan for the improvement and utilization of water-power development, and for other beneficial public uses, including recreational purposes.

(7) The installed horsepower capacity of the project hereinafter authorized for the purpose of computing the capacity component of the administrative annual charge is 151,000 horsepower, and the energy generated thereby will be used for public-utility purposes.

(8) The two proposed 220-kilovolt tap lines extending from the high tension switch and bus structure at the project plant to the applicant's transmission system are part of the project within the meaning of section 3(11) of the act, and should be included in the license for the project.

(9) The amount of annual charges to be paid under the license for the purposes of reimbursing the United States for the costs of administration of part I of the act, and for recompensing it for the use, occupancy, and enjoyment of its lands is reasonable as hereinafter fixed and specified.

(10) In accordance with section 10(d) of the act, the rate of return upon the net investment in the project, and the proportion of surplus earnings to be paid into and held in amortization reserves, are reasonable as hereinafter specified.

(11) The exhibits designated and described in paragraphs (a) and (b) above conform to the Commission's rules and regulations and should be approved as part of the license for the project.

The Commission **orders**:

(A) The license is issued to Pacific Gas & Electric Co. under section 4(e) of the act for a period of 50 years, effective as of October 1, 1953, for the construction, operation, and maintenance of project No. **2107** affecting lands of the United States within the Plumas National Forest, subject to the terms and **\*1337** conditions of the act which is incorporated by reference as a part of this license, and subject to such rules and regulations as the Commission has issued or prescribed under the provisions of the act.

(B) This license is also subject to the terms and conditions set forth in form L-2,\* entitled 'Terms and conditions of license for unconstructed major project affecting lands of the United States,' except for articles 13 and 17 thereof, which terms and conditions are attached hereto and made a part hereof; and subject to the following special conditions set forth herein as additional articles:

*Article 25.* The licensee shall commence construction of the project within one year from the effective date of this license; shall thereafter in good faith and with due diligence prosecute such construction; and shall complete the project and place it in operation within four years from the date of commencement of construction.

**\*\*4 Article 26.** For the protection and preservation of the fish, wildlife, recreational, and aesthetic resources the licensee shall provide a flow in the North Fork Feather River, as measured at the U. S. G. S. Big Bar gaging station near Pulga, of not less than 50 cubic feet per second at all times, provided that releases at the **Poe** Diversion Dam shall not be less than 25 cubic feet per

second at all times, the Commission reserving the right to adjust the above rates of flow if it shall find after notice to interested parties and opportunity to be heard, that these rates of flow are insufficient or more than necessary for such purposes.

*Article 27.* The licensee shall conduct the normal operation of its power project so as to avoid the sudden release of large flows into channels (other than those used as forebays and afterbays) normally carrying reduced flows where the control of such large flows by the licensee is reasonably possible. In the event emergency releases are required, the licensee shall endeavor to avoid changes in stream stages which will endanger life, health and property and which will be detrimental to the fish life in the stream.

*Article 28.* The licensee shall install, maintain, and operate fish screens at diversion structures, if such screens are found to be necessary and if suitable and practical screens can be developed, when so **ordered** by the Commission upon the recommendation of the Department of Fish and Game of the State of California.

*Article 29.* The licensee shall do everything reasonably within its power and shall require its employees, contractors, and employees of contractors to do everything reasonably within their power, both independently and upon request of officers of the agency of the United States concerned, to prevent, make advanced preparations for suppression, and suppress fires on lands occupied under the license.

*Article 30.* So far as is consistent with proper operation of the project, the licensee shall allow the public free access, to a reasonable extent, to project waters and adjacent project lands owned by the licensee for the purpose of full public utilization of such lands and waters for navigation and recreational purposes, including fishing and hunting, and shall, to a reasonable extent, allow for such purposes the construction of access roads, wharves, landings, and other facilities on its lands the occupancy of which may in appropriate circumstances be subject to payment of rent to the licensee in a reasonable amount: *Provided*, That the licensee may reserve from public access, such portions of the project waters, adjacent lands, and project facilities as may be necessary for the protection of life, health, and property and *Provided further*, That the licensee's consent to the construction of access roads, wharves, landings, and other facilities **\*1338** shall not without its express agreement place upon the licensee any obligation to construct or maintain such facilities.

**\*\*5** *Article 31.* The licensee shall pay to the United States the following annual charges:

(i) For the purpose of reimbursing the United States for the costs of administration of part I of the act, 1 cent per horsepower of the installed capacity (151,000 horsepower), plus 2 1/2 cents per 1,000 kilowatt-hours of gross energy generated by the project during each calendar year for which the charge is made; and

(ii) For the purpose of recompensing the United States for the use, occupancy, and enjoyment of its lands, \$239.92.

(C) The exhibits designated and described in paragraphs (a) and (b) above are approved as part of this license.

(D) This **order** shall become final 30 days from the date of its issuance unless application for rehearing shall be filed as provided by section 313(a) of the act, and failure to file such an application shall constitute acceptance of this license. In acknowledgment of the acceptance of this license, it shall be signed for the licensee and returned to the Commission within 60 days from the date of issuance of this **order**.

Commissioner Doty not participating.

FEDERAL POWER COMMISSION

Footnotes

\* See p. 1137.

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