

18 F.P.C. 829, 1957 WL 4103

SOUTHERN CALIFORNIA EDISON COMPANY,

PROJECT NO. **2085**

ORDER ISSUING LICENSE (MAJOR)

December 30, 1957

****1 *829** Before Commissioners: Jerome K. Kuykendally, Chairman; Seaborn L. Digby, William R. Connole and Arthur Kline.

Application was filed June 4, 1951, by Southern California Edison Company (Applicant) of Los Angeles, California, which was supplemented on March 14, 1955, April 14, 1955, and September 30, 1957, for a license under Section 4(e) of the Federal Power Act (hereinafter referred to as the Act) for proposed major Project No. **2085**, to be known as **Mammoth Pool** Project, on the San Joaquin River, Rock Creek, and Ross Creek, in Fresno and Madera Counties, California, and affecting navigable waters and lands of the United States within Sierra National Forest.

Processing of the application within the Commission was deferred pending consummation of an appropriate agreement between Applicant and the Secretary of the Interior for the protection of water rights of the United States and the users of water of the Central Valley Project. By letter of October 15, 1957, the Secretary of the Interior has advised us that the consummation of the agreement occurred as of June 1, 1957.

The Secretary of the Army and the Chief of Engineers have reported favorably on the application as supplemented, subject to inclusion in any license issued of a certain condition in the interest of navigation as hereinafter provided.

The Secretary of the Interior, in reporting on the original application recommended against the granting of any license until an operation contract, adequately ***830** protecting the interest of the United States, be agreed upon by Applicant. However, as recited above, the operation contract or agreement for the protection of water rights of the United States and the users of water of the Central Valley project was consummated between Applicant and the Secretary of the Interior as of June 1, 1957. In addition, he Secretary recommended for inclusion in any license issued certain conditions in the interest of fish and wildlife resources of the area for recreational enjoyment, as hereinafter provided.

The Secretary of Agriculture, in reporting on the application as supplemented, has recommended inclusion in any license issued of certain special conditions for the protection and utilization of the national forest land and resources involved, as hereinafter provided; and the Secretary advises that he will submit a report at a later date recommending such conditions in use of the extended project area for borrow pits and waste disposal upon lands of the United States an he deems necessary for the adequate protection and utilization of such lands.

The Public Utilities Commission of the State of California has expressed its interest in seeing that the development of the hydroelectric resources in California keep pace with fuel electric generating facilities and provide the proper proportion of the State's electric requirements. The Division of Fish and Game of the State of California has recommended for inclusion in any license issued certain provisions for the protection of fish and wildlife as hereinafter provided.

****2** On November 15, 1957, we received a telegram from the City of Fresno, California, advising that it had certain applications pending before the California Water Rights Board for permits to appropriate unappropriated surplus waters of the San Joaquin River for municipal and domestic use, and that while it was not the City's desire to unnecessarily delay the granting of a license to Applicant for construction of the **Mammoth Pool** Project, nevertheless, the City desired a hearing on the application for license to present evidence as a basis for requesting that a provision be inserted in the license to protect the City's rights under its applications before the Board.

We were subsequently advised by the City that its representatives were conferring with representatives of the Applicant with respect to this matter. On December 12, 1957, we received a letter dated December 10, 1957, from the City of Fresno further advising that as a result of the conferences and negotiations with the Applicant, the City wishes to propose that 'in the Commission's **order** granting a license to the Southern California Edison Company, there be included the following statements: The granting of this license is not to be construed as any determination of the water rights of the City of Fresno under its Applications Nos. 6771, 6772, 7134 and 7135, now pending before the State Water Rights Board of the State of California.

The granting of this license is not to be construed as precluding the City of Fresno at any later time from negotiating with the Southern California Edison Company for an arrangement to increase the storage capacity of the reservoir created by the **Mammoth Pool** Dam. In the event that such an arrangement is made, the Company and the City may at that time make application to this Commission for authority to undertake such an enlargement of the Project.

Nothing herein [in the two statements above] shall be deemed to be a waiver of any right which the City of Fresno or the Southern California Edison Company may now have under Federal or State law.' (Phrase in brackets added.)

***831** The City of Fresno concluded its letter by stating that:

If these statements are included in the Commission's **order** granting said license, we ask that you disregard our request for a hearing with respect thereto, and the City of Fresno wishes to join with the Southern California Edison Company in requesting that the **order** granting such license be issued at the earliest possible date.

In a letter dated December 13, 1957, the Applicant quoted the three statements contained in the City's letter of December 10, 1957, and advised that:

The Company views these statements as statements of fact and of law which would not have the effect of changing in any way the rights and obligations which the Company may have under the license which the Commission may grant to the Company. It therefore has no objection to the inclusion of such statements in the Commission's **order** and requests that they be included therein in **order** that any unnecessary delay may be avoided in the issuance of a license to the Company.

The Commission finds:

****3** (1) The proposed project affects navigable waters and lands of the United States.

(2) The proposed project would consist 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 a part of the application for license and which are designated and described as follows:

Exhibit J

Sheet No. Dwg. No. **FPC** No. **2085** Showing

7006 1 533635 1 15 General map.

Exhibit K

7007 1 through 7014 1 533636 1 through 533643 1 16 through 23 Detail Map.

7014 A 541848 29 Access roads

and borrow

area sites.

(b) Principal structures consisting of:

Mammoth Pool Dam, across San Joaquin River in the N 1/2 of Section 14, T. 7 S., R. 24 E., M. D. B. & M., about 330 feet high from stream bed to crest, with a separate spillway structure;

Mammoth Pool Reservoir, created by the **Mammoth Pool** Dam, with a gross capacity of approximately 123,000 acre-feet at spillway crest, elevation 3330.0 (Applicant's datum);

Rock Creek Diversion Dam, across Rock Creek, approximately 19 feet high above stream bed;

Ross Creek Diversion Dam, across Ross Creek, approximately 15 feet high above stream bed;

Mammoth Pool Tunnel, about 39,665 feet long, to extend from the **Mammoth Pool** Reservoir to the **Mammoth Pool** Powerhouse penstocks;

*832 An intake structure at the reservoir, a surge chamber and a rock trap in the tunnel section, and two penstocks each about 2,060 feet long;

A steel pipe to extend each from Rock Creek Diversion Dam and from the Ross Creek Diversion Dam into **Mammoth Pool** Tunnel;

Mammoth Pool Powerhouse, of outdoor type, approximately nine miles upstream from the Applicant's Big Creek Powerhouse No. 3 (Project No. 120), to contain two 63,000 kw vertical generators (total 126,000 kw), each direct-connected to a hydraulic turbine rated at 88,000 hp at 940 feet effective head (total 176,000 hp);

A substation, adjacent to the **Mammoth Pool** Powerhouse;

220-kv transmission line about 6 miles long from **Mammoth Pool** Powerhouse to the Applicant's existing Big Creek Powerhouse No. 3;

Appurtenant hydraulic, mechanical, and electrical facilities and miscellaneous project works.

-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 and which are designated and described as follows:

Exhibit L

Sheet No. Dwg. No. **FPC** No. Showing--

2085

7015 1 534566 1 24 **Mammoth Pool** Dam.

7016 1 534567 1 25 Intake and intake gate shaft.

7017 534568 12 Penstock and surge chamber.

7020 537784 0 28 Spillway-**Mammoth Pool** Reservoir

7021 541842 30 Ross and Rock Creek Diversions.

7022 552694 43 Generator deck plan of powerhouse.

7023 552695 44 Sectional plans.

7024 552696 45 Sectional elevations of powerhouse.

****4** *Exhibit M*- 'General Description-Mechanical, Electrical, and Transmission Equipment' in three sheets dated September 27, 1957, and filed September 30, 1957.

(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 a 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 and operation of the project.

(3) 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.

(4) No conflicting application is on file with the Commission. Public notice has been given as required by the Act.

(5) The Applicant has submitted satisfactory evidence of its financial ability to construct and operate the project.

(6) Except for the possibility of re-regulation, in part, by the Bureau of Reclamation's Friant Dam (Millerton Lake) of flows from the reservoir of the proposed project, the latter will not affect any Government dam, nor will the issuance of a license for the proposed project, as hereinafter provided, affect ***833** the development of any water resources for public purposes which should be undertaken by the United States.

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

(8) The project is best adapted to a comprehensive plan of developing the San Joaquin River for the use and benefit of interstate or foreign commerce, for the improvement and utilization of water-power development, and for other beneficial public uses, including recreational purposes.

(9) The 220-kv transmission line extending about six miles from **Mammoth Pool** Powerhouse to the Applicant's existing Big Creek Powerhouse No. 3 and the 130,000 kva 13.8/235 kv step-up transformer bank adjacent to **Mammoth Pool** Powerhouse are parts of the project within the meaning of Section 3(11) of the Act and should be included in the license for the project.

(10) The installed horsepower capacity of the proposed project hereinafter authorized for the purpose of computing the capacity component of the administrative annual charges is 168,000 horsepower. The energy generated by the project would be used for domestic, commercial, industrial, agricultural, and other purposes in the Applicant's service areas in the southern and central parts of California.

(11) The amount of annual charges to be paid under the license for the purpose 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, including those used for transmission line right-of-way only, is reasonable as hereinafter fixed and specified.

****5** (12) 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.

(13) The exhibits designated and described in finding (2) 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) This license is issued to Southern California Edison Company under Section 4(e) of the Act for a period of 50 years, effective as of December 1, 1957, for the construction, operation and maintenance of Project No. **2085**, affecting navigable waters and lands of the United States within Sierra National Forest, subject to the terms and 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-6, December 15, 1953, (**16 FPC 1121**) entitled: 'Terms and Conditions for Unconstructed Major Project Affecting Navigable Waters and Lands of the United States', except for Articles 9 and 15 through 18 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 28. The Licensee shall commence construction within one year from the effective date of license and with due diligence shall complete the project within five years from the effective date of the license.

Article 29. The Licensee shall limit releases from the **Mammoth Pool** Reservoir during flood periods to amounts not greater than the inflows.

***834 Article 30.** The Licensee shall release from the lower levels of the dam sufficient water to maintain flows in the natural streambed of the San Joaquin River, as measured approximately one-half mile below the dam, and above the confluence of Skakeflat Creek, of not less than twenty-five (25) cubic feet per second during the period April 16 through October 31 and

ten (10) cubic feet per second during the period November 1 through April 15 of each year, except in a dry year (which is defined as a year in which the seasonal run-off of the San Joaquin River at Friant Dam as estimated by the State of California Department of Water Resources on April 1 will be 900,000 acre-feet or less) the flow shall be not less than twelve and one-half (12.5) cubic feet per second during the period April 16 through October 31 and ten (10) cubic feet per second during the period November 1 through April 15. The dry year schedule may be applied for a period not to exceed the subsequent twelve (12) consecutive months commencing on April 16.

Article 31. The Licensee shall cooperate with the California Division of Fish and Game, the U. S. Forest Service, and the U. S. Fish and Wildlife Service, in the development of plans for the improvement and protection of the fishery, wildlife, and recreational resources involved.

****6** *Article 32.* The Licensee shall construct, maintain, and operate such protective devices and comply with such reasonable modifications of the project structure and operation in the interest of fish and wildlife resources as may be hereafter prescribed by the Commission upon the recommendation of the California Department of Fish and Game, and the Secretary of the Interior.

Article 33. The Licensee shall, in **order** to secure maximum recreational benefits, make every effort to maintain the water surface of **Mammoth Pool** Reservoir as the maximum elevation and with a minimum of fluctuation from June 1 to September 1 of each year, as consistent with the primary purpose of the reservoir.

Article 34. The Licensee shall install, maintain, and operate fish screens if such 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 California Department of Fish and Game.

Article 35.

(a) The Licensee shall construct an access road extending from the Forest Service Road No. 0400 to the **Mammoth** Dam, which road shall be constructed to the following minimum standards: 18-foot roadbed exclusive of ditches, intervisible turnouts 26 feet in width for 50 feet with 50-foot tapers at each end, 7% maximum grades, 150-foot minimum curve radius, and bridges with 24 feet clear width. The roadbed including structures shall be designed for wheel and axle loads commensurate with the American Association of State Highway Officials H20-S16 bridge loading.

(b) To provide access to the east side of the river the Licensee shall construct a road along the crest of the dam and approaches, and a bridge across the spillway structure, to replace the crossing which will be inundated by the reservoir. Said road shall be constructed to the following minimum standards: 30 feet minimum usable width, 6% maximum grade, and 250 feet minimum curve radius. The roadbed including structures shall be designed for wheel and axle load as specified in (a) above.

Article 36. The Licensee shall prior to impounding water clear all lands in the bottom and margin of reservoir up to high-water level, shall clear and keep clear to an adequate width lands of the United States along open conduits, and shall dispose of all temporary structures, unused timber, brush, refuse, of inflammable material resulting from the clearing of the lands or from the construction and maintenance of the project works. In addition, all ***835** trees along the margin of the reservoir which may die from operation of the reservoir shall be removed. The clearing of the lands and the disposal of the material shall be done with due diligence and to the satisfaction of the authorized representative of the Commission.

Article 37. The Licensee shall operate the project in harmony with the Operating Contract of June 1, 1957, entered into by the Licensee and the United States.

Article 38. The Licensee shall pay to the United States the following annual charges:

**7 (i) For the purpose of reimbursing the United States for the costs of administration of Part I of the Act, one (1) cent per horsepower of the authorized installed capacity (168,000 horsepower), plus two and one-half (2 1/2) cents per 1,000 kilowatt-hours of gross energy generated by the project during the calendar year for which the charge is made;

(ii) For the purpose of recompensing the United States for the use, occupancy, and enjoyment of its lands, exclusive of those used for transmission line rights-of-way only, \$6,810.78;

(iii) For the purpose of recompensing the United States for the use, occupancy, and enjoyment of its lands for transmission line right-of-way only, \$77.12.

Article 39. The Licensee agrees that the Commission may prescribe such further reasonable conditions as may be necessary for the adequate protection and utilization of the lands of the United States within the Sierra National Forest used for borrow and waste disposal areas.

(C) The Operating Contract referred to the Article 37 above is approved as part of this license.

(D) The exhibits designated and described in finding (2) above are approved as part of this license.

(E) The Commission reserves the right, upon recommendation of the Secretary of Agriculture and after notice and opportunity for hearing, to prescribe such conditions as it deems necessary for the adequate protection and utilization of the lands of the United States included in the project by this **order**.

(F) 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 Federal Power Act, and failure to file such an application shall constitute acceptance of this **order**. In acknowledgment of the acceptance of this **order**, it shall be signed for the Licensee and returned to the Commission within 60 days from the date of issuance of this **order**.

FEDERAL POWER COMMISSION
18 F.P.C. 829, 1957 WL 4103