

CHARTER FOR OROVILLE DAM SAFETY COMPREHENSIVE NEEDS ASSESSMENT

Public Ad Hoc Group

Purpose

This charter sets forth the roles, responsibility and terms of engagement for the Comprehensive Needs Assessment public ad hoc group selected by state Senator Jim Nielsen and Assemblymember James Gallagher.

The ad hoc group will review and comment on efforts by the California Department of Water Resources (DWR) and the Independent Review Board (IRB) to develop a Comprehensive Needs Assessment (CNA) for public safety related to Oroville Dam and its appurtenant structures.

Background

About the CNA

Expected to be finalized by the end of 2019, the CNA will identify priorities and appropriate solutions to enhance the integrity and resiliency of the Oroville Dam complex including consideration of improvements to the Dam and its existing appurtenances, additional appurtenant structures, flood control operations, and other dam safety measures. Some solutions might also provide secondary benefits, such as operational redundancy, improving compliance with downstream flow and temperature criteria, seasonal increases in storage, or possible power generation opportunities.

It is not the intent of the CNA to investigate the causes of the events at Oroville Dam during February of 2017. Nor is it the intent of this assessment to critique operations at the Oroville Dam for the purpose of ascribing fault or blame to any person or agency involved in these events. This assessment is not intended to alter the law regarding inadmissibility of subsequent remedial repairs under California Evidence Code Section 1151 or other legal authorities.

About the Independent Review Board

DWR will convene a five-member IRB to conduct independent technical reviews of key deliverables and document its review of DWR's work products. The members of the IRB are national experts with diverse technical expertise, experiences and perspectives. Their expertise will cover disciplines in geotechnical, hydraulics, structures or hydraulic structures, operations, engineering geology, and environmental resources. Collectively, they will have experience with safety and dam design modification of large dams, complex multi-purpose dam safety operations and projects, large government organizations, water policy, environmental science, and stakeholder engagement.

The IRB will also meet with the community leaders serving on the ad hoc group at key junctures to answer their questions.

Specifically, the IRB will review and assess:

- Proposed alternatives to restore the spillway design capacity
 - Current design flood and combined spillway capacity needs
 - Capacity of the combined spillways once emergency recovery efforts conclude
 - Alternatives to provide any shortfall in spillway capacity
- Proposed project flood operations associated with various alternatives
 - Flood operations under alternatives identified in other tasks
 - Post-emergency water control manual proposal
- Proposed remedial options for the service spillway headworks
 - Potential risks to the headworks
 - Studies and assessments of different features of the headworks
 - Testing, maintenance, and mitigation projects
- Proposed low-level outlet alternatives
 - Alternative outlet concepts
 - Reservoir drawdown benefits
 - Potential construction, operation, long-term maintenance risks
- Proposed dam embankment reliability and improvements
 - Current projects related to slope stability and seepage
 - Seepage and stability evaluations
 - Alternative additional mitigation projects
- Proposed dam complex instrumentation and monitoring plans
 - Plan for additional instrumentation for the reconstructed and new spillway structures
 - Updated instrumentation data gathering, surveillance, and monitoring plan

The inspection, evaluation and reports for Oroville Dam and related facilities shall be in compliance with the Code of Federal Regulations, Title 18, Subpart D of Part 12; California Water Code, Division 3; and California Code of Regulations, Title 23, Division 2. The IRB may recommend additional information or analysis as needed. DWR will furnish all IRB documents to FERC and state Division of Safety of Dams.

Roles and Responsibilities of the Ad Hoc Group

Roles

- To communicate accurate information and context about elements of the CNA under consideration – and eventually the final document – to the stakeholders and interest groups that they represent.
- To provide informed community and stakeholder perspectives to the IRB as they develop the Oroville Dam CNA.
- To receive questions about the CNA from the community and interested parties and communicate relevant questions or concerns to the IRB.

Responsibilities

- Be informed about the elements of the Oroville Dam and appurtenant structures that will be addressed in the CNA.
 - o DWR and the IRB will offer education sessions to members of the ad hoc group.
 - o Important information will be distributed in advance of each meeting.
- Avoid making assumptions about a planning direction or decision. Confirm information with questions and discussion, and by reviewing meeting summaries.
- Adhere to the rules of engagement.
- Participate in the ad hoc group through the end of the process to ensure continuity and consistency.

Support

- DWR will designate one co-chair of the ad hoc group and the group will identify the other co-chairs.
- DWR will provide a meeting coordinator to assist with creation and distribution of meeting materials, agendas and meeting summaries. The meeting coordinator is not a member of the ad hoc group and will not publicly share information about the meeting.
- DWR will provide a professional meeting coordinator to assist the co-chairs plan for each meeting, and to assist with meeting management when needed.

Rules of Engagement

The parties agree to adhere to the following rules of engagement, which will guide their deliberations, to promote the sharing of information and discussions between DWR, IRB members and the appointees of the ad hoc group of community leaders.

Attendance and participation

- The ad hoc group will begin meeting in July 2018 and will conclude in November 2019.
- The ad hoc group will meet approximately once per quarter.
- Members of the ad hoc group are expected to attend all of the meetings in person.
 - o A teleconference line may be made available to members who are unable to attend in person. This will be determined on a case-by-case basis.
- Members of the ad hoc group are expected to read the meeting materials in advance of each meeting.
- Members may not designate alternates to attend the meetings to ensure meeting consistency and efficiency. There will be no time in the meetings to provide background, specific education or other background information to new attendees.
- Meetings are not open to the public.
- Members who cannot attend a meeting may submit written comments one week in advance to the parties.
- DWR has the discretion to decide if members of the IRB are required to attend the ad hoc meetings to inform their discussions and answer questions. Attendance of the IRB will be based on the technical expertise required for the particular agenda items.

Agendas and meeting logistics

- The co-chairs will develop the meeting agendas in consultation with DWR and the IRB, and will alternate responsibility for running the meetings. DWR will coordinate logistics for the meetings.
- All of the meetings will be convened in Oroville.
- Meetings will be convened by the co-chairs three to four weeks after formal meetings between DWR and the IRB, unless otherwise agreed by the co-chairs.
- Meeting materials will be distributed to members of the ad hoc group two weeks prior to each meeting.
- Each agenda will include an “open” item for non-agendized items.
- Each meeting will be video-recorded by DWR staff and the video will be publicly posted.
- Where practical, topics will be characterized in a way to facilitate meaningful discussion and transparency but without the use of confidential information.

Meeting order and conduct

- Meetings will be opened and closed by the co-chairs.
- Meetings will be conducted by the co-chairs with assistance from a professional meeting coordinator.
- Members will determine at their first meeting if and how they will discuss meeting business with the news media and on social media.

Meeting summaries

- The meeting coordinator will track action items identified at each meeting.
- The meeting coordinator will prepare summaries after each meeting which will be reviewed and agreed upon by the co-chairs before they are posted publicly.
- Meeting summaries will be posted on the Lake Oroville spillways webpage.
- Meeting summaries will include:
 - Agenda and attendees
 - Questions put forth to IRB
 - Comments put forth to the IRB
 - Response from IRB from previous meetings
 - Actions and decisions
 - Date, time for next meeting

Meeting decorum

- All parties will be respectful in their comments and questions.
- Speakers shall be allowed to finish their statements without interruption.
- Order shall be maintained by the co-chairs to ensure the discussion remains respectful.
- If disagreements are expressed, the parties will focus their comments on issues, not individuals.