

The 2007 Draft EIS identifies potential dam failure and inundation of downstream areas within our City as a result of the flood surge. A preliminary "dam failure analysis" was evidently conducted by the Federal Energy Regulatory Commission (FERC) and is included in the Draft EIS. The EIS states, "The Commission's Division of Dam Safety and Inspection's San Francisco Regional Office performed a Pre-License inspection and issued a report dated January 6, 2005. Paragraph A of the Pre-license Inspection Report discusses the downstream hazard potential of the project." We ask that a copy of this report be provided to the City of San Juan Capistrano for review.

Unfortunately, the EIR provides no detail on the potential dam failure, flood inundation impacts to our City. The Draft EIS discussion of the Morrell Canyon reservoir site (the applicant's proposed site) and the Decker Canyon reservoirs site (FERC's recommended alternative) are troubling. The Draft EIS includes the following discussion for the proposed Morrell Canyon reservoir site:

The report notes that based on the dam break analyses included in the license application, a dam breach at the Morrell Canyon upper reservoir site would generate a flood wave that would cause overbank flow along San Juan Creek for about 15 miles to the Pacific Ocean. The areas subject to flooding include campgrounds, residential and commercial buildings, and Ortega Highway (State Route 74) stream crossings. The study estimates that depths could be as high as 39 feet in the narrow canyon areas. A similar study was performed to estimate inundation toward Lake Elsinore should a lower elevation dike fail. Breaching of a dike would result in flooding, however with less release of water. Structures and possibly residences in the city of Lake Elsinore would be inundated up to 14 feet for Morrell Canyon reservoir. The report notes that observations made during the inspection confirm that the proposed project would be classified as having a high downstream hazard potential. In accordance with the Federal Guidelines for Dam Safety - Hazard Potential Classification Systems for Dams (October 1998), dams assigned the high hazard potential are those where failure or misoperation will probably cause a loss of human life.

The Draft EIS includes the following discussion for the proposed Decker Canyon (FERC alternative) reservoir site:

"The preliminary inundation area for the staff alternative using the Decker Canyon upper reservoir site also is depicted in figure 10. The Commission's Division of Dam Safety and Inspection's report notes that based on the dam break analyses included in the license application, a dam breach at the Decker Canyon upper reservoir site also would generate a flood wave that would cause overbank flow along San Juan Creek for about 15 miles to the Pacific Ocean, similar to the Morrell Canyon upper reservoir site. The same areas would be subject to flooding with water depths that could be as high as 39 feet in the narrow canyon areas. Breaching of a dike would result in flooding, however with less release of water. Structures and possibly residences in the city of Lake Elsinore would be inundated up to 6 feet for Decker Canyon reservoir. The report notes that observations made during the inspection confirm that the Decker Canyon upper reservoir would be classified as having a high downstream hazard potential. In accordance with the Federal Guidelines for Dam Safety-Hazard Potential Classification Systems for Dams (October 1998), dams assigned the high hazard potential are those where failure or misoperation will probably cause a loss of human life."

The Draft EIS states that the preliminary inundation analyses only considers "normal pool conditions." Consequently, it does not analyze the worst-case scenario of dam failure during a 100-year storm event. The co-applicants have inappropriately deferred this critical analysis until after the licensing process. However, we believe that this analysis is critical to enabling FERC to make an informed decision on this project when they do not have a complete analysis of the impacts of inundation. The Draft EIS states unequivocally that "failure will probably cause loss of human life." Furthermore, the Draft EIS states:

The co-applicants state that, because the precise location and configuration of the proposed upper reservoir has not been determined and cannot be entirely known pending the outcome of the Commission's licensing process, they have only undertaken dam break analyses for normal pool conditions and the preliminary design of the structures. The co-applicants note that an incremental hazard evaluation will be provided as part of the Emergency Action Plan, which would also examine potential inundation hazards associated with floodflow conditions. Consequently, the application asks that the Federal Energy Regulatory Commission (FERC) grant the operating license for this project without fully understanding the potentially serious, public safety impacts. The City of San Juan Capistrano asks that FERC not issue the operating license and that EVMWD not proceed with this project until after the preliminary dam design would be completed, and until the more detailed "incremental hazard evaluation" is conducted. Further, the City asks that FERC require that the co-applicants undertake and complete this work before proceeding any further with the process. Should the co-applicants decline to complete this critical analysis, the City will strenuously oppose the issuance of any operating permit. The City's ultimate position on this project will be based, in large part, on the results of that analysis and the identification of specific public safety impacts to persons and property within our City.

Based on the analysis of the 2007 Draft EIS, the City opposes any permitting action by FERC unless and until these serious public health & safety impacts have been sufficiently addressed.