FEDERAL ENERGY REGULATORY COMMISSION
Office of Energy Projects
Division of Dam Safety and Inspections
Chicago Regional Office

In reply refer to: P-10615, P-11730

April 23, 2026

VIA ELECTRONIC MAIL

Ms. Tiffany Heon
Environmental Officer
Black River Hydro LP (BRLP)
Tiffanyheon@hotmail.com

Subject: Required Actions Following Mid-April High Flow Event

Dear Ms. Heon:

During the mid-April high-flow event in the Black River Basin, the Alverno Hydroelectric Project (FERC No. 11730) and the Tower and Kleber Developments (FERC No. 10615) experienced record water levels and sustained high flows, including levels that exceeded normal operating conditions.

Rapidly changing headpond elevations, gate issues, debris accumulation, erosion concerns, and operational challenges at all three developments were observed. In addition to these conditions, a lack of an engineer representing the licensee on-site during critical portions of the event was noted. Continuous and capable engineering oversight from the licensee is required during high-flow events and emergency conditions. The absence of engineering expertise from the licensee presence raises significant concern regarding operational awareness, adequacy of staffing, and compliance with required project oversight responsibilities.

Furthermore, several observations reflect concerns regarding operating personnel and facility response, including:

- Spillway at the Tower was blocked with debris.
- Tainter gate at Tower was stuck contributing to the headpond dropping below the licensed minimum.
- Emergency spillway concerns at Kleber, including leakage at the concrete weir and continued erosion risk.
- Multiple erosion areas at Alverno requiring emergency riprap placement, and sandbagging.

- Developing of sinkholes at Alverno's middle embankment which repairs were directed by DNR, FERC and your operator onsite.

Given the seriousness of these conditions, all three developments must be inspected and assessed immediately by a professional engineer with dam safety experience. The engineer must evaluate the performance of the project structures following this high-flow event and provide recommendations to ensure safety of the projects for continued operation. In addition, the assessment must:

1. Identify all deficiencies, eroded areas, equipment issues, or operational limitations, and
2. Report maximum flows experienced, recorded headpond elevations, gate opening sequences and positions.

The written safety assessment report must be prepared by the professional engineer and submitted to the Commission within 15 days of the date of this letter.

You must also provide a separate report that provides a detailed explanation of:

1. Why no engineering representatives for the licensee were present or available on-site during critical periods,
2. How operator coverage is currently structured, and
3. What corrective measures will be implemented to ensure qualified personnel are present or available during future high-flow or emergency conditions.

This separate report must comply with 18 CFR 12.10(a) and include a plan and schedule to address structural, mechanical, and operational deficiencies, enhance operator training, response procedures, staffing, and incorporate recommendations from the engineer's safety assessment. Submit this report to the Commission within 15 days of this letter.

These requirements are necessary for the Commission to evaluate project safety performance and ensure the licensee maintains appropriate operational control during emergency flow conditions.

In addition, a Hazard Potential Re-Evaluation is required for Alverno, Kleber, and Tower. This evaluation must assess consequences of a potential failure or misoperation and include an assessment of potential loss of life, economic impacts, and impacts to infrastructure, including downstream dams. The Hazard Potential Re-Evaluation is due by September 1, 2026.

If you have any questions, please contact me at (312)596-4456 or at marilyn.sabido@ferc.gov

Sincerely,

MARILYN SABIDO

Digitally signed by MARILYN SABIDO
Date: 2026.04.23 14:27:28 -05'00'

Marilyn Sabido, P.E.
Regional Engineer

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