

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Boyce Hydro Power, LLC.

Project Nos. 2785-015, 10808-005,  
10809-004,10810-006

ORDER GRANTING EXTENSION OF TIME

(February 20, 2014)

1. On January 30, 2014, Boyce Hydro Power, LLC (licensee) filed a request for an extension of time for filing its Water Quality Monitoring Report, for the Sanford (FERC No. 2785), Edenville (FERC No. 10808), Secord (FERC No. 10809) and Smallwood (FERC No. 10810) hydroelectric projects. The projects are located on the Tittabawassee River in Midland and Gladwin counties, Michigan.

REQUIREMENTS AND BACKGROUND

2. Water Quality Monitoring Reports are required to be filed for each project annually by December 31 pursuant to the Federal Energy Regulatory Commission's (Commission) Order Modifying and Approving Water Quality Monitoring Plans (1999 Order)<sup>1</sup> and the Commission's environmental inspection follow-up letter, issued on October 4, 2010. The 1999 Order requires the licensee to monitor water temperature and dissolved oxygen (DO) concentrations below each project at the confluence of the tailrace and the bypassed reach. Water temperature is to be monitored year round, and DO is to be monitored from June 1 through September 30 annually.

3. The Commission issued a letter on April 23, 2013, directing the licensee to file its 2013 Water Quality Monitoring Report for review by December 31, 2013. The Commission further clarified requirements of the water quality plans in a letter issued October 23, 2013, which stated that the annual report should also describe the licensee's additional DO readings observed in the reservoirs, the mitigation measures taken in the event of low DO and the results of such measures, and whether any updates to the monitoring methods are proposed or changes in project structures or operations are necessary to protect water quality. In the report, the licensee should indicate whether they conclude that connection to a SCADA system is necessary, based on their 2013 water quality monitoring and experience providing any required supplemental flow or mitigation measures.

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<sup>1</sup> 87 FERC ¶ 62,365 (issued June 29, 1999).

## LICENSEE'S REQUEST

4. The licensee states that it has completed all monitoring work and has collected data through December 31, 2013. While it had planned to finish the report at the end of January 2014, the amount of data is quite extensive and the licensee's consultant is still compiling the results and writing the report. Therefore, the licensee proposes to submit the report to the U.S. Fish and Wildlife Service and Michigan Department of Natural Resources (collectively, the resource agencies) by February 20, 2014, and file the final report, including resource agency comments, with the Commission by March 31, 2014.

## DISCUSSION

5. In 2013 the licensee filed with the Commission several updates about the progress of water quality monitoring, and has been proactive in informing the Commission of the progress made in adhering to the 1999 Order, following a lapse of time in which reporting did not occur for several years. The licensee's schedule and reasons for the request are reasonable. The extension of time is justified and should be granted.

6. The licensee is reminded that if it is unable to complete a required analysis or file a required document according to the established schedule, it must request an extension of time before the established due date, in compliance with § 385.2008 of the Commission's regulations. The licensee should have filed the extension of time request as soon as it had anticipated not meeting the filing deadline, and prior to the required December 31 due date. The licensee is advised that failure to timely file any requirement of the license in the future may be considered a violation of the license.

### The Director orders:

(A) The due date to file the 2013 Water Quality Monitoring Report for the Sanford, Edenville, Secord and Smallwood projects, pursuant to the Order Modifying and Approving Water Quality Monitoring Plans, is extended to March 31, 2014.

(B) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the FPA, 16 U.S.C. § 8251 (2012), and the Commission's regulations at

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18 C.F.R. § 385.713 (2013). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. The licensee's failure to file a request for rehearing shall constitute acceptance of this order.

Thomas J. LoVullo  
Aquatic Resources Branch  
Division of Hydropower Administration  
and Compliance

Document Content(s)

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