



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES  
LANSING



KEITH CREAGH  
DIRECTOR

March 13, 2015

Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

**RE: NON-COMPLIANCE WITH REQUIRED RECREATION FACILITIES AT THE BOYCE HYDRO LLC PROJECTS ON THE TITTABAWASSEE RIVER, MICHIGAN. SANFORD (FERC NO. 2875), EDENVILLE (FERC NO. 10808), SMALLWOOD (FERC NO. 10810), AND SECORD (10809)**

Dear Ms. Bose,

The Michigan Department of Natural Resources (Department) has reviewed the Special Environmental Inspection Reports for the above listed projects. It is very clear from these reports that the recreational facilities for these projects do not meet the requirements listed in the licenses for each project. It is also very clear that the licensee has been out of compliance with the approved recreation plans for many years. In fact, since the recreation plans were approved in 2001 the licensee has continued to close off and restrict access at each project. The public has been blocked completely from fishing in the tailrace at the Edenville Project for several years. The Department has received numerous complaints and has passed those complaints on to the Commission over the past several years.

Fencing, barbed wire, and physical threats and confrontations have become the norm at these projects when the public attempts to gain access to these projects as is provided for in the licenses. The situation is so bad that assaults and property damage have been committed against individuals attempting to use the facilities and access sites they have a right to use under the terms of the licenses issued for these projects. This behavior of harassment and denial of required access to these facilities cannot be tolerated any longer. The Department does not understand why this willful and intentional effort to resist compliance with license requirements is allowed by the Commission. The Department does appreciate the Commission scheduling the Special Environmental Inspections last August to document and witness firsthand the extent of the deficiencies with the license articles as they relate to recreation at these facilities.

As spring rapidly approaches the need to act quickly is crucial. Very popular open water fishing seasons are approaching and the Department believes that anglers should have the ability to access these popular fishing sites without harassment and with ease of access, in properly designed and located facilities.

Kimberly D. Bose, Secretary, FERC  
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Now that the Commission has inspected and documented the lack of compliance, the Department respectfully requests that the Commission expedite issuance of an order directing the licensee to bring their facilities into compliance with the requirements of the licenses as soon as possible.

If you have any questions or need clarification, please feel free to contact me at:

Michigan Department of Natural Resources  
Mio Field Office  
191 S Mt Tom Rd  
Mio MI 48647

Sincerely,

A handwritten signature in black ink, appearing to read "Kyle Kruger", with a long horizontal flourish extending to the right.

Kyle Kruger  
Senior Fisheries Biologist  
Habitat Assessment Unit  
Fisheries Division  
(989) 826-3211 x 7073

cc Chris Freiburger, MDNR

Document Content(s)

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