

P-2785

# BOYCE HYDRO POWER LLC

Lee W. Mueller & Stephen B. Hultberg, Co-Member Managers  
6000 S. MI-30 (PO Box 15)  
Edenville, MI 48620  
Tel: (989) 689-3161 Fax: (989) 689-3155

June 9, 2014



Mr. Peter Chapman, P.E.  
Federal Energy Regulatory Commission  
Chicago Regional Office  
230 South Dearborn Street, Suite 3130  
Chicago, IL 60604

RE: Sanford P-2785  
MDEQ Sanford Permit

Mr. Chapman:

Please find enclosed our permit from the Michigan Department of Environmental Quality for the sheet pile wall construction at our Sanford Project, P-2785.

Sincerely,  
Boyce Hydro Power, LLC.

A handwritten signature in black ink, appearing to read "Frank O. Christie".

for Frank O. Christie, P.E.  
General Manager

cc: Lee W. Mueller, Co-Member Manager  
Stephen B. Hultberg, Co-Member Manager



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
SAGINAW BAY DISTRICT OFFICE



DAN WYANT  
DIRECTOR

June 5, 2014

Mr. Lee Mueller  
Boyce Hydro LLC  
PO Box 15  
Edenville, MI 48620

Dear Mr. Mueller:

SUBJECT: Draft Permit for Countersignature  
File Number: 13-56-0005-P  
County: Midland  
Project Name: Sanford

The Michigan Department of Environmental Quality's (MDEQ) Water Resources Division (WRD) has reviewed the above-referenced application for permit pursuant to Part 31, Water Resources, Floodplain and Floodways, and Part 301 Inland Lakes and Streams of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. The purpose of the project, as depicted in your application, is to remove and replace a deteriorating concrete wall, to protect the tailrace against future erosion, and to prepare an area for power house rehabilitation work.

The WRD has considered, among other pertinent concerns, the purpose and intended use of the project in relation to its placement, resource impacts, and site conditions. We have determined that the project as proposed cannot be permitted for the following reasons: The total of 212 linear feet of proposed seawall on the east side of the project site is not necessary to achieve the stated project purpose of replacing a deteriorating concrete wall, to protect the tail race against future erosion and to prepare an area for major power house rehabilitation work.

The WRD can, however, issue a permit for a modified project. The project can be permitted as proposed for the area downstream of the tail race, and for the 246 feet along the shoreline on the upstream side of the dam, as shown on the modified plans. A total of 212 linear feet of steel seawall (including two sections; 184 and 28 feet long respectively) on the east side of the project are not authorized. The modifications will allow for equipment placement and equipment access, have less natural resource impact, and are a feasible and prudent alternative to the project as proposed. These modifications are necessary to limit the impacts of shoreline hardening and fill into Sanford Lake. They also assist in the protection of the public trust by retaining access to Sanford Lake for fishing as required by existing licensing agreements between Boyce Hydro and the Federal Energy Regulatory Commission.

Enclosed is a modified draft permit, requiring a countersignature that authorizes: placement of 460 cubic yards of fill, and excavation of 2,992 cubic yards of material within the 100 year floodplain of the Tittabawassee River downstream of the dam, construction of a temporary coffer dam, removal of 36 linear feet of existing concrete retaining wall, installation of 44 linear

Mr. Lee Mueller

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June 5, 2014

feet of replacement steel seawall, and a total of 356 linear feet of new steel seawall, and placement of fill behind the new and replacement seawall to the elevation shown in the modified plans.

Carefully review and fully understand the draft permit and all of its associated terms and conditions. As the permittee, you are responsible for assuring that the project is completed as authorized and in compliance with permit requirements. **If you agree to all of the terms and conditions, sign the draft permit in the space provided, initial each of the drawings, and return the entire document to our office within 30 days of the date of this letter.**

*This permit is not valid until signed by an official of the WRD. Upon return of the signed and initialed document from you, the WRD will issue the permit in a timely manner and return a signed copy to you. Construction activity is not authorized to begin until a valid permit is held at the project site. If you do not return the signed and initialed document by the required date, an Application Denial letter will be sent to you.*

If you have any questions regarding the specifics of this draft permit, please contact me at 989-894-6222; sleightc@michigan.gov; or MDEQ, WRD, Saginaw Bay District Office, 401 Ketchum Street, Suite B, Bay City, Michigan 48708-5430. Please include your file number 13-56-0005-P, in your response.

Sincerely,



Catherine Sleight  
Water Resources Division

Enclosure



**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY  
WATER RESOURCES DIVISION  
PERMIT**

**ISSUED TO:**

Boyce Hydro LLC  
PO Box 15  
Edenville, MI 48620

|                   |              |
|-------------------|--------------|
| <b>Permit No.</b> | 13-56-0005-P |
| <b>Issued</b>     | June 5, 2014 |
| <b>Extended</b>   |              |
| <b>Revised</b>    |              |
| <b>Expires</b>    | June 5, 2019 |

This permit is being issued by the Michigan Department of Environmental Quality (MDEQ) under the provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and specifically:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Part 301, Inland Lakes and Streams             | <input type="checkbox"/> Part 315, Dam Safety                           |
| <input type="checkbox"/> Part 325, Great Lakes Submerged Lands                     | <input type="checkbox"/> Part 323, Shorelands Protection and Management |
| <input type="checkbox"/> Part 303, Wetlands Protection                             | <input type="checkbox"/> Part 353, Sand Dunes Protection and Management |
| <input checked="" type="checkbox"/> Part 31, Floodplain/Water Resources Protection |   |

Permission is hereby granted, based on permittee assurance of adherence to State of Michigan requirements and permit conditions, to:

**Permitted Activity:**

Place 460 cubic yards and excavate 2,992 cubic yards within the 100-year floodplain of the Tittabawassee River (downstream of the dam).

Construct a 75 foot long temporary coffer dam, downstream of the dam, at the location shown on the attached modified plans.

Remove approximately 36 linear feet of failing concrete retaining wall.

Install 44 linear feet of replacement steel replacement wall, and 356 feet of new steel seawall at the locations shown on the modified plans. Place fill landward of steel seawall to elevations shown on the plan.

All work shall be completed in accordance with the attached modified plans and the specifications of this permit

**Water Course Affected:** Tittabawassee River

**Property Location:** Midland County, Jerome Township, Section 24

Subdivision, Lot                      Town/Range 15N, 1W    Property Tax No. 081-024-200-501-00

**Authority granted by this permit is subject to the following limitations:**

- A. Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit.
- B. The permittee, in exercising the authority granted by this permit, shall not cause unlawful pollution as defined by Part 31, Water Resources Protection, of the NREPA.
- C. This permit shall be kept at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration.
- D. All work shall be completed in accordance with the approved plans and specifications submitted with the application and/or plans and specifications attached to this permit.
- E. No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved.
- F. It is made a requirement of this permit that the permittee give notice to public utilities in accordance with Act 53 of the Public Act of 1974 and comply with each of the requirements of that Act.

Document Content(s)

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