



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



KEITH CREAGH
DIRECTOR

July 31, 2015

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

**RE: VIOLATION OF ARTICLE 407 WATER QUALITY MONITORING FOR THE
SANFORD PROJECT (FERC NO. 2785) ON THE TITTABAWASSEE RIVER,
MICHIGAN**

Dear Ms. Bose,

The Michigan Department of Natural Resources (Department) requested copies of the water quality monitoring data for the Sanford Project from Boyce Hydro Power, LLC (Boyce) by letter July 8, 2015 (Appendix 1) as allowed for in the approved water quality monitoring plan. Boyce responded in a timely manner, however, they only provided the Department with temperature data. They did not have dissolved oxygen (DO) measurements. On June 3, 2015, the Commission sent a letter to Boyce indicating that the current issues related to water quality are required to be mitigated and the request by Boyce to cease water quality monitoring was denied. In the Commission's letter, staff indicated that:

"We expect that your 2015 monitoring program is currently underway and you are implementing corrective actions when DO is below 5 mg/L."

This is clearly not the case. Boyce responded to the Department's request by e-mail (Appendix 2) and in that e-mail explained that:

"Attached is the temperature data for the past four months. Because of the numerous rains during the first part of June we were not able to get in the water at the tailraces to install the sensors. We had turbines running 24 hours a day and spill gates open much of the time. We installed the sensors on June 30 and are monitoring results daily and weekly depending on the plant. We are working on the installation of the alert condition thru our SCADA system at Sanford. We are opening gates at Sanford and Sanford at different levels to develop a history of results."

We reviewed the data from the USGS gage at Midland, Michigan on the Tittabawassee River and found that the high flows requiring open gates and 24 hour operation did not

Kimberly D. Bose, Secretary
Sanford Water Quality Monitoring (P-2785)

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occur until mid-June. For the period between May 20, 2015 and June 12, 2015, flows in the river were near normal and the hydrograph from the gage clearly shows that the projects were being operated in a peaking mode (including storing water over the weekends, Appendix 3). Therefore Boyce had full control of the flows and was fully able to safely install the DO sensors in the river prior to June 1 as required by the approved water quality monitoring plan if they had chosen to do so.

We believe that Boyce chose not to place their sensors in the water since they had not received confirmation from the Commission regarding their request to suspend water quality monitoring. Making a request to the Commission does not relieve the licensee from any license obligation without the explicit approval of the Commission.

The Department was pleased to hear they were testing spill for potential DO mitigation measures as appropriate for the Sanford Project. 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,



Kyle Kruger
Senior Fisheries Biologist
Habitat Management Unit
FISHERIES DIVISION
(989) 826-3211 x 7073

cc TJ LoVullo, FERC
Chris Freiburger, Fisheries

Appendix 1



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



KEITH CREAUGH
DIRECTOR

July 8, 2015

Mr. Frank Christie
Boyce Hydro Power, LLC
6000 S. M-30, P.O. Box 15
Edenville, MI 48620

**RE: WATER QUALITY MONITORING DATA FOR SECORD (P-10809),
SMALLWOOD (P-10810), EDENVILLE (P-10808), AND SANFORD (P-2785)
PROJECTS ON THE TITTABAWASSEE RIVER, MICHIGAN.**

Dear Mr. Christie,

The Department of Natural Resources requests the water quality monitoring data (dissolved oxygen and temperature) for the above mentioned projects for the month of June 2015. We would also like the temperature data for the months of April and May 2015. An Excel format spreadsheet would be fine. You can either e-mail it to krugerk@michigan.gov or mail it to the address below.

Thank you for your assistance. If you have any questions, please feel free to contact me at:

MICHIGAN DEPARTMENT OF NATURAL RESOURCES
MIO FIELD OFFICE
191 S MT TOM RD
MIO MI 48647

Sincerely,

Kyle Kruger
Senior Fisheries Biologist
Habitat Management Unit
FISHERIES DIVISION
(989) 826-3211 x 7073

cc TJ Lovullo, FERC, DC
Chris Freiburger, Fisheries, Lansing

Appendix 2

Kruger, Kyle (DNR)

From: Frank O. Christie <fchristie@boycehydrorollc.com>
Sent: Wednesday, July 15, 2015 1:45 PM
To: Kruger, Kyle (DNR)
Subject: FW: Tidbit temperature data
Attachments: Edenville.xlsx; Sanford.xlsx; Secord.xlsx; Smallwood.xlsx

Kyle,

Attached is the temperature data for the past four months. Because of the numerous rains during the first part of June we were not able to get in the water at the tailraces to install the sensors. We had turbines running 24 hours a day and spill gates open much of the time. We installed the sensors on June 30 and are monitoring results daily and weekly depending on the plant. We are working on the installation of the alert condition thru our SCADA system at Smallwood. We are opening gates at Smallwood and Secord at different levels to develop a history of results.

Frank O. Christie, P.E.
General Manager
Boyce Hydro, LLC
PO Box 15
Edenville, MI 48620
(989) 689-3161
fchristie@boycehydrorollc.com

Appendix 3

Figure 1: Tittabawassee River flows May 20, 2015 to June 30, 2015 at the USGS Gage in Midland, Michigan.

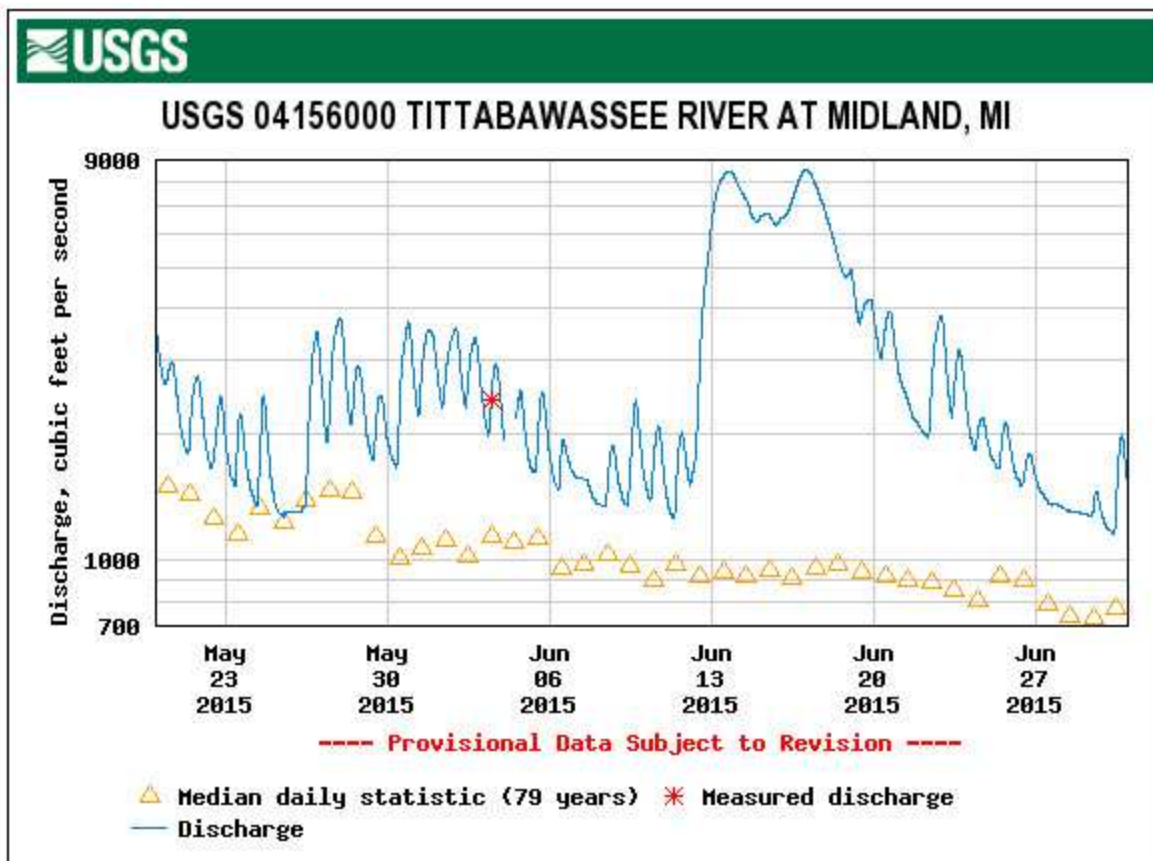
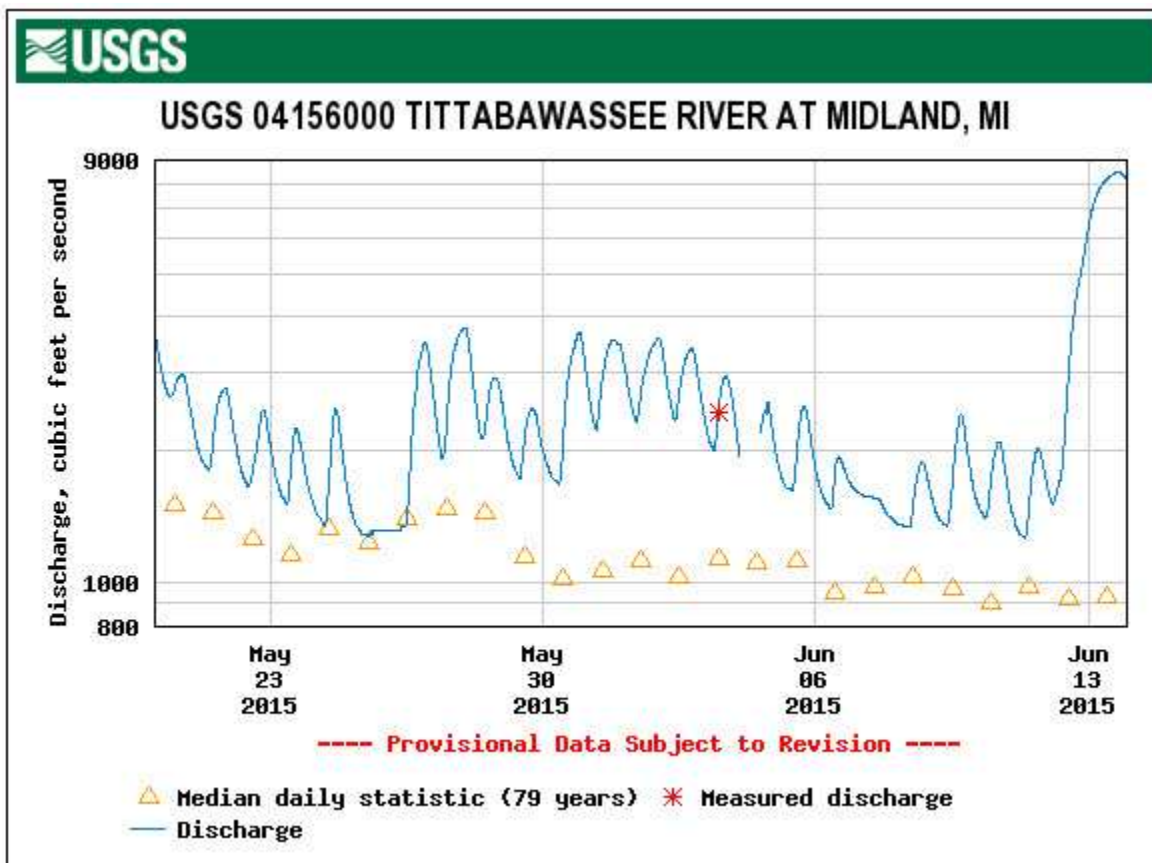


Figure 2: Tittabawassee River flows May 20, 2015 to June 13, 2015 at the USGS Gage in Midland, Michigan.



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