

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D. C. 20426

OFFICE OF ENERGY PROJECTS

Project No. 2785-090--Michigan
Sanford Project

Project No. 10808-051--Michigan
Edenville Project

Project No. 10809-041--Michigan
Secord Project

Project No. 10810-045--Michigan
Smallwood Project
Boyce Hydro Power, LLC.

August 6, 2015

Lee W. Mueller
Co-Member Manager
Boyce Hydro Power, LLC
10120 W. Flamingo Road, Suite 4192
Las Vegas, NV 89147

Subject: Status of 2015 Water Quality Monitoring Pursuant to Articles 402 or 407

Dear Mr. Mueller:

On July 31, 2015, we received a report from the Michigan Department of Natural Resources (MDNR) alleging that you are not fulfilling your water quality monitoring obligations pursuant to Article 407 of the amended Sanford Project license (FERC No. 2785),¹ Article 402 of the Edenville (FERC No. 10808),² Smallwood (FERC No. 10810),³ and Secord (FERC No. 10809)⁴ project licenses, and the approved Water Quality Monitoring Plans (plans)⁵ for all of the projects.

¹ Order on Rehearing and Amending License Order. 61 FERC ¶ 61,066 (issued October 16, 1998).

² Order Issuing Original License. 85 FERC ¶ 61,063 (issued October 16, 1998).

³ Order Issuing Minor License. 85 FERC ¶ 61,065 (issued October 16, 1998).

According to the approved plans, you are required to monitor water temperature and dissolved oxygen (DO) levels below each project, at the confluence of the tailrace and the bypassed reach. Temperature is to be monitored year-round and DO is to be monitored from June 1 through September 30; both parameters are to be recorded on an hourly basis. The license of each project provides the standards for DO concentrations (instantaneous minimum of 5 mg/L) and monthly average maximum water temperatures for the Tittabawassee River, and states that you must implement all reasonable and prudent measures to ensure that the water quality standards are met whenever inflows to the projects are greater than or equal to the 95 percent exceedence inflow. If low DO concentrations occur below any of the projects, you are to measure DO just upstream of the influence of the project reservoir to determine the cause of the low DO concentration. Further, the plans describe the corrective measures to be taken if the DO concentration or water temperature standards are not met.

In a letter issued June 3, 2015, Commission staff denied your requests to amend the frequency of water quality monitoring and to be excused from meeting the water quality standards, and required you to connect the water quality monitoring equipment to each project's SCADA system. The connection between the monitoring equipment and the SCADA system must be completed at the Smallwood Project no later than August 31, 2015, and at the remaining three projects prior to the June 1, 2016.

The MDNR states that it requested water quality data (specifically, temperature and DO data for the month of June; temperature data for the months of April and May) in a letter dated July 8, 2015. You responded by email on July 15, 2015, and provided temperature data for the past four months. With regard to the DO data, you stated that due to numerous rain events during the first part of June, you were running turbines 24 hours a day and spill gates were open much of the time. Therefore, you stated that you were unable to install the DO probes in the tailrace of each project until June 30. You stated that you are monitoring the results on a daily or weekly basis (depending on the project), and that you are working on installing a connection to the SCADA system at the Smallwood project. Further, you stated that you are opening gates at the Smallwood and Secord projects to document the results of this action on water quality.

The MDNR's letter to the Commission includes a review of the U.S. Geological Survey (USGS) gage located at Midland, Michigan, on the Tittabawassee River. The MDNR states that data from this gage indicates that high flows requiring you to open gates at the projects or provide 24-hour operation did not occur until mid-June.

⁴ Order Issuing Minor License. 85 FERC ¶ 61,064 (issued October 16, 1998).

⁵ Order Modifying and Approving Water Quality Monitoring Plans. 87 FERC ¶ 62,365 (issued June 29, 1999).

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According to the hydrograph, in late May and early June 2015, flows in the Tittabawassee River were near normal and the projects were being operated in a peaking mode, including storing water over the weekends. The MDNR states that the hydrograph does not support your claim that you were unable to install the DO sensors in the river prior to June 1, as required by the Water Quality Monitoring Plans.

In order for us to complete our review of the MDNR's letter and your claims, please file a report with the Commission within 15 days of the date of this letter addressing the following details:

- whether you are currently collecting water temperature and DO concentration data at each project, and if not, why;
- when the probes were installed at each project and an explanation for any delay in installing the probes; and
- operational data (including, but not limited to, the number of units operating, operational head, runner speed, river flows, and whether spill was occurring) for each project for the period of May 1 to July 31, 2015.

The information we are requesting should be readily available and therefore, 15 days should provide sufficient time for you to file the requested information and allow any additional action to ensure compliance for the remaining part of the DO monitoring season. The Commission strongly encourages electronic filing, using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, D.C. 20426. The first page of any filing should include docket number P-2785-090, P-10808-051, P-10809-041, and P-10810-045.

Thank you for your cooperation in this matter. If you have any questions pertaining to this letter, please contact Holly Frank at (202) 502-6833.

Sincerely,

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

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