

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D. C. 20426

OFFICE OF ENERGY PROJECTS

Project No. 2785-015--Michigan
Sanford Project

Project No. 10808-005--Michigan
Edenville Project

Project No. 10809-004--Michigan
Secord Project

Project No. 10810-006--Michigan
Smallwood Project
Boyce Hydro Power, LLC.

February 4, 2016

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 Report--Article 409 or 402

Dear Mr. Mueller:

This letter is regarding your 2015 water quality monitoring report, which is currently past due and is required to be filed for Federal Energy Regulatory Commission (Commission) review by December 31, 2015, pursuant to the Order Modifying and Approving Water Quality Monitoring Plans (1999 Order),¹ Article 407 of the amended Sanford Project license (FERC No. 2785),² and Article 402 of the Edenville (FERC No. 10808),³ Secord (FERC No. 10809)⁴ and Smallwood (FERC No. 10810)⁵ project licenses. All of the projects are located on the Tittabawassee River in Michigan.

¹ 87 FERC ¶ 62,365 (issued June 29, 1999).

² Order on Rehearing and Amending License Order (61 FERC ¶ 61,066), issued October 16, 1998.

³ Order Issuing Original License (85 FERC ¶ 61,063), issued October 16, 1998.

Project Nos. 2785-015 et al.

- 2 -

In accordance with the water quality monitoring plans, you are required to monitor water temperature and dissolved oxygen (DO) levels below each project and report your findings in an annual report, to be filed with the Michigan Department of Natural Resources (Michigan DNR) and U.S. Fish and Wildlife Service (FWS) for review prior to filing it with the Commission by December 31. Because water temperature is to be monitored year round, and DO is to be monitored from June 1 through September 30 annually, in the past we have accepted supplemental filings to the water quality monitoring report by January 31 so that the complete temperature monitoring period may be completed and included in the report. The objective of the monitoring is to identify when project operations result in water quality deficiencies, determine when to implement corrective measures, and verify whether those corrective measures are effective.

In order to ensure operations staff is aware of potential water quality deviations, in a letter dated June 3, 2015, we required you to initiate connection of the water quality monitoring equipment to each project's SCADA systems. You have reported that this connection has been secured at the Smallwood project, and we remind you that the remaining three projects must be connected to the respective SCADA systems no later than June 1, 2016.⁶

Under the conditions of your licenses, it is your responsibility to conduct annual water quality monitoring, implement corrective actions, and file annual reports for agency and Commission review. Failure to do so may constitute a violation of the approved water quality plans and your license.

Your 2015 water quality monitoring report for each of the projects is currently past due. Please immediately file the report, for each of the four referenced projects, with the Commission for our review, with an explanation as to why the report was not filed on time. Also, if the report has not been compiled yet, please inform us of the status of your report and the reason(s) for the delay, and provide a schedule for filing the report. Further, please indicate whether you have provided the report to the Michigan DNR and FWS, as required, for a 30-day review period.

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

⁵ Order Issuing Minor License. 85 FERC ¶ 61,065 (issued October 16, 1998).

⁶ In the Commission's October 13, 2015, letter regarding the SCADA connection at the Smallwood Project, we stated that in order to ensure the timely SCADA connection for the Sanford, Edenville, and Secord projects by June 1, 2016, you should file a report by May 1, 2016 indicating the status of the task.

Project Nos. 2785-015 et al.

- 3 -

The Commission strongly encourages electronic filing. Please file the requested information 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 numbers P-2785-015, P-10808-005, P-10809-004, and P-10810-006.

The timeliness of your response, the reasons for not filing on time, and the completeness of the reports will be taken into consideration regarding our review of your compliance with the filing schedule approved in the water quality monitoring plans. We look forward to your response. If you have any questions regarding this matter, please contact Ms. Holly Frank at (202) 502-6833 or holly.frank@ferc.gov.

Sincerely,

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

cc: Mr. Kyle Kruger
Senior Fisheries Biologist
Michigan Department of Natural Resources
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U.S. Fish and Wildlife Service
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Document Content(s)

P-2785-015.PDF.....1-3