

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



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P.O. Box 30755
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February 5, 2013

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

**RE: MOTION TO INTERVENE AND COMMENTS ON LICENSE AMENDMENT
APPLICATION SUBMITTED BY BOYCE HYDRO FOR THE SANFORD
HYDROPOWER PROJECT (FERC NO. P-2785-081) ON THE
TITTABAWASSEE RIVER, MICHIGAN**

Dear Ms. Bose,

The Michigan Department of Natural Resources (Department) is the primary agency for managing and protecting Michigan's natural resources. As such, the Department is responsible for overseeing and monitoring any work done in the aquatic environments of the State. Because the Sanford Project on the Tittabawassee River has the potential to impact Michigan's aquatic resources, the Department respectfully requests intervenor status for the above mentioned project.

The Department would also like to comment on the proposed license amendment. The original license for the Sanford Project issued on December 1, 1987 required the project to operate as "run-of-river" project. The licensee requested rehearing of this operational requirement and the Commission granted it and established a new minimum flow requirement by amending the Sanford license on October 16, 1998. The Commission also issued licenses for the three upstream projects at that time. In the Final Multiple Environmental Assessment (FMEA) for the projects on the Tittabawassee River, the Commission Staff presented their analysis of minimum flow requirements for the Sanford project and concluded that a minimum flow of 650 cfs between March 15 and April 30, with a minimum flow of 210 cfs for the remaining parts of the year, would provide the appropriate environmental protection balanced against the costs to provide this protection. The basis for this choice was recommendations of Commission staff balancing the power loss and cost of power balanced against the gains in habitat protection. Run-of-river operation provided 100% habitat protection over full peaking while the 210 cfs flow provided 68% of the protection that would have been afforded by the run-of-river operation compared to full peaking (the historical operation). Given that the Commission's staff decision was based on this balancing, the new proposed turbine provides the opportunity for the licensee to operate the project as a re-regulation (simulating run-of-river to compensate for upstream

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peaking projects) project with no loss of generation. The original equipment required a minimum of 450 cfs to operate and according to the flow duration curve provided in the FMEA, would have been unable to generate approximately 50% of the time. With the new proposed turbine, the project will be able to generate all year long. With the requirement for re-regulation flows, essentially 100% of the aquatic habitat protection will be achieved without any loss of power production.

Therefore, the Department of Natural Resources respectfully requests that if the Commission approves the amendment request, that the Commission also revisits the issue of minimum flows and reinstates the run-of-river requirements of the original license for the Sanford Project, modified to "re-regulation" to accommodate the upstream peaking projects.

The Department appreciates the opportunity to comment on this license amendment application. If you have any questions, please feel free to contact Kyle Kruger (989-826-3211 x 7083 or krugerk@michigan.gov) of the Department's staff.

Sincerely,



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