

ORIGINAL



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
East Lansing Field Office (ES)  
2651 Coolidge Road, Suite 101  
East Lansing, Michigan 48823-6316

IN REPLY REFER TO:

October 4, 2012

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

FILED  
SECRETARY OF THE  
COMMISSION  
2012 OCT 12 A 9:49  
FEDERAL ENERGY  
REGULATORY COMMISSION

P. 2785

Re: Boyce Hydro LCC Request for License Amendment

Dear Ms. Bose:

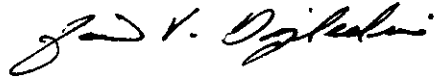
The U.S. Fish and Wildlife Service (Service) has reviewed the request by Boyce Hydro LCC (Boyce) for a non-capacity license amendment. Boyce did not believe it was necessary to consult with the natural resource agencies since they were not requesting any change in flows for the upgrade to turbine number 3. The requested license amendment is for the Sanford Hydroelectric Project, FERC #2785, located on the Tittabawassee River, Midland County, Michigan.

The proposal to upgrade one of the units at Sanford to a more efficient unit, capable of generating at lower flows than the units the Federal Energy Regulatory Commission (Commission) determined the minimum flow requirement in the environmental assessment, mandates minimum flows be re-evaluated as part of the request for amendment. The re-evaluation should include consultation with the resource agencies regarding the interconnectivity between minimum flows and downstream resource protection.

The requirement for minimum flows was based on the Commission balancing the environmental impacts versus the economic costs to various minimum flow scenarios. The Rehearing and Amending License Order issued October 16, 1998, discusses that as year-round minimum flows increase, enhancement to fish habitat increases and that operating the project in the run-of-river as recommended by the agencies would provide the greatest, predicted fisheries habitat. The licensee proposed a minimum flow of 120 cfs that would provide effective habitat of 50% and the Commission has required 210 cfs to provide 68% of the benchmark. Installation of the new turbine will enable the project to generate with a minimum flow or run-of-river; the generator being replaced could not generate with the minimum flow of 210 cfs and the previous economic justification is no longer valid. Therefore, we request the Commission reject the submitted license application and require consultation with the resource agencies for the proposed license amendment. There also should be a new economic analysis to determine the appropriate minimum flow or run-of-river operational requirement for the Sanford project.

Thank you for the opportunity to provide our resource protection recommendations. Any questions should be directed to Mr. Burr Fisher at 517/351-8286 or [burr\\_fisher@fws.gov](mailto:burr_fisher@fws.gov).

Sincerely,



Scott Hicks  
Field Supervisor

cc: Kyle Kruger, MDNR, Fisheries Division, Mio, MI  
Lee W. Muller, Edenville, MI