

FEDERAL ENERGY REGULATORY COMMISSION
Office of Energy Projects
Division of Dam Safety and Inspections - Chicago Regional Office
230 South Dearborn Street, Suite 3130
Chicago, Illinois 60604
(312) 596-4430 Office - (312) 596-4460 Facsimile

In reply, refer to: P-2785, P-10808,
P-10809, and P-10810

April 18, 2018

Mr. Lee Mueller
Boyce Hydro Power, LLC
10120 W. Flamingo Road, Suite #4-192
Las Vegas, Nevada 89147

Re: Focused Spillway Assessment – Plan and Schedule
Sanford Hydroelectric Project – FERC No. 2785
Edenville Hydroelectric Project – FERC No. 10808
Secord Hydroelectric Project – FERC No. 10809
Smallwood Hydroelectric Project – FERC No. 10810

Dear Mr. Mueller:

We have completed our review of the March 3, 2018 letter outlining your proposed plan and schedule to complete the focused spillway assessment for the above-mentioned Hydroelectric Projects. The submittal only included a brief description indicating that the reservoir lowerings were to occur in September (10 through the 30) and did not address comments No. 3 and No. 5 from our January 30, 2018 letter (noted below). At this time you are not authorized to proceed with your proposed plan and schedule until the requirements of comment No. 3 are addressed and you acknowledge the final submittal date in comment No. 5.

FERCs January 3, 2018 comments No. 3 and No. 5:

3. A four foot drawdown will be beyond allowable license requirements, therefore a water management plan should be developed in coordination with appropriate resource agencies. You will also need to request a temporary variance from license conditions from the Commission's Division of Hydropower Administration and Compliance (DHAC). Such a temporary amendment request should include the specific details about your proposed drawdown such as reservoir elevation variances; when drawdown and refill would occur; the rate at which the drawdown and refill would occur; when and how you will inform the resource agencies, stakeholders, and public of any

temporary variance in license conditions; and documentation of consulting with appropriate resource agencies including Michigan Department of Natural Resources, Michigan Department of Environmental Quality, and the U.S. Fish and Wildlife Service.

5. The individual focused spillway assessment reports should be submitted within **60 days of completion of the field inspections, and no later than December 28, 2018.**

A revised plan and schedule that includes approval from DHAC, MDEQ, MDNR, U.S. Fish and Wildlife Service along with your proposed public notifications should be submitted by **July 11, 2018.**

Additionally, to address your comment on Boyce Hydro's proposed inspection dates relative to "preferences of the property owners" and "licensee's operational requirements" being "of secondary importance". FERC April 28, 2017 letter instructed Boyce to complete the spillway assessments by December 31, 2017. Boyce had ample opportunity to schedule these assessments when the reservoir is regularly drawn down in the Fall of 2017 through the Spring of 2018 rather yet elected to dispute the need to fulfill this request. Had Boyce acted, there would have been no conflict with required licensed reservoir elevations or 'licensee's operational requirements'.

You may contact Mr. Peter Chapman, P.E. at 312.596.4446 or me at 312.596.4430 if you have any questions or concerns pertaining to this letter.

Sincerely,

John A. Zygaj, P.E.
Regional Engineer

Document Content(s)

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