



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



KEITH CREAGH
DIRECTOR

March 8, 2018

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

RE: NON-COMPLIANCE WITH RECREATION PLANS AT THE EDENVILLE PROJECT (FERC NO. 10808) ON THE TITTABAWASSEE RIVER, MICHIGAN.

Dear Ms. Bose,

The Edenville Project on the Tittabawassee River remains in non-compliance with its license for recreational facilities and access to project lands and waters. The Commission was clear in its June 15, 2017 Compliance Order (compliance order) that the project lacked the Commission approved recreation facilities. Further, the compliance order directed the licensee to remove fencing and open gates that were blocking access to project lands and water. In addition, the compliance order required the licensee to provide drawings and plans to bring the project into compliance with the approved recreation plan by September 13, 2017. The licensee failed to provide the Commission those drawings and plans. The required photo documentation demonstrating the fencing had been removed and gates opened has not been provided to the Commission.

During a site visit on March 5, 2018, it appeared to Department staff that no effort was made by the licensee to address the directives in the compliance order regarding access to the project lands and water. All of the fencing and gates that were in place prior to the issuance of the compliance order appear to be exactly as they were in June of 2017, despite the directive from the Commission to remove the fencing and open gates blocking access (see Appendix 1). The photos in Appendix 1 can be compared to the photos the Department provided in our June 1, 2017 filing noting non-compliance with recreation requirements and the Commission approved recreation plan for the Edenville Project.

It is fast approaching the anniversary of the compliance order and these deficiencies remain. The Department does not wish to see another fishing season come and go without these non-compliance issues being rectified and the Commission approved recreation plan completed. We appreciate the opportunity to comment. If you have any questions or need clarification, please feel free to contact me at: Michigan Department of Natural Resources, Mio Field Office, 191 S Mt Tom Rd, Mio, MI 48647.

Kimberly D. Bose, Secretary
Edenville Recreation Non-compliance

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Sincerely,

A handwritten signature in black ink, appearing to read "Kyle Kruger", with a long horizontal flourish extending to the right.

Kyle Kruger
Senior Fisheries Biologist
Habitat Management Unit
Fisheries Division
(989) 802-3211 x 7073

cc Robert Fletcher, FERC, Washington DC
Burr Fisher, USFWS, E. Lansing

Appendix 1

West side of M-30 Tobacco Arm fishing area with fencing blocking access to the Tobacco Arm of the impoundment. Photo taken March 5, 2018.



West side of M-30 fishing access area with fencing and gate blocking informal access to the dike. Photo taken March 5, 2018.



West side of M-30 Tobacco Arm fishing access area with fencing blocking access to the river.
Photo taken March 5, 2018.



East side fishing access with gate blocking informal fishing access to the dike. Photo taken March 5, 2018.



Document Content(s)

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