

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D. C. 20426

OFFICE OF ENERGY PROJECTS

Project Nos. 2785-094, 10808-060, 10809-043, and 10810-048
— Michigan
Sanford, Edenville, Secord, and
Smallwood Hydroelectric Projects
Boyce Hydro Power, LLC

Mr. Lee W. Mueller
Co-Member Manager
Boyce Hydro Power, LLC
10120 W. Flamingo Road, Suite 4192
Las Vegas, NV 89147

July 19, 2018

Subject: Compliance with Reservoir Elevation Requirements.

Dear Mr. Mueller:

Thank you for your letter filed April 13, 2018, which included reservoir water elevation and temperature information for your Sanford Project No. 2785,¹ your Edenville Project No. 10808,² your Secord Project No. 10809,³ and your Smallwood Project No. 10810.⁴ Your letter was filed in response to our April 10, 2018 letter requesting the water temperature and reservoir elevation data for the four projects.

Background

Article 411 of your Sanford Project license, as modified, requires you to operate the project such that the reservoir does not fluctuate more than 0.4 foot below and 0.3 foot above the normal pool elevation of 630.8 feet National Geodetic Vertical Datum

¹ *Wolverine Power Corporation*, 41 FERC ¶ 62,192 (1987).

² *Wolverine Power Corporation*, 85 FERC ¶ 61,063 (1998).

³ *Wolverine Power Corporation*, 85 FERC ¶ 61,064 (1998).

⁴ *Wolverine Power Corporation*, 85 FERC ¶ 61,065 (1998).

(NGVD) except during the winter drawdown.⁵ The winter drawdown begins after December 15 and you must return the impoundment to the normal elevation prior to the reservoir surface water temperature reaching 39 degrees Fahrenheit in the spring. During the winter drawdown, you are required to maintain the reservoir no lower than 627.8 feet NGVD and limit daily fluctuation to no more than 0.7 feet. The Edenville, Secord, and Smallwood projects have very similar requirements, the only difference being the normal and minimum winter drawdown pool elevations.

As explained in our April 10, 2018 letter, the Commission became aware of several complaints alleging that the reservoirs at the above mentioned projects were at the winter drawdown elevations despite the surface water temperature having exceeded 39 degrees Fahrenheit. Our letter requested that you file reservoir water temperature and elevation information collected from March 15, 2018 through April 9, 2018, for the four projects.

Filing

Your April 13, 2018 filing includes hourly reservoir elevation data and daily water temperature measurements for the four projects referenced above from March 15, 2018 to April 10, 2018. The elevation data show that the surface of each reservoir was generally held below the normal operating range, in keeping with the winter drawdown period. The data also show that you gradually increased the elevation of each reservoir during the time period. The water temperature information included in your letter shows that temperatures rose from freezing to the mid-30 degree Fahrenheit range during the period of review.

Our Review

Our review of the data indicates that the water temperatures at the four reservoirs were below the threshold for returning the elevation to normal, and you were compliant with your license requirement in that respect. We also note that the elevations were trending upward, in preparation for the surface of the reservoirs reaching 39 degrees Fahrenheit. Based on the evidence, we conclude that aside from the incidents discussed below, you were operating the projects in compliance with the license requirements, and were not deviating as the complainants allege.

⁵ *Wolverine Power Corporation*, 85 FERC ¶ 61,066 (1998), and *Boyce Hydro Power, LLC*, 162 FERC ¶ 62,050 (2018).

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While reviewing elevation data at the Smallwood Project, we found two deviations from the minimum winter drawdown elevation, one that lasted 2 hours and a second that lasted 3 hours. Pursuant to license Article 403, your minimum required elevation at the project is 701.8 feet NGVD. However, the reservoir briefly fell to 701.79 feet NGVD on March 15, 2018 and in a separate incident, the reservoir reached an elevation of 701.75 feet on March 17, 2018. While the deviations were minor and short-lived, Article 403 of your license requires you to report them to the Commission and Michigan DNR as soon as possible, but no later than 10 days after the date of the incident. Furthermore, as these deviations occurred during the beginning of the review period, when the reservoir was near its minimum winter elevation, it is quite possible that additional deviations occurred at the Smallwood Project prior to March 15, 2018.

Because of your failure to report the noted deviations in a timely manner as required by your license, we will consider these deviations to be violations of your license. The violation will be made a part of the compliance history of the project and considered in the course of our review of any future similar deviations to determine appropriate Commission action. As stated in our previous October 12, 2017 correspondence to you on a separate matter at the Sanford Project, we strongly advise you to continue to monitor your license requirements and investigate and properly report any deviations within the timeframe specified in your license.

Thank you for your cooperation in this matter. If you have any questions, please contact Steven Sachs by telephone at 202-502-8666 or by email at Steven.Sachs@ferc.gov.

Sincerely,

Kelly Houff
Chief, Engineering Resources Branch
Division of Hydropower Administration
and Compliance

cc: Mr. Kyle Kruger
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