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4TH DISTRICT, MICHIGAN

HOUSE COMMITTEE
ON APPROPRIATIONS
SUBCOMMITTEES ON

FINANCIAL SERVICES AND
GENERAL GOVERNMENT

LABOR, HEALTH AND HUMAN SERVICES,
EDUCATION AND RELATED SERVICES

LEGISLATIVE BRANCH

Congress of the United States
House of Representatives

Washington, DC 20515-2204

September 18, 2018

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FEDERAL ENERGY REGULATORY COMMISSION

SEP 26 P 3 14

FILED
SECRETARY OF THE
COMMISSION

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

ORIGINAL

Re: Letter in Support of Lake Association's Emergency Motion to Stay Order of License Revocation, Edenville Project, No. 10808

Dear Ms. Bose:

It has been brought to my attention that on September 10, 2018, the Federal Energy Regulatory Commission ("Commission") issued an order revoking the license for the 4.8-megawatt Edenville Project, No. 10808 ("Edenville Project"), which is located within my congressional district in Michigan. It is also my understanding that the order requires the dam owner (Boyce Hydro Power, LLC) to permanently disable all power generating equipment by September 25, 2018. I also understand that the Sanford Lake Preservation Association and Wixom Lake Association ("Lake Associations") and the County of Gladwin ("County") have jointly filed an Emergency Motion to Stay the order. I support that Motion.

I appreciate the Commission's attention to this matter and the serious nature of the issues addressed in the order. However, the timing of both the issuance of this order, and very short period of time for closing the Edenville Project electric generation plant and removal of federal jurisdiction, substantially disrupts good faith efforts undertaken by the Lake Associations, Gladwin and Midland Counties, and other stakeholders. The Lake Associations and other community members and stakeholders have been working diligently to find a long-term, sustainable solution to the operational, financial, and public safety issues at the Edenville Project. My office has been monitoring these community efforts, which I believe represent the best chance for a long-term, viable solution to address issues at the Edenville Project while serving the best interests of the surrounding community.

As such, I am writing in support of Lake Association's and Gladwin County's Emergency Motion to Stay the license revocation order to maintain the status quo for a period of at least one hundred eighty (180) days. This additional time would allow the Commission sufficient time to conduct currently-scheduled public safety assessments in a coordinated fashion with the State of Michigan's Department of Environmental Quality ("MDEQ"), and to continue the community's efforts to achieve a long-term solution to remedy the Edenville Project's problems in a manner that will ultimately serve the best interests of the community and its residents.

As the Commission is aware, the Edenville Project is one of four hydroelectric dams on the Tittabawassee River lakes located within in Midland and Gladwin counties. Wixom Lake, Sanford Lake, Secord Lake, and Smallwood Lake are impoundments created by the hydroelectric dams and are dependent on the coordinated operation of the dams to regulate the respective water levels within the lakes. Maintaining a predictable water level on all four lakes affects over 5,000 homeowners and is vital to the economies, recreation, and environment within Midland and Gladwin counties.

Since the order proposing the revocation of the Edenville Project license in February, 2018, the Lake Associations' and other stakeholder's efforts have been time consuming and expensive. The efforts have involved: formation of a Four Lakes Task Force to develop a long-term technical and financial strategy for operating and maintaining the dams; holding numerous discussions with the Gladwin and Midland County Commissioners and other policymakers regarding long-terms solutions; conferring with representatives of Michigan's Department of Natural Resources and Department of Environmental Quality regarding the status and planning associating with the dams and the lakes; securing \$200,000 in private funding to advance the efforts of the Lake Associations and the Four Lakes Task Force; retaining legal, financial, and engineering experts to assist with the efforts of the Lake Associations and the Four Lakes Task Force; and working cooperatively with Boyce Hydro Power, LLC and local engineers to obtain an inspection report with cost and timing estimates required for the dams associated with the Edenville Project and other dams.

These efforts have involved numerous public and private meetings, negotiations, strategic planning sessions, technical assessments, document preparations, and substantial community input and commitment. The Commission's license revocation order, however, has seriously disrupted this process. Moreover, it will affect the previously-scheduled efforts taken to assess the public safety of the Edenville Project and related dams.

Accordingly, I believe that it is appropriate and reasonable to stay the license revocation order for a period of at least one hundred eighty (180) days to maintain the status quo. As noted above, this would allow the Lake Associations and the affected parties sufficient time to conduct public safety assessments in an orderly and coordinated fashion. Moreover, additional time is necessary in order to continue the Lake Associations' efforts to achieve a long-term solution to operating and maintaining the Edenville project, and the other dams on the Tittabawassee River that are under the Commission's jurisdiction.

Thank you for your attention to this important matter. Should you have any questions, please contact my office.

Sincerely,


JOHN MOOLEENAAR
Member of Congress

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