

86 FERC ¶ 62,139

UNITED STATES OF AMERICA FEDERAL ENERGY REGULATORY COMMISSION

Wisconsin Power and Light Company) Project No. 710-009

ORDER APPROVING AND MODIFYING DISSOLVED OXYGEN AND TEMPERATURE MONITORING PLAN

FEB 17 1999

On November 13, 1997, Wisconsin Power and Light Company (licensee) filed a plan to monitor dissolved oxygen (DO) and temperature pursuant to Article 405 of the license 1/ for the Shawano Hydroelectric Project. The purpose of the plan is to ensure that streamflows above and below the project maintain state standards for temperature and DO. The Shawano Hydroelectric Project is located on the Wolf River in Shawano County, Wisconsin.

LICENSE REQUIREMENTS

Article 405 of the license requires the licensee to file for Commission approval, a plan to monitor DO and temperature in the Wolf River upstream and downstream of the project for 1 year during the critical summer period of July 1 through September 15. The monitoring is to ensure that streamflows as measured upstream and immediately downstream of the project maintain a DO concentration of not less than 5.0 milligrams per liter(mg/l) and water temperature of no greater than 89° Fahrenheit. Article 405 requires that the plan include provisions for: (1) continuously monitoring DO and temperature upstream of the project dam and downstream of the powerhouse; (2) collecting DO and temperature profiles in the Shawano impoundment, with monitoring locations and frequency of monitoring determined in consultation with the Wisconsin Department of Natural Resources(WDNR) and the U.S. Fish and Wildlife Service(FWS); and, (3) the preparation of enhancement measures in consultation with WDNR and FWS to address mainly DO and temperature conditions that deviate from state standards.

The licensee is required to prepare the plan after consultation with the WDNR and FWS and include with the plan a schedule for: (1) implementation of the monitoring program; (2) consultation with the above agencies concerning the monitoring results; and, (3) filing the results, agency comments and licensee's responses to agencies' comments, with the Commission. The licensee is required to include with the plan documentation of consultation and specific descriptions of how the agencies' comments are accommodated by the plan. If the licensee does not adopt a recommendation, the filing must include the reasons based on project-specific information.

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LICENSEE'S PLAN

The licensee proposes to conduct during the period of July 1 through September 15 continuous monitoring of DO and temperature upstream of the Shawano Dam and downstream of the powerhouse and would take biweekly measurements of DO and temperature profiles at the deepest point of the project impoundment. For the continuous monitoring of temperature and DO the licensee will use a DataSonde or an equivalent data logger; data will be downloaded weekly. A YSI or an equivalent DO/temperature meter will be used for taking the biweekly profiles in the project impoundment. A report on the results of the monitoring along with any other pertinent information will be provided to WDNR and FWS by December 31. If monitoring data shows that water quality(DO and temperature) above or below the project does not meet state standards the licensee will develop an enhancement plan in consultation with WDNR and FWS.

RESOURCE AGENCY CONSULTATION

The licensee submitted a draft monitoring plan to the WDNR, FWS, and the Menominee Tribe(Tribe) on September 10, 1997, for review and comment. The FWS and Tribe responded by letters dated September 30, 1997 and October 13, 1997, respectively. The FWS stated that it deferred to the WDNR for comment on the monitoring plan while the Tribe stated that it concurred with WDNR's comments.

The WDNR by letter dated October 2, 1997 provided the following comments: (1) the plan was not prepared after consultation with WDNR and FWS; (2) exact locations for the continuous monitoring of DO and temperature should be determined in consultation with the agencies and the Tribe; (3) the monitoring instrument probes should be cleaned and calibrated at least once every other week; and, (4) the licensee should achieve an accuracy goal of plus or minus 1.0 mg/l for 70 percent of the measurements during each unattended monitoring period; if this goal is not met the monitoring should be repeated yearly until met. The WDNR further added that the biweekly DO and temperature profiles should be made in the deepest part of the impoundment at 1.0 foot intervals.

The licensee in its response to WDNR's comments stated that the exact location of continuous recorders would be based on accessibility, safety, and data reliability and that it would welcome agency recommendations on placement of these monitors. Further, the licensee concurred with WDNR's recommendations that the DO and temperature profiles be conducted in the deepest part of the impoundment and for maintenance and calibration of monitoring instrument probes.

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DISCUSSION AND CONCLUSION

In regard to WDNR's comment that the monitoring plan had been prepared without consultation with the agencies, the process used by the licensee is acceptable. The licensee prepared a draft plan and submitted it to the agencies and Tribe, and as required by Article 405 allowed 30 days for comment and recommendations before filing the plan with the Commission. Further, the licensee addressed WDNR's comments on the plan and included copies of agencies' and Tribes's comments with the plan filed with the Commission as required by Article 405. The licensee did not disagree with any of WDNR's recommendations.

While Article 405 requires consultation with the agencies on the placement of DO and temperature monitors, the licensee's plan is not explicit on this point. Therefore, the licensee should consult with the WDNR and FWS on the locations of DO and temperature monitors upstream of the Shawano dam and downstream of the project powerhouse. Further, the profile measurements of DO and temperature in the project impoundment should be made at 1.0 foot intervals as recommended by WDNR. This 1.0 foot interval is commonly used when making over depth measurements in an impoundment.

As required by Article 405 the licensee will conduct the monitoring during the critical summer period of July 1 through September 15. Upon completion of the monitoring the licensee will provide the agencies the results by December 31. If results indicate that state standards for DO and temperature above and below the project are not being met, the licensee would develop an enhancement plan in consultation with the agencies. This schedule is consistent with Article 405. The licensee should conduct the monitoring during the period of July 1 to September 15, 1999, and provide the results to the agencies by December 31, 1999 for comments and recommendations. Along with the results the licensee should include proposals for further monitoring or enhancement measures, as appropriate. Further monitoring may be required if WDNR's accuracy goal of plus or minus 1.0 mg/l for 70 percent of the measurements is not met during each unattended monitoring period.

The licensee should file with the Commission by March 1, 2000, a report on the results of the monitoring and for Commission approval any recommendations for further monitoring or enhancement measures and a schedule for implementation. The report should include documentation of consultation with the agencies, copies of any comments and recommendations, and licensee's responses to any comments.

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The licensee's plan to monitor DO and temperature upstream of the Shawano dam and downstream of the project powerhouse fulfills the requirements of Article 405 and should contribute to the maintenance of state standards for DO and temperature. The licensee's plan described herein and as modified should be approved.

The Director orders:

(A) The licensee's plan filed November 13, 1997, that provides sampling methods, schedule, preparation of a report, and consultation with the WDNR and FWS for the monitoring of DO and temperature upstream of the Shawano dam and downstream of the powerhouse, as required by Article 405, and as modified by paragraphs B, C, D, and E is approved.

(B) The licensee shall consult with the WDNR and FWS on the exact locations for the placement of monitoring equipment upstream of the Shawano dam and downstream of the powerhouse. The biweekly profiles of DO and temperature shall be taken at 1.0 foot intervals in the deepest part of the project impoundment.

(C) The licensee shall conduct the monitoring for DO and temperature during the period of July 1, 1999 through September 15, 1999, and shall prepare a report on the results to include any proposals for further monitoring or enhancement measures and a schedule for implementation. This report shall be submitted to WDNR, FWS, and Tribe by December 31, 1999, for any comments and recommendations.

(D) The licensee shall file with the Commission by March 1, 2000, the report prepared pursuant to paragraph (C), and for approval recommendations for further monitoring or enhancement measures based on results of the monitoring and attainment of WDNR's accuracy goal for measurements and an implementation schedule. The report shall include documentation of consultation with WDNR and FWS, copies of any comments and recommendations, and licensee's responses to comments.

(E) If the results of the monitoring indicate that changes in project structures or operations are necessary to ensure the maintenance of state standards for DO and temperature at the project, the Commission may direct the licensee to modify project structures or operation.

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(F) This order constitutes final agency action. Request for rehearing by the Commission may be filed within 30 days from the date of issuance of this order, pursuant to 18 CFR § 385.713.

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

J. Mark Robinson
Director
Division of Licensing and Compliance