

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D. C. 20426

OFFICE OF ENERGY PROJECTS

Project No. 2433-121--Michigan and
Wisconsin
Grand Rapids Hydroelectric Project
Wisconsin Public Service Corporation

August 2, 2016

Gil E. Snyder
Wisconsin Public Service Corporation
P.O. Box 19001
Green Bay, WI 54307-9001

Subject: Missed 2009 and 2014 water quality monitoring - Article 407

Dear Mr. Snyder:

On June 10, 2016, you filed a letter with the Federal Energy Regulatory Commission (Commission) regarding your 2009 and 2014 water quality monitoring requirement for the Grand Rapids Hydroelectric Project No. 2433. Pursuant to your approved Water Quality Monitoring Plan,¹ you are required to monitor water temperature, dissolved oxygen and pH at one hour intervals, in front of the project intake and in the tailrace, during June through September once every five years for the duration of the license.

In your letter, you state that you inadvertently missed the 2009 and 2014 monitoring season. You state that in 2008, you implemented the use of software to track regulatory commitments. In June of 2015 the parent companies of We Energies and Wisconsin Public Service Corporation combined, forming WEC Energy Group. As a result, you have been integrating resources. It was during a recent review of approved plans and monitoring activities for the project, that you discovered that the water quality monitoring was not captured in the tracking software. Your last monitoring effort was conducted in 2004, with a supplement in 2005.

To mitigate for the lost monitoring, you propose to conduct water quality monitoring for two years prior to the next license required monitoring (2019). You could not conduct monitoring in 2016 due to project work occurring at the site from June 20

¹ Order Approving Water Quality Monitoring Plan (87 FERC ¶ 62,025), issued April 7, 1999.

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through October 26 that requires flow to cease through the powerhouse. Therefore, you propose to conduct water quality monitoring in 2017 and 2018, and then resume the five-year monitoring cycle in 2019. You will report your monitoring in accordance with your approved Water Quality Monitoring Plan.

After review of the information you provided, we find your two years of missed, seasonal water quality monitoring to be a violation of your license. Although you implemented tracking software to manage your license requirements, you did not capture the water quality monitoring in the software, and did not detect the error for eight years. Proper date input into the system, and more regular audits of the system could have prevented the missed monitoring, especially before a lapse of eight years and two monitoring seasons. The violation will be made a part of the compliance history for this project, and will be considered in the course of our review of any similar incidents to determine appropriate Commission action.

Your proposal to conduct two years of mitigation monitoring is acceptable; however, rather than completing your mitigation monitoring in 2017 and 2018 and then again in 2019 (monitoring three years in a row), we consider it more advantageous to potentially spread out the two years of mitigation monitoring over the next several years. Therefore, because it has been 12 years since your last monitoring, you should conduct monitoring in 2017 as proposed, but after review of your 2017 monitoring results, please consult with the Michigan Department of Natural Resources, Wisconsin Department of Natural Resources and U.S. Fish and Wildlife Service to determine if you should conduct the second year of mitigation monitoring in 2018 or between the regularly scheduled 2019 and 2024 monitoring years. Because of the duration of years between sampling seasons (2004 and 2017), trend analysis may be compromised and therefore the resource agencies may have additional recommendations regarding the mitigation monitoring.

Your 2017 monitoring report should include a discussion of when you propose to complete the second year of mitigation monitoring and documentation of consultation with the resource agencies regarding the proposed monitoring year. Your 2017 report must address any comments or recommendations made by the resource agencies. If you do not adopt a recommendation, your report should provide your reasons based on project specific information.

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We look forward to your 2017 water quality monitoring report, due November 30, 2017. If you have any questions regarding this matter, please contact Andrea Claros at (202) 502-8171 or andrea.claros@ferc.gov.

Sincerely,

Thomas J. LoVullo
Chief, Aquatic Resources Branch
Division of Hydropower Administration
and Compliance

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