

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

104 FERC ¶ 62,021

WE-Energies

Project Nos. 1759-066, 2074-028,
11830-017, 2072-027, 2073-034,
11831-022, 2131-046 and 1980-036

ORDER APPROVING MODIFICATIONS TO WATER QUALITY
MONITORING PLANS UNDER ARTICLES 407, 408, AND 409

(Issued July 10, 2003)

WE-Energies (licensee) filed on May 21, 2003, a request to amend its water quality monitoring plans under articles 407 for Lower Paint Project (FERC No. 2072) and Peavy Falls Project (FERC No. 11830), articles 408 for the Michigamme Falls Project (FERC No. 2073), Hemlock Falls Project (FERC No. 2074), Kingsford Project (FERC No. 2131) and Twin Falls Project (FERC No. 11831), and articles 409 for the Way Dam Project (FERC No. 1759) and Big Quinnesec Project (FERC No. 1980). Each of these respective license articles required the licensee to implement the water quality monitoring plan filed on April 12, 2000, and required by ordering paragraph (D) of each licensing order. The projects are located on the Michigamme River in Iron and Dickinson Counties, Michigan.

LICENSEE'S PROPOSAL

The licensee's filing includes a copy of the revised monitoring plan in which the deleted items are identified by strike-out text and changes are shown in underlined text. The following outlines the proposed changes:

Continuous Monitoring/Vertical Profile Measurements

The licensee proposes eliminating all vertical profile measurements at projects where no additional continuous monitoring is currently proposed. The licensee states these measurements have played an important role in identifying project flowages that might cause problems by virtue of the way these flowages thermally stratify during the summer and where within the water column project intake structures extract water. With the exception of three projects and one reservoir (Way Dam, Michigamme Reservoir, Peavy Falls, and Michigamme Falls), this work has essentially been completed.

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Michigamme River (Upstream of Michigamme Reservoir)

The licensee proposes eliminating all water quality monitoring work at this location. After two years of effort, there is no need for continuing monitoring work.

Way Dam

Article 418 of the license for this project requires resolution of the low dissolved oxygen (DO) problem at this location. As part of the licensee's on-going efforts to resolve this problem, the licensee will continue to operate the continuous monitor for water temperature and DO within the plant. Monitoring will focus on the period May 1 through September 30. The licensee will also conduct vertical profile measurements during 2003 and possibly during additional summers, pending the results of work conducted under article 418.

Hemlock

The licensee proposes eliminating all water quality monitoring work at this location. After two years of effort, the licensee states there is no need for continuing work. The licensee also states that corrective measures taken at Way Dam, which is located a few miles upstream, will guarantee compliance with water quality standards at Hemlock.

Lower Paint

The licensee proposes eliminating all water quality monitoring work at this location at least until 2007. A final long-term monitoring plan for this facility will be created no later than March 31, 2006.

Peavy Falls

The licensee states low DO problems have been documented during both compliance monitoring seasons. While it appears that most of the periods of low DO in the tailrace occur during hours of non-generation, it is not clear what impacts these releases have on the river segment connecting the tailrace with Michigamme Falls flowage. The licensee believes that it is prudent to continue monitoring in this connecting water body during the period most likely to exhibit the problem (July 1 through September 30). This work will be conducted in 2003 and will continue in

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subsequent years pending the resolution of the problem. Vertical profile measurements will likewise be taken during this period at least once every two weeks.

Michigamme Falls

While low DO problems were identified during 2001 prior to implementing the changes in downstream flow committed to by the licensee in the Wilderness Shores Settlement Agreement (WSSA), the problems appeared to be solved once the changes were implemented. Continuous monitoring will be conducted during the summer of 2003 (July through the end of September) to confirm 2002 findings. Vertical profile measurements will likewise be taken during this period at least once every two weeks.

Michigamme/Brule River Confluence

The licensee proposes eliminating all water quality monitoring work at this location. Monitoring performed both at the Brule Plant and the Michigamme Falls plant during 2002 show that non-compliance is highly unlikely at this point in the river system.

Twin Falls

The licensee proposes eliminating all water quality monitoring work at this location at least until 2007. A final long-term monitoring plan for this facility will be created no later than March 31, 2006.

Kingsford

The licensee proposes eliminating all water quality monitoring work at this location at least until 2007. A final long-term monitoring plan for this facility will be created no later than March 31, 2006.

Big Quinnesec Falls

The licensee proposes eliminating all water quality monitoring work at this location at least until 2007. A final long-term monitoring plan for this facility will be created no later than March 31, 2006.

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Remaining Portions of Existing Monitoring Plan

At this time, the licensee is not proposing any changes to the remaining components of the plan.

AGENCY COMMENTS

The licensee, by letter dated April 14, 2003, requested comments from the Michigan Department of Environmental Quality (MDEQ) on its proposed changes to the water quality monitoring plans. The MDEQ, by letter dated April 30, 2003, concurs with the proposed changes provided that the MDEQ will be consulted after the 2003 monitoring season regarding future monitoring downstream of the Michigamme Falls Project and in the Michigamme Falls impoundment. The licensee incorporated the changes.

DISCUSSION AND CONCLUSIONS

The licensee's original water quality monitoring plan was outlined in the WSSA and incorporated in each license. The water quality monitoring plan contains a clause allowing the licensee to request changes in the water quality monitoring plan from the MDEQ following two initial years of compliance monitoring if no problems are encountered at individual plants/river segments.

The licensee received concurrence from the MDEQ on its requested changes as required by the WSSA. The proposed changes allow the licensee to direct its resources and focus on monitoring the problem areas and not spend resources on areas where there are no problems. The licensee's proposed changes should, therefore, be approved.

The Director orders:

(A) The licensee's request to amend its water quality monitoring plan under articles 407 for Lower Paint Project (FERC No. 2072) and Peavy Falls Project (FERC No. 11830), articles 408 for the Michigamme Falls Project (FERC No. 2073), Hemlock Falls Project (FERC No. 2074), Kingsford Project (FERC No. 2131) and Twin Falls Project (FERC No. 11831), and articles 409 for the Way Dam Project (FERC No. 1759) and Big Quinnesec Project (FERC No. 1980), as filed on May 21, 2003, is approved.

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

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Division of Hydropower Administration
and Compliance