UNITED STATES OF AMERICA 108 FERC ¶ 62,084
FEDERAL ENERGY REGULATORY COMMISSION

WE-Energies

Project Nos. 1759-078, 2074-036, 11830-026, 2072-038, 2073-044, 11831-033, 2131-059 and 1980-046

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

(Issued July 26, 2004)

WE-Energies (licensee) filed on July 1, 2004, 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 was to initiate sampling of selected adult fish in 2004 for chemical contaminant measurement. Prior to initiating this work, the licensee consulted with the Michigan Department of Environmental Quality (MDEQ). As a result of the discussions, revisions were needed to the original plan section addressing both the number of fish to be collected and their analyses. 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:

Chemical Monitoring Plan

1. Monitoring Locations/Equipment

The quarterly water chemistry samples will be collected from eight locations.1 Ten percent of quarterly (December, May, July, October) samples will be replicated.

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1 Upstream and downstream of Michigamme Reservoir; downstream of Peavy, Michigamme Falls, Lower Paint, Twin Falls, Kingsford, Big Quinnesec dams

Sediment samples will be obtained from 8-locations representing depositional areas in each impoundment. Two spatially composited fine-grained sediment samples will be collected at each location for analysis using the Great lakes and Environmental Assessment Section (GLEAS) Procedure #64 (copy attached to this plan).

With respect to the fish contaminant portion of this monitoring plan, it is important that the contaminant data collected support the objectives of both Michigan's and Wisconsin's fish consumption advisory programs. The MDEQ recommends that for the purpose of supporting the consumption advisories, the upper Menominee River watershed be divided into two reaches; the Michigamme River and the Menominee River.

Prior to the collection of fish by the licensee or its contractor, the appropriate fish managers and game wardens for Michigan and, as necessary, for Wisconsin shall be notified. Specifically, the appropriate individuals shall be informed as to when and where fish collection is to be conducted; what fishing gear will be employed; what species are to be collected, as well as the numbers of each species that may be retained for contaminant analysis.

The fish will be collected during early spring from the subject waters. With respect to gear type used for fish collection, Wisconsin Department of Natural Resources (WDNR) and MDEQ recommend that fish be collected using electro-shocking or trap netting. If neither of these techniques yield sufficient specimens for analysis, limited gill netting may be used. The MDEQ requests that the following number and species of fish be collected from each respective water body for analysis:

For the Michigamme River projects (Michigamme Reservoir, Peavy Pond, Michigamme Falls impoundment, a total of 30 legal size fish, representing two top predator fish species (walleye and northern pike) shall be collected; no less than 10-individuals shall be collected from each impoundment, at least 10 but not more than 20-individuals of each species should be collected in total from all three water bodies, but the 10 individuals do not have to be taken from the same impoundment.

For the Twin Falls impoundment, a total of 20- legal size top predator fish, (10-walleye, 10-northern pike) shall be collected.

For the Kingsford and Big Quinnesec Falls impoundments, a total of 20-fish (10-legal size walleye or northern pike plus 10-bottom feeder-type species, such as sucker, of a size that would be retained for eating) shall be collected from each of the two impoundments.

Since the capture of top predator species, such as walleye, may be labor intensive, an alternate means may be used. The company would solicit creeled specimens from fishermen. In return, the company will donate $100 to the donor's preferred charity (501 (c)3-recognized) in the donor's name.

Collected fish will be placed on ice until frozen. The fish fillets shall be sent to a contract laboratory for the required analyses.

The fish collected from the Michigamme Reservoir, Peavy Pond, Michigamme Falls impoundment, and Twin Falls impoundment will be analyzed for mercury only. The fish collected from the Kingsford and Big Quinnesec Falls impoundments shall be analyzed for mercury and total PCBs.

2. Monitoring Schedule

The first - once every five year - quarterly water quality samples will be collected coincident with the first year of continuous water quality monitoring to take advantage of committed staff resources.

The first sediment samples will be collected during the 20th year of the new license period.

The first fish contaminant sampling will be staggered three years after the first two years of the continuous water quality monitoring program (e.g., the first collection effort will be in 2004) to reduce demands on staff and will be repeated every ten years of the license period.

3. Analyses to be Performed

Each water sample shall be analyzed using approved US EPA methods for the following parameters:

Alkalinity, chlorophyll-a, color, dissolved sulfates, pH, hardness, Secchi depth, specific conductivity, total ammonia, total dissolved solids, total nitrates, total nitrites, total nitrogen, total organic carbon, total phosphorus, total suspended solids.

Each sediment sample shall be analyzed using US EPA methods for the following parameters:

Oil and grease, percent volatile solids, total arsenic, total barium, total cadmium, total chromium, total copper, total lead, total manganese, total mercury, total nickel, total nitrogen, total organic carbon, total phosphorus, total selenium, total silver, total zinc, acid volatile sulfides and PCB.

Edible fish fillets shall be analyzed using US EPA methods for mercury and total PCBs.

DISCUSSION AND CONCLUSIONS

The licensee's original water quality monitoring plan was outlined in the Wilderness Shores Settlement Agreement (WSSA) and incorporated in each license. The licensee received concurrence from the MDEQ and the WDNR, April 19, 2004 and May 28, 2004, respectively, on its requested changes as required by the WSSA. The proposed changes allow the licensee to focus on monitoring the number of fish to be collected and the specific analyses needed by the agencies. 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 July 1, 2004, is approved.

(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.

George H. Taylor
Chief, Biological Resources Branch
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and Compliance