

159 FERC ¶ 62,093
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

City of Kaukauna, Wisconsin

Project No. 2677-030

ORDER ACCEPTING FINAL WATER QUALITY REPORT AND TERMINATING
MONITORING

(Issued April 27, 2017)

1. On January 24, 2017, the City of Kaukauna, Wisconsin (licensee) filed its 2016 final water quality monitoring report with the Federal Energy Regulatory Commission (Commission) for the Badger-Rapide Croche Hydroelectric Project No. 2677.¹ The project is located on the Fox River in Outagamie County, Wisconsin, and includes two developments; the Badger and Rapide Croche developments. The Badger Development is located in the City of Kaukauna at the U.S. Army Corps of Engineers' (Corps) Kaukauna dam and the Rapide Croche Development is located in the Town of Buchanan at the Corps Rapide Croche dam and do not occupy any federal lands.

BACKGROUND AND LICENSE REQUIREMENTS

2. Article 401 requires the licensee to file various plans for Commission approval, pursuant to conditions contained within the Water Quality Certification (WQC) issued by the Wisconsin Department of Natural Resources (Wisconsin DNR). WQC Condition No. 11 requires the licensee to develop a water quality monitoring plan that describes the methodology used to conduct periodic water quality monitoring in accordance with a schedule approved by the Wisconsin DNR. Article 406 requires the licensee to file a plan to conduct water quality monitoring for a period of three years to begin upon completion of the proposed Badger powerhouse and implementation of minimum stream flows. The plan was developed in consultation with the Wisconsin DNR and the U.S. Fish and Wildlife Service (FWS) and approved by order dated June 25, 2012.² Monitoring would be used to evaluate the effects of year-round and walleye spawning flow releases on water temperature and dissolved oxygen (DO) upstream of the Badger intake, at the downstream end of the Badger bypassed reach, and in the tailrace.

¹ Order Issuing New License 135 FERC ¶ 62,149 (issued May 18, 2011).

² Order Approving Water Quality Monitoring Plan 139 FERC ¶ 62,255.

MONITORING RESULTS

3. Over the period of three years, the licensee monitored water quality parameters that included water temperature, DO, and pH on an hourly and daily average basis for each variable at the following five locations: upstream of the Kaukauna dam, downstream of the Badger powerhouse, in the Badger bypass reach, and upstream and downstream of the Rapide Croche powerhouse. The licensee completed monitoring in 2014, 2015 and 2016 and filed yearly monitoring reports with the Wisconsin DNR, FWS, and the Commission. The final 2016 report contains all three years of data with recommendations on whether monitoring should continue or be modified.

AGENCY CONSULTATION

4. The licensee provided the final water quality monitoring report to the Wisconsin DNR and FWS on December 29, 2016, for review and comment. The licensee provided raw data tables and files in response to the comments from Wisconsin DNR dated January 19, 2017. The Wisconsin DNR agreed with the licensee's conclusion regarding the monitoring and recommendation for termination, as long as project operation does not change. The FWS did not provide comments.

DISCUSSION

5. The licensee performed the monitoring of water quality at the Badger-Rapide Croche project as proposed in its approved water quality monitoring plan. The results of the monitoring over three years demonstrates that the Badger-Rapide Croche project meets the water quality standards established by Wisconsin DNR's WQC. The Wisconsin DNR concurred with the licensee's conclusion that no further monitoring is needed. The licensee provided sufficient level of detail and analysis in its final report and its conclusion was made appropriately. The licensee's final water quality monitoring report fulfills the requirements of license articles 401 and 406 and Wisconsin DNR's WQC Condition No. 11, and therefore should be approved.

The Director orders:

(A) The City of Kaukauna, Wisconsin's (licensee) final water quality monitoring report for the Badger-Rapide Croche Hydroelectric Project No. 2677, filed with the Federal Energy Regulatory Commission (Commission) on January 24, 2017, pursuant to the licensee's approved water quality monitoring plan under license articles 401 and 406, is approved.

(B) Water quality monitoring at the Badger-Rapide Croche Hydroelectric Project required by articles 401, 406 and the approved water quality monitoring plan is no longer required. However, the Commission reserves its authority to require water quality monitoring in the future should conditions change and such monitoring is warranted.

(C) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in (§) 313(a) of the Federal Power Act, 16 U.S.C. § 825*l* (2012), and the Commission's regulations at 18 CFR § 385.713 (2016). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. The licensee's failure to file a request for rehearing shall constitute acceptance of this order.

Thomas J. LoVullo
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Division of Hydropower
Administration and Compliance

Document Content(s)

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