

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D.C. 20426

OFFICE OF ENERGY PROJECTS

Project No. 10855-247,-251-- Michigan
Dead River Hydroelectric Project
Upper Peninsula Power Company

December 29, 2015

Virgil E. Schlorke, Director
Upper Peninsula Power Company
1002 Harbor Hills Drive
Marquette, MI 49855

Subject: August and September 2015 temperature deviations - Article 406

Dear Mr. Schlorke:

This letter acknowledges receipt of your Monthly Water Temperature Deviation Reports, filed September 14 and October 26, 2015. Your reports were filed pursuant to Article 406 of the license¹ for the Dead River Project, the Commission's Order Modifying and Approving Water Quality Monitoring Plan,² and the Order Approving Modification to Approved Water Quality Monitoring Plan.³ The approved plan, in part, requires you to monitor dissolved oxygen (DO) concentrations and water temperature at various locations.

License Article 406, in part, states that you must not warm the Dead River downstream from Silver Lake dam, Hoist powerhouse, and the bypassed reach downstream of McClure dam, through the operation of the project, to temperatures higher than the listed monthly average temperatures, for the protection of water quality and fishery resources. The August monthly standard is 68 degrees Fahrenheit (°F) and the September monthly standard is 63 °F.

According to your September 14 filing, upon retrieval of your water quality monitor after your bi-weekly monitoring period, it was discovered that you exceeded the

¹ Order Issuing Original License (101 FERC ¶ 62,013), issued October 4, 2002.

² 103 FERC ¶ 62,027, issued April 17, 2003.

³ 110 FERC ¶ 62,200, issued March 3, 2005.

water temperature standard for the month of August below the Hoist powerhouse by 0.6°F. The monthly average was 68.6°F compared to the monthly standard of 68°F. According to your October 26 filing, upon analysis of your data for September, it was discovered that you exceeded the water temperature standard for the month of September below the Hoist powerhouse by 2.5°F. The monthly average was 65.5°F compared to the monthly standard of 63°F.

You state that the likely cause of the deviations was high temperatures and little rainfall through the summer months, through September, within the Dead River watershed. As a form of mitigation, the Hoist powerhouse draws water from the basin at its deepest point, thus the coolest water available is passed downstream. You did not deviate from your dissolved oxygen standard of 7.0 milligrams per liter during the month of August or September. You immediately reported the deviation to the U.S. Fish and Wildlife Service, Michigan Department of Natural Resources, and the Michigan Department of Environmental Quality, per license Article 406.

On November 4, 2015, the Commission requested additional information to support you claim that the likely cause of the deviations was high temperatures and little rainfall. On November 25, 2015, you filed weather, river flow and water temperature data. According to your response and as evident from the data you provided, August 2015 air temperature was one degree higher than the three-year average, and area river flows were 68 percent and 48 percent lower on average when compared to 2013 and 2014 respectively.⁴ Additionally, during the summer of 2015, you performed a planned drawdown at Silver Lake Storage Basin to complete construction activities related to dam safety. As a result, outflows from Silver Lake Storage Basin was reduced, and the basin was unavailable to provide cooler water to Hoist Basin during dry year conditions.

Based upon review of the available information, we will not consider the deviations to be a violation of Article 406. The deviations were caused by warm and dry weather and the planned drawdown at Silver Lake Storage Basin for dam safety repairs. Although the incidents will not be considered violations, they will be made part of the compliance history of the project and taken into consideration regarding any future review of similar incidents to determine appropriate Commission action.

⁴ The 2013-2015 time frame was used because in August 2013 the Silver Lake Storage Basin achieved normal operation under current license conditions, with a planned drawdown in 2015.

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Thank you for your cooperation and your November 25, 2015 response to our additional information request. If you have any questions regarding this letter, please contact Ms. Andrea Claros at (202) 502-8171.

Sincerely,

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

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