



REPLY TO
ATTENTION OF:

Engineering & Technical Services
Regulatory Office
File No. LRE-2008-00885-252

DEPARTMENT OF THE ARMY FILED
DETROIT DISTRICT, CORPS OF ENGINEERS SECRETARY P-10854
REGULATORY OFFICE
P.O. BOX 1027
DETROIT, MICHIGAN 48231-1027
08 SEP 29 PM 3:10

August 22, 2008

FEDERAL ENERGY
REGULATORY
COMMISSION

Jon Cofrancesco
Federal Energy Regulatory Commission
Division of Hydropower Administration and Compliance
Washington, District of Columbia, 20426

ORIGINAL

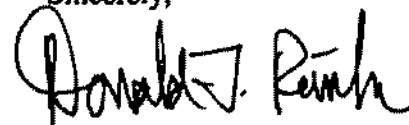
Dear Mr. Cofrancesco,

This is in response to your recent Environmental Assessment (Docket No.: P-10854), dated July 2, 2008, requesting a jurisdictional determination by the U.S. Army Corps of Engineers on the proposed FERC Cataract Hydroelectric Project and Cataract Shoreline Management Plan located in Marquette County, Michigan.

In 1984 a portion of the Corps' regulatory responsibilities were assumed by the Michigan Department of Environmental Quality (MDEQ). This project site is within an area of MDEQ assumed jurisdiction. Unless otherwise notified, a separate authorization from the Corps is not required. However, your project may require permits from the MDEQ. We recommend that you contact the MDEQ's Upper Peninsula District Office at (906) 875-2071 for a regulatory determination and information regarding Michigan's statute and permit requirements.

Thank you for giving the Corps of Engineers the opportunity to review this project on the Middle Branch of the Escanaba River. If you have any questions please contact Sabrina Miller at the above address or at (313) 226-7495. Please refer to File No. LRE-2008-00885-252 in all future communications with this office.

Sincerely,


Robert M. Tucker
Chief, Enforcement Branch
Regulatory Office

Enclosures
Copy Furnished:
MDEQ, Upper Peninsula District Office, Mike Smolinski
Upper Peninsula Power Company
USACE, Marquette Regulatory Field Office

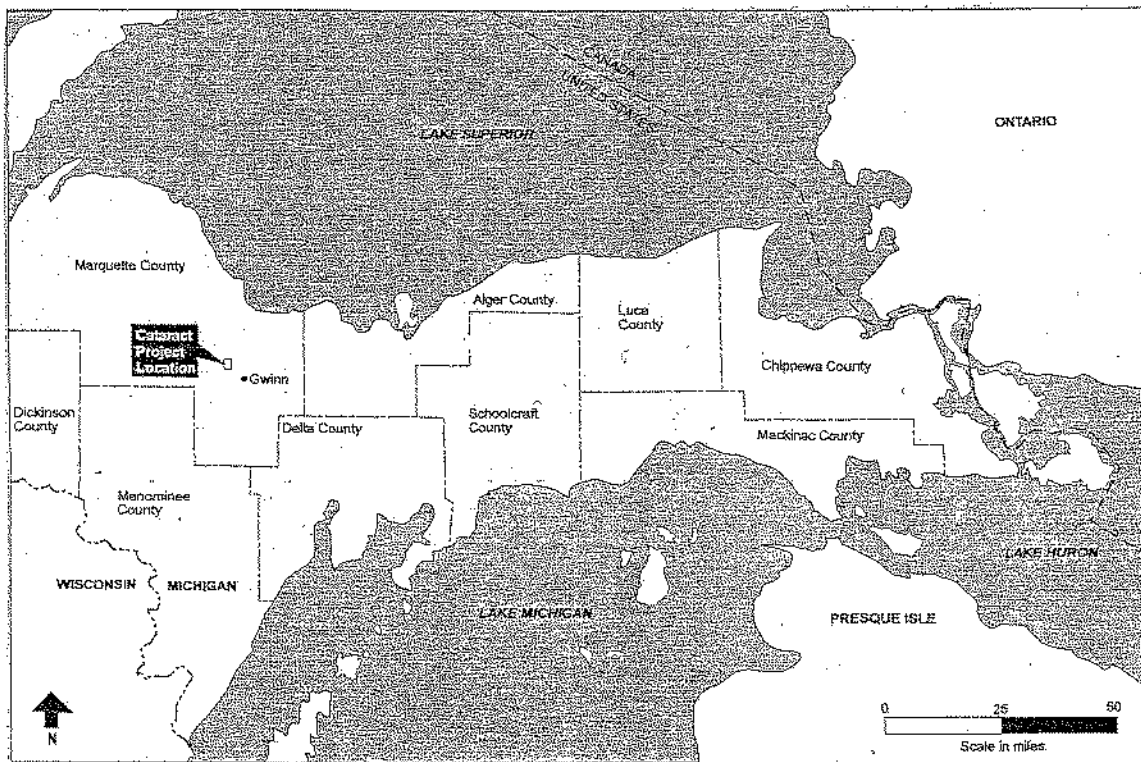


Figure 1. Location map of the Cataract Project.

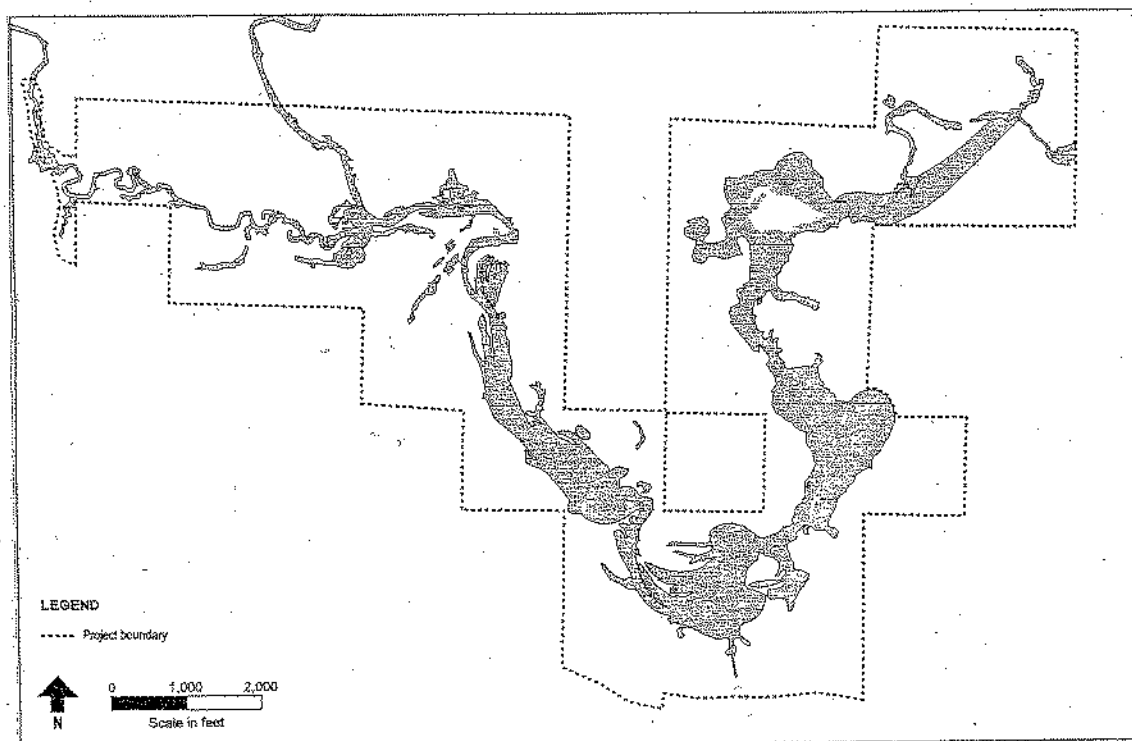


Figure 2. Cataract Project boundary map.