

UNITED STATES OF AMERICA 129 FERC ¶ 62,147
FEDERAL ENERGY REGULATORY COMMISSION

Upper Peninsula Power Company

Project No. 10854-015

ORDER APPROVING UPDATED OPERATION AND COMPLIANCE PLAN
PURSUANT TO LICENSE ARTICLE 403

(Issued November 24, 2009)

1. On October 28, 2009, Upper Peninsula Power Company (licensee), filed a 5 Year Updated Operation and Compliance Plan (Plan) pursuant to Article 403 of the Order Issuing Original License for the Cataract Hydroelectric Project.¹ The Cataract Project is located on the Middle Branch of the Escanaba River, in Marquette County, Michigan.

LICENSE REQUIREMENTS AND BACKGROUND

2. License Article 403 requires the licensee to file, for Commission approval, an Operation and Compliance Plan including drawdown management procedures, emergency operating procedures, and measures to document compliance with run-of-river operation pursuant to license Article 401, and the minimum flow requirements of license Article 402. The Plan is to be prepared in consultation with the Michigan Department of Natural Resources (MDNR) and the U.S. Fish and Wildlife Service (FWS).

3. Article 403 also requires the licensee to file an update of the operation and compliance plan every five years, for Commission approval. The updates are to be prepared in consultation with the MDNR and the FWS.

4. The licensee's original Operation and Compliance Plan was approved in a Commission order issued October 28, 1999.² On April 13, 2005, the Commission issued the first required 5 year Order Approving Updated Operation and Compliance Plan Pursuant to License Article 403.³

¹ 78 FERC ¶ 62,100, issued February 7, 1997.

² 89 FERC ¶ 62,082.

³ 111 FERC ¶ 62,047.

LICENSEE'S OPERATION AND COMPLIANCE PLAN UPDATE

5. The licensee's revised Operation and Compliance Plan is similar to the plan approved in the April 13, 2005 order, but includes the following revised/additional measures:

- (3) B. Emergency Drawdown

In the event an emergency drawdown is required, the licensee will notify MDNR and FWS by telephone within 24 hours after initiation of the drawdown instead of on the first business day after initiation of the drawdown.

- (4) Reporting

Once each year, by March 1, the licensee will submit to the Commission, MDNR, and FWS a report containing a summary of hourly operating data from the previous year.

Hourly data for plant generation, headwater elevation, turbine flow (calculated hourly average flow releases based on generation), and bypassed reach water level will be provided in the summary report, along with hourly average flow data from the USGS Princeton gage.

- (6) Bypassed Channel Level Sensor Maintenance

A flow versus level characterization check will be performed each year, prior to September 1, instead of every two years, to validate the target level associated with the 8 cfs minimum flow rate.

- (9) Bypassed Reach Minimum Flow Plan

Also, data from the data logger will be downloaded on a periodic basis and included in the annual summary report. The summary report will include the hourly level data as compared to the level required to assure the minimum bypassed reach flow.

6. The licensee submitted a draft of the revised Plan to the MDNR and the FWS by letters dated August 28, 2009. On September 15, 2009, the MDNR electronically transmitted its response, concurring with the Plan. The licensee received no comments from the FWS on its August 28, 2009 request.

DISCUSSION

7. Staff has reviewed the licensee's revised Operation and Compliance Plan. The revised Plan proposed by the licensee, with the additional measures, should ensure that the project is operated as required, and should be approved.

The Director orders:

(A) The Upper Peninsula Power Company's Revised Operation and Compliance Plan for the Cataract Project, filed October 28, 2009, pursuant to license Article 403, is approved.

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

William Guey-Lee
Chief, Engineering and Jurisdiction Branch
Division of Hydropower Administration
and Compliance

Document Content(s)

P-10854-015.DOC.....1-3