

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D. C. 20426

OFFICE OF ENERGY PROJECTS

Project No. 10855-396 –
Michigan
Dead River Hydroelectric Project
Upper Peninsula Power Company

April 4, 2024

VIA FERC Service

Virgil E. Schlorke
Upper Peninsula Power Company
800 Greenwood Street
Ishpeming, MI 49849

Subject: Planned Water Surface Elevation Deviations – Article 402

Dear Virgil E. Schlorke:

We received your letter filed on March 18, 2024, notifying the Commission of the planned deviations from the start of month target elevation in April 2024 at the Silver Lake and Dead River (Hoist) developments¹ of the Dead River Hydroelectric Project No. 10855.² For the reasons discussed below, we have determined that the notification of the planned deviations is consistent with the requirements of Article 402 of the license and ordering paragraph (F) of the March 11, 2010 Order Modifying and Approving Article 405 Operations Monitoring Plan (2010 Order).³

License Requirements

Article 402 of the license,⁴ in part, requires you to operate the project to maintain certain storage basin water surface elevations at each of the project developments, for the

¹ The project consists of three separate developments: Silver Lake, Dead River (Hoist), and McClure.

² *Upper Peninsula Power Company*, 101 FERC ¶ 62,013 (2002).

³ *Upper Peninsula Power Company*, 130 FERC ¶ 62,214 (2010).

⁴ Amended by *Upper Peninsula Power Company*, 136 FERC ¶ 62,186 (2011).

protection and enhancement of water quality, recreation, aesthetics, and fishery resources in the Dead River. Pertinent to this proceeding, you must always act to maintain the Silver Lake Storage Basin above the minimum seasonal target elevation of 1,477 feet NGVD for April and strive to operate the existing project facilities to achieve the start of month target elevation of 1,477.5 feet NGVD for April. You must also always act to maintain the Dead Lake Storage Basin above the minimum seasonal target elevation of 1,377 feet NGVD for April and strive to operate the existing project facilities to achieve the start of month target elevation of 1,377.5 feet NGVD for April.

You may temporarily modify surface elevations, if required by operating emergencies beyond your control, including but not limited to floods, ice conditions, drought, and electrical emergencies, or for short periods, upon mutual agreement among you, the Michigan Department of Natural Resources (Michigan DNR), the Michigan Department of Environment, Great Lakes, and Energy (Michigan EGLE),⁵ and the U.S. Fish and Wildlife Service (FWS) (collectively referred to as “resource agencies”). During the adverse conditions described above, you must, within one business day after identifying the noncompliance condition relating to water surface elevations, consult with the resource agencies regarding the emergency actions taken or planned.

Consultations during the adverse conditions must continue, following a mutually agreed upon schedule with the resource agencies. Upon cessation of the adverse conditions, you must resume the normal project operating water levels. You must notify the Commission as soon as possible, but no later than 10 days after each such emergency incident and shall provide the reason for the modified reservoir elevations and actions taken to return the project to normal operating levels.

Ordering paragraph (B) of the 2011 Order revises the reporting requirements for deviations at the project. You must report all deviations that last longer than one hour or result in environmental impacts to the Commission within 30 days of the date that the data become available. The report must include the information described in the ordering paragraph with an account of the environmental impacts associated with the deviation.

Summary of Deviations

Your March 18, 2024 filing details planned deviations from the start of month target elevation for April at the Silver Lake Storage Basin and Dead River Storage Basin. Specifically, you plan a short term modification of the license requirements by increasing the start of month target elevation for April at the Silver Lake Storage Basin to 1,479 feet

(2011 Order).

⁵ Formerly the Michigan Department of Environmental Quality.

NGVD and at the Dead River Storage Basin to 1,340 feet NGVD.⁶ You explain that the adjustment is necessary to allow snow melt to be captured throughout a longer period and reduce the potential of failing to reach 1,341 feet NGVD at Dead River Storage Basin in the spring. You reached this conclusion after monitoring the snowpack information and precipitation forecasts surrounding the project. You began consulting with the resource agencies and Dead River Campers Inc. on March 4, 2024. On March 5, 2024, the resource agencies provided their concurrence.

Conclusion

Based on our review of the information provided, we find that your notification is consistent with the requirements of Article 402 of the license and ordering paragraph (B) of the 2011 Order. The planned deviation at the Dead River and Silver Lake developments is due to snowpack conditions and forecasted spring precipitation. You notified the appropriate resource agencies of the deviations and received concurrence prior to the planned deviations. Your filings includes documentation of your communication with the resource agencies and the Dead River Campers Inc.

Thank you for your attention to this matter. If you have any questions concerning this letter, please contact Jeremy Jessup at (202) 502-6779 or Jeremy.Jessup@ferc.gov.

Sincerely,

Kelly Houff
Chief, Engineering Resources Branch
Division of Hydropower Administration and
Compliance

⁶ These are the start of month target elevations required by Article 402 of the license for May at each development.