

FEDERAL ENERGY REGULATORY COMMISSION  
Washington, D. C. 20426

OFFICE OF ENERGY PROJECTS

Project No. 10855-307 – Michigan  
Dead River Project  
Upper Peninsula Power Company

July 9, 2019

VIA FERC Service

Mr. Virgil Schlorke  
Director, Generation and Environmental Services  
Upper Peninsula Power Company  
800 Greenwood Street  
Ishpeming, MI 49849

Subject: Additional Information Request for Deviation and Complaints Regarding Water  
Surface Elevation at the Dead River Development

Dear Mr. Schlorke:

We received your letter filed on April 17, 2019, notifying the Commission of a planned deviation from the required water surface elevation requirements under license Article 402 for the Dead River Hydroelectric Project No. 10855.<sup>1</sup> Your filing states that the planned deviation at the Dead River Development storage basin, for the month of April, was an operating decision made in consultation with the resource agencies in order to help reduce the peak headwater elevation during the predicted high spring snow melt.<sup>2</sup>

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<sup>1</sup> *Upper Peninsula Power Company*, 101 FERC ¶ 62,013 (2002).

<sup>2</sup> The Dead River Project consists of three developments. From upstream to downstream, they are: the Silver Lake Development; the Dead River Development; and the McClure Development. The Dead River Development is also called the Hoist Development; the storage basin at this development is known as both the Dead River Storage Basin and Hoist Reservoir.

The Commission has also recently received two complaints regarding the operation of the Dead River Project during the spring snow melt and runoff this year. Specifically, the complainants are concerned about high water levels at the Dead River Development storage basin.

### License Requirements

Article 402 of the license requires you to operate the project to maintain minimum storage basin water surface elevations at each of the three developments, for the protection and enhancement of water quality, recreation, aesthetics, and fishery resources in the Dead River. As shown in the table below, Article 402 requires you to maintain the Dead River Storage Basin (DRSB) at all times above the minimum elevation and to strive to operate the project facilities to achieve the start of month target elevations, in order to minimize erosion due to high water levels and enhance recreational opportunities and aesthetics. If natural conditions cause the DRSB to exceed an elevation of 1,341 feet National Geodetic Vertical Datum (NGVD), you must take all reasonable steps to lower the impoundment to the target elevation.<sup>3</sup> In addition, the rate of lowering the DRSB must not exceed 0.5 foot per day.

Table 1. Dead River Storage Basin – Start of Month Target and Minimum Water Surface Elevations

<b>Month</b>	<b>Start of Month Target Elevation (feet NGVD)</b>	<b>Minimum Elevation (feet NGVD)</b>
April	1,337.5	1,337
May	1,340 <sup>a</sup>	1,339
June	1,341	1,339
July	1,341	1,339.5
August	1,341	1,339.5
September	1,341	1,339.5

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<sup>3</sup> Ordering paragraph (D) of the March 11, 2010 Order Modifying and Approving Article 405 Operations Monitoring Plan specifies that the licensee must take all reasonable steps to lower the impoundment to the target elevation using increased turbine discharge and/or discharge through the low level outlet. Implementation of one or both measures should be based on the circumstances of the extreme high water event. 130 FERC ¶ 62,214 (2010).

October	1,341	1,339.5
November	1,341	1,339.5
December	1,339	1,338.5
January	1,339	1,337.5
February	1,337.5	1,337
March	1,337.5	1,337

<sup>a</sup> The January 29, 2019 Order Approving Request for Temporary Variance from License Requirements of Article 402 granted the licensee's request to modify some of the start of month target elevations at the Silver Lake and Dead River Storage Basins for one year, starting in February 2019. The approved temporary variance changes the start of month target elevation from 1,340 feet to 1,341 feet NGVD for the month of May at the DRSB. The temporary variance makes no other changes to the monthly target elevations at the DRSB. 166 FERC ¶ 62,044 (2019).

Article 402 also stipulates that storage basin water surface elevations may be temporarily modified, 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 with the Michigan Department of Natural Resources (Michigan DNR), the Michigan Department of Environmental Quality (Michigan DEQ), and the U.S. Fish and Wildlife Service (FWS). During the aforementioned adverse conditions, you must, within one business day after identifying the noncompliance condition relating to water surface elevations, consult with the Marquette District Supervisor of the Michigan DEQ, the Michigan DNR, and the FWS regarding the emergency actions taken or planned. Consultations during the adverse conditions shall continue, following a mutually agreed upon schedule with the Michigan DEQ, the Michigan DNR, and the FWS. Upon cessation of the adverse conditions, you must resume the normal project operating water levels. You are required to notify the Commission as soon as possible, but no later than 10 days after each such emergency incident, and you must provide the reason for the modified reservoir elevations and actions taken to return the project to normal operating levels.

On September 1, 2011, the Commission issued an Order Amending License for the Dead River Project.<sup>4</sup> Ordering paragraph (B) requires you to file a report with the Commission within 30 days of the data becoming available for all deviations that last longer than one hour or result in environmental impacts. The report should include, to the extent possible, the cause, severity, and duration of the incident, and any observed or

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<sup>4</sup> *Upper Peninsula Power Company*, 136 FERC ¶ 62,186 (2011).

reported adverse environmental impacts resulting from the incident. The report must also include: (1) operational data necessary to determine compliance with the operating range requirement; (2) a description of any corrective measures implemented at the time of the occurrence and the measures implemented or proposed to ensure that similar incidents do not recur; and (3) any comments or correspondence received from the resource agencies or other interested parties regarding the incident.

#### Additional Information Request

According to your April 17, 2019 filing, you received concurrence from the resource agencies to deviate from the start of month target elevation and the minimum elevation for the month of April at the DRSB. Instead of following the water surface elevation requirements for April as shown in the table above, the planned deviation lowered the start of month target elevation and the minimum elevation to 1,334 feet NGVD and 1,333.5 feet NGVD, respectively. The decision to lower the April water surface elevation requirements at the DRSB was based upon the large amount of snowfall on the ground surrounding the project area, the associated snow water equivalent, the forecasted weather conditions, and your analysis of these conditions. You made this decision in consultation with the resource agencies in order to help reduce the headwater elevation during the spring snow melt. Your filing also states that on April 8, 2019, the headwater elevation rose above 1,337 feet NGVD, which is the normally required minimum elevation for April, thereby ending the planned deviation.

The two complaints received by the Commission are in reference to the operation of the Dead River Project during the spring snow melt and runoff this year. In order for us to complete our investigation of the complaints, please file the following information within 30 days of the date of this letter:

1. Operational data for the period from February 1, 2019, through the date of this letter for the Dead River Development flow releases (e.g., spillway, turbine, and low level outlet discharges), impoundment water levels, and inflows to the impoundment. The operational data must be provided in the smallest time step available, in electronic spreadsheet file format (e.g., .xls, .xlsx, or similar electronic file format);
2. Detailed information regarding any factors or events that led to higher than normal impoundment water surface elevations from February 1, 2019, through the date of this letter; and
3. Any additional information that would be helpful to our review of the complaints.

The Commission strongly encourages electronic filing. Please file the requested information using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, D.C. 20426. The first page of any filing should include docket number P-10855-307.

Thank you for your cooperation. If you have any questions concerning this letter, please contact Linda Stewart at (202) 502-8184 or [linda.stewart@ferc.gov](mailto:linda.stewart@ferc.gov).

Sincerely,

A handwritten signature in black ink that reads "Kelly Houff". The signature is written in a cursive, flowing style.

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