



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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June 1, 2004

George Johnston
 Dairyland Power Cooperative
 3200 East Avenue South
 La Crosse, WI 54602-0817

Subject: Preliminary consultations on license requirements for Dairyland Power Cooperative's Flambeau Hydro Station (FERC Project No. 1960).

Dear Mr. Johnston:

I wanted to provide a written follow-up to our discussion in Ladysmith last week regarding the number of times Dairyland Power must sample and analyze water quality at the Flambeau Hydro Station.

Condition R of the water quality certification specifies that DPC "...shall monitor water quality of the reservoir four times annually within 3 weeks of ice-out and in June, July, and August." Our Department submitted similar recommendations for water quality monitoring to the Federal Energy Regulatory Commission during the licensing proceedings for six other hydroelectric projects on the Flambeau River. In granting those licenses, however, the FERC required three sampling events each year at ice-out and in July and August. Although we believe that the June sample would yield useful information to follow trends in water quality in the Flambeau River system over the term of the licenses, we also recognize the need for consistent treatment of this requirement among the various affected licensees. Therefore, please consider the annual sample in June discretionary, rather than mandatory. Paragraph R of the water quality certification, dated October 18, 2002, is modified accordingly.

Occasionally, it has been necessary to delay the first annual sample following ice-out due to safety concerns related to excessive flow on the Flambeau River in spring. April or early May samples are preferred for predictive modeling of spring turnover conditions, but samples collected up to the middle of May are usually acceptable for this purpose. Safety should certainly be the first priority at all times.

The table in Article 401 of the new license itemizes several plans and notifications required in the water quality certification. Xcel Energy, Inc. and Flambeau Hydro, L.L.C., the licensees for the other hydro projects on the Flambeau River, have developed similar plans, which have been reviewed by the Department and approved by FERC. These approved plans could serve as examples in Dairyland's consultations on operational compliance, notifications, and resource monitoring. The licensees' plans, our Department's comments, and the Commission's modifications and approval are posted on FERC's e-library under P-2640, P-2421, P-2395, P-2473, P-2390, and P-2475. The e-library would also include similar plans filed by other licensees nationwide. Attached is an example of the notification that Xcel Energy provides to the resource agencies when exceptions to normal operations occur at its projects on the Red Cedar River. This template could be modified to describe the details of any exception to normal operations at the Flambeau Station as outlined in Condition D of Dairyland's water quality certification.

I also would like to point out that the other licensees initially had trouble finding a laboratory that could conduct the total phosphorus analysis with a detection limit of 5 micrograms per liter. The ability to detect phosphorus at low levels is essential to this monitoring objective. Xcel Energy's laboratory has recently modified its procedure and demonstrated that it can report total phosphorus concentrations at satisfactory limits of detection and quantification. Xcel documented its resolution of this matter with our Department and the Wisconsin State Lab of Hygiene in a letter, dated April 12, 2004. That letter is posted on FERC's e-library under P-2390 and P-2475. DPC may wish to consult with Xcel on these analytical procedures.

We look forward to continued progress in the post-licensing consultations. If you have any questions, please contact me at (715) 762-4684, extension 131.

Sincerely,

Jeff Scheirer
Northern Region FERC Project Manager

Cc: Secretary, Federal Energy Regulatory Commission (filed electronically)
Larry Thompson, U.S. Fish and Wildlife Service

Facsimile Cover Sheet

To: FERC Coordinator
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To: FERC Coordinator
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Date: _____
Number of pages including this cover page: _____

Violation of Headwater Elevations, Tailwater Elevations or Minimum Flows at Cedar Falls and Menomonie Hydro Projects

Dam (Cedar Falls, Menomonie): _____

Type of Violation: (Minimum Flow, Headwater Elevation)

Date of Violation: _____

Time of Violation: _____

Duration and Magnitude of Violation: _____

Reason for Violation: _____

Other Comments:

Submission Contents

WI DNR submits comments to Dairyland Power on preliminary post-licensing consultations under P-1960.

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