

72 FERC 102, 125

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Northern States Power Company

Project No. 2440-008
Wisconsin

ORDER MODIFYING AND APPROVING
DISSOLVED OXYGEN MONITORING PLAN
AUG 14 1995

On July 12, 1994, Northern States Power Company, licensee for the Chippewa Falls Project, located on the Chippewa River, filed a plan to monitor dissolved oxygen (DO) levels downstream of the project. The plan was filed pursuant to license article 404 of the project's license, issued January 14, 1994.

Background

The Environmental Assessment (EA) attached to the Commission's January 14, 1994 Order Issuing New License discusses environmental impacts and recommendations regarding DO concentrations at the project. According to the EA, DO monitoring one mile downstream of the project found that concentrations dropped to between 2 and 3 milligrams per liter (mg/l) on some summer mornings in 1990. The state water quality standard is 5 mg/l. The Wisconsin Department of Natural Resources (WDNR) recommended that the licensee develop and implement a DO monitoring plan that would evaluate five areas located downstream of the Chippewa Falls Dam that were previously found to have low DO levels. The WDNR recommended that the monitoring take place within one year of the implementation of the minimum flow releases stipulated in the new license. The WDNR recommended that, if areas of low DO concentration persist at the specified minimum flow releases, consultation take place to plan additional remediation.

License Requirements

License article 404 requires the licensee to file for Commission approval, at least 90 days before the implementation of the minimum flow releases stipulated in article 401, a plan to monitor DO levels downstream of the Chippewa Falls Project. The purpose of the monitoring is to determine whether the minimum flows required under the new license will ensure the maintenance of a DO content of no less than 5 mg/l downstream of the project.

Article 404 requires that the plan include a schedule for: (1) implementation of the program; (2) consultation with the appropriate federal and state agencies concerning the results of the monitoring; and (3) filing of the results, agencies comments, and the licensee's response to the comments with the Commission.

95-8170199

FERC-DOCKETED
AUG 14 1995

Article 404 also requires that the plan be prepared after consultation with the U.S. Fish and Wildlife Service (FWS) and the WDNR. The licensee is to include with the plan documentation of consultation with those agencies, copies of their comments and recommendations on the completed plan, and specific descriptions of how the agencies' recommendations are accommodated in the plan.

Licensee's Plan

The licensee's filing of July 12, 1994 describes six DO monitoring locations downstream of the project. The plan indicates that other sites may be added if data indicate that low DO concentrations are occurring. These additional sites would be chosen using criteria developed jointly with the WDNR, and added to the monitoring plan after consultation with the WDNR and the FWS.

DO monitoring will be conducted before dawn when the flow has been reduced to the required minimum for at least eight hours. Temperature and DO readings will be made at the center of each area with a surface area of at least 1,000 square feet, and multiple samples will be taken in areas exceeding that size. Results of the sampling will be forwarded to the resource agencies within 30 days of the completion of the work, with a request for comments on any need for remediation work.

If the collected data indicate that DO at the monitoring sites meet or exceed the 5 mg/l requirement, and agreement is received from the resource agencies, the licensee proposes to discontinue DO monitoring. If, however, significantly reduced DO levels are found in any of the areas, the licensee will use heavy equipment to rejoin the areas of low DO concentration with the main river channel. This work would be conducted in the autumn following the summer study. Additionally, further remediation may be conducted through the term of the project license. All phases of monitoring and river channel modification will be preceded by consultation with the resource agencies. After consensus has been reached between the agencies and the licensee that any DO level problems have been solved, the licensee will file, by December 31, 1995, a final report containing the collected data, agency recommendations, and proof of agency consultation.

Agency Comments

The FWS and the WDNR concurred with the licensee's plans in letters dated June 1, 1995 and June 29, 1995, respectively. Copies of these letters were filed with the Commission on July 10, 1995.

Discussion and Conclusions

The licensee's plan to monitor summer DO concentrations downstream of the Chippewa Falls Project should allow the licensee to determine whether the minimum flow requirements in the new license, and the channel modifications that have been performed, ensure the maintenance of a DO level of 5 mg/l consistent with state water quality standards.

The licensee's final report filed with the Commission should include, for Commission approval, recommendations on the need for additional DO monitoring. In addition, if the report indicates that DO concentrations were not maintained at or above 5 mg/l at any monitored location, the licensee should include recommendations for any needed changes in project operation or structures that will ensure the future maintenance of DO concentrations. The final report should contain copies of comments from the WDNR and FWS on included recommendations. The final report, including recommendations, should be provided to the agencies for comments by October 31, 1995, allowing at least 30 days for the completion of comments before the report is filed with the Commission. The report should be filed with the Commission by December 31, 1995.

The plan, with the above modification, fulfills the requirement of article 404 for a DO monitoring plan, and should be approved.

The Director orders:

(A) The licensee's dissolved oxygen (DO) monitoring plan, filed July 12, 1994, as modified in (B) below, fulfills the requirements of license article 404, and is approved.

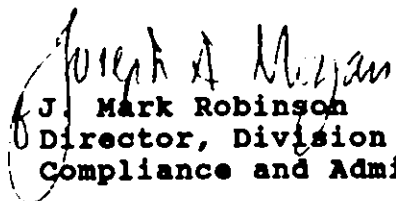
(B) The licensee's final report shall include, for Commission approval, recommendations on the need for additional DO monitoring. If the report indicates that DO concentrations were not maintained at or above 5 milligrams per liter at any monitored location, the licensee shall include recommendations for any changes needed in project operation or structures that will ensure the future maintenance of DO concentrations. The final report shall contain copies of comments from the Wisconsin Department of Natural Resources and the U.S. Fish and Wildlife Service on included recommendations. The final report, including recommendations, shall be made available to the agencies for comments by October 31, 1995, allowing at least 30 days for the completion of comments before the report is filed with the Commission. The final report shall be filed with the Commission by December 31, 1995.

(C) Unless otherwise directed in this order, the licensee shall file an original and eight copies of any filing required by this order with:

The Secretary
Federal Energy Regulatory Commission
Mail code: DPCA, HL-21.1
825 North Capitol Street, N.E.
Washington, DC 20426

In addition, the licensee must serve copies of these filings with any entity specified in this order to be consulted on matters relating to these filings. Proof of service on these entities must accompany the filings with the Commission.

(D) 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.


J. Mark Robinson
Director, Division of Project
Compliance and Administration