

UNITED STATES OF AMERICA 107 FERC ¶ 62,135  
FEDERAL ENERGY REGULATORY COMMISSION

City of Crystal Falls

Project No. 11402-057

ORDER AMENDING WATER QUALITY MONITORING PLAN  
UNDER ARTICLE 404

(Issued May 12, 2004)

On December 29, 2003, the City of Crystal Falls (licensee) filed a request to amend article 404 to reduce the water quality monitoring schedule and the data collection interval. The monitoring schedule was set forth in paragraph (B) of the Order Approving Water Quality Monitoring Plan, issued April 10, 1997, for the Crystal Falls Project. The project is located on the Paint River in Iron County, Michigan.

BACKGROUND AND PROPOSED AMENDMENT

Paragraph (B) requires the licensee to annually monitor dissolved oxygen concentrations and water temperature at the project for the remainder of the license term. Annual reports are required to be filed, with the Commission, for the first 3 years of monitoring. The reports shall include agency comments, the licensee's response to agency comments, and any recommendations, for Commission approval, on modifying the water quality monitoring plan.

The licensee is requesting that the plan be modified to reduce the water quality monitoring schedule from annually to once every five years. In addition, the licensee requests to change the data collection interval from the existing June 1 to September 30 interval to July 1 to August 31. According to the licensee, this proposed schedule is a direct result of negotiations with the Michigan Department of Natural Resources (MDNR), and was also referred to in the February 10, 2003 Water Quality Monitoring Study previously filed with the Commission. According to that study, water quality measurements for the entire 2002 monitoring season were within normal ranges. Results were also within normal ranges in 2000 and 2001. The recommendation in the draft report for the 2002 monitoring, that was distributed to the MDNR and the U.S. Fish and Wildlife (FWS), was that monitoring be done once every five years for one a one-month period from mid-July to mid-August. The licensee has not proposed any changes to the study methodology.

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By letter dated January 3, 2003, the MDNR concurred with the five year monitoring schedule, but requested that the study period be for two months rather than one. The licensee changed the proposed revised monitoring interval to be for two months. No comments were received from the FWS.

## DISCUSSION AND CONCLUSION

We agree, based on the results of the first three years of monitoring, that it is appropriate to change the frequency of water quality monitoring at the project from annually to once every five years. The two month period proposed for data collection covers the low-flow period and should ensure that any temperature or dissolved oxygen deviations are recorded. The last study was completed in 2002, so the next study will be for 2007, and due to the Commission by February 2008. The Water Quality Monitoring Plan should be amended.

### The Director orders:

(A) The Water Quality Monitoring Plan, approved April 10, 1997, is amended so that the licensee shall monitor dissolved oxygen concentrations and water temperature at the project every 5 years, beginning in 2007, from July 1 through August 31. The licensee shall file the monitoring results with the Commission, by February 15 of the year following monitoring. The results shall include agency comments, the licensee's response to agency comments, and any recommendations for modifying the water quality monitoring plan. Any modifications to the water quality monitoring plan shall be filed for Commission approval.

(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 C.F.R. ' 385.713.

George H. Taylor  
Branch Chief, Biological Resources Branch  
Division of Hydropower Administration  
and Compliance