

129 FERC ¶ 62,006
 UNITED STATES OF AMERICA
 FEDERAL ENERGY REGULATORY COMMISSION

Wisconsin Electric Power Company
 d/b/a We Energies

Project Nos. 1759 – 166, 1980 – 101,
 2072 – 099, 2073 – 100,
 2074 – 102, 2131 – 120,
 2357 – 117, 2394 – 106,
 2431 – 083, 2486 – 081,
 11830 – 074, and
 11831 – 091

ORDER AMENDING LICENSES
 AND GRANTING EXTENSIONS OF TIME

(Issued October 02, 2009)

On September 3, 2009, Wisconsin Electric Power Company, doing business as We Energies (licensee), filed a request to amend the licenses for the Michigamme¹ (Way Dam, FERC No. 1759), Hemlock Falls² (FERC No. 2074), Lower Paint³ (FERC No. 2072), Twin Falls⁴ (FERC No. 11831), Peavy Falls⁵ (FERC No. 11830), Michigamme Falls⁶ (FERC No. 2073), Kingsford⁷ (FERC No. 2131), Big Quinnesec Falls⁸ (FERC No. 1980), Brule⁹ (FERC NO. 2431), Pine¹⁰ (FERC No. 2486), Chalk Hill¹¹ (FERC No. 2394), and White Rapids¹² (FERC No. 2357) Hydroelectric Projects. In its filing, the licensee requested to permanently change the submission date for the purple loosestrife and Eurasian water milfoil monitoring reports for the projects. In the same filing, the licensee requested an extension of time in which to file its 2009 purple loosestrife and Eurasian water milfoil reports for eight of the projects.

¹ See Order on Offer of Settlement and Issuing New License, 94 FERC ¶ 63,037 (issued January 12, 2001).

² See Order Issuing New License, 94 FERC ¶ 64,036 (issued January 12, 2001).

³ See Order Issuing New License, 94 FERC ¶ 64,041 (issued January 12, 2001).

⁴ See Order Issuing New License, 94 FERC ¶ 61,039 (issued January 12, 2001).

⁵ See Order Issuing New License, 94 FERC ¶ 61,040 (issued January 12, 2001).

⁶ See Order Issuing New License, 94 FERC ¶ 61,035 (issued January 12, 2001).

⁷ See Order Issuing New License, 94 FERC ¶ 64,028 (issued January 12, 2001).

⁸ See Order Issuing New License, 94 FERC ¶ 64,029 (issued January 12, 2001).

⁹ See Order Issuing New License, 72 FERC ¶ 62,190 (issued August 29, 1995).

¹⁰ See Order Issuing New License, 73 FERC ¶ 61,346 (issued December 19, 1995).

¹¹ See Order Issuing New License, 79 FERC ¶ 62,097 (issued May 7, 1997).

¹² See Order Issuing New License, 79 FERC ¶ 62,096 (issued May 7, 1997).

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The Michigamme Project is located on the Michigamme River in Iron and Dickinson Counties, Michigan. The Hemlock Falls, Peavy, and Michigamme Falls Projects are located on the Michigamme River in Iron County, Michigan. The Lower Paint Project is located on the Paint River in Iron County, Michigan. The Twin Falls and Kingsford Projects are located on the Menominee River in Dickinson County, Michigan, and Florence County, Wisconsin. The Big Quinnesec Falls Project is located on the Menominee River in Dickinson County, Michigan, and Florence and Marinette Counties, Wisconsin. The Brule Project is located on the Brule River in Florence County, Wisconsin, and Iron County, Michigan. The Pine Project is located on the Pine River in Florence County, Wisconsin, about 12 miles from the Michigan border. The Chalk Hill and White Rapids Projects are located on the Menominee River in Marinette County, Wisconsin and Menominee County, Michigan.

LICENSE REQUIREMENTS

The licensee is required to monitor and report the occurrences of purple loosestrife and/or Eurasian water milfoil at these projects in accordance with the following: ordering paragraph (D)(5)(b) of the licenses for the Michigamme (Way Dam), Hemlock Falls, Lower Paint, Twin Falls, Peavy Falls, Michigamme Falls, and Kingsford Projects; ordering paragraph (D)(4)(b) of the license for the Big Quinnesec Falls Project; Article 410 of the license for the Brule Project and the Commission's Order Modifying and Approving Purple Loosestrife and Eurasian Water Milfoil Monitoring Plan¹³; Article 413 of the license for the Pine Project and the Commission's Order Approving Purple Loosestrife Monitoring Plan¹⁴; and Article 410 of the licenses for the Chalk Hill and White Rapids Projects and the Commission's Order Amending and Approving Purple Loosestrife and Eurasian Water Milfoil Monitoring Plan.¹⁵

Monitoring is to occur on an annual basis for the Brule, Pine, Chalk Hill, and White Rapids Projects and on a biennial basis for the Michigamme, Hemlock, Lower Paint, Twin Falls, Peavy Falls, Michigamme Falls, Kingsford, and Big Quinnesec Falls Projects. The licensee is required to submit final reports to the U.S. Fish and Wildlife Service (FWS), Michigan Department of Natural Resources (DNR), Wisconsin DNR, and the Commission within 30 days of completing the monitoring. The field surveys are to be completed by August 7, unless weather and the timing of blooming dictate otherwise. Therefore, reports are due by September 7 of the monitoring year.

¹³ See 75 FERC ¶ 62,064 (issued April 30, 1996).

¹⁴ See 80 FERC ¶ 62,145 (issued August 14, 1997).

¹⁵ See 81 FERC ¶ 62,183 (issued December 11, 1997).

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LICENSEE'S REQUEST

The licensee states that invasive species monitoring was conducted during 2009 at the following projects: Michigamme (Way Dam), Hemlock Falls, Lower Paint, Twin Falls, Peavy Falls, Michigamme Falls, Kingsford and Big Quinnesec Falls. The licensee states that additional workload being handled by its environmental staff has prevented the report from being prepared in time to meet the 2009 deadline. Therefore, the licensee requests an extension of time in order to compile and analyze the data and file the 2009 reports by November 30, 2009. In addition, the licensee states that it is expected that the September 7 (30 days following field work) due date will always be difficult to meet. Therefore, the licensee also requests to permanently amend the licenses for the projects to adjust the due date for the monitoring reports to November 30 of the monitoring year.

By email dated January 12, 2009, the licensee consulted with the FWS, Michigan DNR, Wisconsin DNR, the Michigan Hydro Relicensing Coalition, and the River Alliance of Wisconsin on the requests for extensions of time and license amendments. The licensee included in its filing documentation that all consulted parties concurred with the requests.

DISCUSSION AND CONCLUSIONS

The licensee's request to allow more time to submit the 2009 invasive species monitoring reports, and to amend the licenses to permanently change the submission date is reasonable. The licensee states that 30 days is not a sufficient amount of time for its staff to compile the reports for all of the projects. The resource agencies and interested parties have concurred on the requests. Granting the licensee's request would allow the licensee sufficient time to compile and analyze all the results of monitoring and submit completed reports to the resource agencies and the Commission.

The Director Orders:

(A) Wisconsin Electric Power Company's (licensee) request, filed with the Commission on September 3, 2009, for an extension of time to submit its 2009 purple loosestrife and Eurasian water milfoil monitoring reports for the Michigamme (Way Dam), Hemlock Falls, Lower Paint, Twin Falls, Peavy Falls, Michigamme Falls, Kingsford and Big Quinnesec Falls Projects by November 30, 2009, is approved.

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(B) The licensee's request to amend the licenses for the Michigamme (Way Dam), Hemlock Falls, Lower Paint, Twin Falls, Peavy Falls, Michigamme Falls, Kingsford, and Big Quinnesec Falls to submit biennial purple loosestrife and Eurasian water milfoil reports by November 30 of the monitoring year is approved.

(C) The licensee's request to amend the licenses for the Brule, Pine, Chalk Hill, and White Rapids Projects to submit annual purple loosestrife and Eurasian water milfoil reports by November 30 of the monitoring year is approved.

(D) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

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

Document Content(s)

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