

82 FERC ¶ 62,199

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Wisconsin Valley Improvement Company) Project No. 2113-072
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ORDER APPROVING WATER QUALITY MONITORING PLAN, PURSUANT TO
ARTICLE 411

MAR 23 1998

On July 17, 1997 the Wisconsin Valley Improvement Company (WVIC), licensee for the Wisconsin River Headwaters Project (WRHP) filed a water quality monitoring plan (plan), under license Article 411 for the project issued July 18, 1996. 1/ The WRHP consists of 21 storage reservoirs and does not include any hydroelectric generating facilities. The storage reservoirs are located in the Wisconsin River Basin in Gogebic County, Michigan, and Vilas, Forest, Oneida, Lincoln, and Marathon Counties, Wisconsin.

BACKGROUND

Article 411 requires the licensee to submit a water quality monitoring plan for all natural and man-made reservoirs in the Wisconsin River headwaters which will allow WVIC and agencies to determine the project's effect on water quality throughout the headwaters area. The water quality monitoring plan must include, but is not limited to:

- (1) long-term trophic status index (TSI) 2/ monitoring in all natural lakes and man-made reservoirs;
- (2) long-term water quality monitoring at 26 stations on the man-made reservoirs; and
- (3) biweekly (twice monthly) headwater and tailwater monitoring at the man-made reservoirs.

The licensee must include with the proposed plan the U.S. Fish and Wildlife Service (FWS), the Wisconsin Department of Natural Resources (WDNR), and the Michigan Department of Natural Resources (MDNR) comments.

1/ 76 FERC ¶ 61,050 (1996).

2/ The TSI is a limnological study of various biotic and abiotic water quality parameters in lakes and reservoirs, the specific tests used for a TSI are based on the intentions of the study.

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PROPOSED PLAN

Trophic Status Index

The licensee proposes to conduct the TSI monitoring at the manmade and natural reservoirs for three consecutive years in each 10 year period of the 30-year project license. The monitoring would be conducted during the years 2000 through 2002, 2010 through 2012, and 2020 through 2022. Sampling would be conducted during June, July, August, and during the fall turnover in each monitoring year at 43 stations covering every lake and reservoir in the WRHP. The licensee would include, in the TSI for this project, tests for chlorophyll "a", dissolved oxygen (DO), phosphorus, water temperature, and Secchi depth.

The licensee would provide the monitoring data and analysis to the WDNR, the MDNR (Lac Vieux Desert Reservoir only), and the FWS annually. The licensee stated, advances in the "state of the art" for monitoring long term water quality trends, or the need to remove/add lakes or reservoirs, or stations within a lake or reservoir, may warrant reassessment of the plan. In that case the WVIC, the WDNR, the FWS and the MDNR may jointly reevaluate the TSI methodology and any significant changes would be submitted to FERC for approval.

Long Term Water Quality Monitoring

The waters of the man-made reservoirs would be monitored on a quarterly basis at 26 stations the licensee selected, scattered around the reservoirs, using the same yearly schedule as the TSI monitoring. Samples will be taken 1-meter from the bottom and 1-meter from the surface, when total depth is less than 4 meters. At water depths greater than 4 meters a mid-depth sample will be added. The licensee will test for levels of alkalinity, color, conductivity, DO, BOD, pH, phosphorus, water temperature, turbidity, and Secchi depth.

The licensee would provide the monitoring data and analysis to the WDNR and the FWS annually. The licensee stated, at any time the WVIC, the WDNR, and the FWS may jointly reevaluate the monitoring plan and any significant changes would be submitted to FERC for approval.

Biweekly Monitoring at Man Made Reservoirs

The licensee would monitor the DO and water temperature twice a month for the duration of the license at the 5 man-made reservoirs. Water temperature and DO would be measured close to the dams in the headwater at 1 meter intervals and 0.1 meter off the bottom, and not more than 500 feet downstream of the dams for the tailwater reading.

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The licensee would provide the WDNR and the FWS with the data in an annual report. The licensee stated, at any time the WVIC, the WDNR, and the FWS may jointly reevaluate the monitoring plan and any significant changes would be submitted to FERC for approval.

AGENCY COMMENTS AND LICENSEE'S RESPONSES

The FWS comments dated June 30, 1997, and the WDNR comments dated July 7, 1997 were similar concerning this plan, saying that the plans were well designed to manage the aquatic resources in the WRHP.

The MDNR letter dated July 8, 1997 requested that the licensee change the monitoring plan at several points. The MDNR recommended the inclusion of a February TSI sampling of the Lac Vieux Desert Reservoir, and that the TSI for Lac Vieux include pH, turbidity, nitrogen, NO₂/NO₃, and conductivity. The MDNR requested that the data be provided to the US Forest Service, the Lac Vieux Desert Band, and the Michigan Department of Environmental Quality. The MDNR also recommended that a review of the chemical techniques used by WVIC be conducted by the appropriate agencies, one year prior and one year following each 3 year sampling period.

The licensee did not alter the proposed plan to meet the MDNR recommendations. The licensee noted that the February TSI and the other added tests for the Lac Vieux Reservoir were beyond what the WVIC water quality plan was proposing and were not necessary. The licensee stated that they would supply the other agencies, that MDNR mentioned, if they request copies of the monitoring data. The licensee believes that they should not be required to submit reports to agencies that did not request them. The licensee also stated that there was no reason for their plan to include a requirement for the resource agencies to convene to discuss their monitoring methodologies.

DISCUSSION

The licensee's plan need not contain the element's requested by the MDNR that were previously determined to not be necessary. Therefore, we see no reason for the licensee to alter their plan to meet these recommendations. The final environmental impact statement prepared by the Commission's Staff for the WRHP concluded that the proposed water quality monitoring plan would substantially enhance the current monitoring program. Article 411 required that the components of the monitoring plan include those outlined in the license application and all of these components are included in the proposed plan. The plan would provide the agencies with data needed to assess the effects of project operation on water quality in the reservoir and lakes within the basin. Further, the plan would detect violations of

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state standards and establish a pattern of occurrences that could help WVIC improve water quality through modification of water releases or other means.

In summary, the water quality monitoring plan satisfies the requirements of license Article 411. Implementation of this plan, should adequately protect the aquatic resources in project waters. Therefore, this plan should be approved.

The Director orders:

(A) The water quality monitoring plan filed by Wisconsin Valley Improvement Company on July 17, 1997, pursuant to license Article 411 for the Wisconsin River Headwaters Project, is approved.

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



Carol Sampson
Director
Office of Hydropower Licensing