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January 14, 2025

VIA Electronic Filing

Ms. Debbie-Anne Reese, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Subject: **Response to Notice of Application Ready for Environmental Analysis
Gile Flowage Storage Reservoir (FERC Project No. 15055-001)**

Dear Secretary Reese:

On October 10, 2024, the Commission issued its Notice of Application Accepted for Filing, Soliciting Motions to Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions dated for the Gile Flowage Storage Reservoir (Project No. 15055) ([Accession No. 20241010-3033](#)). Accordingly, Northern States Power Company (NSPW) hereby submits its responses to the comments and recommendations provided by American Whitewater, U.S. Department of Interior, Friends of the Gile, Michigan Hydro Relicensing Coalition, River Alliance of Wisconsin, and Wisconsin Department of Natural Resources.

The information is organized in table format, enclosed as Appendix 1, that displays the agencies' comments and recommendations and NSPW's corresponding response.

Should you have any questions, please contact Matthew Miller at 715-737-1353 or matthew.j.miller@xcelenergy.com or Darrin Johnson at 608-443-0313 or darrin.johnson@meadhunt.com.

Sincerely,

Scott Crotty

Digitally signed by
Scott Crotty
Date: 2025.01.14
12:12:23 -06'00'

Scott Crotty
Senior Hydro Operations Manager

cc (via email): Alyssa Wethy, NPS
Cathy Techtman, FOG
Cheryl Laatsch, WDNR
Darin Simpkins, FWS
Ellen Voss, RAW
Robert Stuber, Michigan Hydro Relicensing Coalition
Thomas O'Keefe, AW

Appendix 1 - Reply Comment Table

Gile Flowage Project License Recommendations and NSPW Responses

#	Stakeholder & Description	Comment	NSPW Response ¹
AW 1	American Whitewater (AW) Comments 12/09/2024	<p>AW Recommendation 1. American Whitewater supports coordination of license requirements for the Superior Falls Project (P-2587), Saxon Falls Project (P-2610), and Gile Flowage Storage Reservoir Project (P-15055).</p> <p>In past comments we have noted the importance of taking an integrated approach to the licensing of these projects; such an approach is necessary for purposes of a basin wide analysis and an outcome that will be best adapted to a comprehensive plan for improving or developing a waterway or waterways for all beneficial public uses including recreation. Given the interrelated nature of operations of these three projects, and the fact that all are undergoing relicensing simultaneously, American Whitewater believes it would be in the public interest to evaluate all three projects and the proposed protection, mitigation, and enhancement measures in a single environmental review document.</p> <p>The Commission should include a clear plan for how integration and coordination between these three projects, for both recreational and environmental measures, can be best achieved. We believe that reviewing all three projects through a single environmental review document would be most efficient for all stakeholders, lead to better environmental outcomes, and be in the public interest. This approach would allow for a comprehensive understanding of individual project effects and cumulative effects and provide an efficient means of evaluating interrelated issues associated with all three projects in the basin; it would enhance the ability of the Commission to issue license decisions that are best adapted to a comprehensive plan for the waterway consistent with Section 10 of the Federal Power Act.</p> <p>In the event that the Commission elects to proceed with three separate environmental reviews and issuance of separate licenses, American Whitewater requests that the Commission include a section in each environmental review document explicitly covering project integration that results in a comprehensive plan for improvement of the waterway for all beneficial public uses. We also request that environmental review documents be issued concurrently and support the concurrent issuance of license decisions for all three projects with a common license term. In addition, the license for all three Projects should include an explicit requirement to evaluate the impact of any future license amendment or update to management plans for its impact on the license requirements of the other Projects on the Montreal River.</p>	<p>The decision to prepare one environmental review document for all three Projects or one for each Project is at the discretion of the Commission. Regardless, the Commission will incorporate the environmental protection, mitigation, and enhancement measures they deem necessary for each Project into each license issued.</p> <p>In SD2 for the Saxon Falls and Superior Falls Projects, the Commission stated the following:</p> <p><i>"As section 1.0 of SD1 indicated, Commission staff will prepare either an EA or an EIS that describes and evaluates the probable effects, including an assessment of the site-specific and cumulative effects of the proposed action and alternatives. While the scoping process helps staff determine the required level of analysis for the proposed licensing, staff needs to collect additional information on environmental effects before the applications are ready for environmental analysis. When the applications are ready for environmental analysis, staff will issue an REA Notice that provides entities with an opportunity to file comments, recommendations, terms, conditions, and fishway prescriptions. After staff receives responses to the REA Notice, staff will be able to determine whether or not licensing the projects could have a reasonably foreseeable significant effect on the quality of the human environment (i.e., whether to issue an EIS or an EA, respectively). At that time, staff will issue a notice of intent indicating whether an EIS or EA will be prepared. Similarly, staff will determine whether it is appropriate to consolidate the environmental analyses of the three projects into a single NEPA document after entities have an opportunity to respond to the REA Notice."</i></p> <p>In SD2 for the Gile Project, the Commission stated the following:</p> <p><i>"The decision on whether to prepare an EA or EIS will be determined after the license application is filed and we fully understand the scope of effects and measures under consideration. The NEPA document will be distributed to all persons and entities on the Commission's service and mailing lists for the Gile Project. The NEPA document will include our recommendation for operating procedures, as well as PM&E measures that should be a part of any license issued by the Commission."</i></p>
AW 2	AW Comments 12/09/2024	<p>AW Recommendation 2. American Whitewater supports development of a whitewater recreation plan that includes provisions for two, 3-hour whitewater flow releases in June and September of 1,200 cfs, and generator ramping rates for whitewater flow releases.</p> <p>The Licensee conducted a study on May 15, 2021 that included participation by eleven individuals at flows of 700 cfs and 950 cfs. The boaters' responses for the optimal flow for a standard trip ranged from 950 to 2,500 cfs, with an average of 1,200 cfs, and the single preferred flow was 1,259 cfs. At least half of the boaters stated that flows less than 700 cfs would not provide boating opportunities, while over 80% of boaters felt that flows from 800 to 1,200 cfs would provide desirable boating opportunities. American Whitewater supports provisions to coordinate scheduled whitewater boating opportunities with a 1,200 cfs release from the Gile Flowage Project. Considering the 10-hour travel time between Gile Flowage and the Montreal Canyon, it would be possible to offer a whitewater boating opportunity in the morning on the West Branch Montreal and another in the evening on Montreal Canyon. However, combining both options in one day would not provide optimal timing for either. American Whitewater supports the development of a whitewater recreation plan that includes both opportunities on the same day, but requests that the impact on operational efficiency and user satisfaction be evaluated.</p>	<p>NSPW proposed to develop a Whitewater Recreation Plan for the Saxon Falls, Superior Falls, and Gile Flowage Projects as stated in Exhibit E of their respective final license applications. The Plan would provide whitewater boating opportunities on the West Fork of the Montreal River downstream of the Gile Flowage and the Montreal River downstream of the Saxon Falls Project. NSPW supports consultation with AW, NPS, FOG, and other interested parties when developing the Whitewater Recreation Plan. The tentative plan is to provide two releases, one in June and one in September. The specific weekends for the releases would be included in the final Plan. Each release would last approximately three hours at a discharge of 1,200 cfs. Once the Plan is finalized, NSPW expects the flow releases will occur on the same weekends each year and will not change unless there are extenuating circumstances. NSPW also supports adding a provision to the Plan requiring an annual meeting to evaluate each year's flow releases (including operational efficiency and user satisfaction).</p> <p>The monthly timing, frequency, and magnitude of flows proposed by NSPW were selected to minimize environmental and recreational impacts within the Montreal River, West Fork, and the Gile Flowage. Flow releases conducted on two consecutive days would result in additional environmental and recreational impacts not currently analyzed as part of the application because the specifics of the request have not been provided in the proposed license recommendation. NSPW has provided an in-depth evaluation as part of the relicensing process, alternatives were discussed with boaters during the field study and it believes is the appropriate balance of all uses for the resource.</p>

¹These responses address the recommendations specifically pertaining to the Gile Storage Project. Responses to comments pertaining only to the Saxon Falls or Superior Falls Projects have been included in a separate filing

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		<p>In any future license and associated whitewater recreation plan, American Whitewater requests a consultation requirement for an annual meeting to be held for purposes of discussing whitewater recreation measures, resolving any issues regarding implementation of the whitewater recreation plan, and scheduling whitewater opportunities at this Project and the Gile Flowage Project upstream. American Whitewater requests a review of the whitewater recreation plan three years after its implementation, and every 10 years thereafter. The review should assess the adequacy of public access, any impact on Gile Flowage property owners, operational considerations for the licensee, public safety, and the suitability of the timing, duration, and magnitude of flow to ensure a quality recreational experience for whitewater boating. Several commenters on the docket highlighted concerns about the travel time to the Montreal Canyon, the challenges of evening boating, and the value of offering opportunities on both days of the weekend. These factors should be evaluated during the first three years of the plan's implementation, with any recommended modifications. The review process should involve consultation with American Whitewater, the National Park Service, Friends of Gile Flowage, and other interested parties.</p>	<p>AW's recommendation to review the plan 3 years after implementation and every 10-years thereafter is unnecessary as the plan already includes a provision to annually review the whitewater releases with the boaters. Any needed changes arising from the annual evaluation would be implemented by NSPW as appropriate and in consultation with the resource agencies.</p>
<p>AW 3</p>	<p>AW Comments 12/09/2024</p>	<p>AW Recommendation 3. For recreation, we recommend inclusion of review and consultation requirements for recreation measures with American Whitewater, National Park Service, Friends of Gile Flowage, and other interested parties.</p> <p>In addition, a reporting requirement should be included that specifically includes discussion of coordination of measures and any proposed modifications among these three projects.</p>	<p>In Section 3.8.3 of Exhibit E of the FLA for the Gile Storage Project, NSPW proposed to consult with AW and the National Park Service (NPS) in development of the Whitewater Recreation Plan. NSPW supports including FOG, WDNR and other interested parties as additional consulting parties when developing said plan.</p> <p>NSPW supports the development of a Recreation Plan, separate from the proposed Whitewater Recreation Plan, to include the recreational improvements proposed at FERC-approved recreation sites owned and maintained by NSPW. NSPW supports a separate plan because, according to experience, the initial consultation required to develop the Whitewater Plan will need to be more robust than the proposed Recreation Plan. In Section 3.8.3 of Exhibit E of the FLA, NSPW proposed to make improvements to the Gile Dam Canoe portage site as well as routine maintenance of the site throughout the license term.</p> <p>NSPW supports a separate Recreation Plan for the Gile Flowage that includes a description of the FERC-approved recreation sites (other than those included within the proposed Whitewater Recreation Plan). The Recreation Plans will also include a description of signage, a list of the existing and proposed improvements to each site, conceptual designs for new facilities, and a schedule for completing for all proposed improvements. NSPW will consult with AW, NPS, FOG, WDNR, and other interested parties when developing the plans. Recreation sites that are not owned or managed by NSPW will not be included in the plan since they are not under NSPW's control, unless NSPW is proposing a one-time commitment for specific improvement. Any future improvements planned for these sites will be the sole responsibility of the owner. Once the recreation plan is developed and the improvements made, there is no need to continue ongoing consultation on recreation sites. The required measures within each Project's Recreation Plan are independent of each other and do not require specific coordination between Projects. Therefore, NSPW anticipates development of a separate Recreation Plan for each Project.</p>
<p>AW 4</p>	<p>AW Comments 12/09/2024</p>	<p>AW Recommendation 4. In the event that the Commission elects to proceed with three separate environmental reviews and issuance of separate licenses, American Whitewater recommends that the license for Superior Falls, Saxon Falls, and Gile Flowage Project all include a specific requirement to coordinate protection, mitigation, and enhancement measures among all three projects.</p>	<p>The Commission will evaluate the environmental protection, mitigation and enhancement measures necessary for each Project and incorporate them in each Project license as appropriate. Therefore, a separate requirement to coordinate measures is redundant and unnecessary.</p>
<p>AW 5</p>	<p>AW Comments 12/09/2024</p>	<p>AW Recommendation 5. American Whitewater supports the proposed measures for all three Projects to update directional and safety signage to meet current standards and recommends utilization of safety signage that our organization recently developed with support from the U.S. Coast Guard and the input of approximately 200 river safety professionals.</p> <p>Our toolkit is available on our website at: <https://www.americanwhitewater.org/content/Safety/signage>.</p>	<p>NSPW will utilize safety signage that is consistent with the safety signage at its other hydroelectric facilities in Wisconsin to minimize costs and provide a consistent safety message.</p>

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<p>AW 6</p>	<p>AW Comments 12/09/2024</p>	<p>AW Recommendation 6. Regarding license terms for the Projects, American Whitewater supports a 40-year license term for all three projects.</p> <p>In its Policy Statement on license term the Commission established a 40-year default license term for original and new licenses. The projects do not include the construction of pumped storage facilities, fish passage facilities, fish hatcheries, substantial recreation facilities, dams, or powerhouses that the Commission has cited as measures that could warrant a longer license term. It is important to note that the Saxon Falls Project has already benefited significantly from an extension of its previous license term, which was set to expire in 2019. This extension was granted without any additional mitigation measures.</p>	<p>As noted in Section 2.1.2 of Exhibit E of the FLA for Gile Flowage, the Licensee is working with the DDSI to evaluate upgrades to the spillway to meet FERC dam safety standards. It is estimated that these improvements could cost ten million dollars.²</p> <p>Pursuant to the Commission's policy on license terms for hydroelectric projects, FERC may consider issuing a license for a term longer than the standard 40-year license term when significant measures, such as those associated with the proposed spillway project, are required, provided it does not conflict with the coordination of license terms for projects located within the same river basin. As noted in Section 1.2 of Exhibit H of the FLA for Gile Flowage, the cost to replace power generated at the Saxon Falls and Superior Falls Projects from the water released at Gile Flowage is estimated at \$123,073. Thus, NSPW believes the estimated costs associated with the pending dam safety improvements more than justifies license terms greater than the 40-year standard for all three Projects.</p> <p>In order to coordinate license terms with the downstream Saxon Falls and Superior Falls Projects, the Licensee requested 50-year license terms for the downstream projects and a term of 49 years and five months for the Gile Project in its November 7, 2024 letter to the Commission. This schedule will allow for coordination of future relicensing efforts on the Montreal River and provide for a comprehensive, basin-wide analysis of the projects' impacts.</p> <p>The majority of changes proposed in the FLA's for the three projects are associated with recreation, including whitewater boating, recreation site improvement, and viewing of the waterfalls. Any concerns regarding changes needed to whitewater boating under the pending license can be addressed as part of the re-evaluation process previously discussed under AW comment 5 above. Any improvements needed for recreation facilities can be addressed by adding a requirement to re-evaluate recreation needs just prior to year 40 of the upcoming licenses.</p>
<p>AW 7</p>	<p>AW Comments 12/09/2024</p>	<p>AW Recommendation 7.</p> <p>It is the Commission's policy with respect to recreational development at licensed projects to "seek, within its authority, the ultimate development of [recreational] resources, consistent with the needs of the area to the extent that such development is not inconsistent with the primary purpose of the project. We believe a significant opportunity exists to address whitewater recreation at the Projects and that the applicant's proposed measures, with minor modifications, will allow the public to utilize these opportunities. Because Notices in these proceedings have been issued separately and the Commission appears to be treating environmental review of these Projects independently, we recommend clear consultation and review requirements to ensure coordination of measures.</p>	<p>See NSPW's response to AW Recommendation 4.</p>
<p>DOI 1</p>	<p>US Department of Interior (DOI) Comments 12/09/2024</p>	<p>DOI Recommendation 1. Develop and Coordinate a Single Environmental Review Document and Process to Address Concerns related to Saxon Falls, Superior Falls, and Gile Flowage.</p> <p>The Department recommends that a single environmental review process and document be developed and coordinated to address concerns related to the Saxon Falls (P-2610), Superior Falls (P-2587), and Gile Flowage (P-15055) hydropower projects. In the event that FERC issues separate licenses, since the hydrology and project operations are connected, the Department recommends that a condition be placed in each license that consider reevaluation of license conditions if changes occur in the other connected licenses.</p> <p><u>Rationale:</u> Due to the interdependence of Saxon Falls and Superior Falls Projects on releases from Gile Flowage for power generation, and the impacts of those releases on flow-dependent recreation on the West Fork Montreal River and Montreal River below Saxon Falls, and water-level-affected recreation and land use at Gile Flowage, assessing impacts on recreation at all three projects would be best accomplished through a single environmental review process. The single process would also address impacts on other resources affected by flows and reservoir levels stemming from the interconnected project operations. This approach would allow for a comprehensive understanding of individual</p>	<p>See NSPW's response to AW Recommendation 1.</p>

² The Licensee previously provided an estimate of 5 million dollars in its November 7, 2024 License Amendment Application. The most recent analysis now estimates the cost of improvements at approximately 10 million dollars.

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		<p>project effects and cumulative effects and provide an efficient means of evaluating interrelated issues associated with all three projects in the Montreal River Basin. A single environmental document and review process, in turn, would enhance the ability of FERC to issue license decisions that are best adapted to a comprehensive plan for the waterway consistent with 16 U.S. Code § 803(a).</p>	
<p>DOI 2</p>	<p>DOI Comments (12/09/2024)</p>	<p>DOI Recommendation 2. Provide Signage and Website Showing Flow and Lake Level Information.</p> <p>In the Final License Application (FLA), Northern States Power Company-Wisconsin (NSPW) proposes to provide discharge and reservoir elevation information via the Internet. In addition to this proposal, the Department recommends NSPW:</p> <ul style="list-style-type: none"> • Provide informational signage at the Project sites, including the portage sites, tailrace areas, and other recreation areas along the rivers and reservoirs. The signage should include a QR code and the website address so that the public can access up-to-date information on real-time flows, reservoir elevation, flow release schedules, and how to access the Tailwater access sites. • Share real-time flow information for the public online and make the data available for use by third-party sites using an Application Programming Interface (API). • Consult with the National Park Service (NPS), the Wisconsin Department of Natural Resources (DNR), Friends of Gile Flowage (FOG), American Whitewater (AW), and local recreation users on developing a public website, including discussions on content and location. <p><u>Rationale:</u> The Department supports NSPW's recommendation to provide flow release information to the public online. The additional information the Department requests regarding website content, location, and signage will help improve the visitor experience and safety in the Project area. It is pertinent to identify where this information will be located on the Internet to give stakeholders and the public a better understanding of where to find flow release and storage reservoir elevation information. Moreover, ensuring NSPW creates the website data in a way that allows third-party sharing of the data will allow for greater public access to the information.</p> <p>The Department requests that NSPW provide real-time flow information, whitewater class, and difficulty level, information on how to access the river at the Tailwater access sites, and other relevant site information that is easily accessible. Such information should be included on signage and online. Signage at the Project's portage site and other recreation sites should show general information on reservoir water levels, flow releases, and other aspects of the Project that affect recreation opportunities and experiences and include a website address and QR code for the public to access real-time information. This would provide for advanced and more informed recreational decisions by the public, thereby improving the visitor experience and safety. Other hydropower project licensees provide this information to the public, including Grandfather Falls (P-1966).</p>	<p>NSPW has proposed to provide daily flow and reservoir elevation information online for the Gile Flowage. However, we have security concerns regarding our corporate server and the potential risks of providing an API interface that may be used by AW. At the very minimum, AW could provide a link to NSPW's website with the flow information. The NSPW website will also provide information on how to obtain keycard access to the Saxon Falls Tailwater Access/Canoe Portage Put-in site and identify the timing of any required whitewater flow releases from the Gile Flowage. NSPW is not proposing to provide any additional forecast or operational information on its website as boaters have access to multiple weather forecast websites and NSPW's operational forecasts at the Gile Flowage change very little from day-to-day with the exception of runoff events.</p> <p>NSPW's proposal for website content would be limited to daily flow information, instructions for whitewater access, and a link to the AW website. Signage would include website addresses for both NSPW and AW. Therefore, a QR code is not necessary. AW's website is already the primary source for whitewater boaters regarding the additional information (i.e., signage, whitewater class, difficulty level, etc.) requested by DOI. Having whitewater information on a separate and redundant website can lead to discrepancies which could result in conflicting and/or confusing information. For these reasons, NSPW disagrees with the DOI's recommendation for a separate and independent website maintained by NSPW.</p>

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<p>DOI 3</p>	<p>DOI Comments 12/09/2024</p>	<p>DOI Recommendation 3. Conduct Additional Consultation When Preparing and Implementing the Whitewater Recreation Plans.</p> <p>As stated in Section 3.8.3 in the FLA Revised Exhibit E:</p> <p>“NSPW is proposing to develop a Whitewater Recreation Plan in consultation with AW and NPS within one year of license issuance. The Plan will include specific information, including the exact weekend the flows should be released each year and the time of day each flow release should begin.” A similar plan is specified in the license application for the Saxon Falls Project.</p> <p>NSPW proposes to develop the Gile Flowage Whitewater Recreation Plan in conjunction with the Saxon Falls Whitewater Recreation Plan.</p> <p>The Department supports the development of the Plans for both Projects and recommends the following:</p> <p>Gile Flowage and Saxon Whitewater Recreation Plans</p> <ul style="list-style-type: none"> • Consult with the FOG, as flow releases may impact their members’ properties bordering the Gile Flowage reservoir and the properties of other individuals they keep informed. • Consult and coordinate with AW, FOG, and the NPS annually to select the dates and coordinate announcements of the scheduled flow releases. • Invite the Wisconsin DNR and Michigan DNR to participate as consultants in the Whitewater Recreation Plan or the annual flow release date selection. <p><u>Rationale:</u> The Department supports NSPW’s recommendation to develop and consult with AW and the NPS on the Whitewater Recreation Plans for Gile Flowage and Saxon Falls. Including FOG in the development and consultation process brings potentially affected interested stakeholders to the discussion and will help build more balanced Whitewater Recreation Plans. This includes an annual meeting for NSPW, AW, FOG, and NPS to meet and select dates for flow releases, discuss potential whitewater recreation measures, and resolve any issues that may occur when developing and implementing the Whitewater Recreation Plans. An annual meeting will ensure time is set aside for planning and discussing the best days/times to schedule flow releases and the Whitewater Recreation Plan with interested stakeholders. With this information, interested stakeholders and NSPW can post information about the scheduled flow releases in advance so the public can plan ahead for whitewater boating. Furthermore, the Wisconsin DNR and Michigan DNR should be invited to participate as consultants since the DNRs may have an interest in the planning, development, and implementation of the scheduled dates Whitewater Recreation Plans and the flow release dates.</p>	<p>See NSPW’s response to AW Recommendation 3.</p> <p>NSPW supports including the MDNR and WDNR as consulting parties when developing the Saxon Falls Whitewater Recreation Plan and the WDNR when developing the Gile Flowage plan.</p> <p>NSPW would like to clarify that the exact weekend for the releases (one in June and one in September) will be established when the Whitewater Recreation Plan is developed. Once the schedule has been formalized, and approved by the Commission, these dates will remain unchanged from year-to-year unless there are extenuating circumstances (e.g., the release dates conflict with the schedule of another local/regional release).</p>
<p>DOI 4</p>	<p>DOI Comments 12/09/2024</p>	<p>DOI Recommendation 4. Develop a Land Management Plan.</p> <p>In an Amendment to the FLA filed on November 7, 2024, NSPW proposes to remove islands it currently owns in fee title above elevation 1490 feet National Geodetic Vertical Datum (NGVD) from the proposed Project boundary and remove the proposed measure to develop a Land Management Plan for the islands. These actions are based on the pending transfer ownership of its islands above elevation 1490 feet NGVD to Iron County. The transfer of ownership would require that the lands remain open to the public in perpetuity for recreational use. The NPS supports the selling and transfer of the islands to Iron County with the stipulation that they would remain open to public use. However, considering that the sale and transfer are “pending,” the NPS recommends that NSPW’s proposal to prepare and Land Management Plan remain in effect until the sale and transfer are complete. In addition, NSPW should continue to manage lands below 1490 feet NGVD, including the section of islands exposed when the reservoir drops below this level.</p> <p>In Section 3.8.3 of the FLA, Revised Exhibit E, NSPW proposes to develop a Land Management Plan for its island ownership within one year of license issuance to formalize</p>	<p>NSPW is proposing to remove its island ownership (above elevation 1490 feet NGVD) from the Project boundary with the pending transfer of ownership to Iron County. Any sale agreement will include a provision that the lands remain open to the public in perpetuity for recreation. As a government entity that maintains numerous recreation sites and facilities as part of its core function, Iron County is more suited to manage the islands for recreational purposes than NSPW. Therefore, NSPW proposes to eliminate the proposed Land Management Plan addressing management of the islands.</p> <p>NSPW supports a requirement to develop an interim Land Management Plan as described in Exhibit E of the FLA and filed with the Commission on August 18, 2023 (Accession No 20230818-5221). This plan would become effective only in the event that the land transfer is not completed prior to license issuance. The plan is intended to formalize NSPW’s existing land use policy and address issues regarding public access, signage, maintenance, and trash removal. The Plan will be developed in consultation with FOG, NPS, and WDNR. NSPW’s land use policy prohibits the following activities: fires, overnight camping, littering, tree removal, and mowing. Docks that do not meet WDNR pier specifications, are not maintained in a safe condition, or constructed and maintained by non-riparian owners are not allowed. The interim Land Management Plan will include a provision for signage, periodic monitoring, and enforcement.</p>

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		<p>its existing land management policy and address public access, signage, maintenance, and trash removal issues. The Plan will be developed in consultation with the FOG, NPS, and WDNR. Until the sale and transfer of the islands to Iron County is complete, the Department supports the development of the Land Management Plan and recommends that NSPW clearly define the purpose of the Plan, which is to develop guidance and define a strategy for managing outdoor recreation use and educational opportunities while protecting natural, riparian, aesthetic, and cultural resources. The NPS recommends the Land Management Plan, at a minimum, include the following: a purpose, background, proposals for recreation improvements, management strategies, maintenance, monitoring, and implementation schedule. Furthermore, the Land Management Plan should include a natural resource survey to develop a baseline of existing plants and animals present on the island.</p> <p>The Department recommends:</p> <ul style="list-style-type: none"> • If the sale and transfer of the islands is not complete when FERC issues a new license, NSPW should develop the Land Management Plan that covers any islands remaining in NSPW's ownership: • Manage current and projected future recreation use through improvements such as preventive and management measures, such as garbage bins and portable toilets or latrines. • Management strategies should include signage, visitor education, Leave No Trace policies, and safety measures. • The Land Management Plan should describe how frequently NSPW will monitor the islands and mitigate any litter and vandalism issues. • Ensure island clean-ups, including maintaining the pit toilets and garbage bins. <p>Rationale: Until the sale and transfer of the islands to Iron County is complete, a Land Management Plan would help ensure NSPW maintains the natural and recreational resources in good condition and litter-free. There are 43 islands in Gile Flowage, around half of which are being used for recreation by the public. Based on NSPW's recreation study found in the FLA, hiking trails, fire rings, trash, and other human influences were identified on the islands. Such use is described below:</p> <p><i>Five islands had obvious landing areas, eight exhibited hiking trails, 13 had at least one fire ring, 11 showed signs of at least one camp, and several had trash. One island had a duck blind, while another island had a memorial plaque fixed to a rock.'</i></p> <p>Recreation use is likely underrepresented in the above description since members of FOG volunteer their time to maintain the islands, collecting hundreds of pounds of garbage each year. All the islands are located within the Project area of potential effect, and NSPW currently owns most, but no measures have been implemented or proposed by NSPW to address public use on the islands. A Land Management Plan would help NSPW manage recreational use on the lands and waters within its boundaries and protect natural, cultural, and recreational resources.</p> <p>Furthermore, including public education within the Plan will help NSPW mitigate and prevent litter, safety, and vandalism issues.</p>	<p>Once the islands have been transferred to Iron County, and are no longer included in the Project boundary, they would no longer be subject to the interim Land Management Plan. Management of the islands would then become the sole responsibility of Iron County. Those lands remaining within the Project boundary would primarily be restricted to areas around the dam, including the canoe portage. The management of the canoe portage is subject to the Recreation Management Plan, making a separate Land Management Plan for the remaining lands unnecessary.</p>
<p>DOI 5</p>	<p>DOI Comments 12/09/2024</p>	<p>DOI Recommendation 5. Enhancing Whitewater Boater Access in the Tailwater Area.</p> <p>In the FLA, NSPW is proposing to install a take-out sign for the canoe portage and shoreline fishing area and improve the put-in site to mitigate erosion. The Department supports these improvements and recommends NSPW:</p> <ul style="list-style-type: none"> • Enhance the Tailwater area of Gile Flowage to include a sign for the put-in below the dam. • Enhance the Tailwater area access site for whitewater boaters and amenities to support these users. • Develop the Tailwater area improvements in consultation with the Wisconsin DNR, the NPS, AW, the FOG, and other interested stakeholders. 	<p>See NSPW's response to AW Recommendation 3 regarding development of a Recreation Management Plan. NSPW supports adding a sign at the Canoe Portage Put-In site below the Gile Dam warning of downstream hazards. The sign would be developed in consultation with AW.</p> <p>NSPW supports re-arranging the rip rap at the Canoe Portage Put-In site to make the site more suitable for launching watercraft. However, NSPW does not support the installation of a boardwalk or dock/pier at the site. This site is located immediately downstream of the spillway and is subject to flooding during high flow events (i.e., spring runoff, heavy precipitation events, etc.), which would like damage any structure.</p>

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		<p>Rationale: While NSPW states that they operate and maintain a canoe portage at the Gile Dam, this site is not used as a portage route for through paddlers. Recreationists wanting to take out near the dam do so at Gile Park. Many paddlers also utilize Gile Park to put their boats in the reservoir.</p> <p>Signage at the canoe portage put-in should include river safety information due to the vastly different river environment downstream of the dam. Potentially, paddlers may not be equipped or have the experience and knowledge to paddle on whitewater conditions. Signage indicating the river environment, a map of the river, whitewater boating classifications, river hazards, and other information would indicate these conditions and allow paddlers to make decisions based on the information described on the signage. American Whitewater provides safety resources and information on the following website: https://www.americanwhitewater.org/content/Safety/view.</p> <p>Whitewater boaters use the canoe portage as a put-in to access the Tailwater area to paddle the river. The site needs maintenance and improvements due to erosion, rip rap, waterlogged put-in area, and a short boardwalk, making the site difficult to access and use. Currently, the Tailwater area access site is not adequate for whitewater boaters who use this area to put-in. As pictured in Figure 3.10.1-4 (View of the Canoe Portage Put-In and West Fork Downstream of the Gile Dam) within Exhibit E of the FLA, Photo 41 (Gile Dam Canoe Portage — Tailrace right descending bank, canoe portage), and Photo 53 (Gile Dam Canoe Portage — Canoe Portage) there is riprap situated along the shoreline, a very short boardwalk to access the put-in, and a waterlogged put-in site. These elements do not make for a safe and easy to access put-in for paddlers. Site and access improvements were also noted by the FOG and found in whitewater boaters comment letters on the DLA and submissions in November 2024. Enhancing the put-in site for whitewater boaters will improve the site, safety, and meet current and future demand of paddlers.</p>	
<p>DOI 6</p>	<p>DOI Comments 12/09/2024</p>	<p>DOI Recommendation 6. Develop an Accessible Fishing Platform and Pathway.</p> <p>The Department recommends that NSPW place a fishing platform and pathway that is barrier-free and compliant with Americans with Disabilities Act (ADA) standards along the shoreline to ensure recreation opportunities for people with limitations or disabilities. The Department recommends NSPW:</p> <ul style="list-style-type: none"> • Consult with the Wisconsin DNR, the NPS, local land managers, and other stakeholders regarding the location of the accessible platform, pathway, and parking. • Gather and analyze information to better understand the potential effects on fisheries and spawning locations, especially in the Tailwater Area, in consultation with the Wisconsin DNR, Michigan DNR, and other stakeholders. <p>Rationale: The installation of an ADA-compliant and barrier-free platform will meet recreational needs and provide a reliable, accessible way for the public to fish. In response to the recreation survey conducted by NSPW, a respondent indicated that the closure of the embankments made it impossible for people with disabilities to fish the shoreline. This comment demonstrates a need for more opportunities for people with disabilities to fish and recreate on the reservoir. In addition, providing accessible recreation opportunities enables visitors with limitations or disabilities to access the Project area. Installing an ADA-compliant platform, pathway, and necessities, e.g., bathrooms, signage, and trash bins, will help meet this need.</p> <p>Gathering information about the Tailwater area for fisheries and fish spawning habitats will give stakeholders and NSPW a better and complete understanding of the Tailwater area in order to balance recreation needs with conservation efforts.</p> <p>Regarding angler needs, the installation of a barrier-free, ADA-compliant platform will meet recreational needs and provide a reliable, accessible way for the public to fish. Survey</p>	<p>The Gile Project is located entirely within the State of Wisconsin on the West Fork of the Montreal River approximately 8 miles upstream of its confluence with the main branch of the Montreal River. Therefore, the State of Michigan has no authority with regard to fish and wildlife resources, recreation, or water quality at the Gile Project. Thus, NSPW is not proposing to consult with any resource agency from the State of Michigan in this licensing proceeding.</p> <p>From a dam safety perspective, it is not feasible to install an ADA dock/pier along the Gile Dam or its embankments. Therefore, to provide additional ADA access to the reservoir, NSPW recommends providing a one-time donation to the City of Montreal to either upgrade their existing dock/pier at the Gile Park to meet ADA standards or provide a separate ADA accessible fishing pier. Once the one-time commitment has been made, the City of Montreal would be responsible for future maintenance. With the other ADA amenities at the Gile Park, (i.e., parking spaces, restroom, trail, and picnic shelter), this site is likely to benefit the public the most from an ADA accessible dock/pier. The details regarding the ADA dock/pier, including consultation with the City of Montreal, will be included in the Recreation Plan.</p>

Gile Flowage Project License Recommendations and NSPW Responses

		<p>respondents noted that they fish in the Tailwater area and would like to see the area improved. "A potential platform in the Tailwater area will alleviate barriers for the public to access it, pending analysis of potential effects on fisheries and spawning in this location.</p> <p>Finally, it is important that recreational usage is accommodated via an ADA-compliant parking lot near the ADA-compliant platform. A parking lot for visitors is currently not available at the dam. NSPW describes parking being available at Gile Park or along neighborhood streets for the put-in below the dam, which is insufficient."</p>	
<p>DOI 7</p>	<p>DOI Comments 12/09/2024</p>	<p>DOI Recommendation 7. Provide Boat Ramp Maintenance and Mitigation.</p> <p>The Department recommends NSPW consult with land managers to provide maintenance and mitigation measures at the four public boat ramps that provide boat access to the reservoir: Sucker Hole Landing, Town of Pence Landing, County Highway C Landing, and Gile Park Landing. NSPW should partner with the land managers to conduct yearly maintenance on the ramp and docks to ensure these are in working order, safe, and reliable for public use, and do so in consultation with the Wisconsin DNR, local land managers, the NPS, FOG, and other interested stakeholders.</p> <p>Rationale: The Department acknowledges that NSPW neither owns the boat landing sites nor are they FERC-approved recreation facilities. However, the boat ramps and docks related to the facilities are located within the Project boundaries and are directly impacted by the fluctuating reservoir levels due to Project operations. Low reservoir levels make launching boats difficult and can lead to some boat ramps, such as the one at County C Landing, becoming unusable at certain times of the year. While few respondents to the Recreation Use Survey stated that low water was a problem currently, many responded that low water impacted their recreational experience in previous years. As a remedy to such situations, the FLA states, "if the County Hwy C Landing is not usable at low water levels, the nearby Town of Pence Landing and Gile Park landings are appropriate substitutes." County Highway C Landing is a major public access site to the reservoir. Low water levels on the reservoir directly relate to project operation and impact access to landings located within the Project boundary. This indicates NSPW's responsibility to mitigate and improve these reservoir access sites.</p> <p>The fluctuating reservoir levels also lead to degradation of the boat launching surfaces. Regarding the County Highway C Landing, NSPW acknowledges in the FLA that "the Recreation Study Report (Appendix E-23) indicates the concrete launching surfaces are cracked and uneven. Although the landing was identified as being in "good working condition", further water fluctuation levels will likely result in the need for repair in the future, and previous repairs led to the "good working condition" rating. While NSPW claims that maintenance of the four boat launching facilities is not their responsibility because they are not under their ownership, land below elevation 1490 feet NGVD is under their ownership. NSPW has repaired boat launching facilities in the past.</p> <p>Enclosure 2 includes the first two pages of the Winter 2008 FOG Newsletter that details NSPW working with FOG and the local community to replace the boat ramp at the Town of Pence Landing (aka Pence 4H Boat Landing). The following excerpt from the newsletter describes the boat landing's condition prior to its replacement:</p> <p>After years of use, the boat landing ramp showed extreme signs of wear, including broken concrete pads, dangerous exposed rebar, and uneven launch surfaces, which created a hazard for users. Boaters were forced to launch from the shore, also creating a potential erosion problem along Spring Camp Road.</p> <p>The repairs NSPW made to the Town of Pence Landing in 2008 may have influenced the "good working condition" rating for that boat launch in the recreation facility inventory. Considering that the new license would cover 40 years of continued reservoir fluctuations and boat launch use, it is likely that additional repairs or replacements will be needed during the license term. The FLA describes Sucker Hole Landing as follows: "This single-lane boat</p>	<p>The County Highway C Boat Landing is owned and maintained by Iron County and Gile Park is owned and maintained by the City of Montreal. The Town of Pence and Sucker Hole Boat Landings are owned and maintained by their respective townships. Each of these sites was developed by a local government entity with the understanding of the seasonal reservoir drawdowns. One of the core functions of local government is to provide recreational opportunities for their residents. Along with the development of recreation facilities comes the responsibility to provide routine maintenance. Therefore, the owners are responsible for maintenance of their own recreation sites. There has been no indication from any local entity that they do not intend to continue to maintain their recreational facilities over the license term. Therefore, these facilities do not need to be included within the Project boundary, or designated as FERC-approved recreation sites, to ensure continued access for public recreation.</p> <p>After the recreation study was completed, Iron County conducted repairs to the County C Boat Landing. Gravel was added between the two boat ramps and along each side of the ramps. As evidenced in the photographs below, the ramps are in good working condition.</p> <div data-bbox="1171 885 2005 1193"> </div> <p>While NSPW may have provided goodwill support for repairs to the Town of Pence Boat Landing in the past, that does not obligate them to do so in the future, nor does it obligate NSPW to maintain the other recreational access sites owned by other entities. Excluding these sites from the Project boundary does not in any way prohibit NSPW from providing future support for maintenance.</p>

Gile Flowage Project License Recommendations and NSPW Responses

		<p>ramp features concrete planks with a gravel driveway and received a rating of "Good Working Condition". The FLA later states,</p> <p>The deepest end of the concrete ramp at Sucker Hole Landing (known as "Low Water Landing" by the FOG) is very shallow during much of the open water season. Regardless, individuals continue to use this landing even though other ramps remain deeper at lower water levels, with Gile Park being the deepest. During the interviews, summarized in Section 3.8.1.3.2, there were some comments about the boat launch being too shallow. However, other comments indicate the launch works well during lower water levels. It appears the recent replacement of the concrete surface has improved launching during lower water levels."</p> <p>No details are provided on who replaced the concrete surface, and it is unlikely that this occurred recently since the boat ramp at Sucker Hole Landing is currently not in good working condition. Photograph 58 of Appendix 2 of the Recreation Study Report show only the upper end of the ramp out of the water. Enclosure 3 includes Photograph 58 from the Recreation Study Report (Photo 1), followed by three more recent photographs (Photos 2-4) and underwater conditions well below the elevation of 1490 feet NGVD. Photos 2-4 in Enclosure 3 show the entire ramp out of the water with a build-up of sediment at the end of the ramp, making the landing unusable. In addition, the concrete landing slabs are in disrepair, with broken concrete and exposed rebar clearly visible in Photo 3. Considering that lands below the elevation 1490 feet NGVD are within the existing and proposed Project boundaries and under NSPW ownership, it is reasonable that NSPW take responsibility for providing routine maintenance of the boat launching pad.</p> <p>Even if boat launching facilities are currently in "good working condition," it is reasonable to assume that they will require maintenance, repair, and possible replacement over the life of the new license. NSPW recognized this need and took responsibility by replacing at least one boat ramp in the past, and it is apparent that other ramp repairs are needed. Conducting yearly maintenance on the ramp and docks may reduce the frequency of replacements. Ensuring NSPW consults with land managers to help maintain the docks and ramps will help mitigate future maintenance costs and meet current and future recreation use needs.</p>	
<p>DOI 8</p>	<p>DOI Comments 12/06/2024</p>	<p>DOI Recommendation 8. Project Operations.</p> <p>The Department recommends operation of the project developments as run-of-river with no hydroelectric (hydro) peaking.</p> <p><u>Rationale:</u> Hydro peaking produces fluctuating water levels in the project tail water and reservoir, which adversely affect fish and other aquatic life. Under run-of-river operation, the reservoir, tail water, and downstream areas undergo changes similar to those occurring in an unimpounded river flowing under natural hydrological conditions, and the resulting habitats mimic those to which fish and other aquatic life have adapted. Reducing water level fluctuations also minimizes adverse impacts to wetland, shallow water, and shoreline habitats important to fish and wildlife resources.</p>	<p>The Gile Project is a storage reservoir whose main purpose is to release water for downstream power generation. If it is operated in a run-of-river mode, it can no longer function as a storage reservoir and its value to NSPW becomes nil. Both downstream Projects are operated in a run-of-river mode where outflow below the tailraces approximates the sum of inflows into the Project reservoirs. This inflow includes both natural flows from the main branch of the Montreal River and releases from the Gile Dam.</p> <p>NSPW does not release water from the Gile Dam to provide peaking benefits for downstream generation. As stated in Section 2.2.2.1 of Exhibit E of the FLA, NSPW proposes the following operating parameters:</p> <ul style="list-style-type: none"> • Maintain a minimum flow of 10 cfs into the West Fork for enhancement of downstream aquatic habitat. • Conserve water in the Gile Flowage for Project purposes. • Maintain the elevation of the Gile Flowage between 1,475 feet and 1,490 feet NGVD. • Restrict the typical daily reservoir drawdown to approximately 0.1 feet per day, but no more than 0.2 feet per day, to balance the needs of downstream generation with the needs of recreation and the aquatic environment.
<p>DOI 9</p>	<p>DOI Comments 12/06/2024</p>	<p>DOI Recommendation 9. General Fish Protection.</p> <p>The Licensee should install trash racks above the intake(s) of the powerhouse(s) to minimize fish entrainment and turbine mortality. The Department recommends using trash racks designed to safely manage velocities while small enough to minimize juvenile fish entrainment.</p>	<p>As previously mentioned, the Gile Project is a storage reservoir. With no generating facilities present, there is no risk of fish injury or death due to turbine entrainment. However, the sluiceway bay does feature a trashrack with a clear spacing of 2.625 inches. The purpose of the sluiceway is to serve as the minimum flow release structure and to release water downstream during periods of high flow or during winter conditions when ice accumulation prevents operation of the radial gate. Intake velocities for the sluiceway bay calculated at different flows are shown below:</p>

Gile Flowage Project License Recommendations and NSPW Responses

		<p>The Licensee should maintain inflow velocities immediately upstream of the trash rack(s) to protect fish from impingement and entrapment.</p> <p><u>Rationale:</u> Numerous entrainment and turbine mortality studies conducted in Wisconsin and Michigan have shown that thousands of fish are entrained annually at hydro projects and that a portion of these fish entrained are killed by the turbines (FERC 1995). Further, study results show that mainly small fish (6 inches or less in length) pass through hydro projects on an annual basis.</p>	<p><i>Sluiceway Approach Velocities at the Gile Dam</i></p> <table border="1"> <thead> <tr> <th>Flow Through Sluiceway</th> <th>Approach Velocity Feet Per Second</th> </tr> </thead> <tbody> <tr> <td>10 cfs (minimum flow)</td> <td>0.1</td> </tr> <tr> <td>12 cfs</td> <td>0.1</td> </tr> <tr> <td>24 cfs</td> <td>0.2</td> </tr> <tr> <td>36 cfs</td> <td>0.4</td> </tr> <tr> <td>200 cfs³</td> <td>2.1</td> </tr> </tbody> </table> <p>Fish larger than three inches are capable of sustained or burst swim speeds greater than 2.1 feet per second and their risk of fish impingement is therefore low. DOI has not provided any evidence to demonstrate a need to modify the existing sluiceway trashrack. Therefore, no additional fish protection measures have been proposed by NSPW.</p>	Flow Through Sluiceway	Approach Velocity Feet Per Second	10 cfs (minimum flow)	0.1	12 cfs	0.1	24 cfs	0.2	36 cfs	0.4	200 cfs ³	2.1
Flow Through Sluiceway	Approach Velocity Feet Per Second														
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<p>DOI 10</p>	<p>DOI Comments 12/06/2024</p>	<p>DOI Recommendation 10. Operational Compliance Monitoring.</p> <p>The Department recommends that the Licensee develop an Operational Compliance Plan for project operations. The Licensee should develop a plan to monitor compliance with project operations, employing mechanisms to accurately document inflow to and discharge from the developments in the project. Staff gauges should be used showing the reservoir operating bands stipulated in the license. Automatic water level recorders should be used to record headwater and tailrace elevations, and records of daily turbine operations, headwater and tailrace channel elevations, and flow releases in cubic feet per second through the powerhouse and spillways.</p> <p>The plan should be developed after consultation with the U.S. Fish and Wildlife Service (FWS).</p> <p><u>Rationale:</u> These recommendations are intended to demonstrate compliance with project operation requirements. Compliance at all times with run-of-river and other prescribed operating measures is necessary to provide suitable living conditions for fish and wildlife, and to protect the habitats upon which they depend (e.g., spawning areas).</p>	<p>In Section 3.5.3 of Exhibit E of the FLA, NSPW proposes to develop an operations monitoring plan for the Gile Project to document how it will comply with the operational requirements of the license, including reservoir elevation and minimum flow. The plan will include the following:</p> <ul style="list-style-type: none"> • Location of headwater monitoring gages • Frequency of monitoring • Procedures for maintaining and calibrating monitoring equipment • Standard operating procedures to be implemented outside of normal operating conditions, such as scheduled or emergency facility shutdowns or maintenance activities • A schedule for installing and operating the monitoring equipment • An after-the-fact notification procedure for planned and unplanned deviations <p>NSPW supports consulting with USFWS and WDNR when developing the plan.</p>												
<p>DOI 11</p>	<p>DOI Comments 12/06/2024</p>	<p>DOI Recommendation 11. The Department recognizes the Montreal River as an important public waterway in Northwestern Wisconsin and Michigan that is critical to the biological and recreational resources of the area. Issues frequently come up throughout the term of a license, such as power outages, low flows, and unexpected emergencies that may pose a threat to fish and wildlife and recreation resources in the vicinity of the project. It is recommended that the Licensee consult on matters which may affect fish and wildlife and recreation resources, and work with Stakeholders. It is recommended that the Licensee consult with the FWS, Bureau of Indian Affairs, Tribes, and the Wisconsin and Michigan Department of Natural Resources on matters affecting fish and wildlife resources and National Park Service and WIDNR on recreational use throughout the term of the new license.</p>	<p>The Gile Project is located entirely within the State of Wisconsin on the West Fork of the Montreal River approximately 8 miles upstream of its confluence with the main branch of the Montreal River. Therefore, the State of Michigan has no authority with regard to fish and wildlife resources, recreation, or water quality at the Gile Project. Thus, NSPW is not proposing to consult with any resource agency from the State of Michigan in this licensing proceeding.</p> <p>NSPW proposes to prepare numerous plans in consultation with the resource agencies including plans to manage drawdowns, low flows, recreational resources, invasive species, etc. Each plan will be developed in consultation with the appropriate resource agencies, allowing them the opportunity to develop protocols as necessary for consultation over the term of the pending licenses.</p>												
<p>FOG 1</p>	<p>Friends of the Gile (FOG) Comments 12/09/2024</p>	<p>FOG Recommendation 1. Develop a Coordinated Single Environmental Review Document for all Three Projects.</p> <p>The West Branch of the Montreal River is an interconnected, interdependent waterway made more so due to the flow-dependency water releases from the Gile Flowage required for downstream power generation at the Saxon and Superior Falls project sites, and the impacts of those flow releases on water recreation, ecosystems, and public safety upstream on the Gile Flowage. The hydrology and project operations of all three project sites are connected and dependent on each other.</p>	<p>See NSPW's response to AW Recommendations 1 and 4.</p>												

³ This is maximum flow that would generally be released for downstream flow augmentation for power production at the downstream Saxon Falls Project and Superior Falls Project.

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		<p><u>Rationale for Single Project Environmental Review</u> FOG recommends a single project environmental review to promote a comprehensive analysis and evaluation of all three Projects (Superior Falls Project, Project No. 2587; Saxon Falls Project, Project No. 2610; and Gile Flowage Storage Reservoir Project, Project No. 15055) as part of an inter-related whole system and allow for license decisions that would provide adequate protection, mitigation, and enhancement of fish and wildlife habitat, natural resource conservation, and public uses.</p> <p>If FERC issues separate licenses for each of the three projects, we recommend that an integrated management plan be developed by the Applicant in consultation with project stakeholders.</p>	
<p>FOG 2</p>	<p>FOG Comments 12/09/2024</p>	<p>FOG Recommendation 2: Develop a Gile Flowage Aquatic Invasive Species Mitigation Plan.</p> <p>The Applicant acknowledges that recreational activities at the Project have the potential to increase the risk of spread or transfer of Aquatic Invasive Species (AIS) (FLA Exhibit E, page 52). The Applicant has also acknowledged the presence of Spiny Water Flea, an aquatic invasive easily spread via recreational boating and other water related activities, in the Gile Flowage. In addition, the Flowage is subject to being "invaded" by other AIS found in neighboring waterbodies such as Eurasian Water Milfoil and Zebra Mussels that are transferred via boaters and recreational users.</p> <p><u>Rationale for Developing an Aquatic Invasive Species Mitigation Plan</u> The Applicant has proposed strategies to mitigate the spread of AIS by developing a rapid response monitoring plan and surveys done in consultation with the WDNR. Monitorings not mitigation and will not stop the spread of AIS--it will only document when they have become established and by then, it is too late. Monitoring is too late once an AIS has entered an aquatic ecosystem like the Gile Flowage FOG recommends that the Applicant develop an Aquatic and Terrestrial Invasive Species Mitigation Plan to address strategies to both monitor the presence of AIS in the Gile Flowage and actively mitigate their spread out of or into the Flowage through the implementation of a Clean Water, Clean Boats education and boat inspection program. We also recommend that the Aquatic and Terrestrial Invasive Species Study provide details what would be done to implement an the proposed rapid response AIS plan in addition to monitoring.</p> <p>This recommendation applies to the Gile Flowage Storage Reservoir Project (P-15055).</p>	<p>In Section 3.5.3 of Exhibit E of the FLA, NSPW proposed mitigation measures to address the spread of aquatic invasive species at the Gile Flowage Project. More specifically, NSPW would develop a rapid response invasive species monitoring plan to monitor for the introduction of new invasive species and limit the dispersal of established species. Within one year of license issuance, the Applicant proposes to develop said plan in consultation with the WDNR prior to filing the plan with the Commission. The plan will incorporate measures for both aquatic and terrestrial invasive species and include biennial surveys. The surveys will include an inspection of the Project shoreline, including lands owned in fee by NSPW within the Project boundary.</p> <p>The plan will include the following provisions:</p> <ul style="list-style-type: none"> • A focus on the control of species that are not already prevalent in the area and where early detection and control of said species will have an impact on their prevalence in the area. • Monitoring will be conducted in late summer (July and/or August). • Monitoring will be conducted by personnel familiar with the visual characteristics of terrestrial and aquatic invasive species. • Monitoring will be conducted on foot in terrestrial areas and at the aquatic/terrestrial interface of the shoreline at water access sites to the extent it encompasses the entirety of any contiguous invasive plant community. • Data sheets will be populated with information for each new occurrence of rapid response invasive species. • Data concerning the location of each new rapid response invasive species occurrence will be collected via handheld GPS. • Monitoring and/or control of newly emerging species will continue until such time the species becomes prevalent in the area or limited local control measures within the Project boundaries are no longer effective in stopping the spread of the species. • Control measures may include manual removal, mechanical removal, or chemical treatment and will be determined in consultation with WDNR. • NSPW shall be responsible for initiating control for rapid response species identified during the surveys with assistance from WDNR. • Newly documented invasive species may be added to the list of rapid response species to be monitored, but only if they are currently not common to the region and where early, limited control and detection may stop the species from spreading. • Species may be removed from the list if they become so prevalent that limited control measures within the project boundaries are no longer effective in stopping their spread. • Measures to increase public awareness via the posting of invasive species signage at recreation sites will be implemented if said signage is provided by WDNR.

Gile Flowage Project License Recommendations and NSPW Responses

			<ul style="list-style-type: none"> The condition of any invasive species signage provided by WDNR will be evaluated during each survey and the signs will be replaced as necessary as long as new signs are provided by WDNR. Best management practices will be implemented to prevent the spread of invasive species during transportation of equipment used for the operation and maintenance of the Projects. <p>The licensee shall notify the WDNR within 5 days of identifying a new rapid response species.</p> <p>The plan will also include a requirement to provide an annual monitoring report to WDNR by December 31. The report will include the results of the monitoring, copies of any data forms, and a summary of any control activities conducted as a result of the monitoring. WDNR will be provided a minimum of 30 days to provide comments on the report. Any comments received will be addressed in a final report to be filed with the Commission no later than March 15 of the following year.</p>
FOG 3	FOG Comments 12/09/2024	<p>FOG Recommendation 3. Develop a Gile Flowage Whitewater Kayak Plan in Conjunction with the Saxon Falls Whitewater Kayak Plan.</p> <p>We support opportunities for whitewater kayaking downstream from the Gile Dam as a new outdoor recreation opportunity for Iron County residents and visitors. Because water releases for whitewater kayaking have not been experienced by Flowage property owners or users before, there is significant concern about how the amount and timing of these water releases will affect the ability to access docks, boat landings, and impact shoreline erosion and fish and wildlife habitats.</p>	See NSPW's response to AW Recommendation 2.
FOG 4	FOG Comments 12/09/2024	<p>FOG Recommendation 4. Provide local consultation and coordination when preparing and implementing Whitewater Recreations Plans and providing public information.</p> <p>The Applicant is proposing to develop a Whitewater Recreation Plan in consultation with American Whitewater (AW) and the National Park Service (NPS). Local consultation with FOG, Gile Flowage stakeholders, Tribes, and users who will be directly impacted by the water releases was not included. Iron County, as a major Gile Flowage landowner and boat landing administrator, must be included in any Gile Flowage whitewater planning due to potential impacts on Flowage recreation, accessibility, and habitats.</p> <p><u>Rationale for local consultation and coordination:</u> FOG recommends the Applicant develop a Gile Flowage Whitewater Recreation Plan that includes annual consultation and coordination with FOG, Flowage landowners (private, municipal, and Iron County) and Tribes on the amount, dates, and timing of white water releases and provides for coordinated public information outreach by the Applicant, FOG, NPS, and AW to alert public, Flowage property owners, and users in advance of whitewater water releases.</p>	See NSPW's response to AW Recommendation 2.
FOG 5	FOG Comments 12/09/2024	<p>FOG Recommendation 5. Develop Public Outreach on Flowage Lake Level and Discharge to West Branch of the Montreal River.</p> <p>The West Branch of the Montreal River under high water levels is a "high-hazard Class V river with dams, rapids, and inaccessible canyon-like areas" (Iron County Economic Development, 2024). Under low water levels when there is not sufficient discharge from the Gile Flowage, the river is not navigable in many areas.</p> <p>We are not aware of any easily accessible public information provided on Gile Flowage discharge into the West Branch of the Montreal River or water level information that could provide kayakers with critical water safety information.</p>	See NSPW's responses to AW Recommendation 2 and DOI Recommendation 2.

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		<p><u>Rationale for Flowage Level and Water Discharge Public Outreach</u> Providing the public with real time information on the status of flow into the West Branch of the Montreal River and Gile Flowage Lake levels can improve user safety, accessibility, and experience. It also will help dispel misinformation about the impact or timing of these releases for Gile Flowage users. Posting this information on a website that is updated regularly, easily accessible to the public is necessary, and can be shared or linked to other websites would ensure broader outreach of this recreational information and improve water recreational users' experiences.</p> <p>FOG recommends the Applicant consult with FOG, AW, NPS, Wisconsin Department of Natural Resources, Iron County, and local recreational users to fund development or enhancement of existing websites to outreach this information and provide responsibility for administration.</p> <p>We also recommend that the Applicant work with FOG and Iron County post this website information at Gile Flowage boat landings and on FOG and County public recreational outreach materials.</p>	
<p>FOG 6</p>	<p>FOG Comments 12/09/2024</p>	<p>FOG Recommendation 6. Install Warning Signage at Tailwater Kayak Landing Access Site.</p> <p>The project plan calls for inclusion of the hand-carry take-out on the reservoir shoreline at the east earthen embankments that form the dam as well as a hand carry boat put-in site located on the east shore of the West Fork of the Montreal River, immediately downstream of the project dam. We agree with American Whitewater's concern that this landing must be adequately signed to alert users that the West Branch of the Montreal River downstream from the Gile Dam is only safe for specialized watercraft, especially in high water conditions.</p> <p><u>Rationale for Installing Warning Signage at Whitewater Kayak Landing Access Site.</u> The current "Canoe Portage" sign installed at the Gile Dam is misleading and could encourage canoers or flatwater kayakers paddling on the Gile Flowage to portage over the dam to access the river. In the past, no one portaged over the Gile Dam. However now there is a "canoe portage" sign that "advertises" this opportunity and may create a hazardous situation for inexperienced or unprepared Flowage flatwater paddlers who believe they can portage over the dam for additional downstream paddling experiences. Gile Falls is less than 1/4-mile downstream from the Gile Dam and is a significant safety hazard.</p> <p>We support the American Whitewater's recommendation that it is inappropriate, and potentially dangerous, to refer to these facilities as a "portage" and safety signage should make it clear that water conditions below the dam are suitable only for specialized watercraft and experienced users. We recommend that the American Whitewater be consulted on proper safety and signage protocols.</p> <p>This recommendation applies to the Gile Flowage Storage Reservoir Project (P-15055) and Saxon Falls (P-2610).</p>	<p>NSPW is not opposed to installing signage at the Canoe Portage Put-in site below the Gile Dam warning of the downstream hazards. This effort would be undertaken in consultation with AW.</p> <p>NSPW has proposed to relocate and improve the canoe portage site to facilitate use for those who wish to continue boating downstream or participate in the proposed whitewater flow releases.</p>
<p>MHRC 1</p>	<p>Michigan Hydro Relicensing Coalition (MHRC) Comments 12/06/2024</p>	<p>MHRC Recommendation 1. Land Management Plan.</p> <p>The Coalition also recommends that development of a land management plan be a requirement of the new licenses, and that this plan be developed in consultation with the resource agencies, Tribes, and other interested stakeholders.</p> <p>Such a plan would outline and develop prescriptive measures for the protection of the various resources associated with these project lands.</p>	<p>As stated in Exhibit E of the FLA, and in its December 18, 2023 response to the Commission's additional information request (FERC Accession No. 20231218-5121), NSPW identified all proposed land management activities within the proposed Project boundary. The only locations where these management activities will take place is at Project facilities, including project structures, access roads, parking areas, and recreation sites. No vegetation management activities are proposed other than the removal of hazard trees. Since no additional land management activities are being proposed, a comprehensive Land Management Plan is unnecessary.</p>

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<p>MHRC 2</p>	<p>MHRC Comments 12/06/2024</p>	<p>MHRC Recommendation 2. License Term.</p> <p>The licensee requests a 50-year license term which the Coalition is opposed to for the following reasons:</p> <ul style="list-style-type: none"> • Aging infrastructure - given the age of the Saxon Falls, Superior Falls and Gile Flowage Dams, these dams meet the descriptor "aging infrastructure," that being beyond the nominal 50-year design life. As such, it would be imprudent for the Commission to grant a 50-year license given that these dams may be approaching the end of their useful life. The Coalition recommends a 30 year term as reasonable given any stated licensee lack of investment in the foreseeable future at the Saxon Falls and Superior Falls projects. • Specific to the Gile Flowage Project, NSPW requested a 49-year, five month license term using the justification of the anticipated costs associated with the pending spillway modifications at the Gile Dam. The Coalition reminds the Commission that its policy for license terms does not include maintenance as a justification for increasing (Maintenance measures and measures taken to support the licensing process will not be considered. Therefore, the Coalition recommends a 30-year license term for the Gile Flowage license. • Climate change - the potential for more extreme flood events associated with climate change is an additional reason to limit the new license terms to 30 years. 	<p>See NSPW's response to AW Recommendation 6.</p> <p>The Commission's policy regarding license terms (Policy Statement on Establishing License Terms for Hydroelectric Projects, 161 FERC ¶ 61,078 (2017); 82 Fed. Reg. 49,501 (Oct. 26, 2017) lists several reasons for issuing licenses for terms other than 40 years. In part it states: "Third, the Commission will consider a longer license term – provided that doing so is consistent with coordinating license terms within a basin – when a license applicant specifically requests a longer license term based on significant measures expected to be required under the new license or significant measures implemented during the prior license term that were not required by that license or other legal authority and for which the Commission has not already given credit through an extension of the prior license term. The Commission will consider, on a case-by-case basis, measures and actions that enhance non-developmental project purposes (i.e., environmental, project recreation, water supply), and those that enhance power and developmental purposes, together with the cost of those measures and actions to determine whether they are significant and warrant the granting of a longer license term. Maintenance measures and measures taken to support the licensing process will not be considered. As guidance, we note that the Commission has found that measures including the <u>construction of</u> pumped storage facilities, fish passage facilities, fish hatcheries, substantial recreation facilities, <u>dams</u>, and powerhouses warranted longer license terms. (emphasis added)"</p> <p>NSPW is requesting a license term of 50 years for the Saxon Falls and Superior Falls projects pursuant to the Commission's aforementioned policy. The justification for the 50-year license is predicated on the structural improvements proposed for the Gile Dam. The Gile Dam is currently regulated by the state of Wisconsin and as currently constructed does not meet FERC's more restrictive dam safety standards. To meet FERC's dam safety standards, NSPW estimates that the reconstruction of the dam will cost approximately 10 million dollars.</p> <p>The MHRC is incorrect in asserting that the pending reconstruction of the dam falls under the category "maintenance measures or measures taken to support the licensing process." On the contrary, the pending reconstruction of the dam is being driven by FERC's dam safety requirements.</p> <p>NSPW is requesting a license term of 50 years for the Saxon Falls and Superior Falls projects pursuant to the Commission's aforementioned policy. The justification for the 50-year license is predicated on the structural improvements proposed for the Gile Dam. The Gile Dam is currently regulated by the state of Wisconsin and as currently constructed, does not meet FERC's more restrictive dam safety standards. To meet FERC's dam safety standards, NSPW estimates that the construction of the new dam will cost approximately 10 million dollars. The MDNR is incorrect in asserting required activities are "maintenance measures or measures taken to support the licensing process." The construction of the new dam also directly impacts the economics of the downstream Projects, as the water released from the Gile Dam contributes approximately 20% to downstream power generation.</p> <p>The construction of the new Gile Dam will not be financed by a NOAA Office for Coastal Management Grant. The construction will be funded entirely by NSPW and will receive no financial benefit from the proposed sale of the Gile Flowage lands or any NSPW owned lands.</p>
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<p>MHRC 3</p>	<p>MHRC Comments 12/06/2024</p>	<p>MHRC Recommendation 3. Financial Assurance.</p> <p>The Coalition also proposes that any new licenses include requirements for "financial assurances" for long-term project maintenance and eventual removal and restoration. The Commission is currently considering a rule-making change that would require financial assurance measures in hydroelectric licenses (RM21-9-000).</p> <p>Such measures would be intended to ensure that a licensee has the capability to carry out license requirements and maintain its projects in a safe condition. As previously stated, the Saxon Falls, Superior Falls, and Gile Flowage dams meet the descriptor "aging infrastructure," and are likely to require significant improvements over the course of a new license term. The assumption that a licensee has the financial capability to conduct necessary dam maintenance just because they are generating a revenue stream from power production has certainly proven to be erroneous (e.g., Tittabawasee River catastrophic dam failures).</p>	<p>NSPW is a regulated utility with adequate financial resources to maintain the Projects over the term of the new license licenses. As stated in Section I of Exhibit H of the Gile Project's FLA :</p> <p><i>"NSPW resources are adequate to meet the needs of the hydro department. NSPW has a consistent record of satisfactory performance with respect to reliability, price competitiveness, and safety. NSPW maintains a staff of more than 60 individuals with expertise in engineering, maintenance, electric system operations, mapping, and planning. Hydro department personnel conduct routine training and have adopted standardized maintenance practices for all NSPW hydro facilities."</i></p>
<p>MHRC 9</p>	<p>MHRC Comments 12/6/2024</p>	<p>MHRC Recommendation 9. Recreation Management.</p> <p>Recreation management - should be a component of the land management plan that clearly identifies all facilities and responsibilities for operations and maintenance.</p>	<p>See NSPW's response to MHRC Recommendation 1 regarding development of a Land Management Plan.</p> <p>See NSPW's response to AW Recommendation 2 and 3 and DOI's Recommendation 5 regarding development of a Recreation Management Plan.</p>
<p>MHRC 10</p>	<p>MHRC Comments 12/6/2024</p>	<p>MHRC Recommendation 10. Compliance Monitoring.</p> <p>Compliance monitoring - monitoring of license requirements (flows, impoundment elevations, and water quality) needs to be done using state-of-the-art protocols and technologies (e.g., USGS gauges, etc.).</p>	<p>See NSPW response to DOI Recommendation 10.</p>
<p>MHRC 11</p>	<p>MHRC Comments 12/6/2024</p>	<p>MHRC Recommendation 11. Agency recommendations.</p> <p>The Coalition supports the forthcoming terms and conditions prescribed in the Clean Water Act Section 401 water quality certifications to be issued by the Wisconsin Department of Natural Resources and Michigan Department of Environment, Great Lakes, and Energy. It also supports the Wisconsin Department of Natural Resources, Michigan Department of Natural Resources, and U.S Fish and Wildlife Service Federal Power Act (FPA) Section 10(a) recommendations for the protection of fish and wildlife resources, the Department of Interior (USFWS) FPA Section 18 fishway prescriptions and any Endangered Species Act Section 7 consultation conditions. The Coalition is also supportive of National Park Service recommendations for recreation resources in the new licenses.</p>	<p>Comment noted.</p>
<p>RAW 1</p>	<p>RAW Comments 12/9/2024</p>	<p>RAW Recommendation 1. Operational Compliance.</p> <p>The licensee should prepare, in consultation with the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Michigan DNR, Wisconsin DNR, and U.S. Fish and Wildlife Service (FWS), a plan to document compliance with the prescribed operating rules stipulated in the licenses for the projects. The plan shall include, but not be limited to, documentation of daily inflow to the project and corresponding discharge records (i.e., plant logs) and the daily range of reservoir fluctuation. Compliance monitoring should be undertaken with USGS gages to ensure accurate data collection.</p> <p>Rationale. An operational compliance plan will allow FERC staff, resource agencies, and other stakeholders to review a record of daily inflow and discharge (cfs) and headwater and tailwater stage (ft. NGVD) to determine if the licensee is complying with the operational rules stipulated in the license. Accurate data can only be collected with quality instrumentation.</p>	<p>The Gile Project is located entirely within the State of Wisconsin on the West Fork of the Montreal River approximately 8 miles upstream of its confluence with the main branch of the Montreal River. Therefore, the State of Michigan has no authority with regard to fish and wildlife resources, recreation, or water quality at the Gile Project. Thus, NSPW is not proposing to consult with any resource agency from the State of Michigan in this licensing proceeding.</p> <p>See NSPW's response to DOI Recommendation 10 regarding development of an operation compliance plan.</p> <p>NSPW maintains hourly records of the reservoir elevation. This information can be provided in electronic format to resource agencies and the Commission upon request. This information allows resource agencies and the Commission to verify compliance with the operational requirements of the license. Installation of USGS gages on the Montreal River is unnecessary because the proposed Operations and Compliance Monitoring Plan already includes provisions to demonstrate compliance. Furthermore, recording inflows via a USGS gage is unnecessary as this information provides no value in determining compliance with the reservoir elevation or minimum flow.</p>

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<p>RAW 2</p>	<p>RAW Comments 12/9/2024</p>	<p>RAW Recommendation 2. Drawdown management plan.</p> <p>To protect small fish, mussels and other aquatic life from becoming stranded in the riverbed and exposed on dewatered riverbed, the licensee should prepare, in consultation with the Wisconsin DNR, Michigan DNR and FWS, a drawdown management plan to be implemented for projects when there is a need for routine dam and power plant maintenance or if there is a need for an emergency drawdown.</p> <p>Rationale. Maintenance drawdowns can cause adverse impacts to aquatic resources in the reservoir in many ways and especially to mussels. A drawdown plan is clearly needed. In accordance with the Public Trust Doctrine, the mussel community is an aquatic resource that is owned by the public and is to be protected by all water resource users, including licensees operating hydro projects and storage reservoirs. In general, many mussel species in Wisconsin and Michigan streams and larger rivers are in peril. Mussels are an important component of a river system and are sensitive to changes to water level fluctuations in a reservoir and to flow discharge fluctuations in the tailwater of a dam. Mussels are not very mobile and can easily be adversely affected by hydro operations in species diversity and relative abundance within the zone of fluctuation. Drawdowns can also cause other adverse impacts to aquatic resources including dewatering the shoreline and adversely affecting the natural growth cycle of emergent and submergent aquatic plants. Drawdowns also reduce the water volume in the flowage and as such, reduce the living space that adds a stressor that could harm fish and other aquatic life, especially if it lasts many days or months.</p>	<p>The impacts of water discharged from the Gile Dam for downstream power generation and whitewater recreation will be evaluated in the Commission's EA and will include any protection, mitigation or enhancement measures it deemed necessary.</p> <p>NSPW supports the development of a drawdown plan for emergencies and maintenance or construction activities requiring a drawdown of less than three weeks in duration (i.e., planned drawdowns). These types of events do not typically require prior FERC approval (this does not include daily water releases for downstream generation or whitewater flow releases). The plan will be developed in consultation with USFWS and WDNR and include the following measures:</p> <ul style="list-style-type: none"> • Maximum drawdown and refill rates implemented during any planned drawdown. • Description of circumstances that would necessitate an emergency drawdown. • Description of circumstances that would necessitate a planned (non-emergency) drawdown of less than 3 weeks in duration. • A plan to address stranding, removal, and disposition of stranded organisms (e.g., fish, mussels, etc.). • A provision to schedule non-emergency drawdowns during periods that minimize adverse effects on species in the Project reservoir with sensitive life stages (e.g., fish spawning season), if possible. • A provision to schedule non-emergency drawdowns during periods that minimize effects on sensitive life stages of species in the Project reservoir (e.g., fish spawning season), if possible. • Provision to notify USFWS and WDNR at least 90 days before the start of any planned drawdown. • Provision to report any emergency drawdowns to the Commission, USFWS, and WDNR within 24 hours of such an emergency. <p>Planned drawdowns exceeding three weeks in duration require a temporary license amendment and prior Commission review and approval. Since the details of these types of drawdowns are specific to the work being conducted, it is impossible to address potential impacts in a general plan. NSPW proposes that for these types of drawdowns a project specific drawdown plan be developed in consultation with USFWS, and WDNR and include the following provisions:</p> <ul style="list-style-type: none"> • A plan to notify the public prior to conducting the drawdown. • Description of circumstances requiring the planned drawdown. • Identification of the maximum drawdown depth and drawdown and refill rates. • A plan to address stranding, removal, and disposition of stranded organisms (i.e., fish mussels, etc.). • A provision to schedule non-emergency drawdowns during periods that minimize adverse effects on species in the Project reservoir with sensitive life stages (e.g., fish spawning season), if possible. • Provide a draft drawdown plan to USFWS, and WDNR for comment at least 120 days prior to the planned drawdown and at least 30 days prior to submittal of the plan to the Commission for review and approval. • Address agency comments in the final drawdown plan. • Submit the final drawdown plan to the Commission at least 90 days prior to the planned drawdown.
<p>RAW 3</p>	<p>RAW Comments 12/9/2024</p>	<p>RAW Recommendation 3. Water Quality.</p> <p>To protect fish and other aquatic life from low dissolved oxygen levels and high-water temperature, the licensee should develop a plan, in consultation with the Wisconsin DNR, Michigan EGLE and Michigan DNR, to monitor at each project dissolved oxygen, temperature, and other parameters as deemed appropriate by Wisconsin and Michigan. The plan should list criteria to ensure that the project is operated over the term of the new license within the state's water quality standards.</p> <p>Rationale. It is of critical importance that the project is operated within state water quality standards to protect fish and other aquatic life. The water in the impoundment behind the dam could at times warm beyond the ambient river temperature, particularly in July, August, and September. This can cause the river water temperature to warm unnaturally and raise the discharge temperature through the dam and thus exceed the state standard for temperature. Likewise elevated water temperature can cause the water to hold less dissolved oxygen which can lower the levels to less than 5 mg/L, the state standard for</p>	<p>The Gile Project is located entirely within the State of Wisconsin on the West Fork of the Montreal River approximately 8 miles upstream of its confluence with the main branch of the Montreal River. Therefore, the State of Michigan has no authority with regard to fish and wildlife resources, recreation, or water quality at the Gile Project. Thus, NSPW is not proposing to consult with any resource agency from the State of Michigan in this licensing proceeding.</p> <p>As stated in Section 3.4.2 of Exhibit E of the FLA, water quality monitoring conducted in 2022 within the reservoir and tailwater indicated that all analyzed water quality parameters exceeded Wisconsin's water quality standards. Therefore, continued operation of the Project is not expected to cause adverse impacts to water quality.</p> <p>NSPW is not proposing to modify Project operations from historic practice. This includes restricting the typical daily drawdown to approximately 0.1 feet per day, but no more than 0.2 feet per day. Therefore, there is no need to continue to monitor water quality under the pending license to document compliance with State of Wisconsin water quality standards.</p>

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		<p>warm water streams and rivers. These conditions can also stress benthos living in the bed of the flowage. Fish, mussels and other aquatic life may be stressed or killed if the appropriate water regime is not managed within State water quality standards.</p>	
RAW 4	RAW Comments 12/9/2024	<p>RAW Recommendation 4. Terrestrial and aquatic invasive species (T&AIS) monitoring.</p> <p>The licensee is a manager of aquatic and terrestrial resources at the FERC-licensed projects along with Wisconsin DNR and Michigan DNR. Therefore, the licensee should develop, in consultation with the Wisconsin DNR and Michigan DNR, a plan to monitor T&AIS biannually (every two years) over the term of the license. Use of Early Detection and Rapid Response Methodology should be used to allow detection and control of emerging invasives before they get firmly established. Focus should be placed on species listed as "prohibited" under Chapter NR-40, Wisconsin's invasive species rule, as these species are likely to cause environmental and/or economic harm, and eradication is still feasible.</p> <p><u>Rationale.</u> According to terrestrial invasive species surveys conducted in the project boundary of both projects, common buckthorn, glossy buckthorn, Canada thistle, wild parsnip, invasive cattail spp., and others were found within one or the other (or both) project boundaries. According to aquatic plant surveys in Saxon Flowage and Superior Flowage, the only invasive species currently found was purple loosestrife. However, over the proposed term of the new licenses, other AIS will likely become introduced, as well as other TIS. Therefore, a TIS & AIS survey should be done biannually. The licensee should implement control measures where practical to remove invasive flora and fauna that are discovered early in their distribution to prevent them from becoming firmly established in project waters.</p>	<p>See NSPW's response to FOG Recommendation 2 regarding invasive species.</p>
RAW 5	RAW Comments 12/9/2024	<p>RAW Recommendation 5. Land management.</p> <p>NSPW should establish a no-cut buffer zone of 200 feet within the project boundary of each project.</p> <p><u>Rationale.</u> As an owner of land in the boundary of a FERC licensed hydro project, NSPW is a land manager, and with that responsibility comes land management stewardship. A buffer zone of 200 feet along the project boundary would provide many environmental benefits, including preserving old growth timber and sustaining other riparian vegetation, all of which provides wildlife habitat. Another well-known beneficial effect of a buffer zone is that it filters runoff water from the land, which will help protect water quality in the Montreal River. We understand that selective cutting of dead and diseased trees within a buffer zone is necessary periodically to maintain forest health in the riparian zone.</p>	<p>NSPW proposes to remove trees that present a hazard to Project facilities or public safety over the license term. No other tree harvesting within the buffer zone has been proposed.</p>
RAW 6	RAW Comments 12/9/2024	<p>RAW Recommendation 6. Nest tree protection.</p> <p>NSPW should develop a plan, to be implemented over the term of the license, to protect bald eagles and ospreys and their nest trees from land disturbing activities associated with operation of the project. In addition, NSPW should protect trees that are used as roosting or nesting habitat for the Northern long-eared bat, a federally threatened species, if this species of bat at some point in the future nests on project land.</p> <p><u>Rationale.</u> Although the bald eagle was taken off the federal threatened and endangered species list, it is still protected under the Migratory Bird Treaty Act, as is the osprey. The FWS has guidelines to protect eagles and eagle nests that the licensee can follow if land disturbance activities on project land are needed. The licensee should consult with the FWS for guidance and obtain Bald Eagle Protection Guidelines.</p>	<p>Nesting tree and roosting tree protection are addressed in Exhibit E of the FLA. Therefore, no plan regarding nesting tree protection is needed.</p> <p>Section 3.7.2.2.3 of Exhibit E of the FLA states that no vegetation management or construction activities within 600 feet of any active eagle nest are proposed that could result in adverse impacts to the species. However, since the species is protected under the Bald and Golden Eagle Protection Act (Act), NSPW will follow the current USFWS guidance regarding bald eagles over the term of the license to avoid potential impacts and remain in compliance with the Act.</p> <p>Section 3.7.2.1.3 of Exhibit E of the FLA describes how NSPW will protect NLEB roosting sites. To protect the federally threatened Northern Long-eared Bat (NLEB), NSPW proposed to follow the recommended mitigation measures in the Broad Incidental Take Permit/Authorization for Wisconsin Cave Bats.</p> <p>The osprey was not identified in the state of Wisconsin's NHI review. Therefore, no protection measures for this species are necessary.</p>

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<p>RAW 7</p>	<p>RAW Comments 12/9/2024</p>	<p>RAW Recommendation 7. Recreation.</p> <p>NSPW should develop a Recreation Plan for each project that will be implemented over the period of the new license. RAW recommends that the licensee do the following:</p> <ul style="list-style-type: none"> -Make the recreational improvements at both projects summarized in Table 8.7.3-1 of the license application titled: Estimated recreational improvement costs for the SUFs Project and Table 8.7.3-2: Estimated recreational improvement costs for the SUPs Project. -Replace the chain link Saxon Falls overlook safety fencing with split rail or another more appropriate option for a scenic viewing area. -Replace the chain link safety fencing from the Superior Falls path to the overlook. Some sections appear to have been painted green, which is an improvement, but the type of fencing is not appropriate for a viewing area. The fencing should be replaced with split rail unless required by codes for exclusion from actual equipment. -Provide necessary parking facilities; if facilities owned or maintained by others are being relied upon, a) the licensee should pay for those facilities, and b) if the other entity stops maintaining the facility, the licensee should take over the facility. This recommendation will address the parking capacity exceedance issue during the summer. -RAW supports American Whitewater's recommendations regarding the proposed card system for recreational access. We agree that the licensee should instead consider the option for boaters to call ahead for an operator to open the gate or for the gate to be opened on weekends during daylight hours when optimal flows are available in the canyon (primarily April). These alternatives should be fully evaluated in FERC's environmental analysis. -Prepare brochures or update the existing ones showing a map of each project, the location of all recreational facilities, and signage along roads to get to each recreational facility. -Maintain all recreational sites (i.e., parking lots, boat launches, fishing piers, trails, and canoe portages) in good condition over the period of the license. -Upgrade the recreational signage to current FERC standards throughout the project. -Install new recreational facilities over the period of the license on an as needed basis as demand dictates. <p>Rationale. The reservoir and rivers impounded by hydro projects have long ago become major sources of recreation for the public. FERC's permission via a license for a utility to use an impoundment and/or free flowing river to generate hydropower mandates that recreational facilities (among many other environmental considerations) be installed within the project boundary and be kept in good condition for public use. People are entitled through the Public Trust Doctrine to use the reservoirs and riverine sections impounded by dams for recreational use. This includes fishing, boating, hiking, bird watching, picnics and camping.</p>	<p>See NSPW's response to AW Recommendations 2 and 3 regarding development of a recreation plan for the Gile Project.</p> <p>See NSPW's response to DOI Recommendation 7 regarding maintenance of recreation facilities not under NSPW's ownership or control.</p> <p>NSPW has not proposed to develop any recreational brochures, however, we have agreed to include information on our website regarding whitewater flow releases.</p> <p>NSPW has proposed to maintain FERC-approved recreation sites under its ownership and control over the term of the license.</p> <p>NSPW has proposed to replace the signage at the Canoe Portage Put-In site to meet current Commission standards.</p>
<p>RAW 8</p>	<p>RAW Comments 12/9/2024</p>	<p>Recommendation 8. License Term.</p> <p>The licensee has requested a 50-year license term, which we oppose; we instead recommend a 30-year term for Saxon Falls and Superior Falls.</p>	<p>See NSPW's response to AW Recommendation 6 regarding license terms.</p>

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<p>RAW 9</p>	<p>RAW Comments 12/9/2024</p>	<p>Recommendation 9. Financial Assurances.</p> <p>RAW supports MHRC's recommendations related to financial assurances. Any new license granted by FERC should require financial assurances for long-term project maintenance and eventual removal and restoration to ensure that a licensee has the capability to carry out license requirements and maintain its projects in a safe condition.</p> <p>Rationale. Considering the ages of the Saxon Falls, Superior Falls, and Gile Flowage dams, they are likely to require significant improvements over the course of a new license term. The assumption that a licensee has the financial capability to conduct necessary dam maintenance just because they are generating a revenue stream from power production has certainly been proven to be erroneous (e.g., Tittabawasee River dam failures). Therefore, it is imperative that some form of financial assurance be a license requirement.</p>	<p>See NSPW's response to MHRC Recommendation 3 regarding financial assurances.</p>
<p>WDNR 1</p>	<p>Wisconsin Department of Natural Resources (WDNR) Comments 12/6/2024</p>	<p>WDNR Recommendation 1. Operations.</p> <p>Dam operations at the Gile Flowage have historically been regulated by the Department's state dam safety program, and the Saxon Falls and Superior Falls dam have been regulated by FERC. With the Gile Flowage contributing significant water to the downstream dams, there is a need for a comprehensive operations plan that includes how each dam operates individually, and how the dams operate together to maintain flows in the river, provide recreational opportunities, and manage the natural resources.</p> <p>The Department plans to require an operations plan for all 3 dams, to include processes and operations to manage drawdown cycles at Gile Flowage, meet the needs of recreational releases for Saxon and Superior, and ensuring operational compliance with water levels and flows. The Operation Plan commonly includes methods to document water levels and flows, deviation reporting, low flow/high flow contingency, emergency management, etc.</p>	<p>See NSPW's response to DOI Recommendation 10 regarding development of an Operations Compliance Plan.</p>
<p>WDNR 2</p>	<p>WDNR Comments 12/6/2024</p>	<p>WDNR Recommendation 2. Threatened and Endangered Species.</p> <p>Currently, the department provides annual listed species reviews and consultation to the licensee, documenting the listed species that have been verified in or near the FERC project boundaries. As part of this review, the licensee is provided with information regarding regulatory requirements to comply with the state Endangered Species Act, which is based upon the requirement of the federal Endangered Species Act. The letter provides information about the species, including options to avoid and minimize impacts, and requirements for department consultation when impacts cannot be avoided.</p> <p>Several species may be impacted by dam operations, drawdowns, and repairs. The requirements for protection of listed species needs to be coordinated and managed in compliance with their regulatory requirements. The department will work with the licensee to ensure compliance with the state endangered species laws for listed species. Management for listed species can occur through various processes at the department, can be incorporated into other management plans, or can be developed as part of a specific management plan.</p>	<p>Comment noted.</p>
<p>WDNR 3</p>	<p>WDNR Comments 12/6/2024</p>	<p>WDNR Recommendation 3. Water Quality.</p> <p>The licensee is expected to demonstrate that their hydropower operations comply with state water quality standards. The department will require a water quality monitoring plan to ensure that the dam operations are maintaining compliance with state water quality standards and designated uses. The management plans commonly require data collection using department standards and methodology. The management plan should be developed to identify data collection methodology, reporting processes, and agency consultation.</p>	<p>See NSPW's response to RAW Recommendation 3 regarding water quality.</p>

Gile Flowage Project License Recommendations and NSPW Responses

<p>WDNR 4</p>	<p>WDNR Comments 12/6/2024</p>	<p>WDNR Recommendation 4. Invasive Species.</p> <p>Activities that may contribute to the spread of invasive species include debris removal at the dams, vegetation management, and equipment use. State laws require compliance with invasive species regulations under NR40. To comply with these regulations the department plans to require an invasive species management plan. The plan will include methods, communications, reporting, and management actions. Common elements of these plans include identification of species, reporting of species observations, rapid response for management of species, and methodology for data collection. Additionally, the plan should include best management practices, including decontamination protocols, to minimize and avoid the spread of invasive species.</p>	<p>See NSPW's response to FOG Recommendation 2 regarding invasive species.</p>
<p>WDNR 5</p>	<p>WDNR Comments 12/6/2024</p>	<p>WDNR Recommendation 5. Recreation.</p> <p>A variety of recreational amenities are proposed as part of the licenses. The department plans to require a recreational plan to ensure that the amenities meet department standards for public recreation, handicap accessibility, public rights, and safety.</p>	<p>See NSPW's response to AW Recommendations 2 and 3 regarding development of a Recreation Plan.</p>
<p>WDNR 6</p>	<p>WDNR Comments 12/6/2024</p>	<p>WDNR Recommendation 6. Fish Management. GILE SPECIFIC</p> <p>The existing 2005 Fisheries Management Plan for the Gile Flowage is an important tool directing management efforts for the fishery. The 2005 management plan provides a compilation of measurable objectives for fish populations (using standardized fisheries surveys), which were derived from public input/preferences for opportunities provided by the resource. While these objectives might be dated, through public outreach (public meetings, contacts, etc.), we believe these still accurately reflect the sentiments of Gile Flowage anglers, today.</p> <p>The department plans to begin the process to update the fish management for Gile Flowage within the next two years, which will include community engagement, creel surveys, and other relevant fish surveys. This effort would be an excellent opportunity for the licensee to work with the department and identify how the licensee's management plan can complement the department's management plan.</p> <p>Fish migration associated with drawdowns is a concern, along with how operations of the dam may contribute to reduction of some fish species within the flowage at Gile. The department continues to feel a fish movement study is needed to better understand impacts to the fishery as result of operational drawdowns and changes in available habitat. A fish movement study was not conducted as part of the license application process. The department continues to suspect excessive movement of certain species, creating an imbalance in the Gile Flowage. The department plans to require a plan that includes assessment of fish movement associated with dam operations/drawdown and options to mitigate impacts. We recommend that FERC and the licensee review the departments original study request associated with assessment fish movement.</p>	<p>As the state fish and wildlife agency, WDNR is responsible for establishing fish management plans on waterbodies within the state, including periodically updating those plans as necessary. As a licensee, it is not NSPW's responsibility to fund such activities.</p> <p>As stated in Section 3.6.5 of the Proposed Study Plan, filed with the Commission on April 30, 2021 (Accession No. 20210430-5737), WDNR provided fisheries data for the Gile Flowage for the period 2011 through 2021. This data included results from spring netting surveys, summer electrofishing surveys, summer netting surveys, fall electrofishing surveys, and fall netting surveys. Results from fish surveys conducted downstream of the Gile Dam were included in the Revised Study Plan filed with the Commission on August 13, 2021 (Accession No. 20210913-5053). The available information regarding the reservoir fishery and the fishery below the Gile Dam is sufficient for the Commission to determine whether any fish protection, mitigation, or enhancement measures are necessary.</p> <p>In its requests for licensing studies, dated March 5, 2021 (Accession No. 20210305-5146), WDNR requested a Fish Movement Study be conducted to better understand fish movement from through the Gile Dam. In its request, the WDNR did not provide any required information as required in 18 CFR §5.9 of FERC's ILP regulations. Specifically, the study goals and objectives and the resource management goals provided were unspecific and unresponsive to the detail of the data needed. The request also did not demonstrate an adequate nexus to the operation of the Project. Lastly, the WDNR did not provide a level of effort or a cost to conduct the study. Although the requested study could provide data that the WDNR may be interested in obtaining, WDNR has not justified why the Project should support the data collection, especially when the WDNR has their own means to collect similar data.</p> <p>The Commission concurred with NSPW's analysis and did not require the fish movement study in its Study Plan Determination issued on September 24, 2021 (FERC Accession No. 20210924-3001). Since the WDNR has not provided any new information regarding their desire for a fish movement study, NSPW does not believe that the study is warranted as part of the licensing process or that the WDNR is justified to include the study as a condition of its water quality certification.</p>

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