

BOYCE HYDRO POWER LLC

A W.D. Boyce Trusts Legacy Enterprise

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21 May, 2020

David E. Capka, P.E.
Director D2SI
Federal Energy Regulatory Commission
888 First Street, N.E. Routing Code: PJ-13
Washington, D.C. 20426

P-2785 Sanford
P-10809 Secord
P-10810 Smallwood

Subject: Forensic Investigation For Boyce Hydro Power, LLC (“Boyce”) Dam Incidents

Mr. Capka: I am writing to acknowledge receipt of your letter dated 20 May, 2020 regarding the subject of the recent storm and flooding events in Michigan which resulted in a breach of the Edenville Dam (not FERC licensed) which in turn resulted in the subsequent overtopping of the downriver Sanford Dam’s (FERC licensed) earthen embankment after the dam’s fuse plug was fully engaged and discharging flow as designed.

The two FERC licensed dams upriver from the Edenville Dam, Smallwood, and Secord were not breached and in fact survived the storm event relatively unscathed with the exception of an isolated erosion trench at the power house concrete and masonry right side wall located behind the dam’s protective upstream sheet pile wall.

With respect to your directive “*to fully lower the reservoirs behind Sanford Dam, Smallwood Dam, and Secord Dam in a safe manner as flows recede*” for the purpose of immediately performing a dam safety inspection of these dams within 3 days after the flows recede, I am requesting confirmation of the following items:

1. Prior to or at a subsequent date after lowering the reservoirs, the licensee, “Boyce”, is not required to obtain a drawdown permit or other permit such as a Soil Erosion and Sediment Control permit from the Michigan MDEQ (EGLE) and is exempt from any demand that may be asserted by the MDEQ or the MDNR to perform or undertake mussel surveys or relocations within the confines of the three impoundments.
2. The duration of the drawdown at each dam shall be for the period of time necessary to “*develop an interim plan to safely pass flows until a safe reservoir elevation can be established and implemented.*”
3. The rate of the drawdown is to be at least 8” per day but not to exceed 12” per day.
4. The depth of the drawdown at each reservoir is to be to the sill of each dam’s concrete spillway.
5. Boyce is to undertake efforts, through local community information networks, to inform boat and shoreline property owners of the impending drawdown, but commencement of the drawdown is not to be delayed beyond the date of this letter. (This was confirmed yesterday in a telephone conversation with Mrs. CarLisa Linton.)

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As a point of clarification I would like to bring the following circumstances to your attention:

1. It appears that the Sanford reservoir does not require lowering to the sill of the concrete spillways because a significant portion of the Sanford earthen embankment is no longer in place and the residual water flow come down river from the Edenville Dam is bypassing the spillway structure and is at least eight feet below the sill of the gates.
2. Due to the considerable amount of debris that has come down river during the flood event and accumulated in front of each of the dams, there are physical impairments that prevent the safe operation of the spillway gates when opened beyond about 12" as the accumulated debris will become lodged in the gate openings. Therefore, Boyce's prudent operational procedure entails bringing contractor resources to assist operator personnel in the removal of this accumulated debris prior to commencing an aggressive drawdown at Secord and Smallwood. Photograph evidence of this circumstance was forwarded to the Chicago Regional Engineer late this afternoon via e-mail.
3. As previously noted, the Secord and Sanford Dams, based on visual operator inspections conducted thus far, and as likely will be confirmed by further inspection on the part of the Boyce Dam Safety Engineer, have not sustained any consequential damage that would preclude a continued safe operation at the normal licensed impoundment water levels. It is therefore requested that Boyce be permitted to restore the Secord and Smallwood reservoir water levels to "normal" elevations, subject to a letter from the Dam Safety Engineer asserting this fact.

With respect to the time frame for forming a forensic investigation team, the allowance of three days is insufficient for Boyce to accomplish the request. We are currently making inquiries with appropriate parties in order to develop a list of candidates. Boyce respectfully requests an extension of time to 29 May, 2020 for proposing qualified members for the team.

At present it is believed that a structural engineer, a geotechnical engineer, and a hydraulics specialist would be the three disciplines necessary for the forensic team. If FERC believes otherwise please provide information at your earliest opportunity.

Sincerely yours,



Lee W. Mueller
Co-Member Manager
Boyce Hydro Power, LLC

Cc: Michael Swiger