

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

June 5, 2009

OFFICE OF THE CHAIRMAN

The Honorable Russell D. Feingold
United States Senator
517 East Wisconsin Avenue, Room 408
Milwaukee, WI 53202-4504

Dear Senator Feingold:

I am writing in response to your May 7, 2009 letter on behalf of your constituent, Mr. Douglas Eisele of the Big Eau Pleine Citizens Organization (BEPCO), concerning the operations of Eau Pleine Reservoir, which is part of the Wisconsin Valley Project (FERC No. P-2113). Specifically, your constituent is concerned with the welfare of the fishery at the reservoir, and requested that several changes be made to the operating license. The request includes an increase to the minimum reservoir water level, the mandating of repairs and operation of an aeration system, and a resurvey of the topography of the lake bottom. The following addresses each of these three concerns.

During the 1996 relicensing of the project, the Commission prepared an Environmental Impact Statement (EIS) which considered several minimum reservoir elevation scenarios, including the one proposed by your constituent. The currently established operational standard was developed in consultation with the resource agencies and local non-governmental organizations to minimize adverse environmental effects, while providing hydropower generation downstream of the reservoir. Furthermore, the EIS demonstrated that a greater volume of water in the reservoir (as requested by your constituent) does not in itself preclude oxygen depletion problems (which is a concern of Mr. Eisele) and that historical records have shown that the reservoir can maintain adequate dissolved oxygen levels to support the fishery at reservoir levels well below the current minimum.

The operation of an aeration system at Eau Pleine Reservoir is not a requirement of the project license, but rather a service provided by the licensee and the Wisconsin Department of Natural Resources (WDNR) in an attempt to supplement dissolved oxygen in the reservoir. Due to the large size of the reservoir, the aeration units only provide minor relief to the fishery during periods of low dissolved oxygen. Low dissolved oxygen levels have historically occurred at the reservoir, and the aeration system (purchased and currently operated by the WDNR with the funding for electrical operation provided by the licensee) provides a countermeasure to the large amount of non-point source pollutants that consistently enter the reservoir. The licensee cooperates with the WDNR to ensure that the aerator is effective and properly positioned in the reservoir.

Finally, your constituent requests that the licensee and WDNR resurvey the reservoir in an attempt to reestablish the usable storage capacity and reduce fish stranding in potholes. As part of the operating license, the Commission requires the licensee to submit periodic reports detailing the effectiveness of the license requirements in meeting environmental and hydropower goals, and includes a requirement to report reservoir storage volumes and an evaluation of pothole stranding at the project. To date our reviews of these reports, developed in consultation with fish and wildlife resource agencies, have determined that the licensee is adequately meeting its obligations of the requirement. We will continue to monitor any fish stranding incidents that may occur at the project and require any reasonable measures, including a resurvey of the reservoir, should that measure be necessary to ensure compliance with the project license.

We have been proactive in resolving these issues and, on April 27, 2009, we issued a letter to the licensee recommending that they continue to coordinate with the resource agencies and other interested parties and seek out ways of minimizing the amount of pollutants that enter the reservoir. I have attached a copy of the Commission's letter for your review.

Should you have any questions regarding this or any other Commission matter, please do not hesitate to let me know.

Sincerely,



Jon Wellinghoff
Chairman

Enclosure

**FEDERAL ENERGY REGULATORY COMMISSION
Washington, D. C. 20426**

OFFICE OF ENERGY PROJECTS

**Project No. 2113-213 – Wisconsin
Wisconsin River Headwaters Project
Wisconsin Valley Improvement Company**

**Mr. David M. Coon, Director
Environmental Affairs
Wisconsin Valley Improvement Company
2301 N. Third Street
Wausau, WI 54403**

APR 27 2009

Re: Report on Eau Pleine Reservoir Fishkill

Dear Mr. Coon:

We received your April 2, 2009 letter informing the Commission of a major fish kill that occurred at Eau Pleine Reservoir, which is part of the Wisconsin River Headwaters Project (FERC No. 2113). According to your filing, the fish kill resulted from the depletion of dissolved oxygen (DO) that ultimately occurred as a result of decaying organic material that had accumulated on the bottom of the reservoir. Your report added that the problem of low DO was further compounded by low reservoir levels and an inefficient aeration system that failed to provide a sufficient amount of supplementary DO. According to the Wisconsin Department of Natural Resources, the fish kill began in early February and eliminated an estimated 70 to 80 percent of the fishery.

After a review of the available information, we have determined that the fish mortality incident was not a result of project operation. We note that fish kills have previously occurred at Eau Pleine Reservoir resulting from the large amount of agricultural runoff that enters the reservoir on a regular basis. We also recognize that the resultant low DO levels, caused by agricultural runoff, are often beyond your control.¹

¹ See Final Environmental Impact Statement-Wisconsin River Basin (June 30, 1996) and 2006 Fish and Wildlife Management Plan per Articles 413 & 415 (filed with the Commission on July 13, 2006).

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In response to these recent events, we note that you have held several meetings with media representatives, local interest groups, government officials, and resource agency personnel to discuss any potential corrective measures and to resolve any concerns they may have had. We encourage you to continue to consult with these and any other appropriate individuals, organizations, and stakeholders to minimize pollutants that result in the lake's degradation and to increase the general public awareness. In these meetings, you may also consider discussing an increase to the buffer area around the perimeter of the reservoir and its tributaries to decrease the amount of pollutants entering the reservoir.

In order to evaluate the effectiveness of these meetings and the progress of any remedial efforts, we ask that you file with the Commission, a report summarizing the efforts made to prevent continued fish kills at the Project. We also recommend meeting with the public sometime in the early winter to discuss the likelihood of another winter fish kill based conditions at that time such as run-off events, anticipated weather patterns, and anticipated reservoir levels. You may also consider going over any new management plans based on your discussions with the resource agencies. We ask that you file your report with the Commission and include the following items:

- a summary of any meetings from the date of this letter that you have held with the resource agencies, local interest groups, government officials and other stakeholders regarding Eau Pleine Reservoir conditions;
- an account of any new efforts made to prevent future fishkills at the reservoir;
- a summary of the results of any new studies performed which relate to the fishkills at the Project, and recommendations made as a result of those studies; and
- an account of any new operation or policy changes made that may affect the amount of pollutants that enter the reservoir.

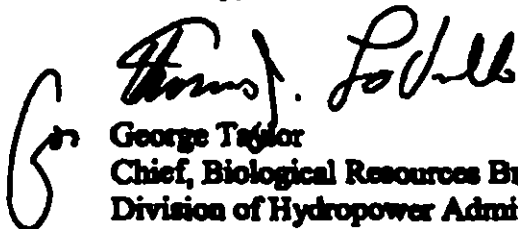
Please file one original and seven copies of your report by December 31, 2009 with:

The Secretary
Federal Energy Regulatory Commission
Mail Code: PJ-12.3
888 First Street N.E.
Washington D.C. 20426

Thank you for your cooperation. If you have any questions regarding this matter, please contact Mr. John Aedo at (202) 502-6795.

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Sincerely,

A handwritten signature in black ink, appearing to read "George Taylor". The signature is written in a cursive style with a large, stylized initial "G".

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

c: Tom Meroneck
Wisconsin Dept. of Natural Resources
5301 Rib Mountain Drive
Wausau WI 54401