



VIA Electronic Filing

June 11, 2018

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, DC 20426

**Re: Shawano Paper Mills Dam FERC Project No. P-8015-004  
North Eastern Wisconsin Hydro, LLC  
Reply to May 11, 2018 Letter and Approval Request for Change in Water Level Operation  
(EXPEDITED REVIEW REQUESTED)**

Dear Secretary Bose,

Per the Commission's letter dated May 11, 2018 to Eagle Creek Renewable Energy on behalf of North Eastern Wisconsin Hydro, LLC (NEW Hydro)<sup>1</sup>, documentation of consultation on the draft Water Level Study Report submitted to the Commission on February 27, 2018 was requested. The letter also requested a schedule for providing consultation documentation on water level operation changes at the Shawano Paper Mills Dam.

The Commission's May 11, 2018 letter also reminded NEW Hydro that implementation of any temporary or permanent change from the authorized impoundment target of 802.5 feet mean sea level (msl) cannot be implemented without prior Commission approval<sup>2</sup>.

The Commission's requests outlined above are responded to in the request for approval of the proposed change in operation as outlined below.

#### Request for Approval of Proposed Change in Operation

Based upon the following information, NEW Hydro formally requests approval to target an impoundment elevation of 802.9 msl during the ice-free season and target an impoundment elevation of 802.5 feet msl during the ice season at the Shawano Paper Mills Dam Hydroelectric Project (Project).

#### Background

The Commission issued an Order Granting Exemption from Licensing of a Small Hydroelectric Project of 5 Megawatts or Less dated March 27, 1985<sup>3</sup> (Exemption). In the pertinent part, the Order

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<sup>1</sup> NEW Hydro is the exemptee for the Shawano Paper Mills Dam Hydroelectric Project (FERC Hydroelectric Project No. 8015) under an Order Granting Exemption from Licensing of a Small Hydroelectric Project of 5 Megawatts or Less issued by the Commission on March 27, 1985.

<sup>2</sup> 18 C.F.R. 4.104(b) (2017).

<sup>3</sup> *Little Rapids Corporation*, 30 FERC ¶ 62,334 (1985)

requires the exemptee to maintain an impoundment elevation between 801.83 feet msl and 803.17 feet msl, with a normal pool elevation of 802.5 feet msl.

Prior to 2015, the Project was operated at a normal impoundment elevation (target) of 802.9 feet msl. This practice began with the previous dam owner and was continued by NEW Hydro until 2015.

NEW Hydro filed an application for temporary amendment of the normal impoundment elevation target on August 13, 2015. It requested a target elevation of 802.9 feet msl. The purpose of the request was to address public concerns about recreation and possible public safety concerns while a study is conducted to determine if a permanent change of the target to 802.9 feet msl is preferable. The Commission granted the temporary amendment of the exemption on September 24, 2015<sup>4</sup> and the project was operated with a target elevation of 802.9 feet msl until September 1, 2017.

Prior to the end date of the temporary amendment, on August 2, 2017, NEW Hydro requested to extend the scheduled end date of the temporary amendment granted in the September 24, 2015 Order to continue to collect data and determine if a permanent change of the target to 802.9 feet msl is preferable. The Commission provided approval to extend the end date to November 15, 2017<sup>5</sup>.

On February 27, 2018, NEW Hydro filed the Water Level Study Report with the Commission. The report included the four major observations:

- 1) Shawano Lake and the Shawano Paper Mills Dam Impoundment can have similar elevations during periods of low flow, but their elevations can vary noticeably during local wet weather or high river flow.
- 2) The automation of Tainter Gate No. 1 by NEW Hydro in August 2016 at the Shawano Paper Mills Dam is effective in reducing abrupt reservoir elevation fluctuations.
- 3) No complaints about the safe navigation in the channel between Shawano Lake and the reservoir were received during the study period.
- 4) The study report was the result of a cooperative effort between NEW Hydro and the Shawano Area Waterways Management (SAWM) group.

### Consultation

NEW Hydro began formal consultation on modifying the target elevation of the Shawano Paper Mills Dam Impoundment on March 28, 2018. On March 28, 2018, NEW Hydro requested answers

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<sup>4</sup> *North Eastern Wisconsin Hydro, Inc.*, 160 FERC ¶ 62,207 (2015)

<sup>5</sup> *North Eastern Wisconsin Hydro, Inc.*, 160 FERC ¶ 62,164 (2017)

to two clarifying questions on conditions recommended by the resource agencies<sup>6</sup> and incorporated into the Exemption by the Commission. Only the question imposed for Condition 1 is pertinent to this filing at this time. Question 1 was as follows: *Does the act of targeting a reservoir elevation of 802.9 msl during ice-free season and targeting a reservoir elevation of 802.5 feet msl during the ice season cause the project to violate<sup>7</sup> the terms and conditions outlined in Condition 1?* Please see Attachment 1.

The Wisconsin Department of Natural Resources (WDNR) responded to the March 28, 2018 letter with a letter dated May 21, 2018 (Attachment 2). The response requested NEW Hydro to set up a meeting with the City of Shawano (the City), the Shawano Area Waterways Management Association (SAWM), Shawano County (the County) and the Village of Cecil (the Village).

The U.S. Fish and Wildlife Service (FWS) responded to the March 28, 2018 letter indicating they will defer to the WDNR's interpretation (See Attachment 3).

On June 1, 2018, the WDNR responded to an email from the Shawano County Chamber of Commerce about water levels in Shawano Lake. The WDNR stated they have evaluated possible natural resource concerns, and do not feel there are any impediments to raising the water based upon their review. They also indicated they will be sharing technical expertise about flood plain zoning with local governments at a water level meeting with the local governments at a June 6 meeting (See Attachment 4).

The WDNR hosted a meeting in Shawano on June 6, 2018 with members of SAWM, the City, the Village and the County present, along with several members of the public. Eagle Creek Renewable Energy representatives on behalf of NEW Hydro were also present. As a result of the meeting, the WDNR provided the letter on June 7, 2018 (See Attachment 5) in support of NEW Hydro's proposal to target an impoundment elevation of 802.9 msl during the ice-free season and target an impoundment elevation of 802.5 feet msl during the ice season at the Shawano Paper Mills Dam Hydroelectric Project (Project). The WDNR also requested additional consultation with NEW Hydro on when the impoundment elevations will change each year. NEW Hydro is agreeable to consult with the WDNR regarding impoundment elevation on an annual basis.

After receiving the WDNR response on June 7, 2018, NEW Hydro again consulted with the FWS on the proposal (See Attachment 6). The FWS has not yet responded, but New Hydro will file the FWS response in a supplemental filing when it is received.

#### Request for Expedited Approval

NEW Hydro respectfully requests expedited action on the part of the Commission, because safety concerns were voiced by stakeholders. Statements provided by stakeholders at the Water Level

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<sup>6</sup> The Wisconsin Department of Natural Resources and the U.S. Fish and Wildlife Service.

<sup>7</sup> The consultation was phrased in the form of a question about violating the terms and conditions because NEW Hydro believed it would be possible to expedite the water level change by a notification to the Commission instead of a Commission approval. In the Commission's May 11, 2018 letter, the Commission clarified the process by stating the following: "You may not implement any temporary or permanent change from the authorized target elevation without prior approval by the Commission."

Meeting on June 6, 2018 hosted by the WDNR requested targeting an impoundment elevation of 802.9 feet msl during the ice-free season for reducing safety concerns.

If expedited approval cannot be provided through a permanent approval, NEW Hydro, in the interim, as an alternative action, requests approval of an extension of the end date for the temporary variance granted on September 24, 2015 to November 15, 2018 or, if necessary, a temporary amendment of exemption ending November 15, 2018.

If a consultation call is necessary to obtain expedited action on this request, New Hydro encourages such dialogue with the Commission at their convenience.

If you have any questions, please contact Ms. Melissa Rondou at Eagle Creek Renewable Energy at (920) 293-4628 ext. 347 or by email [melissa.rondou@eaglecreekre.com](mailto:melissa.rondou@eaglecreekre.com).

Sincerely,  
North Eastern Wisconsin Hydro, LLC



Robert A. Gates  
Executive Vice President of Operations

Attachment: Documentation of Consultation Attachments 1 through 6

CC: Senator Robert Cowles, 2<sup>nd</sup> Senate District  
Kelly Houff, FERC  
Jean Romback-Bartels, Wisconsin Department of Natural Resources  
Jeff Puissant, Shawano Area Waterways Management  
Ray Zuelke, Shawano Area Waterways Management  
John Hoeffs, Representative for Mud Lake, White Clay Lake, and Town of Washington  
Brent Miller, Shawano County  
Shawn Puzen, Consultant, Mead and Hunt  
Cheryl Laatsch, Wisconsin Department of Natural Resources  
Nick Utrup, U.S. Fish and Wildlife Service  
Michael Scarzello, ECRE Regulatory Director

**Attachment 1. March 28, 2018 NEW Hydro Consultation Letter**

**Shawn Puzen**

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**From:** Shawn Puzen  
**Sent:** Wednesday, March 28, 2018 11:01 AM  
**To:** cheryl.laatsch@wisconsin.gov; 'Utrup, Nick'  
**Cc:** 'rayjoyzuelke@new.rr.com'; 'JPuissant@rwbaird.com';  
'Michael.Scarzello@eaglecreekre.com'; 'Melissa Rondou'  
**Subject:** Request for Clarification on Conditions 1 and 2 of the FERC License Exemption for the Shawano Paper Mills Dam  
**Attachments:** 18-03-28\_ECRE\_SHNO\_Exemption Normal Pool Elevation Clarification to WDNR FWS.pdf  
**Categories:** Filed by Newforma

Good Morning Cheryl and Nick,

I am acting on behalf of NEW Hydro to provide you the attached letter requesting clarification on conditions 1 and 2 enclosed in their FERC License Exemption for the Shawano Paper Mills Hydroelectric Project (FERC Project No. 8015).

The letter requests your response within 30 days. Please address your response to Melissa Rondou and copy me.

If you have any questions about the information contained in the clarification request you may also contact me.

Thank you in advance for your time and consideration.

Thanks,

**Shawn Puzen | FERC Licensing & Compliance**

Mead & Hunt | 1702 Lawrence Drive | De Pere, WI 54115

Direct: 920-593-6865 | Mobile: 920-639-2480

[shawn.puzen@meadhunt.com](mailto:shawn.puzen@meadhunt.com) | [meadhunt.com](http://meadhunt.com)

<https://www.linkedin.com/in/shawnpuzen>



VIA Email

March 28, 2018

Ms. Cheryl Laatsch  
 Statewide FERC Coordinator  
 Wisconsin Department of Natural Resources

Mr. Nick Utrup  
 Hydropower Coordinator  
 U.S. Fish and Wildlife Service

Re: **Shawano Paper Mills Dam FERC Project No. P-8015**  
**North Eastern Wisconsin Hydro, LLC**  
**Clarification of Normal Pool Elevation and Deviation Approvals**

Dear Cheryl and Nick,

On March 1, 2018, as required by the Commission's letter dated August 23, 2017, North Eastern Wisconsin Hydro, LLC (NEW Hydro) provided to the Commission a report describing the effects of targeting the reservoir elevation at 802.9 feet mean sea level (msl) during a period of temporary amendment of the normal impoundment elevation ending September 1, 2017.

The report included the following observations:

- 1) Shawano Lake and the Shawano Paper Mills Reservoir can have similar elevations during periods of low flow, but their elevations can vary noticeably during local wet weather or high river flow.
- 2) The automation of Tainter Gate No. 1 by NEW Hydro in August 2016 at the Shawano Paper Mills Dam is effective in reducing abrupt reservoir elevation fluctuations.
- 3) No complaints about the safe navigation in the channel between Shawano Lake and the reservoir were received during the study period.
- 4) The study report was the result of a cooperative effort between NEW Hydro and the Shawano Area Waterways Management (SAWM) group.

#### Background

The Shawano Paper Mills Dam Hydroelectric Project operates under a license exemption issued by the Commission on March 27, 1985. Standard Article 2, as included in the license exemption, requires compliance with terms and conditions Federal and State fish and wildlife agencies have determined appropriate to prevent loss of, or damage to, fish and wildlife resources. On January 22, 1985, the Wisconsin Department of Natural Resources (WDNR) provided four terms and conditions to be included in the license exemption requirements.

Eagle Creek Renewable Energy  
 116 N. State Street, PO Box 167, Neshkoro, WI 54960-0167  
 Tel: 920-293-4628 – Fax: 920-293-8087  
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Re: Shawano Paper Mills Dam FERC Project No. P-8015  
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Even though comments were requested from the U.S. Fish and Wildlife Service (FWS), no other terms or conditions were submitted.

The reservoir elevation requirements under the license exemption are outlined in Condition 1 and Condition 2 provided by the WDNR on March 27, 1985. Conditions 3 and 4 are unrelated to operating elevations and are therefore no longer discussed in this correspondence. Condition 1 and 2 state the following respectively:

*"The pool will be maintained as nearly as practical between the elevations of 803.17 (MSL Datum) and 801.83 (MSL Datum) with elevation 802.5 (MSL Datum) being the normal pool elevation."*

*"Any deviation from the above described maximum and minimum levels must be approved in writing pursuant to Section 31.02 Wisconsin Statutes by this agency."*

Due to a first quarter 2015 complaint to the Commission about high reservoir elevations, beginning in 2013, NEW Hydro changed their historical practice of targeting a reservoir elevation of 802.9 feet msl and began targeting a reservoir elevation of 802.5 feet msl. Due to complaints received from the Shawano Area Waterways Management (SAWM) about public recreation and possibly safety concerns, NEW Hydro consulted with the WDNR, FWS, and SAWM and it was granted permission by the FERC to target a reservoir elevation of 802.9 until September 1, 2017.

#### Request for Clarification

In viewing the results outlined in the report submitted to the Commission on March 1, 2018, NEW Hydro is requesting the following clarifications on Condition 1 and 2 provided by the WDNR on March 27, 1985 and re-stated above.

#### Condition 1

Does the act of targeting a reservoir elevation of 802.9 MSL during the ice-free season and targeting a reservoir elevation of 802.5 feet MSL during the ice season cause the project to violate the terms and conditions outlined in Condition 1?

#### Condition 2

Will the pursuit of the process outlined below, violate the terms and conditions outlined in Condition 2?

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Re: Shawano Paper Mills Dam FERC Project No. P-8015  
North Eastern Wisconsin Hydro, LLC  
Clarification of Normal Pool Elevation and Deviation Approvals

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March 28, 2018

*The upper and lower reservoir elevation requirements may be temporarily modified if required by operating emergencies beyond the control of NEW Hydro, for short periods upon mutual agreement (three weeks or less) between NEW Hydro and the WDNR.*

*If the recorded hourly average upper and lower reservoir elevations deviate from the requirements and the deviation does not result in the observation or reporting of any negative environmental effects, notifications/reports to the WDNR shall take place on an annual basis. The report shall, to the extent possible, identify the cause, severity, and duration of the incident. The report shall be provided to the WDNR by January 31st in the subsequent calendar year of any recorded deviation. All deviations that result in observed adverse environmental impacts must be reported to the WDNR within 30 days of the date that the data becomes available. The report shall include the information described above along with an account of the observed adverse environmental impacts associated with the deviation.*

Next Steps:

Please provide your response to the clarification questions for Conditions 1 and 2 posed above within 30 days of receipt of this request.

If you have any questions, please contact Ms. Melissa Rondou at Eagle Creek Renewable Energy at (920) 293-4628 ext. 347 or by email [melissa.rondou@eaglecreekre.com](mailto:melissa.rondou@eaglecreekre.com).

Sincerely,  
North Eastern Wisconsin Hydro, LLC

For   
Michael Scarzello  
Regulatory Director

CC: Ray Zuelke, Shawano Area Waterways Management Association  
Jeff Puissant, Shawano Area Waterways Management Association  
Michael Scarzello, ECRE Regulatory Director  
Shawn Puzen, Mead & Hunt

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**Attachment 2. May 21, 2018 Wisconsin Department of Natural Resources Letter**

**State of Wisconsin**  
**DEPARTMENT OF NATURAL RESOURCES**  
 101 S. Webster Street  
 Box 7921  
 Madison WI 53707-7921

Scott Walker, Governor  
 Daniel L. Meyer, Secretary  
 Telephone 608-266-2621  
 Toll Free 1-888-936-7463  
 TTY Access via relay - 711



May 21, 2018

Melissa Rondou  
 Eagle Creek Renewable Energy  
 116 N. State Street, PO Box 167,  
 Neshkoro, WI 54960-0167

**RE: Shawano Paper Mill Dam FERC Project No. P-8015, North Eastern Wisconsin Hydro, LLC  
 Clarification of Normal Pool Elevation and Deviation Approvals**

Dear Ms. Rondou,

The Department received your letter dated March 28, 2018, requesting clarification on Conditions 1 and 2 of FERC's License Exemption requirements related to the Shawano Paper Mills Dam Hydroelectric Project.

The dam operates under the License Exemption issued by FERC in 1985, including the terms and conditions related to water elevation provided by the Department. The FERC License requires the dam to comply with specified conditions, including:

*"The pool will be maintained as nearly as practical between the elevations of 803.17 (MSL Datum) and 801.83 (MSL Datum) with elevation 802.5 (MSL Datum) being the normal pool elevation." "Any deviation from the above described maximum and minimum levels must be approved in writing pursuant to Section 31.02 Wisconsin Statutes by this agency."*

The Department's involvement is at your request and the request of the communities of the Village of Cecil, City of Shawano, and Shawano County in relationship to the impact the proposal may have on floodplain zoning regulations that the communities implement. As you are aware, the area of impact is subject to floodplain zoning requirements. Projected alterations can impact floodplain management requirements, including regulatory boundary or water elevation changes, as well as Federal Emergency Management Agency approvals. In order to evaluate any proposed changes to water level management, the Department will need additional info including an analysis on how the proposal will impact the hydraulic model used to set the regulatory floodplain elevation of the lake.

Due to the complexity of floodplain issues associated with any proposed water management changes, the Department recommends that NEW set up a meeting with the City of Shawano, the Shawano Area Waterways Management group, Shawano County, Village of Cecil, and the Department. The meeting will be a first step to discuss the technical issues associated with federal, state, and local floodplain zoning requirements.

Please contact me if have questions about our letter or need assistance setting up the meeting.

Regards,



Cheryl Laatsch, Statewide FERC Coordinator

Cc: Michael Scarzello NEW Regulatory Director  
City of Shawano  
Village of Cecil  
Shawano County  
Ray Zuelke, Shawano Area Waterways Management Association  
Jeff Puissant, Shawano Area Waterways Management Association  
Miles Winkler, WDNR Dam Safety  
Meg Galloway, WDNR Dam Safety  
Cheryl Laastch, WDNR FERC Coordinator  
Shawn Puzen, Mead & Hunt

### **Attachment 3. U.S. Fish and Wildlife Service Response**

**Shawn Puzen**

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**From:** Utrup, Nick <nick\_utrup@fws.gov>  
**Sent:** Tuesday, May 22, 2018 2:47 PM  
**To:** Melissa Rondou  
**Cc:** Shawn Puzen; Laatsch, Cheryl - DNR  
**Subject:** Re: {EXTERNAL} RE: Request for Clarification on Conditions 1 and 2 of the FERC License Exemption for the Shawano Paper Mills Dam

**Categories:** Filed by Newforma

Hi Melissa,

I received WDNR's response to your request and it seems that you may have to circle back with WDNR on this issue, since WDNR was the original author of those conditions. I would defer to WDNR for their interpretation.

From my perspective, it seems that the intent of Condition 1 is to keep the head pond maintained as nearly as practicable between the elevations of 803.17 (MSL Datum) and 801.83 (MSL Datum). The 802.5 normal pool is the "target", with the understanding it will "naturally" swing around that mark but within the bandwidth.

Nick

Nick Utrup  
U.S. Fish and Wildlife Service  
Minnesota/Wisconsin Field Office  
4101 American Boulevard East  
Bloomington, MN 55425

Office: (952) 252-0092 Ext. 204  
FAX: (952) 646-2873  
Email: [Nick\\_Utrup@fws.gov](mailto:Nick_Utrup@fws.gov)

On Tue, May 22, 2018 at 2:24 PM, Melissa Rondou <[melissa.rondou@eaglecreekre.com](mailto:melissa.rondou@eaglecreekre.com)> wrote:

Hello Nick,

Hope all is well. Wanted to circle back to see if you had the opportunity to review the correspondence and if you have any comments or concerns.

Please reply for the consultation record.

Thank you.

Sincerely,

Melissa Rondou



116 N. State Street

P.O. Box 167

Neshkoro, WI 54960

(920) 293-4628 x 347

(920) 279-4804 Cellular

[melissa.rondou@eaglecreekre.com](mailto:melissa.rondou@eaglecreekre.com)

**From:** Shawn Puzen <[Shawn.Puzen@meadhunt.com](mailto:Shawn.Puzen@meadhunt.com)>

**Sent:** Wednesday, March 28, 2018 11:01 AM

**To:** [cheryl.laatsch@wisconsin.gov](mailto:cheryl.laatsch@wisconsin.gov); Utrup, Nick <[nick\\_utrup@fws.gov](mailto:nick_utrup@fws.gov)>

**Cc:** [rayjoyzuelke@new.rr.com](mailto:rayjoyzuelke@new.rr.com); [JPuissant@rwbaird.com](mailto:JPuissant@rwbaird.com); Michael Scarzello <[Michael.Scarzello@eaglecreekre.com](mailto:Michael.Scarzello@eaglecreekre.com)>;

Melissa Rondou <[melissa.rondou@eaglecreekre.com](mailto:melissa.rondou@eaglecreekre.com)>

**Subject:** Request for Clarification on Conditions 1 and 2 of the FERC License Exemption for the Shawano Paper Mills Dam

Good Morning Cheryl and Nick,

I am acting on behalf of NEW Hydro to provide you the attached letter requesting clarification on conditions 1 and 2 enclosed in their FERC License Exemption for the Shawano Paper Mills Hydroelectric Project (FERC Project No. 8015).

The letter requests your response within 30 days. Please address your response to Melissa Rondou and copy me.

If you have any questions about the information contained in the clarification request you may also contact me.

Thank you in advance for your time and consideration.

Thanks,

**Shawn Puzen | FERC Licensing & Compliance**

Mead & Hunt | 1702 Lawrence Drive | De Pere, WI 54115

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<https://www.linkedin.com/in/shawnpuzen>

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**Attachment 4. Wisconsin Department of Natural Resources Letter to  
the Shawano County Chamber of Commerce**



**Shawn Puzen**

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**From:** Laatsch, Cheryl - DNR <Cheryl.Laatsch@wisconsin.gov>  
**Sent:** Friday, June 1, 2018 1:07 PM  
**To:** Melissa Rondou; 'Michael.Scarzello@eaglecreekre.com'; Shawn Puzen  
**Subject:** FW: Shawano Lake Letter  
**Attachments:** Shawano Lake Letter 6-1-18.pdf

**Categories:** Filed by Newforma

Hi - In response to an email from the Shawano Chamber of Commerce to Secretary Dan Meyer, our Division Administrator developed the attached response. Please let me know if you plan to file this letter with FERC. I look forward to seeing you next week.

**We are committed to service excellence.**

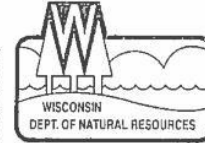
Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Cheryl Laatsch  
Statewide FERC Coordinator  
Bureau of Environmental Analysis and Sustainability  
Wisconsin Dept of Natural Resources  
N7725 Hwy 28  
Horicon WI 53032  
(T) 920-387-7869 (Fax) 920-387-7888  
[Cheryl.laatsch@wisconsin.gov](mailto:Cheryl.laatsch@wisconsin.gov)



State of Wisconsin  
 DEPARTMENT OF NATURAL RESOURCES  
 2300 N. Dr. Martin Luther King, Jr. Drive  
 Milwaukee WI 53212-3128

Scott Walker, Governor  
 Daniel L. Meyer, Secretary  
 Telephone 608-266-2621  
 Toll Free 1-888-936-7463  
 TTY Access via relay - 711



June 1, 2018

Greetings,

Thank you for sharing your concerns regarding water levels at Shawano Lake and the Federal Energy Regulatory Commission (FERC) process for making changes to a federal hydropower license. Our role in the federal process is to provide input on resource or policy concerns related to the proposed change.

The Wisconsin Department of Natural Resources (DNR) is not the decision-making body regarding water levels for FERC dams.

We have evaluated possible natural resource concerns, and do not feel there are any impediments to raising the water based on that review.

Our one possible issue remaining is how the change could impact floodplain zoning around the lake and the associated mapping that Shawano County, the City of Shawano, and Village of Cecil are required to use to meet state and Federal Emergency Management Agency (FEMA) standards.

Floodplain zoning authority ultimately is a responsibility of local governments. We will be sharing technical expertise with the local governments at a June 6 meeting so they are aware of their responsibilities as they decide how to best move forward.

At this time, we feel as though the final authority for making water level decisions are the responsibility of the local governments, the dam operator and FERC.

Based on this the Wisconsin Department of Natural Resources is not against raising the water levels at the dam. We will continue to work with local governments and FERC to make sure we share all information necessary and they can make the best decisions.

Sincerely yours,

Joe Liebau Jr.  
 Division Administrator – External Services

**Shawn Puzen**

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**From:** Eberle, Ed - DNR <Ed.Eberle@wisconsin.gov>  
**Sent:** Tuesday, May 29, 2018 5:01 PM  
**To:** Siebert, David R - DNR  
**Subject:** FW: Low Water Levels on Shawano Lake

FYI

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**From:** Meyer, Daniel L - DNR  
**Sent:** Tuesday, May 29, 2018 4:47 PM  
**To:** Eberle, Ed - DNR  
**Subject:** Fwd: Low Water Levels on Shawano Lake

Sent from my iPhone

Begin forwarded message:

**From:** Nancy Smith <[nsmith@shawano.com](mailto:nsmith@shawano.com)>  
**Date:** May 29, 2018 at 1:55:36 PM CDT  
**To:** <[Daniel.Meyer@wisconsin.gov](mailto:Daniel.Meyer@wisconsin.gov)>  
**Subject:** Low Water Levels on Shawano Lake



Secretary Daniel Meyer  
Wisconsin Department of Natural Resources  
PO Box 7921  
Madison WI 53707-7921

Dear Secretary Meyer:

On behalf of the Shawano County Chamber of Commerce and Visitor Center, I am writing to express our concern regarding the low water level on Shawano Lake and connected waterways including the Wolf River and Channel. We have received notification from residents indicating the water level is the lowest they have ever seen. We have also received reports of boaters damaging their watercraft due to the low level. Shawano Lake and connecting waterways are a top tourism draw for our area. Our area economy relies on dollars spent by tourists who visit Shawano specifically for the waterways. We are concerned the low water level will negatively impact our tourism industry by deterring people from visiting or causing damage to watercraft. We respectfully request the Wisconsin DNR meet with members of the Shawano Area Waterways Management to promptly address this issue and advance a resolution. Thank you.

Sincerely,

Nancy Smith  
Executive Director  
Shawano Country Chamber of Commerce & Visitor Center  
1263 S. Main Street  
Shawano WI 54166  
[nsmith@shawano.com](mailto:nsmith@shawano.com)  
715-524-2139  
[www.shawanocountry.com](http://www.shawanocountry.com)



**Attachment 5. June 7, 2018 Wisconsin Department of Natural Resources Letter**

**State of Wisconsin**  
 DEPARTMENT OF NATURAL RESOURCES  
 101 S. Webster Street  
 Box 7921  
 Madison WI 53707-7921

**Scott Walker, Governor**  
**Daniel L. Meyer, Secretary**  
 Telephone 608-266-2621  
 Toll Free 1-888-936-7463  
 TTY Access via relay - 711



June 7, 2018

Melissa Rondou  
 Eagle Creek Renewable Energy  
 116 N. State Street, PO Box 167  
 Neshkoro, WI 54960-0167

RE: Changes to Water Levels at the Shawano Paper Mill Dam (p-8015)

Dear Ms. Rondou:

The Department has continued to evaluate your March 28, 2018 request for clarification related to changing the "target" water elevation from 802.5 to 802.9 during the ice-free season and a "target" winter drawdown elevation of 802.5. As we stated at the June 6, 2018 meeting, the FERC is the lead agency in determining compliance with your license.

The Department supports an exemption amendment to change the target elevation. In the interest of expedited action on the part of the FERC, the Department would also support a temporary amendment of the exemption, or expediting the Commission's action on a temporary variance, or an extension on the temporary variance granted by the Commission on September 24, 2015. Additionally, I have attached correspondence from the local units of government supporting the change in target elevation to 802.9 (See Enclosed).

If the FERC grants a change in water level at the Shawano Paper Mill Dam, the Department requests additional consultation regarding when the water levels will be raised and lowered to meet Eagle Creek's proposal to maintain a water elevation of 802.9 during ice-free conditions, and a winter drawdown elevation of 802.5.

We look forward to continuing to work with you. If you have any questions or need additional assistance, please contact me at [Cheryl.laatsch@wisconsin.gov](mailto:Cheryl.laatsch@wisconsin.gov) or 920-387-7869.

Thank you.

Cheryl Laatsch, Statewide FERC Coordinator, WDNR

Attachments:

1. Letter dated June 6<sup>th</sup>, 2018 from the City of Shawano
2. Letter dated May 31, 2018 from the Village of Cecil
3. Email dated June 6<sup>th</sup>, 2018 from Shawano County

Copied Via Email:

Senator Robert Cowles, 2<sup>nd</sup> Senate District  
Representative Gary Tauchen, 6<sup>th</sup> Assembly District  
Kelly Houff, Chief of Engineering Resources Branch, Federal Energy Regulatory Commission  
U.S. Senator Ron Johnson  
Terry Hilgenberg, Chair, Natural Resources Board  
Daniel Meyer, Secretary, WDNR  
Joe Liebau Jr., Division Administrator of External Services, WDNR  
Jean Rombach-Bartels, Secretary Director, WDNR  
Meg Galloway, Section Chief, Dam Safety, WDNR  
Miles Winkler, Regional Dam Safety Engineer, WDNR  
Robert Rosenberger, Deputy Director, Watershed Management, WDNR  
Dave Siebert, Director of Bureau of Environmental Analysis & Sustainability, WDNR  
Ben Callan, Section Chief, Bureau of Environmental Analysis & Sustainability, WDNR  
Nick Utrup, US Fish and Wildlife Service  
Andrew Popp, Zoning Administrator, Shawano County  
Ed Whealon, Mayor, City of Shawano  
Eric Thomas, Village Board President, Village of Cecil  
Mike Scarzello, Regulatory Director, North Eastern Wisconsin Hydro Inc  
Bob Gates, Executive Vice President of Operations, Eagle Creek Renewable Energy  
Nancy Smith, Executive Director, Shawano County Chamber of Commerce  
Jeff Puissant, Shawano Area Waterways Management Board  
Tony Zielinski, Shawano Area Waterways Management Board  
Ray Zuelke, Shawano Area Waterways Management  
Gary DeFere, President, Shawano Area Waterways Management  
Tim Day, Vice President, Shawano Area Waterways Management  
John Hoeffs, Representative for Mud Lake, White Clay Lake, and Town of Washington  
Shawn Puzen, Consultant, Mead and Hunt





City Hall, 127 Sawyer Street, Shawano, WI 54166  
(715) 526-6138. Fax: (715) 526-5751. [www.cityofshawano.com](http://www.cityofshawano.com)

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*Ed Whealon*

Mayor

715-526-6138

June 6, 2018

Jean Romback Bartels  
Wisconsin Dept of Natural Resources  
(Email address: [jean.rombackbartels@wisconsin.gov](mailto:jean.rombackbartels@wisconsin.gov))

Dear Jean,

Thank you for the meeting today and the information that was provided to everyone in attendance.

As I stated in the meeting, I support the establishing the level of the Shawano Dam to the historic level of 802.9. I also understand that the City of Shawano has concerns with the current water level and the effect of it on tourism along with the health and safety of all who use our waterways including Shawano Lake. We also understand that in the future FEMA will study and evaluate the Shoreline Floodplain issues. Please be advised that we will address and deal with those issues if they become a problem at the appropriate time.

Again, thank you for the information and looking forward to working with you on this and any other issues that may arise.

Yours truly,

Ed Whealon  
Mayor- City of Shawano

111 E. Hofman St.  
P.O. Box 159



Phone: 715-745-4428  
Fax: 715-745-4429

May 31, 2018

Cheryl Laatsch  
Statewide FERC Co-ordinator  
Bureau of Environmental Analysis and Sustainability  
Wisconsin Dept of Natural Resources  
N7725 Hwy 28  
Horicon, WI 53032

Dear Ms. Laatsch,

Thank you for sending Miles Winkler to talk to our board in regards to the Eagle Creek Reservoir request. This is the first time that someone has approached the Village of Cecil with information about this request. Since Mr. Winkler's attendance at our meeting, additional information has been given to us by Shawano Area Waterways Management in regards to the water level for the Eagle Creek Reservoir request. We have many concerns for our residents and tourists relative to health and safety given the recent reduction on our waterways level. Please allow the dam operators to immediately return to the 802.9 target level for the health and safety of our residents and tourists.

Please include the Village of Cecil in any future meetings or additional information from the DNR regarding the Eagle Creek Reservoir that may impact the village residents and property.

Sincerely,

Eric Thomas, Village President  
Village of Cecil

**Laatsch, Cheryl - DNR**

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**From:** Rombach-Bartels, Jean - DNR  
**Sent:** Wednesday, June 06, 2018 5:54 PM  
**To:** Laatsch, Cheryl - DNR; Galloway, Meg M - DNR  
**Subject:** FW: Shawano Paper Mills Dam FERC Project No. P-8015

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**Jean Rombach-Bartels**

Phone: 920.662.5114

Jean.rombackbartels@wisconsin.gov

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**From:** Andrew Popp [mailto:Andrew.Popp@co.shawano.wi.us]  
**Sent:** Wednesday, June 6, 2018 4:02 PM  
**To:** Rombach-Bartels, Jean - DNR <Jean.RombachBartels@wisconsin.gov>  
**Subject:** Shawano Paper Mills Dam FERC Project No. P-8015

Jean,

Thank you for the meeting and discussion today regarding the water level issue at the Shawano Paper Mills Reservoir. The Shawano County Planning and Development Department is in favor of allowing the rise in elevation to the 802.9 feet mean sea level. I am hopeful that this will not adversely effect the future regulatory floodplain.

Sincerely,

Andrew Popp  
Zoning Administrator  
Shawano County

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**Attachment 6. June 7, 2018 Consultation with the U.S. Fish and Wildlife Service**

**Shawn Puzen**

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**From:** Shawn Puzen  
**Sent:** Thursday, June 7, 2018 4:34 PM  
**To:** Utrup, Nick; Melissa Rondou  
**Cc:** Laatsch, Cheryl - DNR  
**Subject:** RE: [EXTERNAL] RE: Request for Clarification on Conditions 1 and 2 of the FERC License Exemption for the Shawano Paper Mills Dam  
**Attachments:** DNR letter to Eagle Creek Regarding Change in Water Level at Dam FINAL.pdf  
**Importance:** High  
**Categories:** Filed by Newforma

Hi Nick,

Based upon the letter ECRE received from the WDNR this afternoon (see attached), ECRE has received the WDNR support of the proposed target change to 802.9 feet MSL during the ice-free months. As a result, ECRE is confirming your agency also concurs with such a change.

Please respond as soon as you can. ECRE will be filing their request to the Commission within the next few days.

If you have any questions, please feel free to contact me.

Thanks,

**Shawn Puzen | FERC Licensing & Compliance**

Mead & Hunt | 1702 Lawrence Drive | De Pere, WI 54115  
 Direct: 920-593-6865 | Mobile: 920-639-2480  
[shawn.puzen@meadhunt.com](mailto:shawn.puzen@meadhunt.com) | [meadhunt.com](http://meadhunt.com)  
<https://www.linkedin.com/in/shawnpuzen>

**From:** Utrup, Nick <nick\_utrup@fws.gov>  
**Sent:** Tuesday, May 22, 2018 2:47 PM  
**To:** Melissa Rondou <melissa.rondou@eaglecreekre.com>  
**Cc:** Shawn Puzen <Shawn.Puzen@meadhunt.com>; Laatsch, Cheryl - DNR <Cheryl.Laatsch@wisconsin.gov>  
**Subject:** Re: [EXTERNAL] RE: Request for Clarification on Conditions 1 and 2 of the FERC License Exemption for the Shawano Paper Mills Dam

Hi Melissa,

I received WDNR's response to your request and it seems that you may have to circle back with WDNR on this issue, since WDNR was the original author of those conditions. I would defer to WDNR for their interpretation.

From my perspective, it seems that the intent of Condition 1 is to keep the head pond maintained as nearly as practicable between the elevations of 803.17 (MSL Datum) and 801.83 (MSL Datum). The 802.5 normal pool is the "target", with the understanding it will "naturally" swing around that mark but within the bandwidth.

Nick

Nick Utrup  
U.S. Fish and Wildlife Service  
Minnesota/Wisconsin Field Office  
4101 American Boulevard East  
Bloomington, MN 55425

Office: (952) 252-0092 Ext. 204  
FAX: (952) 646-2873  
Email: [Nick\\_Utrup@fws.gov](mailto:Nick_Utrup@fws.gov)

On Tue, May 22, 2018 at 2:24 PM, Melissa Rondou <[melissa.rondou@eaglecreekre.com](mailto:melissa.rondou@eaglecreekre.com)> wrote:

Hello Nick,

Hope all is well. Wanted to circle back to see if you had the opportunity to review the correspondence and if you have any comments or concerns.

Please reply for the consultation record.

Thank you.

Sincerely,

Melissa Rondou



116 N. State Street

P.O. Box 167

Neshkoro, WI 54960

(920) 293-4628 x 347

(920) 279-4804 Cellular

[melissa.rondou@eaglecreekre.com](mailto:melissa.rondou@eaglecreekre.com)

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**From:** Shawn Puzen <[Shawn.Puzen@meadhunt.com](mailto:Shawn.Puzen@meadhunt.com)>

**Sent:** Wednesday, March 28, 2018 11:01 AM

**To:** [cheryl.jaatsch@wisconsin.gov](mailto:cheryl.jaatsch@wisconsin.gov); Utrup, Nick <[nick\\_utrump@fws.gov](mailto:nick_utrump@fws.gov)>

**Cc:** [ravyozuelke@new.rr.com](mailto:ravyozuelke@new.rr.com); [JPuissant@rwbaird.com](mailto:JPuissant@rwbaird.com); Michael Scarzello <[Michael.Scarzello@eaglecreekre.com](mailto:Michael.Scarzello@eaglecreekre.com)>;

Melissa Rondou <[melissa.rondou@eaglecreekre.com](mailto:melissa.rondou@eaglecreekre.com)>

**Subject:** Request for Clarification on Conditions 1 and 2 of the FERC License Exemption for the Shawano Paper Mills Dam

Good Morning Cheryl and Nick,

I am acting on behalf of NEW Hydro to provide you the attached letter requesting clarification on conditions 1 and 2 enclosed in their FERC License Exemption for the Shawano Paper Mills Hydroelectric Project (FERC Project No. 8015).

The letter requests your response within 30 days. Please address your response to Melissa Rondou and copy me.

If you have any questions about the information contained in the clarification request you may also contact me.

Thank you in advance for your time and consideration.

Thanks,

**Shawn Puzen | FERC Licensing & Compliance**

Mead & Hunt | 1702 Lawrence Drive | De Pere, WI 54115

Direct: 920-593-6865 | Mobile: 920-639-2480

[shawn.puzen@meadhunt.com](mailto:shawn.puzen@meadhunt.com) | [meadhunt.com](http://meadhunt.com)

<https://www.linkedin.com/in/shawnpuzen>

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