

Signed in Washington, DC, on October 13, 2022.

**Treena V. Garrett,**

*Federal Register Liaison Officer, U.S.  
Department of Energy.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 2452-236]

#### Consumers Energy Company; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-capacity Amendment of License and Request for Temporary Variance.

b. *Project No:* 2452-236.

c. *Date Filed:* September 2, 2022, as supplemented on September 16, 2022.

d. *Applicant:* Consumers Energy Company.

e. *Name of Project:* Hardy Hydroelectric Project.

f. *Location:* The project is located on the Muskegon River in Newaygo County, Michigan.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a-825r.

h. *Applicant Contact:* David McIntosh, Senior Licensing Engineer, Consumers Energy Company, 330 Chestnut Street, Cadillac, MI 49601, [DAVID.MCINTOSH@cmsenergy.com](mailto:DAVID.MCINTOSH@cmsenergy.com), Phone: (800) 477-5050.

i. *FERC Contact:* Elizabeth Moats, (202) 502-6632, [Elizabeth.OsierMoats@ferc.gov](mailto:Elizabeth.OsierMoats@ferc.gov).

j. *Deadline for filing comments, motions to intervene, and protests:* November 11, 2022.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions

sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426.

Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include the docket number P-2452-236. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* The licensee requests a non-capacity amendment of its license to upgrade the project's auxiliary spillway with: (1) a new 320-foot-wide labyrinth crested control section; (2) a new converging chute section; (3) a stilling basin; (4) a section of articulated concrete blocks; and (5) a terminal structure that extends to the Muskegon River. The licensee proposes to begin construction during summer 2023 and construction activities would last approximately 3 years. The licensee's proposal would require replacing and widening the road on the dam crest and temporary closure of several recreation sites (e.g., Hardy Dam Nature Trail, Hardy Dam Marina, and Operator's Village Fishing Pier).

To complete the construction described above, the licensee proposes to extend the already permitted temporary variance from Article 401, approved by the Commission on September 6, 2022. Article 401 allows the licensee to, among other things, drawdown the reservoir elevation 12 feet below the normal operating elevation from January 1 to April 30. The temporary variance approved on September 6, 2022, allows the winter drawdown to occur from November 1 until the Friday before Memorial Day from September 2022 through December 10, 2025. On September 16, 2022, the licensee requested to extend the temporary variance to incorporate drawdown periods from September 1, 2023, to July 31, 2024; from November 1, 2024, to the end of May 2025; and from November 1, 2025, to July 31,

2026; and resume the licensed winter drawdown period on January 1, 2027.

l. *Locations of the Application:* This application may be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), for TTY, call (202) 502-8659. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: October 12, 2022.

**Kimberly D. Bose,**  
*Secretary.*

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