

134 FERC ¶ 62,216  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Northbrook Wisconsin, LLC

Project No. 2536-090

ORDER APPROVING MILFOIL WEEVIL MONITORING AND EURASIAN  
WATERMILFOIL ADAPTIVE MANAGEMENT PLAN

(Issued March 7, 2011)

1. On December 15, 2010, Northbrook Energy, LLC, on behalf of Northbrook Wisconsin, LLC (licensee), filed the Milfoil Weevil Monitoring and Eurasian Watermilfoil Adaptive Management Plan for the Little Quinnesec Falls Hydroelectric Project, pursuant to ordering paragraph (B) of the March 13, 1998 Order Modifying and Approving Purple Loosestrife and Eurasian Milfoil Monitoring Plan.<sup>1</sup> The Little Quinnesec Falls Project is located on the Menominee River, in Dickinson County, Michigan, and Marinette County, Wisconsin.

**BACKGROUND**

2. License Article 409 requires the licensee to develop and file with the Commission, for approval, a plan to monitor and control the spread of purple loosestrife (*Lythrum salicaria*) and Eurasian watermilfoil (*Myriophyllum spicatum*) in project waters.<sup>2</sup> The plan is required to include, but not be limited to: (a) the method of monitoring; (b) the frequency of monitoring; (c) a provision to cooperate in the control/elimination of these vegetative species if deemed necessary by the requisite resource agencies; and (d) documentation of transmission of monitoring data to the Michigan Department of Natural Resources (Michigan DNR), the Wisconsin Department of Natural Resources (Wisconsin DNR), and the U.S. Fish and Wildlife Service (FWS) (collectively, the resource agencies). The plan is also required to be developed in consultation with the resource agencies.

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<sup>1</sup> 82 FERC ¶ 62,177 (1998).

<sup>2</sup> See Order Issuing New license, issued May 7, 1997. 79 FERC ¶ 62,095 (1997).

3. On December 4, 1997, the requisite purple loosestrife and Eurasian watermilfoil monitoring plan was filed. The plan provided that purple loosestrife and watermilfoil populations would be mapped and estimates of the infestations would be made. A report would be submitted to resource agencies each year. If small colonies of purple loosestrife are located on licensee-owned land, they would be removed by the roots. Larger colonies would be removed after consultation with the agencies. If purple loosestrife is located on lands not owned by the licensee, the property owner would be contacted and encouraged to remove the plant. If watermilfoil is identified, the agencies would be notified. Ordering paragraph (B) of the March 13, 1998 order approving the plan requires that if the resource agencies determine that watermilfoil needs to be controlled, the licensee must consult with the resource agencies to develop a plan, for Commission approval, to control or remove watermilfoil.

4. By order dated February 7, 2007, the Commission approved the licensee's watermilfoil control plan.<sup>3</sup> The 2007 order requires, *inter alia*, the licensee to continue to consult with the resource agencies about the use of chemicals to control watermilfoil and include any changes in control measures in its annual reports. In its 2009 annual report, the licensee reports that it detected sixteen sites in the project area with rooted watermilfoil and proposed treatment using a biological control agent, milfoil weevils. By letter dated March 16, 2010, the Commission required the licensee to file the weevil treatment plan for approval.

#### **LICENSEE'S PLAN**

5. The licensee's plan notes that annual monitoring for watermilfoil has been conducted at the Little Quinnesec Falls Project from 1998 through 2009. Over the years of monitoring, the licensee has noted that small sub-populations of watermilfoil come and go. The 2009 survey revealed that two watermilfoil sites in the impoundment had increased in number of plant stems and surface area coverage. This was the first time in twelve years of monitoring that the report referred to a "bed" of watermilfoil in the Little Quinnesec Falls Project area. It should be noted that the total 2009 surface area coverage of watermilfoil in the 349 acre project area was much less than one acre. At least one area of increase occurred in a subpopulation previously treated with an herbicide. The plan notes that findings from monitoring activities will be used to define management actions along with periodic refinement of the plan.

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<sup>3</sup> See Order Modifying and Approving Eurasian Milfoil Control Plan Pursuant to Article 409. 118 FERC ¶ 62,114 (2007).

6. Three North American insect species have been considered as agents of biological control for watermilfoil. The milfoil weevil has shown the greatest promise for control since it specializes in using watermilfoil as its host plant and food. The plan contains a protocol for a baseline survey of the milfoil weevil to be implemented in the study area. Water quality data will also be collected during the survey. The plan calls for augmentation of biological control of watermilfoil in the Little Quinnesec Falls study area if two criteria are met: 1) the watermilfoil population increases in size for two consecutive years (2010 and 2011) in areas that constitute beds; and 2) the population of milfoil weevils in these beds is less than 0.1/stem, the lower threshold for likely effective control according to studies cited in the plan. If these criteria are met after the 2011 summer monitoring season, the licensee will plan to stock milfoil weevils in the affected areas in 2012, if no other scientific findings or regulatory concerns prevent this action.

#### CONSULTATION

7. The licensee submitted the plan to the Michigan DNR, the Wisconsin DNR, and the FWS on April 13, 2010. The resource agencies commented on collection of water quality data simultaneously with the weevil survey, as well as a schedule for providing the results to the agencies. The licensee incorporated the resource agency comments into a final plan dated May 17, 2010.

#### DISCUSSION

8. The licensee filed its 2010 annual report with the Commission on December 15, 2010. In that report, it was determined that the watermilfoil populations had decreased from 2009 so the criteria for stocking of weevils was not met for 2012. In any case, the licensee will continue to monitor and provide annual reports to the Commission and resource agencies, which can make recommendations on control at the appropriate time. The licensee's revised plan meets the requirements of Article 409 and ordering paragraph (B) of the Order Modifying and Approving Purple Loosestrife and Eurasian Watermilfoil Plan. Since the plan is based on adaptive management, it is essential for the licensee to continually monitor, report results, and make any recommendations regarding control of watermilfoil at the project. Therefore we will require that the licensee continue to file annual reports and make recommendations based on results obtained during monitoring. Implementation of the plan should ensure the populations of Eurasian watermilfoil are controlled and, as modified, should be approved.

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The Director orders:

(A) Northbrook Wisconsin, LLC's (licensee) Milfoil Weevil Monitoring and Eurasian Watermilfoil Adaptive Management Plan, filed on December 15, 2010, for the Little Quinnesec Falls Hydroelectric Project (FERC No. 2536), as modified in paragraph (B), is approved.

(B) The licensee shall continue to consult with the resource agencies in making ongoing adjustments in management based on changing conditions and new information obtained during monitoring. The licensee shall continue to file annual reports including any recommendations of the resource agencies. If the licensee does not adopt a recommendation, the filing shall include the licensee's reasons, based on site-specific information. The Commission reserves the right to require changes to the plan after opportunity for review and rehearing. Upon Commission approval, the licensee shall implement the plan, including any changes required by the Commission.

(C) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the Federal Power Act, 16 U.S.C. §8251 (2006), and section 385.713 of the Commission's regulations, 18 C.F.R. § 385.713 (2010). The filing of a request for rehearing does not operate as a stay of the effective date of this order or of any other date specified in this order. The licensee's failure to file a request for rehearing shall constitute acceptance of this order.

Thomas J. LoVullo  
Chief, Aquatic Resources Branch  
Division of Hydropower Administration  
and Compliance

Document Content(s)

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