

UNITED STATES OF AMERICA 118 FERC ¶ 62,114  
FEDERAL ENERGY REGULATORY COMMISSION

Consolidated Water Power Company

Project No. 2536-071

ORDER MODIFYING AND APPROVING EURASIAN WATERMILFOIL  
CONTROL PLAN PURSUANT TO ARTICLE 409

(Issued February 07, 2007)

On February 6, 2006, and revised on August 9, 2006, Consolidated Water Power Company (licensee) filed a Eurasian Watermilfoil Control Plan pursuant to article 409 of the license for the Little Quinnesec Falls Hydroelectric Project (FERC No. 2536),<sup>1</sup> and the Order Modifying and Approving Purple Loosestrife and Eurasian Milfoil Monitoring Plan.<sup>2</sup> The project is located on the Menominee River in Marionette County, Wisconsin and Dickinson County, Michigan.

ORDER REQUIREMENTS

Article 409 required the licensee to develop a plan to monitor and control purple loosestrife and Eurasian watermilfoil. The plan was required to include, in part, a provision to cooperate in the control/elimination of these vegetative species if deemed necessary by the agencies. The plan was approved by the Commission on March 13, 1998. Ordering paragraph (B) of the 1998 order states that, in the event that the resource agencies determine that Eurasian watermilfoil needs to be controlled, the licensee must consult with the appropriate resource agencies to develop a plan to control or remove Eurasian watermilfoil and file the plan with Commission for approval.

By electronic mail dated November 10, 2005, Michigan Department of Natural Resources (MDNR) requested the licensee to develop a control plan for Eurasian watermilfoil at the Little Quinnesec Falls Hydroelectric Project.

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<sup>1</sup> See Order Issuing New License, 79 FERC ¶ 62,095 (Issued May 7, 1997).

<sup>2</sup> See 82 FERC ¶ 62,177 (Issued March 13, 1998).

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## LICENSEE'S PLAN

In the licensee's, February 6, 2006 plan, the licensee proposed to continue with their current annual monitoring program. The licensee proposed to continue to monitor and hand-pull for the next three years, and then consult the resource agencies again if the milfoil population showed an increase.

Upon request by the Commission<sup>3</sup>, the licensee filed a revised control plan on August 9, 2006. In the revised plan, the licensee proposes to continue to hand-pull individual milfoil plants where it occurs in patches of fewer than 100 plants<sup>4</sup>. Further, the licensee proposes to monitor Eurasian watermilfoil plants for evidence of native milfoil weevils (*Eurchrychiopsis lecontei*). The licensee proposes to introduce native milfoil weevils at a density of 2,000 to 5,000 insects per acre in locations where the Eurasian watermilfoil population is between 10,000 square feet (approximately 0.23 acres) and 5 acres.

Additionally, the licensee proposes to modify the report by including a map showing the location of Eurasian watermilfoil populations by site, and by documenting the locations with coordinates using a handheld global positioning system (GPS). The licensee also proposes to continue to report the abundance of Eurasian watermilfoil in table format.

## AGENCY COMMENTS

By electronic mail dated November 10, 2005, the MDNR recommended that the licensee use selective chemicals and native milfoil weevils to control the population of Eurasian watermilfoil, where stands of plants occur at a density of 10,000 square feet to 5 acres. The licensee submitted a draft control plan to MDNR, Wisconsin Department of Natural Resources (WDNR) and the U.S. Fish and Wildlife Service (FWS) on December 14, 2005. By letter dated January 3, 2006, the MDNR stated opposition to the plan because the licensee did not propose to use control methods such as weevils or chemicals. Further, the MDNR questioned the licensee's ability to quantify any changes in the

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<sup>3</sup> See letter from Commission staff to Mark Anderson of Stora Enso North America (issued March 7, 2006).

<sup>4</sup> By filing dated February 1, 2007, the licensee clarified that Eurasian watermilfoil colonies up to 100 plants should also include the size description of "and/or less than 10,000 square feet".

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milfoil population using their current survey methods. The WDNR and FWS did not comment on the draft control plan.

In its February 6, 2006 filing, with the Commission the licensee did not incorporate MDNR's recommendations. It stated that the Eurasian watermilfoil population does not show an upward trend in the Little Quinnebec flowage and therefore, does not warrant a control program. Additionally, the licensee stated that the use of chemicals will not eliminate the plant which the licensee surmises is drifting in from upstream projects, but will damage native aquatic plant populations that help keep the invasive milfoil from becoming established in the flowage.

In its March 7, 2006 letter, the Commission requested that the licensee supplement its plan to incorporate the MDNR's recommendations. The Commission also requested that the licensee provide more quantitative measures of the current milfoil population that include changes in the population since 2002 and to clearly mark the location of milfoil colonies on a map.

By letter filed May 5, 2006, the licensee provided an aerial photograph map detailing, by year, the location and status of Eurasian watermilfoil at each site. The licensee stated that the percent coverage of milfoil in the project flowage was less than 0.2 percent from 2002 to 2005 and that changes in the percent coverage from year-to-year were negligible. Additionally, the licensee stated that it is currently engaged in discussions with MDNR regarding control methods alternative to the use of chemicals.

On August 9, 2006, the licensee filed, with the Commission, a revised Eurasian watermilfoil control plan. By electronic mail dated June 21, 2006, FWS stated it would not be providing comments on the plan. By electronic mail dated June 26, 2006, WDNR commented that herbicides can be used to control, but not eliminate Eurasian watermilfoil and should be applied to large beds early in the growing season when the water temperature is 60 degrees or less. The WDNR also commented that chemicals should not be used in combination with weevils. By electronic mail dated July 12, 2006, MDNR stated that it concurs with the revised plan.

## DISCUSSION

The licensee's revised control plan incorporates manual and biological control methods. Further, the licensee's February 1, 2007 clarification letter leaves open the option to use chemicals for treating small sites of 10,000 square feet or less. The licensee should continue to consult with the agencies about the use of chemicals to control Eurasian watermilfoil at the project and include any proposed changes in control

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measures in its annual report. In order to ensure adequate control of Eurasian watermilfoil at the Little Quinnesec Project, the Commission should reserve authority to make changes to the approved plan after notice and opportunity for hearing.

In order to stay apprised of conditions at the project, some modifications to the licensee's annual monitoring report are recommended. In the licensee's previous annual exotic species monitoring reports, the licensee reported the coverage of milfoil as a percentage of the entire project boundary. This data does not convey the changes in the plant populations at individual locations within the project boundary or provide the information necessary to determine which method of control should be implemented (i.e. handpulling, weevils, or other). In order to better assess changes in the population at each backwater area<sup>5</sup> from year to year, and to determine what method of control is necessary, the annual exotic species report should be modified to include the following: 1) the total area of each Eurasian watermilfoil backflow site surveyed; 2) the area of the Eurasian watermilfoil colony or the number of individual plants present at a particular site; and 3) the location of each colony displayed on an aerial photograph map.

Further, the licensee's survey map filed on May 5, 2006, does not show the area one quarter mile downstream of the project as being included in the survey, although the 1998 order requires the licensee to survey this area for exotic species. The licensee is reminded that it must monitoring the entire area required by the 1998 order. Additionally, the licensee should continue to record the GPS coordinates of each colony of Eurasian watermilfoil and display this information on an aerial photographic map included in the annual monitoring reports. The licensee should continue to monitor for signs of weevils feeding on the Eurasian watermilfoil.

The licensee's revised Eurasian watermilfoil control plan, as modified, meets the requirements of ordering paragraph (B) of the Order Modifying and Approving Purple Loosestrife and Eurasian Watermilfoil Plan. Implementation of the plan should help ensure the populations of Eurasian watermilfoil are controlled and, as modified, should be approved.

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<sup>5</sup> On August 16, 2006, Commission staff accompanied licensee staff and its consultant during its 2006 invasive plant survey of the project flowage. The survey focused on six backwater areas of the Menominee River that were accessible by row boat between the US Route 141 bridge and the Little Quinnesec Falls dam. In several of these locations, the occurrence of Eurasian watermilfoil was occasional and widely dispersed among native aquatic plants.

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The Director orders:

(A) Consolidated Water Power Company's (licensee) Eurasian watermilfoil control plan filed on February 6, 2006 and revised on August 4, 2006, pursuant to ordering paragraph (B) of the Order Modifying and Approving Purple Loosestrife and Eurasian Milfoil Monitoring Plan under license article 409 for the Little Quinnebec Falls Hydroelectric Project (FERC No. 2536), as modified in paragraphs (B) and (C), is approved.

(B) The licensee shall continue to consult with the resource agencies about the use of chemicals to control Eurasian watermilfoil at the project and include any proposed changes in control measures in the annual report. Based on the licensee's annual reports, the Commission reserves the right to make changes to the Eurasian watermilfoil control plan after notice and opportunity for hearing.

(C) The licensee's annual exotic species monitoring report shall be modified to include the following: 1) the total area of each Eurasian watermilfoil backflow site surveyed; 2) the area of the Eurasian watermilfoil colony or the number of individual plants present at a particular site; and 3) the location of each colony displayed on an aerial photographic map.

(D) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days from the date of issuance of this order, pursuant to 18 CFR § 385.713.

George H. Taylor  
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and Compliance