

# 87 FERC ¶ 62,123

## UNITED STATES OF AMERICA FEDERAL ENERGY REGULATORY COMMISSION

Wisconsin Power & Light Company ) Project No. 710-006

### ORDER MODIFYING AND APPROVING PURPLE LOOSESTRIFE MONITORING PLAN MAY - 3 1999

On November 13, 1997 Wisconsin Power & Light Company (WP&L), licensee for the Shawano Hydroelectric Project filed a Plan to Monitor Purple Loosestrife (Plan), pursuant to Article 409 for the license 1/. The Shawano Project is located on the Wolf River in Shawano County, Wisconsin.

#### BACKGROUND

Article 409 requires the licensee to file, for Commission approval, a Plan to monitor, at least annually, purple loosestrife (*Lythrum salicaria*) in project waters. The Plan shall include at a minimum: (a) a description of the monitoring method, (b) a monitoring schedule, and (c) a schedule for providing the monitoring results to the Wisconsin Department of Natural Resources (WDNR) and the U.S. Fish and Wildlife Service (FWS).

#### PROPOSED PLAN

WP&L proposes to conduct annual surveys by boating the Wolf River from Keshena to the Shawano Dam and 300 yards below the dam. Surveys will be conducted between July 15 and September 1 of each year. The licensee will document the dominant and spot occurrences of purple loosestrife locations by notation on a drawing of the reservoir, and will update the vegetation survey drawings 1, 2, & 3 from the 1991 initial survey in the license application. A report summarizing the results of the study and any field notes will be submitted to the WDNR and FWS by December 31 of each year.

#### AGENCY COMMENTS

As required by license Article 409, WP&L consulted with the WDNR and FWS on the proposed Plan. By letter dated September 30, 1997, the FWS recommended that the following items be added to the plan: (1) small colonies (1 to 5 plants) be removed from the riverbed, including the roots, to aid in control of this prolific plant, and (2) brochures be placed at the hydropower project access sites to inform the public on identification and control of purple loosestrife.

1/ 79 FERC ¶ 61,181 (May 16, 1997).

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WDNR commented, by letter dated October 2, 1997, that the locations of purple loosestrife be permanently marked using a shoreline benchmark with a known Global Position System (GPS) coordinate, and that the stands should be delineated on a map using GPS coordinates. In addition, they recommended the following: (1) the entire shoreline of the project reservoir and wetlands within the project boundary be visually surveyed by at least two observers in a boat; (2) consult with WDNR prior to conducting surveys to assure plants are in peak bloom; (3) location and size of population of purple loosestrife be detailed on a map, and determine stand area, percent cover, stem density, and plant density for each stand located; and (4) take appropriate steps to physically remove any plants at time of detection. WDNR also states that the licensee should work to control or eliminate purple loosestrife at the project upon request of the agencies or the Menominee Indian Tribe (Tribe) at any time. A final report including field notes should also be sent to the Tribe.

The Tribe also submitted comments on the plan by letter dated October 13, 1997. In that letter, the Tribe states that they concur with the plan, but that the licensee must obtain the Tribe's permission prior to entering the Menominee Reservation to survey purple loosestrife within the project boundary.

#### LICENSEE'S RESPONSE TO COMMENTS AND DISCUSSION

WP&L states that their staff in the Shawano area will monitor the status of the blooms to assure that the survey is completed at peak blooming. We concur that WP&L may determine the appropriate timing of the survey provided that it is completed by qualified/trained employees; we therefore conclude that consultation prior to surveying is not necessary. However, we will require the licensee to obtain permission from the Tribe prior to entering the Menominee Reservation to survey for purple loosestrife.

In response to the request to delineate purple loosestrife stands using a GPS coordinate system, WP&L states that they believe utilizing a GPS database system is a major effort for monitoring a noxious weed, and that it is beyond the needs of this project. We agree that the expense of establishing a GPS database at the Shawano project is not justifiable at this time. However, the Commission reserves the right to require changes to the plan to include provisions for utilizing GPS coordinates to document purple loosestrife locations in the future.

The licensee did not respond to WDNR's comment that they determine stand area, percent cover, stem density, and plant density for each stand located. Because this information assists in determining the extent of purple loosestrife

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infestation and subsequent eradication efforts, it is important data and should therefore be included in the monitoring reports submitted to the agencies. Therefore, the WP&L should determine stand area, percent cover, stem density, and plant density for each stand located during their annual surveys, and include this data in the annual monitoring reports.

WP&L states that "any monitoring and/or eradication of purple loosestrife plants within the Shawano project boundaries, without corresponding efforts on the remainder of the Wolf River watershed, particularly in upstream areas, is a futile effort." While we agree a basin-wide approach to eradication is desirable; however we do not agree that individual efforts to remove plants is futile. Removal of even small stands would aid in controlling the spread of purple loosestrife on the Wolfe River. Therefore, we will require the licensee to take appropriate steps to physically remove any purple loosestrife plants at the time of detection within project boundaries.

The licensee did not respond to the FWS recommendation to place brochures at access points to the project. Public awareness is an important component of controlling the spread of purple loosestrife, and WP&L provided no justification for omitting this from their plan. Therefore, we will require WP&L to obtain the informational brochures on purple loosestrife from the FWS and place them at access points to the project.

According to the plan, the licensee will file the monitoring results with the WDNR and FWS by December 31 following each monitoring period. The results should also be filed with the Tribe and the Commission. This documentation will allow us to confirm that the plan is being properly implemented to protect project lands and waters.

The Purple Loosestrife Monitoring Plan, as amended above, satisfies the requirements of article 409. Implementation of this plan should adequately monitor and help control the purple loosestrife populations at the Shawano Project lands and waters. Therefore, this plan should be approved.

The Director orders:

(A) The Purple Loosestrife Monitoring Plan filed by Wisconsin Power & Light Company on November 13, 1997, pursuant to license article 409 for the Shawano Project, is approved, as modified by ordering paragraphs (B) through (D), below.

(B) The Licensee shall annually survey the project reservoir at peak blooming for purple loosestrife, starting in 1999, and file the survey results with the WDNR, FWS, and the Tribe by December 31 of each year. All Monitoring Reports should include

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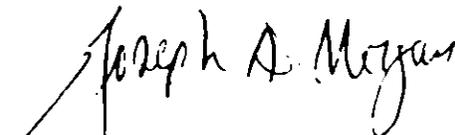
a map of the known locations of the purple loosestrife plants, data from the annual survey findings (including stand area, percent cover, stem density, and plant density for each stand located), and any necessary control and/or elimination measures. The report should be filed annually with the Commission by February 1 of each year and should include any comments received from the agencies or Tribe. The licensee shall obtain permission from the Tribe prior to entering the Menominee Reservation to survey for purple loosestrife.

(C) The licensee shall take appropriate steps to physically remove any purple loosestrife plants at the time of detection from within the project boundary.

(D) The licensee shall obtain brochures on purple loosestrife from the FWS and place them at access points to the hydropower project.

(E) The Commission reserves the right to require changes to the Purple Loosestrife Monitoring Plan.

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



J. Mark Robinson  
Director  
Division of Licensing and Compliance