

UNITED STATES OF AMERICA 75 FERC ¶ 62,066
FEDERAL ENERGY REGULATORY COMMISSION

City of Crystal Falls

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Project No. 11402-004

ORDER MODIFYING AND APPROVING EXOTIC WETLAND SPECIES
MONITORING PLAN

(Issued April 30, 1996)

On February 12, 1996, the City of Crystal Falls (licensee) filed an exotic wetland species monitoring plan, pursuant to article 411 of the license for the Crystal Falls Project. The Crystal Falls Project is located on the Paint River in Iron County, Michigan. Article 411 requires the licensee to file a plan to protect project wetlands from invasive species including purple loosestrife (*Lythrum salicaria*) and Eurasian milfoil (*Myriophyllum spicatum*).

The licensee will provide public information regarding purple loosestrife and Eurasian milfoil by posting weather-proof informational signs and providing educational brochures at the project's public boat landing. The signs will be installed during the 1996 growing season and will be inspected yearly by the licensee and repaired or replaced as their condition warrants.

Monitoring for purple loosestrife and Eurasian milfoil will occur annually during the last week of July through the first week of August. The monitoring area would include the stretch of river from the bridge at Fairbanks Road below the tailwater upstream to a point one mile north of the dam. The area will be surveyed by boat and each occurrence of either species will be mapped using the project's hydrographic map. Monitoring results will be submitted to the Commission, Michigan Department of Natural Resources (MDNR), and the U.S. Fish and Wildlife Service (FWS) by November 30 of each year.

If at any time the MDNR deems it necessary to control or eliminate purple loosestrife and/or Eurasian milfoil, the licensee will cooperate in this measure. The licensee will meet with the technical advisory staff of MDNR and FWS to determine appropriate and cost-effective removal techniques. During monitoring, small stands of purple loosestrife (less than 3 square meters) will be removed by pulling up the plants, bagged securely, and properly disposed at an off-site location. No methods of removing small stands of Eurasian milfoil are proposed.

Comments were received from the MDNR and the FWS in letters dated January 8 and 12, 1996, respectively. All of the agency concerns were incorporated into the plan except for two issues which were unresolved. Both agencies wanted a definition of the term "cooperate" and questioned whether it means the licensee is required to assume financial responsibility for controlling or removing the exotic plants. The FWS also stated that article 411 stipulates control of exotic wetland species, not just purple loosestrife and Eurasian milfoil. If additional species are identified, the FWS wants the licensee to be responsible for monitoring the new species also.

In general, the licensee is responsible for maintaining the environmental resources and values of project lands and waters. The licensee, therefore, would be expected to find and, if necessary, remove invasive wetland species.

Commission staff agrees that article 411 is not specific to purple loosestrife and Eurasian milfoil. We recommend that if new exotic wetland species are identified by the MDNR or FWS, the licensee shall amend their exotic wetland species monitoring plan to accommodate any new species.

According to the plan, the licensee will file the results of the monitoring plan to the agencies and the Commission by November 30 of each year. It is only necessary that the results be filed with the Commission for the first two years. This documentation for a two year period will allow us to confirm that the monitoring plan is being properly implemented. The licensee should continue to provide annual monitoring results to the agencies as described in the plan.

The licensee's annual monitoring plan for exotic wetland species satisfies the requirements of article 411. Implementation of the plan described herein will adequately monitor the distribution and abundance of purple loosestrife and Eurasian milfoil; this plan should be approved as amended.

The Director orders:

(A) The monitoring plan for exotic wetland species, filed on February 12, 1996, pursuant to article 411, as amended by paragraph (B) and (C), is approved.

(B) The licensee shall file the annual results of the exotic wetland species monitoring plan, with the Commission by November 30, 1996 and 1997.

(C) If new exotic wetland species are identified within the project area, the licensee shall amend their exotic wetland species monitoring plan, to include monitoring provisions for the new species. The licensee shall allow the Michigan Department of Natural Resources and the U.S. Fish and Wildlife Service at least 30 days to provide comments on the amended plan before filing the amended plan with the Commission for approval. 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 make any changes to the exotic wetland species monitoring plan.

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

J. Mark Robinson
Director, Division of Project
Compliance and Administration