

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION  
103 FERC ¶ 62,163

Flambeau Hydro, LLC

Project Nos. 2421-021, 2395-021,  
2473-020, and 2640-028

ORDER MODIFYING AND APPROVING PURPLE LOOSESTRIFE  
MONITORING PLANS<sup>1</sup>

(Issued June 18, 2003)

On December 23, 2002, Flambeau Hydro, LLC (licensee) filed purple loosestrife monitoring plans, pursuant to article 410 of the Orders Issuing Subsequent Licenses, issued on February 5, 1997, for the Flambeau Lower, Pixley, and Crowley Rapids Projects and article 412 of the Flambeau Upper Project<sup>2</sup>. The four projects are all located on the North Fork Flambeau River, in Price County, Wisconsin.

The above mentioned articles require the licensee to file a plan to monitor purple loosestrife in project waters. The plan shall include the method of monitoring, frequency, documentation that monitoring data has been sent to the Wisconsin Department of Natural Resources (WDNR) and the U.S. Fish and Wildlife Service (FWS), procedures for obtaining technical assistance and input from WDNR, and specific information on how the licensee will cooperate with these agencies to control/eliminate purple loosestrife.

#### Proposed Plan

Annual surveys for purple loosestrife will be conducted by boat in the impoundment above the dams and by boat or foot below the dams. The licensee will only monitor lands within the project boundary. County wetland maps will be used to identify possible areas on licensee owned lands within the project boundary where purple loosestrife could grow. GPS will be used to help map plant locations. The plants will be inventoried by locating them on a project map along with the approximate size of plants,

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<sup>1</sup>Article 410 for Flambeau Lower Project, Pixley Project, and Crowley Rapids Project. Article 412 for Flambeau Upper Project.

<sup>2</sup>78 FERC ¶ 62,082; 78 FERC ¶ 62,083; 78 FERC 62,084; and 78 FERC ¶ 62,085, respectively.

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stand area, percent cover, stem density, plant density, and location. Photos and/or videotape will be taken of the largest occurrences. Monitoring will begin in 2003.

If colonies less than 20 plants are located on licensee-owned lands within the project boundary, the licensee will take appropriate steps to eliminate plants at the time of detection. For larger stands, the licensee will consult with the WDNR and FWS to determine proper control measures. For colonies that are identified, but are not on licensee-owned land, the licensee will attempt to contact the landowner and encouraged to remove the plants. The landowner will also be asked to contact the WDNR and FWS.

The licensee will file the results of the surveys along with descriptions of any control measures with the WDNR and the FWS by November 30 of each year. The licensee will file the results with the Commission along with any agency comments by January 1 of the following year.

The licensee will cooperate with any Federal, state, or local purple loosestrife control program within the project boundary. Any participation outside the project boundary will be voluntary and may include assisting with Federal, state, or locally initiated programs such as helping with the control of small stands on private lands, partial funding of start-up and maintenance costs for biological control, and partial funding of educational and research efforts. The licensee will also display informational brochures and signs at recreational sites within or adjacent to the project boundary.

#### Agency Comments

Drafts of the plans were sent to the WDNR and FWS on August 28, 2002. No comments were received from the FWS. In a letter dated September 30, 2002, the WDNR recommended that the licensee cruise the entire shoreline of the project reservoirs and tailwaters by boat and map all visible occurrences of purple loosestrife, regardless of land ownership or elevation. The surveys should include the North Fork Flambeau River from the first rapids at the head of the Flambeau Upper Hydro Project's impoundment downstream to Nine-mile Landing below the Crowley Hydro Project.

WDNR also stated that bagging and cutting the seed heads of small colonies is not an effective control method. Although, it will reduce the introduction of new seeds, the rootstock of cut plants remains a viable source for propagation. The WDNR recommended basal treatment of cut loosestrife stems with an appropriate herbicide by qualified personnel. The WDNR requested the plan be modified to include specific

procedures for eliminating individual plants and small stands of purple loosestrife. All other comments were incorporated into the plan.

### Response to Comments

The licensee stated that they should not be required to survey lands outside the project boundary or control purple loosestrife that is not located on lands that they do not own. The licensee cited the Order Modifying and Approving Purple Loosestrife and Eurasian Water Milfoil Control Plan, issued November 10, 1999<sup>3</sup>, where the Commission concluded that the licensee was not required to survey lands outside the project boundary, since the licensee could not implement control measures on lands they did not own, nor did the Commission have any jurisdiction on lands outside the project boundary.

In regards to treating smaller populations of purple loosestrife, the licensee stated that they will consult with the WDNR and FWS to determine proper control methods. The licensee believes that this statement is sufficient and will allow more flexibility, as well as, providing for the development of new technologies with regards to purple loosestrife management.

### Conclusions and Recommendations

The licensee should not be required to survey lands outside the project boundary or control purple loosestrife on lands that they do not own. However, the licensee is encouraged to work with land-owners to control the spread of this noxious plant. In regards to treating small colonies of plants, collecting and bagging the seed heads is adequate for the first time a colony is found. However, if the plants are found again during a later survey, the licensee should be required to treat the cut stems with an appropriate herbicide, unless directed otherwise by the WNDR.

The purple loosestrife monitoring plans, as amended, should limit the spread of purple loosestrife along the North Fork Flambeau River. The filed plans satisfy the requirements of article 410 of the Orders Issuing Subsequent Licenses for the Flambeau Lower, Pixley, and Crowley Rapids Projects and article 412 of the Flambeau Upper Project license; these plans, as amended, should be approved.

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<sup>3</sup>89 FERC ¶ 62,115.

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The Director orders:

(A) The purple loosestrife monitoring plans, filed on December 23, 2002, pursuant to article 410 of the Orders Issuing Subsequent Licenses for the Flambeau Lower, Pixley, and Crowley Rapids Projects and article 412 Order Issuing Subsequent License of the Flambeau Upper Project, all issued February 5, 1997, as amended by paragraph (B), are approved.

(B) When small colonies of plants are detected, the seed heads shall be collected and bagged, unless directed to do otherwise by the WDNR. If the populations reappear during subsequent monitoring events, the cut stems shall be treated with an approved herbicide, unless directed otherwise by the WDNR.

(C) 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.

George H. Taylor  
Chief, Biological Resources Branch  
Division of Hydropower Administration  
and Compliance