

UNITED STATES OF AMERICA 89 FERC ¶ 62,115  
FEDERAL ENERGY REGULATORY COMMISSION

N.E.W. Hydro, Inc.

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Project No. 2523-018

ORDER MODIFYING AND APPROVING PURPLE LOOSESTRIFE AND  
EURASIAN WATERMILFOIL CONTROL PLAN

November 10, 1999)

On May 18, 1999 N.E.W. Hydro, Inc. (NEW), licensee for the Oconto Falls Project filed a plan to monitor and control the spread of purple loosestrife and Eurasian watermilfoil, pursuant to Article 407 for the license<sup>1</sup>. The Oconto Falls Project is located on the Oconto River in Oconto County, Wisconsin.

BACKGROUND

Article 407 requires the licensee to file, for Commission approval, a plan to monitor and control purple loosestrife (*Lythrum salicaria*) and Eurasian watermilfoil (*Myriophyllum spicatum*) in project waters. The plan shall include at a minimum: (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 agencies, and (d) documentation of transmission of monitoring data to the Wisconsin Department of Natural Resources (WDNR) and the U.S. Fish and Wildlife Service (FWS).

PROPOSED PLAN

NEW proposes to conduct annual inventories of the shoreline and lands owned by NEW within the project boundary for purple loosestrife and Eurasian watermilfoil. Surveys will be conducted after purple loosestrife has bloomed in mid July to early August. The licensee will inventory the plants by marking and numbering the location on a lake map along with notes approximating the size of plants, area that they cover, and location with GPS coordinates. Photos and/or videotapes will be taken of the largest occurrences. A report summarizing the results of the study and any field notes will be submitted to the WDNR and FWS within 60 days of completing the surveys. NEW will also acquire informational signs from the WDNR on purple loosestrife and Eurasian watermilfoil and post them on bulletin boards located at project recreational facilities.

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<sup>1</sup>81 FERC ¶ 61,238 (November 20, 1997).

## AGENCY COMMENTS

As required by license Article 407, NEW consulted with the WDNR and FWS on the proposed plan. By letter dated March 19, 1998, the WDNR made the following comments: (1) purple loosestrife stand area, percent cover, stem density, and plant density should be determined; (2) all areas of the impoundment and tailwater supporting the growth of submerged vegetation should be surveyed for Eurasian watermilfoil; (3) determine perimeter of the bed, mat density, and overall mat thickness for each Eurasian watermilfoil bed. Several other comments regarding the plan were addressed by the licensee and the final plan was amended accordingly. The FWS did not provide comments on the plan.

## LICENSEE'S RESPONSE TO COMMENTS AND DISCUSSION

In response to WDNR's comments that the licensee determine stand area, percent cover, stem density, and plant density for each stand of purple loosestrife located and perimeter of the bed, mat density, and overall mat thickness for each Eurasian watermilfoil bed located, NEW stated that they believed their methodology was sufficient. However, because this information assists in determining the extent of purple loosestrife and Eurasian watermilfoil infestations and subsequent eradication efforts, it is important data and should be included in the monitoring reports submitted to the agencies. Therefore, NEW should determine stand area, percent cover, stem density, and plant density for each stand of purple loosestrife located and should determine perimeter of the bed, mat density, and overall mat thickness for each Eurasian watermilfoil bed located during their annual surveys, and include this data in the annual monitoring reports.

WDNR also stated that all areas of the impoundment and tailwater supporting the growth of submerged vegetation should be surveyed for Eurasian watermilfoil, rather than only those areas within the project boundary, as proposed by the licensee. The project boundary includes the water and shoreline of the impoundment from approximately 6000' upstream of the State Highway 32 bridge to approximately 500' downstream of the project dam. We agree that the licensee should not have to survey lands outside of the project boundary (i.e. beyond 6000' upstream of the State Highway 32 bridge or 500' downstream of the project dam), since they could not implement control measures on lands they do not own and we do not have jurisdiction over lands not included in the project boundary.

According to the plan, the licensee will file the monitoring results with the WDNR and FWS within 60 days of survey completion. The results should also be filed with 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 and Eurasian Watermilfoil Control Plan, as modified above, satisfies the requirements of article 407. Implementation of this plan should adequately monitor and help control the purple loosestrife and Eurasian watermilfoil populations at the Oconto Falls Project. Therefore, this plan should be approved.

The Director orders:

(A) The Purple Loosestrife and Eurasian Watermilfoil Control Plan filed by N.E.W. Hydro, Inc. on May 18, 1999, pursuant to license article 407 for the Oconto Falls Project, is approved, as modified by ordering paragraphs (B) and (C), below.

(B) The Licensee shall annually survey the project reservoir at peak blooming for purple loosestrife and Eurasian watermilfoil, starting in 2000, and file the survey results with the WDNR and FWS by November 30 of each year. All Monitoring Reports shall include a map of the known locations of the purple loosestrife and Eurasian watermilfoil plants, data from the annual survey findings (including stand area, percent cover, stem density, and plant density for purple loosestrife and perimeter of the bed, mat density, and overall mat thickness for each Eurasian watermilfoil bed located). The report shall be filed annually with the Commission by January 1 of each year and shall include any comments received from the agencies.

(C) The Commission reserves the right to require changes to the Purple Loosestrife 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 this order, pursuant to 18 C.F.R. §385.713.

J. Mark Robinson  
Director  
Division of Licensing and Compliance

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