

82 FERC ¶ 61,777

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Consolidated Papers, Inc.) Project No. 2536-022

ORDER MODIFYING AND APPROVING PURPLE LOOSESTRIFE AND EURASIAN
MILFOIL MONITORING PLAN

MAR 13 1998

On December 4, 1997, Consolidated Papers, Inc. (licensee) filed a purple loosestrife and Eurasian milfoil monitoring plan, pursuant to article 409 of the license for the Little Quinnesec Project. The Project is located on the Menominee River in Marinette County, Wisconsin and Dickinson, Michigan. Article 409 requires the licensee to file a plan to monitor for purple loosestrife (*Lythrum salicaria*) and Eurasian milfoil (*Myriophyllum spicatum*) in project waters.

The project lands, reservoir area, and 1/4 mile downstream from the project will be surveyed during mid July/mid August of each year. Purple loosestrife and Eurasian milfoil populations will be mapped and estimates of the infestations will be made as small, medium, or dense. The licensee will also report the relative size of any Eurasian milfoil colony and the percentage of water surface coverage. A report will be submitted to the Michigan Department of Natural Resources (MDNR), Wisconsin Department of Natural Resources (WDNR) and the U.S. Fish and Wildlife Service (FWS), with a copy to the Commission by October 31 of each year.

If small colonies of purple loosestrife are located on licensee-owned-land, it will removed by the roots. Larger colonies will be removed after consultation with the agencies. If purple loosestrife is located on lands not owned by the licensee, the property owner will be contacted and encouraged to remove the plant. If Eurasian milfoil is identified, the agencies will be notified.

The licensee will post signs at recreation facilities on its properties describing the plants and informing the public on the control of these species.

Comments on the plan were received from the FWS, MDNR, and the WDNR in letters dated October 29, 30, and 31, 1997, respectively. All three agencies requested that the locations of the species be mapped using a global positioning system (GPS) and each also suggested alternative methods for calculating the sizes of any colonies. FWS and MDNR requested brochures be distributed at the project once noxious weed colonies are identified. The agencies noted that the licensee did not state how populations of Eurasian milfoil would be controlled.

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The licensee stated that brochures would create a litter problem at the recreation sites. It stated that they would provide brochures upon request and that the information signs posted at the recreation sites will identify how to obtain the brochures. Commission staff believes the licensee's plan to make brochures available, satisfies the intent of the agencies' request while avoiding the possibility of the brochures becoming a source of litter at the site.

In response to the agencies suggested methods on determining the sizes of the purple loosestrife and Eurasian milfoil colonies, the licensee stated that the use of transects and counts of subsets was time consuming and outside the scope of the license requirement. The licensee will provide estimates of the relative sizes of the colonies and the percentage of surface water covered.

The project's impoundment only consists of 349 acres and the downstream area to be surveyed is about 60 acres, the licensee believes it can adequately map the positions of invasive plants without the use of a GPS.

Commission staff agrees with the licensee that sufficient information has not been provided that justifies the use of a GPS system. The sampling methods recommended by the agencies for determining the size and concentration of noxious weed colonies also appear excessive. The licensee's proposed methods for determining the relative size and locations of purple loosestrife and Eurasian milfoil infestations appear to be adequate to record the location of invasive species.

The filed plan stated that in the event the Eurasian milfoil was found at the site, the licensee would notify the agencies. Because improper handling of Eurasian milfoil can cause it to spread, Commission staff agrees that if the agencies determine that Eurasian milfoil needs to be controlled, the licensee shall consult with the agencies to develop a plan for control and removal and file any plan with the Commission for approval. All other comments were adequately addressed in the plan.

The licensee's purple loosestrife and Eurasian milfoil monitoring plan satisfies the requirements of article 409. Implementation of the plan described herein should identify potential populations of purple loosestrife and Eurasian milfoil and help ensure the populations are controlled; this plan should be approved.

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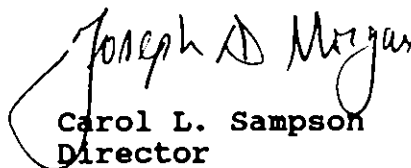
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The Director orders:

(A) The purple loosestrife and Eurasian milfoil monitoring plan, filed on December 4, 1997, pursuant to article 409, as modified by paragraph (B), is approved.

(B) In the event that the resource agencies determine Eurasian milfoil needs to be controlled, the licensee must consult with the appropriate resource agencies to develop a plan to control or remove Eurasian milfoil and file the plan with the Commission for approval.

(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.



Carol L. Sampson
Director

Office of Hydropower Licensing