

UNITED STATES OF AMERICA 114 FERC ¶62,044
FEDERAL ENERGY REGULATORY COMMISSION

Packaging Corporation of America

Project No. 2180-017

ORDER MODIFYING AND APPROVING INVASIVE SPECIES MANAGEMENT
PLAN PURSUANT TO ARTICLE 407

(Issued January 19, 2006)

On September 26, 2005, the Packaging Corporation of America (licensee) filed its Invasive Species Management Plan pursuant to license article 407 of the license for the Grandmother Falls Hydroelectric Project (FERC No. 2180).¹ The project is located on the Wisconsin River, near the town of Bradley, in Lincoln County, Wisconsin.

LICENSE REQUIREMENTS

Article 407² requires the licensee to file for Commission approval a plan to monitor invasive plant species, such as purple loosestrife (*Lythrum salicaria*) and Eurasian water milfoil (*Myriophyllum spicatum*) at the project. The plan is required to be prepared after consultation with the Wisconsin Department of Natural Resources (WDNR) and the U.S. Fish and Wildlife Service (FWS). The plan is required to include, but not limited to the following: (1) a description of the monitoring method; (2) the frequency of monitoring; (3) a schedule for filing monitoring reports with the WDNR, FWS, and the Commission; and (4) a description of and implementation schedule for providing public information about the species.

The licensee is required to include with the plan documentation of agency consultation, copies of comments and recommendations on the plan after it has been developed and provided to the agencies, and specific descriptions of how the agencies' comments are accommodated by the plan. If the licensee does not adopt a recommendation, the filing is required to include the licensee's reasons, based on project-specific information.

If at any time during the term of the license, the WDNR and the FWS demonstrate invasive species are significantly affecting fish and wildlife populations at the project and that control measures are needed, and the Commission agrees with those determinations, the Commission reserves the authority to require the licensee to cooperate with the WDNR and the FWS to undertake reasonable measures to control or eliminate the invasive species in the project area.

¹ 110 FERC ¶ 62,010 (2005).

² As amended. See Order on Rehearing. 111 FERC ¶ 61,191 (2005).

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LICENSEE'S PLAN

The licensee states that a baseline survey was conducted within project waters from July 19 to 21, 2000, in which two invasive species were observed. Reed canary grass was found at 4 out of the 45 plots, and purple loosestrife was found at 2 of the 45 plots. The licensee proposes to conduct an additional baseline survey during the 2006 growing season to document the presence and location of any exotic invasive species within project waters.

The licensee states that curly-leaf pondweed reaches maturity by early to mid June and dies back by mid July to early August. Since it is at peak biomass production in early to mid June, the extent of curly-leaf pondweed would be most accurately documented if surveys were conducted during this time period. The licensee proposes to perform meander surveys by boat during early to mid June in an effort to locate any curly-leaf pondweed that may exist within the project waters.

The licensee proposes to perform point intercept surveys within project waters in late July or early August, using guidelines recommended by the WDNR, to detect the presence of Eurasian water milfoil. At the survey point, a combination of rake tows and diving would be used to search for Eurasian water milfoil.

The licensee proposes to determine whether exotic emergents such as giant reed grass, reed canary grass and purple loosestrife are present by scanning the shoreline and shallow areas of the project waters during a meander survey in late July or August.

The licensee proposes that if any of the above mentioned species are found, their location would be mapped using a Global Positioning System (GPS) unit and their aerial coverage would be estimated. The mapped locations of the colonies would be displayed in GPS format.

A report documenting the results of the 2006 baseline survey would be submitted to the appropriate agencies within 6 months of completing the late July/early August survey. The licensee proposes to repeat the process every 3 to 5 years in order to track invasive species that occur in the project waters. The licensee states that they will work with the appropriate agency personnel to treat and control the spread of aquatic invasive plant species that may occur in the project area if their presence is such that it threatens the diversity of native plant and animal populations.

In order to increase public awareness, the licensee proposes to create laminated signage describing the history and background of the species listed in their plan. These

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signs, along with any additional posting requested by the WDNR or FWS would be placed and maintained at the seven public access points to project waters that are independently or jointly managed by the licensee. The licensee proposes to post signage during the summer of 2006.

Lastly, the licensee states that while the focus of their plan is to monitor Eurasian water milfoil, curly-leaf pondweed, giant reed grass, reed canary grass and purple loosestrife, if other species are detected, their presence and location would be documented.

AGENCY COMMENTS

The licensee submitted the plan to the WDNR and FWS on August 18, 2005, for comments and recommendations. The FWS did not provide comments on the plan. The WDNR contacted the licensee by phone on September 19, 2005, and suggested that small clusters of purple loosestrife (e.g., 2-3 plants) be removed manually during the annual survey to inhibit the spread of this noxious plant.

DISCUSSION

The licensee is proposing to monitor Eurasian water milfoil, curly-leaf pondweed, giant reed grass, reed canary grass and purple loosestrife at the project by meander surveys, point intercept surveys and by scanning the shoreline, every three to five years. The licensee also proposes to conduct a baseline survey during the 2006 growing season to document the location of any invasive species within project waters.

During consultation with the licensee, the WDNR suggested that small clusters of purple loosestrife (e.g., 2-3 plants) be removed manually during the annual survey to inhibit the spread of this noxious plant. Although article 407 does not require the licensee to control invasive species at this time, we recommend that the licensee should, in good faith, manually remove small clusters of purple loosestrife within the project. Purple loosestrife is a rapid grower and has the ability to propagate by seed and fragmentations. Due to its highly aggressive nature it is also able to dominate wetlands and out-compete native plants for space and sunlight. Making efforts to control the spread of this species, as well as other invasive plants at the project, may prevent the further spread of these species and may prevent the need for costly and time consuming control methods in the future.

As previously stated, the licensee is proposing to repeat surveying every three to five years in order to track invasive species at the project. One year of monitoring every

three to five years may not be adequate to assure presence or absence of invasive plants, or to assure they are not spreading throughout the project. While an initial survey is considered the establishment of baseline data, this survey alone will not provide suitable information on the plants ability to grow and spread at the project site over a number of years, especially considering the aggressive nature of invasive species, and the possible variation in climate and growing conditions from one year to the next. In order to obtain sufficient information on the location and ability of the invasive plant species to spread, the licensee should monitor more frequently than proposed during the first few years of monitoring. We recommend that the licensee monitor for at least five consecutive years, beginning with the initial 2006 baseline survey.³ If after five consecutive years, there appears to be either no invasive plant species present or no spread of invasive plant species, then the licensee may propose an alternative monitoring frequency. Until that time, we believe the licensee does not yet have sufficient information to justify monitoring for invasive plants only once every three or five years.

The licensee is proposing to submit a report documenting the results of the 2006 baseline survey to the appropriate agencies within 6 months of completing the late July/early August survey. Taking into consideration that we are suggesting that the licensee monitor for five consecutive years, these reports should be filed annually, starting in 2007. So that the Commission can stay apprised of the resource agencies' recommendations and comments regarding the results of the annual monitoring, the licensee should allow the resource agencies a minimum of 30 days to respond to the report before filing the report with the Commission. The report should be filed with the Commission, including comments from the resource agencies and the licensee's response to the agencies comments by April 30, of the year following the monitoring. Therefore, the licensee's first annual report should be due by April 30, 2007, and every year thereafter, for at least five years. By April 30, 2011, the licensee should file a five-year monitoring report with the Commission, containing a comparison of all data and a recommendation from the licensee and the resource agencies on the frequency for future monitoring. If the report concludes, and the Commission concurs, that no significant change is evident in the extent and location of these invasive plants, then the Commission may change the survey frequency, depending on the licensee's proposal and monitoring results. However, if the first five years of surveying show an increase in the extent and/or location of these invasive plants, then the annual survey should continue until the Commission receives evidence and concurs that such increase has ceased.

³ The Commission has ordered similar requirements for other hydropower projects. See 101 FERC ¶ 61,335. Issued December 20, 2002.

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The licensee's Invasive Species Management Plan, filed September 26, 2005, contains all the provisions required by article 407, and therefore, should be approved with the modifications stated above.

The Director orders:

(A) Packing Corporation of America's (licensee) Invasive Species Management Plan, for the Grandmother Falls Hydroelectric Project, filed September 26, 2005, pursuant to license article 407, as modified by paragraph (B), is approved.

(B) The licensee shall conduct annual surveys for invasive plants at the project for at least five consecutive years, beginning in 2006. The licensee shall file annual monitoring reports with the U.S. Fish and Wildlife Service and the Wisconsin Department of Natural Resources within 6 months of completing the late July/early August survey, beginning in 2007, and for five consecutive years thereafter. The licensee shall allow the agencies a minimum of 30 days to provide comments and/or recommendations on the reports. Each annual report shall be filed with the Commission, including comments and/or recommendations from the resource agencies and the licensee's response to the agencies comments, by April 30, of the year following the monitoring. If the licensee does not adopt a recommendation, the report shall include the licensee's reasons, based on project-specific information. The licensee's first annual report shall be due by April 30, 2007. The licensee's fifth consecutive monitoring report, to be filed on April 30, 2011, shall contain a comparison of all data collected in the previous five years. If after five consecutive years there appears to be either no invasive plant species present or no spread of existing invasive plant species, then the licensee may propose an alternative monitoring and reporting frequency. The licensee shall continue to annually monitor for the presence of invasive plants until an alternative monitoring frequency, if proposed, is approved by the Commission. The Commission reserves the right to require modifications to the monitoring plan based on the licensee's monitoring reports or new information, as it becomes available.

(C) The licensee shall file an original and eight copies of any filing required by this order with:

The Secretary
Federal Energy Regulatory Commission
Mail Code: DHAC, PJ-12.3
888 First Street, N.E.
Washington, D.C. 20426

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(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.

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