

UNITED STATES OF AMERICA 115 FERC ¶62,106  
FEDERAL ENERGY REGULATORY COMMISSION

Rhineland Paper Company

Project No. 2161-019

ORDER MODIFYING AND APPROVING INVASIVE SPECIES MANAGEMENT  
PLAN PURSUANT TO ARTICLE 406

(Issued April 27, 2006)

On November 29, 2005, the Rhineland Paper Company, licensee for the Rhineland Hydro Project, filed an invasive species management plan (plan), pursuant to article 406 of the project license issued August 20, 2003 (2003 Order).<sup>1</sup> The Rhineland Project is located on the upper Wisconsin River, near Rhineland in Oneida County, Wisconsin.

## BACKGROUND

Article 406 requires the licensee to file with the Commission, for approval, an invasive species plan to monitor invasive species, such as purple loosestrife (*Lythrum salicaria*) and Eurasian water milfoil (*Myriophyllum spicatum*), at the Rhineland Project. The plan is required to include, but not be limited to, the following: (1) a description of the monitoring method; (2) frequency of monitoring; (3) documentation of providing the monitoring results to the Wisconsin Department of Natural Resources (WDNR) and U.S. Fish and Wildlife Service (FWS); and (4) a description of and implementation schedule for providing public information about the invasive 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. The licensee is required to allow a minimum of 30 days for the agencies to comment and to make recommendations before filing the plan with the Commission. 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 license, the WDNR and FWS demonstrate that purple loosestrife or Eurasian water milfoil is significantly affecting fish and wildlife

---

<sup>1</sup> See Order Issuing New License, 104 FERC ¶ 62, 134 (2003).

Project No. 2161-019

2

populations at the project and that control measures are needed, and the Commission agrees with those determinations, the Commission may require the licensee to cooperate with the WDNR and FWS to undertake reasonable measures to control or eliminate the invasive species in the project area. Article 406 reserved the Commission's right to require changes to the plan. Upon Commission approval, the licensee is required to implement the plan, including any changes required by the Commission.

## PROPOSED PLAN

The licensee states the purpose of the proposed plan is to develop a strategy that will be used to monitor the status of purple loosestrife and Eurasian water milfoil occurring in project waters of the Wisconsin River and its tributaries associated with the Rhinelander Project.

### **Baseline Survey Results**

The licensee conducted a baseline vegetation survey within the project area on July 17, 18, 22, and 23, and on August 12 and 13, 1997. Neither purple loosestrife nor Eurasian water milfoil was observed in the project area in 1997. Because these species could have potentially established themselves within the past 8 years, the licensee proposes to conduct a new baseline survey to document the presence and location of these two species within the project waters during the 2006 growing season.

### **Proposed Methods**

The licensee proposes to perform point intercept surveys in late July or early August within the project waters to detect the presence of Eurasian water milfoil using guidelines recommended by WDNR. Once at the survey points, the licensee proposes to use rake tows to search for Eurasian water milfoil. If detected, the location of Eurasian water milfoil colonies will be mapped and an estimate of its area coverage will be assigned. The licensee proposes to display the location of the colonies in Global Information System (GIS) format.

Additionally, the licensee proposes to search for purple loosestrife by scanning the shoreline and shallow areas of project waters during a meander survey conducted during late July or early August when plants are in bloom. If any purple loosestrife is detected, the licensee proposes to map its location using a Geographic Positioning System (GPS) unit and to make an estimate of its area coverage at each location. The licensee proposes to display the mapped location in GIS format.

Project No. 2161-019

3

The licensee proposes to submit a report documenting the baseline findings to the agencies within six months of completing the summer 2006 surveys. The licensee proposes to repeat the survey process every five years in order to track the invasive species that occur in project waters. The licensee proposes to work with the appropriate agency personnel to monitor the spread of aquatic invasive plant species that may occur in the project area if the presence of these invasive species is such that it threatens the diversity of native plant and animal populations.

The licensee proposes to create laminated signage describing the history and background of purple loosestrife and Eurasian water milfoil. The licensee proposes to place and maintain these signs, along with any additional posting requested by the WDNR and FWS, at ten public access points to project waters. The licensee proposes to install these signs in the summer of 2006.

The licensee states that at this time, its plan focuses only on monitoring purple loosestrife and Eurasian water milfoil; however, if other invasive species are detected in the project area, their presence and location will also be documented.

#### AGENCY COMMENTS AND LICENSEE'S RESPONSES

By letter dated September 22, 2005, the licensee provided a copy of the completed plan to the FWS and WDNR, as required. By e-mail dated October 24, 2004, the WDNR provided comments on the plan. No other comments or recommendations were received.

The WDNR recommended the following: (1) pulling small numbers of purple loosestrife plants discovered while surveying the flowage instead of simply recording them to prevent spreading; (2) annual surveys to reduce the chances of small colonies becoming major problems by the fifth year; and (3) a level of invasive species prevention equivalent to the value of the resource and the threat level associated with the heavy use patterns common to the area. WDNR stated that a five year interval between surveys as proposed by the licensee is not enough to satisfy the need based on WDNR's experience in the area.

In response to WDNR's comment letter, the licensee agrees, if feasible, to pull small numbers of purple loosestrife plants observed during the survey. In response to conducting surveys annually instead of every five years, the licensee states that WDNR approved the three-to-five year time frame for surveys for the invasive species plan for the Grandmother Falls Hydro Project (FERC No. 2180). The licensee states that it believes a three-to-five year survey period is satisfactory to meet the goals of the license

Project No. 2161-019

4

article. The licensee states that the proposed five year survey interval is also compatible with the requirement of other licensees in the same area.

## DISCUSSION AND RECOMMENDATIONS

We agree with the proposal to hand pull small clusters or individual plants of purple loosestrife discovered when conducting a survey; this prevents larger scale control measures later. We also agree with the proposal to file monitoring reports with the agencies but would add that the monitoring reports also need to be filed with the Commission in order that we can understand the effectiveness of implementing this management plan.

In regard to the issue of the frequency of conducting surveys, the Commission has stated in similar situations on other projects (to include Grandmother Falls) that conducting surveys every five years after the initial survey may not be frequent enough.<sup>2</sup> While an initial survey is considered the establishment of baseline data, this one time survey alone may not provide suitable information on the plants ability to grow and spread at the project 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 plants to spread, the licensee should monitor for at least five consecutive years beginning with the initial baseline survey in 2006. If after five consecutive years, there appears to be either no invasive plants present or no spread of invasive plants, then the licensee may propose an alternative monitoring frequency at that time. Until that time, the licensee does not have sufficient information to justify monitoring for invasive plants only once every five years, as proposed.

Taking into consideration staff's recommendation to monitor for at least five consecutive years, the monitoring reports will likewise need to be filed for at least five consecutive years. So that the Commission can stay apprised of the resource agencies' recommendations regarding the monitoring results, the licensee should allow the resource agencies a minimum of 30 days to review the monitoring reports before filing the reports with the Commission, including any agency comments and the licensee's response to their

---

<sup>2</sup> See Webber Project No. 2566-031, 101 FERC ¶ 61,335 (issued December 20, 2002); Bond Falls Project No. 1864-024, 110 FERC ¶ 62,173 (issued February 24, 2005); and Grandmother Falls Project No. 2180-017, 114 FERC ¶ 62,044 (issued January 19, 2006).

Project No. 2161-019

5

comments. We recommend that the annual monitoring reports be filed with the WDNR and FWS by October 31, and then with the Commission by December 31, in the year in which the surveys are conducted, for at least five consecutive years, starting in 2006. By December 31, 2010, the licensee should file a five-year comprehensive monitoring report with the Commission, containing a comparison of all data collected and a recommendation from the licensee and the resource agencies on the recommend frequency for future monitoring. If the comprehensive report includes, and the Commission concurs, that no significant change in invasive plants is evident in the extent and location of the invasive plants, then the Commission may change the future survey frequency at that time, depending on the licensee's proposal, the monitoring results and any new relevant information. However, if the first five years of surveying indicates an increase in the extent and/or location of invasive plants, then annual surveys should continue until the Commission receives evidence, and concurs, that such increase has ceased.

In summary, the licensee's proposed plan meets the requirements of license article 406 of the 2003 Order. The proposed plan should help prevent the spread of invasive plants, and therefore should be approved, with modification.

The Director orders:

(A) The Rhinelander Paper Company's (licensee) Invasive Species Management Plan filed on November 29, 2005, pursuant to article 406 of the Rhinelander Hydro Project license, as modified below by ordering paragraph (B), is approved.

(B) The licensee shall conduct annual surveys for invasive plants, especially for purple loosestrife and Eurasian water milfoil, in projects lands and waters, for at least five consecutive years, beginning in the summer of 2006. The licensee shall file annual monitoring reports with the U.S. Fish and Wildlife Service and the Wisconsin Department of Natural Resources by October 31, and then with the Commission by December 31 in the year in which the survey is conducted, for at least five consecutive years, starting in 2006. The licensee shall allow the resource agencies a minimum of 30 days to provide comments and/or recommendations on the monitoring reports before filing the reports with the Commission for review. If the licensee does not adopt an agency recommendation, the licensee's report shall include the licensee's reasons, based on project-specific information. The licensee's fifth monitoring report, due to the Commission by December 31, 2010, shall be a comprehensive report, containing 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 plants, then the licensee may propose an alternative monitoring and reporting

Project No. 2161-019

6

frequency in the fifth report, after consulting with the resource agencies. 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 and/or implementation of other control measures, based on the licensee's monitoring reports or new information, as it becomes available.

(C) 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.

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