

84 FERC ¶62,160

UNITED STATES OF AMERICA FEDERAL ENERGY REGULATORY COMMISSION

Wisconsin Public Service Corp.)	Project Nos. 2525-011,
)	2595-019, 2522-012,
)	2546-015, 2560-007, &
)	2581-008

ORDER APPROVING COMPREHENSIVE LAND AND WILDLIFE MANAGEMENT PLANS

AUG 20 1998

On June 19, 1998, the Wisconsin Public Service Corporation (licensee) filed a comprehensive land management and wildlife management plan for the Peshtigo River Hydroelectric Projects. The plan was filed pursuant to articles 412, 409, 410, 411, 409, and 408 of the Caldron Falls 1/, High Falls 2/, Johnson Falls 3/, Sandstone Rapids 4/, Potato Rapids 5/, and the Peshtigo 6/ licenses, respectively, all issued on June 26, 1997. The Projects are located on the Peshtigo River in Marinette County, Wisconsin. One of the projects, the Caldron Falls Project, is also partially located in Oconto County, Wisconsin.

The above articles require the licensee to file a comprehensive land management and wildlife management plan. The plan should include, at a minimum: maps showing all licensee owned land; land management categories with allowable uses; a shoreline development policy; a 200-foot, no-timber-harvest zone policy for the landward side of all riparian areas within the project boundary; a plan to monitor zebra mussels; a plan to monitor purple loosestrife, a final bald eagle protection plan; and provisions for consulting with the Wisconsin Department of Natural Resources (WDNR). The plan should be prepared in consultation with the WDNR, U.S. Fish and Wildlife Service (FWS), and the Marinette County Land & Water Conservation Department.

-
- 1/ Order Issuing New License, 79 FERC ¶62,219.
 - 2/ Order Issuing New License, 79 FERC ¶62,223.
 - 3/ Order Issuing New License, 79 FERC ¶62,222.
 - 4/ Order Issuing New License, 79 FERC ¶62,221.
 - 5/ Order Issuing Subsequent License, 79 FERC ¶62,216.
 - 6/ Order Issuing Subsequent License, 79 FERC ¶62,220.

980824.0342.3

FERC - DOCKETED
AUG 20 1998

Project No. 2525-011 et al. -2-

Land Management Plan

The licensee classified the lands into nine land management categories: wild reservoir - exceptional visual qualities with minimal development; wild river - free flowing river with adjacent lands located in the sparsely populated, natural, and rugged environment; forest management - areas managed for sawtimber, pulpwood, fuel wood, and other forest products; scenic areas - having unique aesthetic qualities or distinctive landscapes but are not considered a wild resource area; recreational development; project facilities; archaeological and historical areas; and endangered resource zones. The filing included maps of all the sites with the proposed land management categories displayed for each development.

The plan includes management techniques for different age classes of timber, residual trees, timber stand improvement, pruning, improvement cutting, reforestation, insect and disease programs, and fire control. The plan also includes procedures for how timber sales will be scheduled and lists timber harvest contract terms. The licensee will implement WDNR Best Management Practices for Water Quality to reduce potential negative impacts due to ground disturbing activities.

Buffer Zone Plan

The licenses require that the licensee provide a 200-foot buffer zone along the landward side of all riparian areas that includes a provision that no-timber harvesting can occur within this buffer. However, the licensee, after consultation with the agencies, proposes that aesthetic management techniques would be beneficial within this buffer zone. The WDNR concurred that vegetative management could occur in this zone if it is approved by all parties (licensee, FWS, WDNR, and the National Park Service).

Invasive Species Plans

Three invasive species, purple loosestrife, Eurasian milfoil, and zebra mussels have been identified in waterbodies throughout northeastern Wisconsin. The licensee will conduct annual surveys for purple loosestrife, document the size and location of any colony, small colonies will be removed by hand, and the licensee will consult with the WDNR on larger colonies. Documentation that the results of the surveys were submitted to the WDNR and FWS will be filed with the Commission by October 31 of each year.

The licensee will survey for Eurasian milfoil beginning in 1998 and ever three years thereafter. The presence of colonies will be documented. If control becomes necessary the licensee

Project No. 2525-011 et al. -3-

will cooperate with the agencies. Documentation of the submittal of the survey results to the agencies will be filed with the Commission by December 31 of the survey year.

Zebra mussels will be monitored using substrate samplers monthly from May to September of each year and hard surfaces that are normally submerged will be inspected during drawdowns. If zebra mussels are found, monitoring will be discontinued at that site. Currently, no methods for widespread zebra mussel control are available; however, the licensee will cooperate with the agencies to control zebra mussels if suitable methods are developed. The results of the surveys will be submitted to the WDNR, FWS, and the University of Wisconsin - Sea Grant. Documentation of submittal will be filed with the Commission by December 31 each year.

Endangered Species Plan

To protect bald eagles and other endangered species at the projects, the licensee has created endangered resource zone management categories within its comprehensive land use plan. The plan establishes guidelines for activities within certain distances to primary nesting areas, secondary nesting areas, potential nesting areas, feeding areas, roosting areas, and allowable uses of toxic chemicals. Specific techniques will be used to protect cavity nesting and supercanopy trees.

Consultation

At a minimum, consultation with the WDNR and FWS will occur on an annual basis in the fall to discuss the proposed land and wildlife management activities proposed for the following year. Timber management activities will be compiled into an annual implementation plan and other ground disturbing activities will be handled on an individual basis also at this annual meeting. Changes to the comprehensive land and wildlife management plan will be addressed, as well as, the addition of any newly listed endangered species that may occur on project lands. Consultation may also be initiated at any other time if necessary.

The licensee will consult with the WDNR, FWS, and Marinette County every six years to update and make changes to the comprehensive land and wildlife management plan. A revised plan will be filed for Commission approval beginning December 31, 2005.

Agency Comments

Comments were received from the WDNR in two letters dated February 2, 1998. All agency comments were incorporated into the plan. No comments were received from FWS and Marinette County.

Project No. 2525-011 et al. -4-

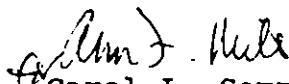
Conclusions

The filed comprehensive land and wildlife management plans ensure the maintenance of the Peshtigo River Hydroelectric Project lands in a manner that protects environmentally sensitive habitat and ensures that land use is compatible with wildlife management, while providing for multiple uses of those lands. The filed plan satisfies the requirements for articles 412, 409, 410, 411, 409, and 408 of the Caldron Falls, High Falls, Johnson Falls, Sandstone Rapids, Potato Rapids, and the Peshtigo licenses, respectively; this plan should be approved.

The Director orders:

(A) The comprehensive land and wildlife management plan, filed on June 19, 1998, pursuant to articles 412, 409, 410, 411, 409, and 408 of the Caldron Falls, High Falls, Johnson Falls, Sandstone Rapids, Potato Rapids, and the Peshtigo licenses, issued on June 26, 1997, is approved.

(B) 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