

135 FERC ¶ 62,132  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Wausau Paper Specialty Products, LLC

Project No. 2161-019

ORDER AMENDING INVASIVE SPECIES MANAGEMENT  
PLAN PURSUANT TO ARTICLE 406

(Issued May 11, 2011)

1. On February 10, 2011, Wausau Paper Specialty Products, LLC (licensee), filed a request to amend the invasive species management plan for the Rhinelander Hydroelectric Project (FERC No. 2161), pursuant to article 406 of the project license.<sup>1</sup> The project is located on the upper Wisconsin River in Tomahawk, Newbold, Pine Lake, and Pelican townships, Oneida County, Wisconsin.

BACKGROUND

2. Article 406 requires the licensee,<sup>2</sup> after consultation with the Wisconsin Department of Natural Resources (Wisconsin DNR) and the U.S. Fish and Wildlife Service (FWS), to file an exotic species control plan to monitor invasive species, such as purple loosestrife (*Lythrum salicaria*) and Eurasian water milfoil (*Myriophyllum spicatum*), at the project. The approved invasive species management plan, as modified, requires the licensee to conduct annual surveys for invasive plants, especially purple loosestrife and Eurasian water milfoil, in project lands and waters, for at least five consecutive years.<sup>3</sup> The approved invasive species management plan requires the licensee to file annual monitoring reports with the Wisconsin DNR and FWS for review, and to file the annual monitoring reports, with any resource agency comments and recommendations, with the Federal Energy Regulatory Commission (Commission). The

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<sup>1</sup> Order Issuing New License issued August 20, 2003 (104 FERC ¶ 62,134).

<sup>2</sup> On December 28, 2006, the Commission issued an Order Approving Transfer of License from Rhinelander Paper Company to Wausau Paper Specialty Products. *See* (117 FERC ¶ 62,270).

<sup>3</sup> Order Modifying And Approving Invasive Species Management Plan Pursuant To Article 406 issued April 27, 2006 (115 FERC ¶ 62,106).

licensee filed the five annual monitoring reports with the Wisconsin DNR and FWS, and subsequently with the Commission, in a timely manner.

3. The approved invasive species management plan requires that the fifth monitoring report be a comprehensive report containing a comparison of all data collected in the previous five years. Further, it states that 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 frequency, after consulting with the resource agencies.

4. The licensee filed its fifth monitoring report on December 10, 2010, which documented the survey of project lands and waters for invasive species for 2010. The licensee filed its comprehensive summary report separately on February 10, 2011, along with its request to amend the plan.

#### LICENSEE'S SUMMARY REPORT

5. In 2006, a baseline meander survey for purple loosestrife and Eurasian water milfoil was conducted for the project. Annual surveys were conducted in 2007, 2008, 2009, and 2010. During all of the surveys, no Eurasian water milfoil was found. In addition, point intercept surveys for Eurasian water milfoil were performed concurrently with the meander surveys, in all survey years at the project, and no Eurasian water milfoil was found.

6. In all survey years, purple loosestrife was found within the limits of the project, both upstream and downstream of the project dam. The total number of occurrences and plants has remained relatively low during the five years of surveys:

- 2006 - one occurrence (16 plants) located in the upstream (impoundment) and eight occurrences (28 plants) downstream (bypass reach and tailrace) of the dam (total = 44 plants)
- 2007 - two occurrences (14 plants) located in the upstream and five occurrences (25 plants) downstream of the dam (total = 39 plants)
- 2008 - two occurrences (12 plants) located in the upstream and nine occurrences (40 plants) downstream of the dam (total = 52 plants)
- 2009 - five occurrences (20 plants) located in the upstream and four occurrences (28 plants) downstream of the dam (total = 48 plants)
- 2010 - nine occurrences (35 plants) located in the upstream and eight occurrences (23 plants) downstream of the dam (total = 58 plants).

7. Overall, the number of purple loosestrife plants observed downstream of the dam has remained about the same while those upstream of the dam have shown an increase. The licensee cites the use of the *Galerucella* beetle as a biological control and the ability of the survey crew to remove the seed heads or to pull many of the plants from licensee-owned and/or publicly-accessible lands downstream of the dam. The licensee cites the absence of the *Galerucella* beetle and the difficulty in obtaining permission from land owners to enter their property to remove the plants upstream of the dam.

#### LICENSEE'S PROPOSED AMENDMENT

8. The licensee proposes, after consultation with the Wisconsin DNR, to provide funding to the Wisconsin DNR to hire a seasonal summer employee from mid-May through August. This person will be directed by the Wisconsin DNR and their duties would be focused both on control and monitoring of purple loosestrife in the project area. The licensee proposes that the seasonal employee's activities would include:

- watercraft inspections
- Aquatic Invasive Species (AIS) monitoring (Eurasian water milfoil, curly leaf pond weed, purple loosestrife, spiny water-flea, zebra mussels, and possibly others)
- public education and involvement
- updating signage as needed
- aquatic plant surveys
- AIS and aquatic plant mapping
- AIS removal
- train volunteers on watercraft inspection and citizen volunteering monitoring activities
- other AIS related activities as needed.

9. The licensee proposes to fund this position for a period of five years. At the end of the five-year period, the licensee proposes, in consultation with the resource agencies, to review the effectiveness of this procedure in the control of purple loosestrife and other invasive species. The licensee states that the funding of the AIS person would be a valuable contribution in the control of invasive species, and that the funding would provide a more effective and coordinated use of funds to enhance the quality of the project area.

## RESOURCE AGENCY CONSULTATION

The licensee developed the proposed amendment in consultation with the Wisconsin DNR. By email dated February 3, 2011, the Wisconsin DNR concurred with the licensee's amendment request and provided an estimate of the costs for the seasonal AIS person. The licensee provided a copy of the plan to the FWS on February 10, 2011, for review and any comments. There were no comments received from the FWS.

## DISCUSSION

10. The licensee's five-year invasive species summary report is a comprehensive and detailed accounting of the presence of purple loosestrife and Eurasian water milfoil within the project area, both upstream and downstream of the dam. The reasons provided by the licensee in support of its proposal to fund a position for a part-time aquatic invasive species person are reasonable as a way of continuing to control and monitor invasive weeds. While the Commission understands the cooperative nature of the funding for the hiring of an invasive species person, to be directed by the Wisconsin DNR, the licensee is reminded that pursuant to its approved plan, it is ultimately responsible for the management of invasive species within the project boundary. Therefore, that portion of the proposed amendment that state or refer to funding be provided to the Wisconsin DNR are stricken from the plan. The licensee is not restricted to the services of the Wisconsin DNR in carrying out their proposed amended plan, but is also not precluded from hiring a seasonal employee under the direction and expertise of the Wisconsin DNR.

11. The licensee's proposed amendment did not discuss the filing of annual reports. Similar to the currently approved invasive species monitoring plan, the licensee should file annual monitoring reports with the Wisconsin DNR and the FWS by October 31, and then with the Commission by December 31 in the year in which the monitoring is conducted. The licensee should also file a comprehensive summary report by December 31, 2015, that discusses the previous five years of activity and propose any future changes in the monitoring and control of invasive species at the Rhinelander Project.

12. The licensee's proposal to amend the Order Modifying And Approving Invasive Species Management Plan Pursuant To Article 406, as modified herein, should be approved.

### The Director orders:

(A) The Wausau Paper Specialty Products' LLC (licensee) proposal to amend the Order Modifying And Approving Invasive Species Management Plan Pursuant To Article 406 of the Rhinelander Hydroelectric Project, as modified in ordering paragraphs (B) and (C), is approved.

(B) The licensee shall provide funds to hire a seasonal aquatic invasive species person (from mid-May through August) whose duties shall focus on controlling and monitoring invasive species within the project area as outlined in the licensee's February 10, 2011 filing with the Federal Energy Regulatory Commission (Commission).

(C) The licensee shall file annual monitoring reports with the Wisconsin Department of Natural Resources and the U.S. Fish and Wildlife Service by October 31, and then with the Commission by December 31 in the year in which the monitoring is conducted. 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. The licensee shall also file a comprehensive summary report by December 31, 2015, that discusses the previous five years of monitoring activities and any future monitoring and control of invasive species at the Rhinelander Project.

(D) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the Federal Power Act, 16 U.S.C. § 8251 (2006), and the Commission's regulations at 18 C.F.R. § 385.713 (2010). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. The licensee's failure to file a request for rehearing shall constitute acceptance of this order.

Thomas J. LoVullo  
Chief, Aquatic Resources Branch  
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Administration and Compliance

Document Content(s)

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