

80 FERC ¶ 62,031

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Weyerhaeuser Company )

Project No. 2212-007

ORDER MODIFYING AND APPROVING PURPLE LOOSESTRIFE MONITORING PLAN  
JUL 14 1997.

On January 14, 1997, Weyerhaeuser Company (licensee) filed a purple loosestrife monitoring plan, pursuant to article 407 of the license for the Rothschild Project. The Rothschild Project is located on the Wisconsin River in Marathon County, Wisconsin.

Article 407 requires the licensee to file a plan to monitor for purple loosestrife (Lythrum salicaria) in project waters. The plan shall be prepared in consultation with the U.S. Fish and Wildlife Service (USFWS) and the Wisconsin Department of Natural Resources (WDNR). Further, the article states, if during the term of the license the USFWS and the WDNR deem it necessary to control or eliminate purple loosestrife, the licensee shall cooperate in this measure.

PROPOSAL

In its proposed plan, the licensee identifies seven areas along project waters where purple loosestrife have been observed. The licensee proposes to monitor purple loosestrife at the project each year, beginning in 1997, between the third full week of July and the end of the first week in August. Monitoring will consist of low-speed visual shoreline surveys using a shallow-draft motorboat. For surveys conducted during odd-numbered years, the survey will be conducted by a survey team, including a qualified biologist familiar with the ecology and anatomy of the species. Occurrences of purple loosestrife will be marked in the field on copies of 1990 Marathon County digital aerial photographs. During even numbered years, the survey will be conducted by Weyerhaeuser Company plant personnel. Purple loosestrife occurrences will be marked in the field on suitable maps or aerial photographs. The licensee states that, in the future, it is possible that other suitable monitoring methods may be selected and used in consultation with the USFWS and the WDNR.

In addition, the licensee proposes to submit a written report of the survey results to the USFWS and the WDNR by November 30 of each odd-numbered year and to file a letter with the Commission documenting its submission of the monitoring results to the agencies.

AGENCY COMMENTS AND RECOMMENDATIONS

By letters dated December 9 and 18, 1996, respectively, the WDNR and the USFWS concurred with the proposed plan and made

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specific recommendations. The filed plan incorporates some of the recommendations.

Regarding other recommendations, the agencies recommend the licensee remove small colonies (1 to 5 plants) of purple loosestrife found during the surveys and develop a public task force to help monitor purple loosestrife. Further, the USFWS recommends the licensee provide a WDNR purple loosestrife pamphlet at "high use" public access areas to increase public awareness of the problem.

The licensee's filing includes responses to the agency recommendations. In general, the licensee believes the recommended measures are outside the scope of article 407 and should not be part of the required plan. However, the licensee agrees to remove isolated small colonies of purple loosestrife; to provide, on a limited basis, informational pamphlets at public access points; and to help coordinate dissemination of information and/or occurrence reporting efforts, in the event a task force is identified to the Weyerhaeuser Company.

#### DISCUSSION

In response to the agencies' recommendations, the licensee plans to remove isolated small colonies of purple loosestrife and to provide, on a limited basis, informational pamphlets at public access points. These measures would help control the spread of purple loosestrife on project waters and would protect natural wetland species in and around the reservoir. Given this information, we find the measures reasonable and consistent with the licensee's responsibilities under article 407 to cooperate with agency control efforts. For this reason, the measures should be incorporated into the required monitoring plan.

Regarding the agencies' recommendation that the licensee develop a public task force to monitor purple loosestrife, we find this measure outside the scope of article 407. The intent of article 407 is to ensure the licensee monitors purple loosestrife at project waters and cooperate with the USFWS and the WDNR, if becomes necessary to control or eliminate the species. The licensee's development of a task force, particularly one involving the local community, goes beyond the licensee's obligations under article 407. For this reason, we are not requiring the licensee's plans regarding this measure to be part of the required monitoring plan. However, the licensee is not precluded from participating in such a task force should one be formed.

The licensee plans to file a letter notifying the Commission of its submission of survey results with the agencies. Under article 407, the licensee is required to provide the survey

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results to the agencies. The licensee is expected to fully comply with this requirement. It is not necessary for the licensee to file the proposed letter with the Commission. This provision of the proposed plan is not approved.

The licensee's purple loosestrife monitoring plan satisfies the requirements of article 407. Implementation of the plan, as modified by this order, should identify populations of purple loosestrife and help control existing populations at the project. For these reasons, the proposed plan, as modified, should be approved.

The Director orders:

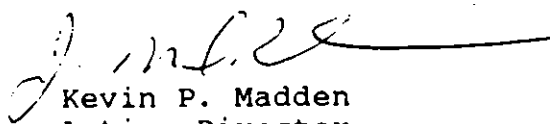
(A) The purple loosestrife monitoring plan, filed on January 14, 1997, pursuant to article 407, is approved as modified by paragraphs B, C, and D.

(B) The licensee's plans to remove small colonies (1 to 5 plants) of purple loosestrife found during the annual surveys, as described in its January 13, 1997 letter (filed January 14, 1997) is hereby incorporated as part of the approved monitoring plan.

(C) The licensee's plans to provide, on a limited basis, informational pamphlets at public access points, as described in its letter dated January 13, 1997 (filed January 14, 1997), is hereby incorporated into the approved monitoring plan.

(D) The provision of the approved monitoring plan concerning licensee's notification of the Commission of its submission of survey results with the agencies is not approved as part of the plan.

(E) 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.



Kevin P. Madden  
Acting Director  
Office of Hydropower Licensing