

UNITED STATES OF AMERICA 116 FERC ¶62,206  
FEDERAL ENERGY REGULATORY COMMISSION

Mosinee Paper Corporation

Project No. 2207-022

ORDER MODIFYING AND APPROVING INVASIVE PLANT MONITORING PLAN  
PURSUANT TO ARTICLE 408

(Issued September 13, 2006)

On January 10, 2006 Spaulding Consultants, LLC filed an invasive plant monitoring plan (plan) on behalf of the Mosinee Paper Corporation (licensee), pursuant to article 408 of the license<sup>1</sup> for the Mosinee Hydroelectric Project (FERC No. 2207) as modified by Order on Rehearing.<sup>2</sup> The project is located on the Wisconsin River in Marathon County, Wisconsin.

## BACKGROUND

Article 408 requires the licensee to file, for Commission approval, a plan to monitor invasive species such as purple loosestrife (*Lythrum salicaria*) and Eurasian water milfoil (*Myriophyllum spicatum*) at the project. The plan is 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 to include, at a minimum: (1) a description of the monitoring method; (2) frequency of monitoring; (3) a schedule for filing monitoring reports with the WDNR, FWS and the Commission; and (4) a description of an implementation schedule for providing public information about the species.

The licensee must include with the plan documentation of agency consultation, including copies of agency comments and recommendations on the draft plan, and specific descriptions of how the agencies' comments are accommodated by the plan. The licensee is 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 must include the licensee's reasons, based on project-specific information. Article 408 reserves the Commission the right to require changes to the plan. Upon approval, the licensee is to implement the plan according to the approved schedule, including any changes required by the Commission.

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<sup>1</sup> 111 FERC ¶ 62,033 (2005).

<sup>2</sup> 111 FERC ¶ 61,438 (2005).

If at any time during the term of the license, the WDNR and FWS demonstrate that 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 agencies to undertake reasonable measures to control or eliminate the invasive species in the project area.

## DESCRIPTION OF THE PLAN

A comprehensive aquatic plant survey was conducted in the project area July 9 through July 12, 2001. Both purple loosestrife and Eurasian water milfoil were found. Within a sample of 27 plots, purple loosestrife was located in 17, while Eurasian water milfoil was found in seven. The licensee would use this data to monitor any population changes and conduct a more current baseline survey to document the presence and location of invasive species. This would allow the licensee to note any changes to previously identified populations and to monitor the spread of invasive to new areas. The licensee would then base any control methods on the results of the baseline survey.

The licensee would perform point intercept surveys in late July or early August within project to detect the presence of Eurasian water milfoil, using WDNR recommended guidelines. At each survey point rake tows would be used to search for Eurasian water milfoil colonies. The location of these colonies would be mapped and an estimate of its aerial coverage would be assigned. The location of these colonies would be displayed using Geographic Information Systems (GIS). Purple loosestrife would be searched by scanning the shoreline and shallow areas of the project waters during a meander survey, also to be conducted in late July or early August. Any purple loosestrife that is found would be mapped using a Geographic Positioning System unit. An estimate of plant coverage at each location would be assigned, and the mapped locations would be displayed in a GIS format.

A report documenting the findings of the survey would be submitted to the appropriate agencies within six months of completing the survey. This process would then be repeated every 5 years. The licensee would work with the appropriate agency personnel to monitor the spread of invasive plant species if their presence threatens native plant and animal populations. While this plan focused on monitoring Eurasian water milfoil and purple loosestrife, if other species are detected, their presence and location would also be documented.

To educate the public about the importance of controlling invasive species, the licensee also proposes to create laminated signage describing the history and background of the species listed in the plan. These signs would be posted and maintained at the five public access points to the project waters, along with any additional postings requested by the WDNR.

#### AGENCY CONSULTATION

A draft of the plan was distributed to the appropriate agencies on November 2, 2005. No comments were received from either agency.

#### DISCUSSION AND CONCLUSION

Based on staff's review of the plan, we agree that the licensee may need to acquire more current information on the status of the project's invasive plant populations in order to make an informed decision about potential control measures. If the results of the licensee's baseline survey find that control measures are necessary to control invasive plant populations, specifically purple loosestrife and Eurasian water milfoil, the licensee should include the specific measures that it intends to implement in its baseline survey report. If no control measures are suggested, the licensee should give its rationale for reaching that decision. Prior to submitting the report to the Commission, the licensee should consult with the MDNR and the FWS on this issue, and consider all comments and recommendations.

The licensee should conduct its proposed baseline survey by the end of August 2007. Late July/early August are preferable to most easily identify the target species. While the baseline survey would be helpful in ascertaining the status of the current purple loosestrife and Eurasian water milfoil populations, the licensee's proposal to monitor for invasive species every five years is insufficient. The Commission has stated in similar cases that conducting surveys every five years after the initial survey may not be frequent enough.<sup>3</sup> Surveying the project once every five years would provide little data about the ability of each plant to grow at the project over a number of years. It has been five years since the last survey for these species was conducted and they are extremely prolific. Considering variations in climate and growing conditions from one year to the next, and the aggressive nature of the invasive plants known to be present at the project, more frequent monitoring is necessary.

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<sup>3</sup> See Rhinelander Project, 115 FERC ¶ 62,106 (2006); Grandmother Falls, 114 FERC ¶ 62,044 (2006) and; Webber Project, 101 FERC ¶ 61,335 (2002).

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In order to affectively monitor the presence and potential spread of invasive plants the licensee should monitor for at least five consecutive years beginning with the baseline survey in 2007. If after five consecutive years there are no invasive plants present, or the existing populations show no signs of spread, the licensee may propose an alternative monitoring schedule at that time. The information presented in the plan, however, does not justify monitoring for invasive plants as proposed. Since Commission staff recommends monitoring for five consecutive years, the licensee should then file monitoring reports with the WDNR, FWS and the Commission to coincide with each survey.

The licensee proposes to submit documentation of its results within six months of its baseline survey. While control methods may be unnecessary at this time, the licensee should include in each report any control recommendations given by the agencies. Staff recommends that the survey results should be submitted to the WDNR and FWS for evaluation prior to filing the data with the Commission in the same year in which the data are collected. Therefore, the licensee should file its monitoring reports with the agencies by October 31<sup>st</sup>. The agencies should then be given 30 days to comment on the baseline survey results and subsequent annual monitoring reports. To allow the licensee time to consider agency comments and make any necessary changes, survey results should be filed with the Commission by December 31st of every monitoring year. Commission staff believes that this would give the licensee adequate time to compile its data and report on the results in a timely fashion.

By December 31, 2011, the licensee should file with the Commission, a five-year comprehensive monitoring report containing a data comparison of all the data collected, and a recommendation from the licensee and resource agencies on the recommended frequency of future invasive plant monitoring. If the 2011 report concludes that there has been no significant change (in extent or location) in the invasive plant population at the project, and the Commission agrees, the Commission may change the survey frequency at that time.

The plan fulfills the filing requirements of article 408, and contains measures to provide for the proper monitoring of invasive plant species in project waters. Therefore, this plan should be approved with the changes discussed above.

The Director orders:

(A) The invasive species management plan for the Mosinee Hydroelectric Project, filed on January 10, 2006, is approved as modified by ordering paragraph (B) below:

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(B) The licensee shall conduct annual surveys for invasive plants, including purple loosestrife and Eurasian water milfoil, within the project boundary for a minimum of five consecutive years, beginning in the summer of 2007. 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, beginning in 2007. These reports shall also include any recommended control methods for the management/elimination of these species, as necessary to protect native plant and animal species at the project. The licensee shall allow for agency comments and subsequently file its monitoring reports with the Commission by December 31 of the year in which the surveys are conducted. The monitoring surveys shall be filed with the agencies and the Commission for at least five consecutive years. The licensee shall allow the resource agencies a minimum of 30 days to submit comments and/or recommendations on the monitoring reports before filing the reports with the Commission. If the licensee does not adopt a recommendation, the report shall include the licensee's reasons, based on site-specific considerations.

The licensee's fifth monitoring report which is due to the Commission on or before December 31, 2011, shall be a comprehensive report and should contain a comparison of all the data collected over the five-year period. If after five consecutive years there appears to be either no invasive plants species present or no spread of existing invasive plants, the licensee may then propose an alternative monitoring/reporting frequency in the 2011 report, after consulting the agencies. The licensee shall continue to monitor for the presence of invasive plants on an annual basis until a proposed alternative monitoring frequency is approved by the Commission. The Commission reserves the right to require modifications to the monitoring plan and/or implementation of 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 from the date of issuance of this order, pursuant to 18 CFR § 385.713.

John E. Estep  
Chief, Land Resources Branch  
Division of Hydropower  
Administration and Compliance