ORIGINAL

Northern States Power Company

100 North Barstow Street
P.O. Box 8
Eau Claire, WI 54702-0008
Telephone (715) 839-2621



November 27, 1996

The Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

RE: White River Hydroelectric Project, FERC Project No. 2444 – 007
Filing of Compliance Plans Pursuant to License Articles 403, 407 and 408

Dear Secretary:

Enclosed for filing are an original and eight copies of the three above referenced compliance plans that were developed pursuant to the license for the White River Project, dated August 29, 1995. Comments were sought from the local resource agencies on draft versions of the plans as documented by correspondence attached to each plan. The agencies' recommendations have been fully considered, and where appropriate, incorporated into these final plans.

Should there be any questions about this filing, please direct them to me or Mr. Rob Olson of my staff. Our telephone numbers are 715/839-2692 and 715/839-1353, respectively.

Very truly yours,

Lloyd Everhart

Lloyd Everhart, Administrator
Hydro Licensing

c: J. Scheirer, WDNR
J. Smith, USFWS

h:\word6\11276let



9612060047

# COMPLIANCE PLAN FOR MANAGING FLY ASH/CINDERS

## ARTICLE 403

## WHITE RIVER LICENSE (FERC PROJECT NO. 2444)

**PLAN TO COMPLY WITH ARTICLE 403 OF THE WHITE RIVER LICENSE (FERC PROJECT NO. 2444)**
**FLY ASH/CINDERS MONITORING PLAN**

The Director's Order:

*Article 403: Within 180 days from the date of issuance of this license (an extension was granted until November 29, 1996), the licensee shall file with the Commission, for approval, a plan to monitor the fly ash/cinders used during the "cindering" process for sealing the spillway gates.*

## 1.0 Introduction

The licensee along with other hydro owners around the country and the State of Wisconsin utilize cinders as a means of sealing spillway gates to prevent leakage. Cindering is used to reduce the amount of water lost that could be used for generation and is vitally important during the wintertime as leakage through the spillway gates can result in ice damage. Ice accumulation on the spillway gates may also prevent the gates from opening during emergency high flow conditions during the wintertime.

The cinders that the Applicant uses for "cindering" at the White River project originated from a single source. The licensee obtained and stockpiled a quantity of cinders (several years' supply) from a local industrial facility that is now retired (Uniroyal-Goodrich Tire Plant in Eau Claire, WI). An analysis of the cinders was conducted in August 1992 for a variety of metals and other possible hazardous elements and compounds. The results of that analysis are included in *Attachment A*. The analysis indicated that trace metals concentrations are low and some are below the range of naturally occurring metals found in soils. The results overall indicate the ash used to cinder the gates is relatively inert and environmentally harmless. The results of the 1992 analysis were forwarded to the Wisconsin Department of Natural Resources' (WDNR) Bureau of Solid Waste staff in Madison for review. The licensee has not received a response back from the WDNR.

## 2.0 Trace Metals and Other Elements to be Analyzed

The WDNR requested in their September 3, 1993 Comments and Recommendations for Terms and Conditions (Page 4, Number 10) that the analysis of cinders should include an evaluation of the following metals: Arsenic, cadmium, chromium, copper, iron, lead, manganese, mercury, nickel, zinc and any other substances that may be associated with a particular source of ash.

The cinder analysis that the licensee performed in 1992 included all of the metals on the WDNR's recommended list (with the exception of copper and nickel) as well as several other elements of concern which included barium, selenium, silver, aluminum, antimony, chlorine, fluorine, sodium, calcium, potassium and sulfur. All of the parameters that are to be analyzed pursuant to this plan are in *Attachment A*, including copper and nickel. This listing should be adequate to the WDNR and other resource agencies.

## 3.0 Analysis of the Fly Ash/Cinders Prior to Use

The licensee will duplicate the 1992 analysis (including copper and nickel) after plan approval. Three separate samples will be taken from the main cinder stockpile and combined into a composite sample. The composite sample will be sent to the licensee's chemistry lab in Minneapolis, which is certified by the State of Wisconsin. The results of the analysis will be forwarded to the resource agencies for review. The licensee feels it is unnecessary to sample each pile of cinders at each project site each year because the cinders originated from only one source and from one main stockpile.

The licensee's calculations indicate that the present supply of cinders will last another two to three years. In the meantime, the licensee will need to find a new source of cinders. If a new source of cinders is found, the licensee will reanalyze the cinders, as described above, to determine the composition of the material. The results will be forwarded to the WDNR and other resource agencies for review prior to being used for gate cindering. Licensee will follow this procedure throughout the term of the license any time that cinders are procured from a new source.

## 4.0 Submission of Testing Results

The results of the analysis and any follow-up analysis will be forwarded to the WDNR, the Bad River Band of Lake Superior Tribe of Chippewa Indians and the Great Lakes Indian, Fish and Wildlife Commission for review.

## 5.0 Enhancement Measures

The licensee does not propose any enhancement measures for the cinders monitoring plan because the existing analytical results indicate that contaminants are not being introduced into the White River. If licensee detects any contaminants in concentrations that are known to be environmentally harmful, the subject cinders will not be used for gate cindering; instead, either an alternative supply of cinders will be located or an alternative to cindering will be evaluated.

## 6.0 Agency Correspondence.

This plan was forwarded to the WDNR and other resource agencies for their review and comment. Their comments and recommendations are included in *Attachment B*. The WDNR deferred their comments on the monitoring plan until a thorough analysis can be made by several of their management programs. They felt that it was necessary to take additional time now to arrive at a consistent approach to cindering at all dams in Wisconsin prior to commenting on the monitoring plan. They expect that a consistent approach will be developed by the end of January, 1997. Additional comments from the WDNR and the licensee's response to those comments will be submitted to FERC at a later date.

# ATTACHMENT A

# RESULTS OF THE 1992 FLY ASH/CINDERS ANALYSIS

TABLE 1 Uniroyal Cinder 1312 leach

| Lab No. | | 197.16 |
|---|---|---|
| Date Sampled | | Jun-92 |
| Sample Type | | Uniroyal |
| | | Cinders |
| | | 1312 Leach |
| | | |
| | METHODS | |
| | | |
| Arsenic, mg/L As | EPA 206.2 | 0.068 |
| Barium,mg/L Ba | DC PLASMA | 0.1 |
| Cadmium, mg/L Cd | EPA 213.2 | <0.001 |
| Chromium,mg/L Cr | EPA 218.2 | <0.005 |
| Lead, mg/L Pb | EPA 239.2 | <0.005 |
| Mercury,mg/L Hg | EPA 245.1 | <0.001 |
| Selenium, mg/L Se | EPA 270.2 | 0.010 |
| Silver, mg/L Ag | DC PLASMA | <0.01 |
| Aluminum, mg/L Al | DC PLASMA | 1.21 |
| Chloride, mg/L Cl | EPA 325.2 | <1 |
| Fluoride, mg/L F | ELECTRODE | <0.1 |
| Sodium, mg/L Na | DC PLASMA | 0.8 |
| Zinc, mg/L Zn | DC PLASMA | 0.01 |
| Antimony, mg/L Sb | DC PLASMA | <0.1 |
| Calcium, mg/L Ca | DC PLASMA | 14.0 |
| Iron, mg/L Fe | DC PLASMA | <0.1 |
| Manganese, mg/L Mn | DC PLASMA | <0.01 |
| Potassium, mg/L K | DC PLASMA | 0.2 |
| Sulfate, mg/L SO4 | DC PLASMA | 3 |
| TOC, mg/L C | EPA 415.1 | 0.6 |
| | | |
| pH | EPA 150.1 | 10.7 |
| Alkalinity, mg/L CaCO3 | EPA 310.1 | 41 |
| Conductance, umhos/cm @25 | EPA 120.1 | 128 |
| Total Hardness, mg/L CaCO3 | CALCULATED | 36 |
| COD, mg/L O2 | HACH VIALS | <5 |
| Total Dissolved Solids, mg/L | EPA 160.1 | 50 |

TABLE 2 Uniroyal Cinders Bulk

| Lab No. | | 197.17 |
|---|---|---|
| Date Sampled | | Jun-92 |
| Sample Type | | Uniroyal |
| | | Cinders |
| | | |
| | METHODS | |
| | | |
| Arsenic, mg/Kg As | EPA 206.2 | 5.1 |
| Barium,mg/Kg Ba | DC PLASMA | 30 |
| Cadmium, mg/Kg Cd | DC PLASMA | 0.06 |
| Chromium,mg/Kg Cr | DC PLASMA | 10.5 |
| Lead, mg/Kg Pb | DC PLASMA | 3.8 |
| Mercury, mg/Kg Hg | EPA 245.5 | 0.015 |
| Selenium, mg/Kg Se | EPA 270.2 | 0.5 |
| Silver, mg/Kg Ag | DC PLASMA | <0.3 |
| Aluminum, mg/Kg Al | DC PLASMA | 1100 |
| Chlorine, mg/Kg Cl | DIONEX | 210 |
| Fluorine, mg/Kg F | DIONEX | 10 |
| Sodium, mg/Kg Na | DC PLASMA | 92 |
| Zinc, mg/Kg Zn | DC PLASMA | 98 |
| Antimony, mg/Kg Sb | DC PLASMA | <5 |
| Calcium, mg/Kg Ca | DC PLASMA | 740 |
| Iron, mg/Kg Fe | DC PLASMA | 4540 |
| Manganese, mg/Kg Mn | DC PLASMA | 31 |
| Potassium, mg/Kg K | DC PLASMA | 130 |
| Sulfur, mg/Kg S | LECO SC132 | 2100 |
| Total Carbon, mg/Kg C | LECO CHN 600 | 145000 |

# ATTACHMENT B

# AGENCY CORRESPONDENCE

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
William H. Smith, District Director

Park Falls Area Headquarters
875 S. 4th Ave., PO Box 220
Park Falls, WI 54552
TELEPHONE 715-762-3204
FAX 715-762-4348

November 21, 1996

Mr. Lloyd Everhart
Northern States Power Company
100 North Barstow Street
P. O. Box 8
Eau Claire, WI 54702-008

Dear Mr. Everhart:

The Department must defer its comments on the monitoring plan which Northern States Power developed for continuing its use of cinders to seal leaking spillway discharges at the Hayward and White River hydro projects. Because a thorough review of this plan involves multiple programs within the Department, we will not be able to finalize our recommendations within the 30-day period you provided.

Cindering is a widespread practice used to control leakage through spillgates and stoplogs of many dams in Wisconsin. As you explained in the draft plan, the procedure reduces generational losses at hydroelectric projects and prevents structural damage and operational problems caused by ice buildup at many other Wisconsin dams in winter. Cindering is also used in some temporary installments, such as coffer dams and sheetpiling, to prevent seepage into dewatered areas. Rather than deal with cindering at White River and Hayward as isolated instances, the Department has decided to first address this use on a broader scale to ensure equitable consideration when we make similar determinations on a case by case basis throughout the state.

It may be useful to briefly outline our concerns so that you and the Commission staff will better understand the need to continue these particular consultations. The basic question before us is whether or not introducing cinders into a waterway will adversely affect surface water resources. We must also decide if the beneficial uses outweigh the potential for environmental harm. While these questions seem relatively straightforward, providing answers becomes complicated by our diverse regulatory responsibilities. Cinders and fly ash are defined in the statutes as regulated substances under the solid waste management rules of Chapter 144. There are uncertainties about the quantity of cinders used for this purpose, which we expect would vary from site to site and year to year. To answer these questions we may need some additional information from NSP and other dam operators. Technically, gate cindering could be considered a discharge to the waterway, and the practice may be regarded as placing fill on the stream bed. Special water quality standards apply to streams, such as the Namekagon and White Rivers, which have been designated as Exceptional Resource Waters, Outstanding Resource Waters, or National Scenic Riverways. In any case, the Department would have to issue some sort of approval in the form of a permit or exemption, if we determine that continued use of cinders is allowed. Consequently, our staff in several bureaus are presently examining the practice of cindering to find whether this procedure is consistent with applicable rules.

We regret any inconvenience which may stem from this delay. We suggest you file the draft plan with the Commission on schedule and attach this letter to indicate that agency consultation on cindering is incomplete

and that the Department's comments and recommendations will be provided soon. Our goal is to resolve this issue before the end of January, 1997. We are confident that NSP and the Commission will recognize the value of extending these consultations for a short time in favor of fair and consistent treatment to all entities who employ this method to control leakage at permanent and temporary water control structures.

Please contact me with any questions or concerns you may have about this matter. If you prefer that we submit our final comments directly to the Commission's Secretary, we would be happy to do so. You can reach me at (715) 762-3204, extension 131.

Sincerely,

Jeff Scheirer

Jeff Scheirer
Northwest District FERC Project Manager

# COMPLIANCE PLAN FOR MANAGING LANDS

# ASSOCIATED WITH THE WHITE RIVER HYDRO PROJECT

# ARTICLE 407

# WHITE RIVER LICENSE (FERC PROJECT NO. 2444)

# PLAN TO COMPLY WITH ARTICLE 407 OF THE WHITE RIVER HYDRO PROJECT LICENSE (FERC PROJECT NO. 2444), LAND MANAGEMENT PLAN

The Director's Order:

Article 407: *Within one year of the issuance date of this license (an extension of time was granted until November 29, 1996), the licensee shall file with the Commission, for approval, a land management plan for all the licensee-owned land in the project area.*

## 1.0 Introduction

The licensee owns 101.1 acres plus flowage rights for the entire reservoir at the White River Project (Figure 1 - Exhibit G). The majority of the licensee-owned land is located adjacent to the dam and powerhouse on the north side of the river. A transmission line right-of-way is also maintained across the licensee's property. Past and present uses of the land include placement of project structures, operation and maintenance activities, areas designated for recreational use. Management activities in the past have been to maintain most licensee-owned lands in their existing condition and let forest stands mature to old growth. In addition, the licensee maintains a boat landing on the flowage, a canoe portage trail and a tailwater fishing platform that are available for public use.

## 2.0 Protection and Enhancement Measures

Given the small size of the licensee's land holdings at the White River Project, there will be no active management except for maintenance of the existing recreational facilities and areas necessary for dam safety and project operations. The transmission line right-of-way will also be maintained as long as the line remains in service. It is the licensee's objective to leave the forested land in a natural state, allowing natural succession to determine the land cover present. No development that will interfere with that objective is proposed.

## 2.1 Shoreland Areas

The shoreline of the White River Flowage is protected for aesthetics and from abuses by county floodplain and shoreline zoning ordinances. These zoning regulations control shoreline and floodplain development. Zoning regulations set strict standards for wells, sewage disposal systems, minimum building lot size, setbacks from the lake and river, building within the floodplain, removal of vegetation and commercial harvesting of timber.

The licensee shall leave the existing shoreland zone undeveloped on project lands, allowing for the natural succession of the vegetation in that area.

## 2.2 Canopy Trees

There will be no timber harvesting conducted on licensee-owned project lands unless it is necessary for maintenance of project structures or to remove safety hazards to operations and maintenance staff or to the recreating public. Tree trimming may also be necessary to maintain a clear right-of-way for any overhead electrical power lines that cross the property. In those cases, only the trees that present a danger to the reliability of the power line will be removed. The maintenance of large white pines in the project area will provide nesting and perching opportunities for bald eagles which visit the project site.

## 2.3 Wetlands

The existing wetland areas on licensee-owned lands will remain intact. As previously stated, these areas will be maintained in their natural state. No uses will be allowed that may degrade these areas.

# 3.0 Allowable Uses

All facilities used for recreation will continue to be maintained for the safe and enjoyable use by the public. This includes the canoe portage trail, the flowage boat landing and the tailwater fishing and parking area.

The public will be allowed to use licensee-owned lands for recreational purposes, with access restricted at specific areas for safety considerations. Lands necessary to maintain the safe operation of project facilities will continue to have restricted access. This includes lands adjacent to the powerhouse, dam spillway, and the substation.

## 3.1 Allowable Use Conditions

A permit is not required from the licensee for allowable uses described in Section 3.0. If during the term of the license, the licensee proposes to withdraw any of the project lands from the project boundary, comments from the WDNR and the USFWS will be obtained prior to filing such a request with the Commission.

# 4.0 Conveyances and Future Ownership

Pursuant to Article 411 of the White River license, the licensee has the authority to grant permission for certain types of use and occupancy of project lands and

waters without prior Commission approval. These types of uses involve only minor conveyances which would not have an appreciable impact on fish and wildlife resources, recreational interests, or aesthetics concerns on lands at the White River project.

In the event that the licensee decides to sell or remove project lands from the project boundary, the licensee is responsible for filing such a request with the FERC for approval. The FERC filing involves consultation with the appropriate resource agencies to gather input on whether or not permission should be granted to remove lands from the project boundary. The licensee feels that this is adequate to address WDNR concerns about the long-term ownership and management of project lands.

## 5.0 Implementation Schedule

No change in the licensee's current management practices are required. Since there are no specific protective and enhancement measures proposed at this time, an implementation schedule is unnecessary.

## 6.0 Monitoring Program

Licensee-owned lands for the White River Project are located on the north side of the dam and powerhouse and on the north side of the flowage upstream from the STH 112 bridge. These areas will be monitored yearly in conjunction with the purple loosestrife monitoring described in the purple loosestrife monitoring plan (Article 408). Any changes or problems noted in the area will be documented and addressed by the licensee.

Since no protective measures have been identified, the monitoring program will incorporate an annual walk-through visual inspection of licensee-owned lands for any major changes or problems.

### 6.1 FERC Filing Schedule

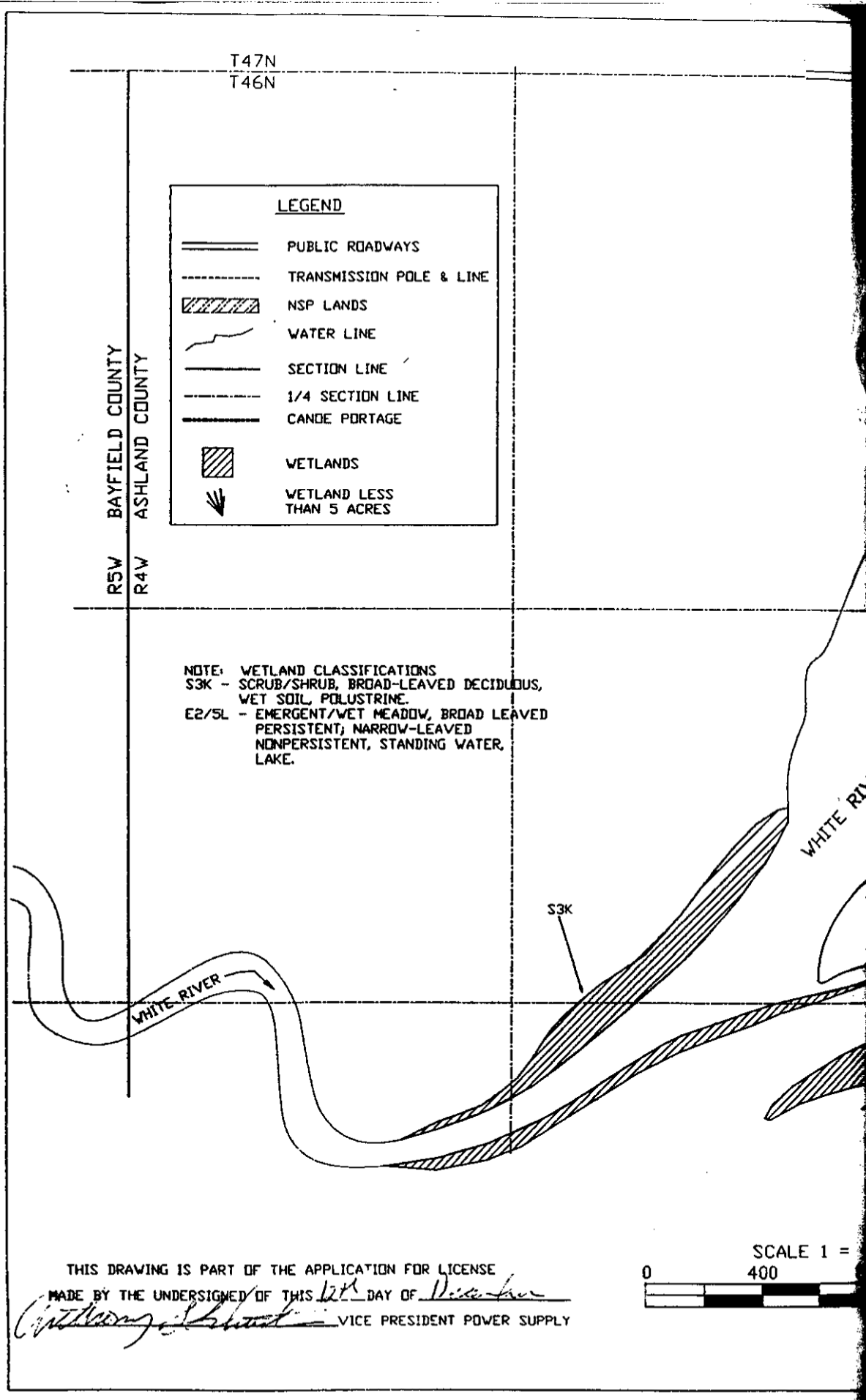
Since no specific measures are being proposed by the licensee, a schedule for sending the results to the FERC is unnecessary.

## 7.0 Other Applicable Plans

Other management plans developed for the White River project under the license issued in 1995 that are consistent with the land management plan include the *reservoir operating plan*, *the threatened and endangered resources management plan*, the *purple loosestrife monitoring plan* and any future *drawdown management plans* that may be developed for any proposed drawdowns of the White River Flowage.

## 8.0 Agency Consultation

Comments from the resource agencies are included in Attachment A of this submittal.




THIS DRAWING IS PART OF THE APPLICATION FOR LICENSE MADE BY THE UNDERSIGNED OF THIS 12th DAY OF December

VICE PRESIDENT POWER SUPPLY

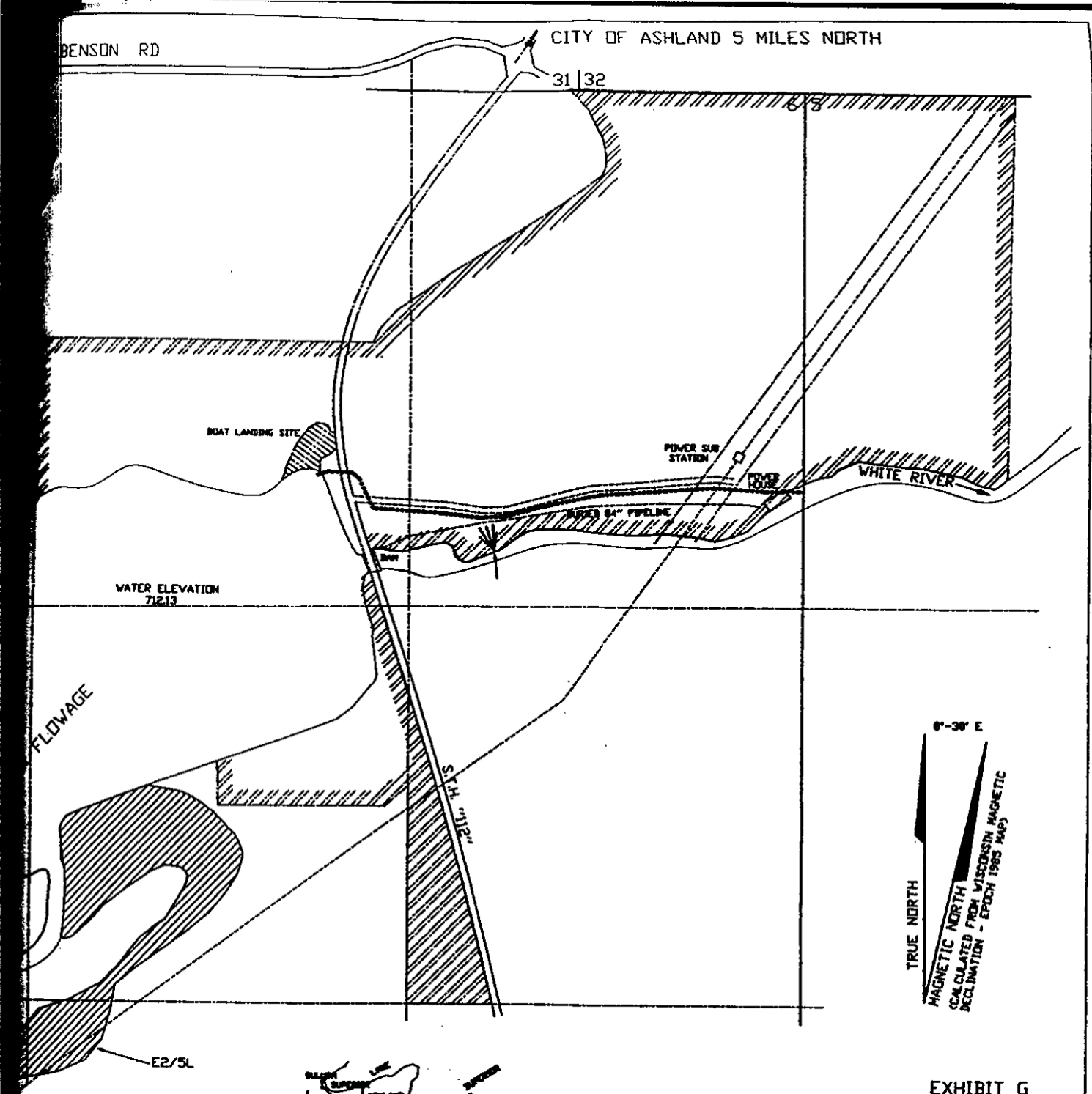



EXHIBIT G

NORTHERN STATES POWER CO. (WIS) EAU CLAIRE, WISCONSIN

# WHITE RIVER DAM

FERC PROJECT NO. 2444

ASHLAND COUNTY, WISCONSIN

## PROJECT MAP

SCALE SEE ABOVE DATE

133

I:\PROJECTS\HYDRO\WHITERIV

# ATTACHMENT A

# AGENCY CORRESPONDENCE

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
William H. Smith, District Director

Park Falls Area Headquarters
875 S. 4th Ave., PO Box 220
Park Falls, WI 54552
TELEPHONE 715-762-3204
FAX 715-762-4348

November 21, 1996

Mr. Lloyd Everhart
Northern States Power Company
100 North Barstow Street
P. O. Box 8
Eau Claire, WI 54702-008

Dear Mr. Everhart:

Below are the comments you asked us to provide on the Land Management Plan drafted for the White River Hydro Project. We want to compliment Northern States Power for its commitment to maintain the uplands, wetlands, and shorelands in their natural and undeveloped state. The proposed goals and objectives for no active management and natural vegetative succession will help to protect the scenic and recreational values of the landscape and river corridor. The only outstanding issues of substance pertain to the long term disposition of lands held in fee title by NSP and consultation with the Department before NSP authorizes certain uses of project lands and waters. Several additions and modifications to the draft plan should enable us to conclude post-licensing consultations on land management concerns at this project.

We would like to use the Land Management Plan as a vehicle for a formalized agreement that the licensee retain all its landholdings in the project vicinity for the duration of the license term. Earlier, we conveyed this recommendation to the Commission in our letter dated September 3, 1993. The purpose of this stipulation is to secure the benefits to fish and wildlife resources, recreation, and aesthetics granted by the license under Section 10j of the Federal Power Act. As it is written, the draft plan does not guarantee that these benefits would be safeguarded. Without some obligation, project lands would be subject to withdrawal, sale, and development, and those benefits could be jeopardized or forfeited. According to the Commission's Environmental Assessment, the White River Project produces net economic benefits of negative $100,000 annually. In light of these unprofitable economic conditions, the licensee may elect to sell the project and seek a license transfer. Advance sale of surplus lands which are not essential for routine operation could make sale or transfer of the project more appealing to potential buyers and transferees. Article 407 does indicate that withdrawal or addition of project lands would require an application for Commission approval of an amendment to this license with prior agency consultation. We believe that the appropriate time to consider withdrawal of lands is during consultations for the next relicensing application. Furthermore, it is unclear what lands constitute "project lands." Under the Commission's regulations, no authorized project boundary is required at this minor water power project. Article 1 on Form L-9 of the license specifies that "the entire project, as described in this order of the Commission, shall be subject to all of the provisions, terms, and conditions of the license." Yet, the **Project Description** sections in the license order and its attached Environmental Assessment do not include the 101 acres surrounding the essential works, impoundment, and tailwaters. According to the Commission's discussion of property ownership and development in the Environmental Assessment (Section V.B.4.a), NSP has already agreed to comply with the Department's request. A statement in the approved Land Management Plan would suffice to formalize this arrangement.

The Department would like an opportunity to comment on whether any future conveyance, use, or occupancy would be consistent with the intent of the Land Management Plan before the license grants that permission. In Article 407 the Commission directs the licensee to address land management issues in relation to minor conveyances that are exempt from prior Commission approval under the standard special land use provisions of Article 411. Paragraph (c) of Article 411 requires consultation with resource agencies before conveying the land interests itemized in paragraphs (c) and (d), but it does not explicitly require consultation prior to allowing the uses and occupancies listed in paragraph (b). The activities listed in paragraph (b) of Article 411, (i.e. landscape planting, food plots and wildlife enhancement, boat docks and piers, bulkheads and retaining walls, etc.) are of particular interest to the Department due to our responsibilities for protecting natural resources held in public trust. We ask you to add a statement in the Land Management Plan to indicate that the licensee will seek consultation from the Department before conveying any interest or allowing any use or occupancy of lands and waters at the White River Project.

There are also several minor items that we ask you to address when you finalize the Land Management Plan. The information in the License Application suggests that the first sentence in Section 1.0 of the draft plan should read: "The licensee owns 101.1 acres ~~including~~ plus flowage rights..." Please correct this difference.

To improve the usefulness of the Land Management Plan as a stand alone document, we suggest that you attach a copy of the map which identifies NSP's land ownership in the project area. The map in Exhibit G of the License Application is satisfactory for this purpose. Attaching that map to the plan will eliminate the need to reference multiple sources in subsequent inspections and consultations.

Lastly, we recommend that you incorporate, in this case by reference, the other management plans which are required by the license. The appropriate plans to identify are the reservoir operating plan, the threatened and endangered resources management plan, the purple loosestrife monitoring plan, and any future drawdown management plans developed for scheduled reservoir drawdowns.[1] Each of these plans will have components which are either directly or indirectly related to the protection of terrestrial, wetland, and aquatic resources. Therefore, any proposed activity or operational change with potential effects on these resources should be examined for consistency with the objectives of all management plans. The Land Management Plan should include a list of the four plans mentioned above along with a statement similar to the preceding one, both under the heading, "Other Applicable Plans."

If you have any questions with regard to our comments on this draft plan, you can reach me at (715) 762-3204, extension 131.

Sincerely,

Jeff Scheirer

Jeff Scheirer
Northwest District FERC Project Manager

[1]We realize that the Commission's final action is still pending on some plans prescribed by the license.

**State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES**

Tommy G. Thompson, Governor
George E. Meyer, Secretary
William H. Smith, District Director

Park Falls Area Headquarters
875 S. 4th Ave., PO Box 220
Park Falls, WI 54552
TELEPHONE 715-762-3204
FAX 715-762-4348

November 21, 1996

Mr. Lloyd Everhart
Northern States Power Company
100 North Barstow Street
P. O. Box 8
Eau Claire, WI 54702-008

Dear Mr. Everhart:

Below are the comments you asked us to provide on the Land Management Plan drafted for the White River Hydro Project. We want to compliment Northern States Power for its commitment to maintain the uplands, wetlands, and shorelands in their natural and undeveloped state. The proposed goals and objectives for no active management and natural vegetative succession will help to protect the scenic and recreational values of the landscape and river corridor. The only outstanding issues of substance pertain to the long term disposition of lands held in fee title by NSP and consultation with the Department before NSP authorizes certain uses of project lands and waters. Several additions and modifications to the draft plan should enable us to conclude post-licensing consultations on land management concerns at this project.

We would like to use the Land Management Plan as a vehicle for a formalized agreement that the licensee retain all its landholdings in the project vicinity for the duration of the license term. Earlier, we conveyed this recommendation to the Commission in our letter dated September 3, 1993. The purpose of this stipulation is to secure the benefits to fish and wildlife resources, recreation, and aesthetics granted by the license under Section 10j of the Federal Power Act. As it is written, the draft plan does not guarantee that these benefits would be safeguarded. Without some obligation, project lands would be subject to withdrawal, sale, and development, and those benefits could be jeopardized or forfeited. According to the Commission's Environmental Assessment, the White River Project produces net economic benefits of negative $100,000 annually. In light of these unprofitable economic conditions, the licensee may elect to sell the project and seek a license transfer. Advance sale of surplus lands which are not essential for routine operation could make sale or transfer of the project more appealing to potential buyers and transferees. Article 407 does indicate that withdrawal or addition of project lands would require an application for Commission approval of an amendment to this license with prior agency consultation. We believe that the appropriate time to consider withdrawal of lands is during consultations for the next relicensing application. Furthermore, it is unclear what lands constitute "project lands." Under the Commission's regulations, no authorized project boundary is required at this minor water power project. Article 1 on Form L-9 of the license specifies that "the entire project, as described in this order of the Commission, shall be subject to all of the provisions, terms, and conditions of the license." Yet, the **Project Description** sections in the license order and its attached Environmental Assessment do not include the 101 acres surrounding the essential works, impoundment, and tailwaters. According to the Commission's discussion of property ownership and development in the Environmental Assessment (Section V.B.4.a), NSP has already agreed to comply with the Department's request. A statement in the approved Land Management Plan would suffice to formalize this arrangement.

The Department would like an opportunity to comment on whether any future conveyance, use, or occupancy would be consistent with the intent of the Land Management Plan before the license grants that permission. In Article 407 the Commission directs the licensee to address land management issues in relation to minor conveyances that are exempt from prior Commission approval under the standard special land use provisions of Article 411. Paragraph (e) of Article 411 requires consultation with resource agencies before conveying the land interests itemized in paragraphs (c) and (d), but it does not explicitly require consultation prior to allowing the uses and occupancies listed in paragraph (b). The activities listed in paragraph (b) of Article 411, (i.e. landscape planting, food plots and wildlife enhancement, boat docks and piers, bulkheads and retaining walls, etc.) are of particular interest to the Department due to our responsibilities for protecting natural resources held in public trust. We ask you to add a statement in the Land Management Plan to indicate that the licensee will seek consultation from the Department before conveying any interest or allowing any use or occupancy of lands and waters at the White River Project.

There are also several minor items that we ask you to address when you finalize the Land Management Plan. The information in the License Application suggests that the first sentence in Section 1.0 of the draft plan should read: "The licensee owns 101.1 acres ~~including~~ plus flowage rights..." Please correct this difference.

To improve the usefulness of the Land Management Plan as a stand alone document, we suggest that you attach a copy of the map which identifies NSP's land ownership in the project area. The map in Exhibit G of the License Application is satisfactory for this purpose. Attaching that map to the plan will eliminate the need to reference multiple sources in subsequent inspections and consultations.

Lastly, we recommend that you incorporate, in this case by reference, the other management plans which are required by the license. The appropriate plans to identify are the reservoir operating plan, the threatened and endangered resources management plan, the purple loosestrife monitoring plan, and any future drawdown management plans developed for scheduled reservoir drawdowns.[1] Each of these plans will have components which are either directly or indirectly related to the protection of terrestrial, wetland, and aquatic resources. Therefore, any proposed activity or operational change with potential effects on these resources should be examined for consistency with the objectives of all management plans. The Land Management Plan should include a list of the four plans mentioned above along with a statement similar to the preceding one, both under the heading, "Other Applicable Plans."

If you have any questions with regard to our comments on this draft plan, you can reach me at (715) 762-3204, extension 131.

Sincerely,

Jeff Scheirer

Jeff Scheirer
Northwest District FERC Project Manager

[1]We realize that the Commission's final action is still pending on some plans prescribed by the license.

# COMPLIANCE PLAN TO MONITOR PURPLE LOOSESTRIFE

## ARTICLE 408

## WHITE RIVER LICENSE (FERC PROJECT NO. 2444)

**PLAN TO COMPLY WITH ARTICLE 408 OF THE WHITE RIVER HYDRO PROJECT LICENSE (FERC PROJECT NO. 2444), PURPLE LOOSESTRIFE MONITORING PLAN**

The Director's Order:

Article 408: *The licensee shall, in consultation with the Wisconsin Department of Natural Resources (Wisconsin DNR), develop a plan to monitor purple loosestrife (Lythrum salicaria) in project waters. The plan shall include, but is not limited to: (a) the method of monitoring, (b) the frequency of monitoring, and (c) documentation of transmission of monitoring data to the Wisconsin DNR. The plan shall be filed with the Commission for approval. If at any time during the period of the license, the Wisconsin DNR deems it necessary to control or eliminate purple loosestrife, the licensee shall cooperate in this measure. The Commission reserves the right to require changes to the plan.*

## 1.0 Monitoring Method

The shoreline of White River Flowage will be surveyed by boat during late July/early August of each year to determine the distribution and abundance of purple loosestrife. Loosestrife stands will be rated as present, abundant, or non-existent. Present would indicate a light scattering of a few plants over an area. Abundant would indicate a dense growth of numerous plants over an area. Non-existent would indicate that there were no plants present.

Purple loosestrife locations will be mapped on the White River Flowage bathymetric map. The mapping will allow for comparisons to be made between different years to determine short-term and long-term trends in plant populations. Calculations will be made which will determine the spread of the noxious weed on an annual basis. A planimeter will be used to determine shoreline lengths occupied by purple loosestrife. The equation for determining percent coverage (abundant, present, non-existent) of the flowage shoreline is as follows:

$$\% \text{ coverage of shoreline: } \frac{(\text{length of loosestrife populations}) \times (100)}{(\text{total length of flowage perimeter})}$$

## 2.0 Monitoring Schedule

The White River Flowage and downstream shoreline will be surveyed annually when the purple loosestrife plants are flowering. This is the best time of the year to survey for purple loosestrife because the bright purple flowers are easy to identify against the shoreline. The flowering season also enables the surveyor to identify pioneering plants that otherwise might be missed during other

seasons. The WDNR will be notified at least two weeks in advance of the annual purple loosestrife survey so that they may participate.

## 3.0 Monitoring Results

After completion of the late-summer survey, the Licensee will forward the map of purple loosestrife locations and the percent coverage calculations to the WDNR, USFWS and the NPS for review. This will be done by the end of September of each year until the resource agencies deem it unnecessary to continue surveying.

## 4.0 Control Methods

Purple loosestrife is a very prolific plant and its geographic range has spread significantly around the State of Wisconsin and the United States in a very short time. Control measures are generally labor intensive and expensive. Some effective methods that have been utilized are hand pulling/digging and herbicidal treatment. Control measures should be implemented before the onset of seed production to prevent spreading the seeds.

Biological control has been an evolving field in the Midwest because of the difficulty in controlling the spread of purple loosestrife. The WDNR is currently evaluating a species of beetle and weevil with feeding habits specific to the purple loosestrife plant at several sites around the state.

The Licensee will cooperate with the resource agencies in an attempt to control purple loosestrife populations on the White River Flowage. The WDNR will be the lead agency so that consistent and effective control methods can be implemented on a statewide basis.

## 5.0 Agency Comments

Correspondence with the resource agencies is included in Attachment A of this submittal.

# ATTACHMENT A

# AGENCY CORRESPONDENCE

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
William H. Smith, District Director

Park Falls Area Headquarters
875 S. 4th Ave., PO Box 220
Park Falls, WI 54552
TELEPHONE 715-762-3204
FAX 715-762-4348

November 21, 1996

Mr. Lloyd Everhart
Northern States Power Company
100 North Barstow Street
P. O. Box 8
Eau Claire, WI 54702-008

Dear Mr. Everhart:

The draft plans that you prepared to monitor purple loosestrife at Northern States Power Company's Hayward and White River hydro projects are satisfactory. It appears that no substantial adjustments will be necessary.

We concur with the separation of responsibilities between the Department and the licensee as outlined in the draft plans. NSP will monitor the project shoreline annually and provide the survey results to the Department. The monitoring methods and schedule that you proposed are both fine. We ask that you notify us at least 2 weeks before each annual shoreline survey so we can participate if we choose to do so. A phone call to our Northwest District FERC Project Manager will be sufficient. The Department will assume the lead role in any program to control purple loosestrife on project waters. Recent advances with specific biological control agents appear to offer the most promise for containing the invasive spread of this exotic species on an ecosystem scale. If the Department determines that control of purple loosestrife is necessary or desirable on project waters, either as a proven or an experimental method, the licensee would provide reasonable cooperation to the Department in those efforts.

Since a prescription to control purple loosestrife at White River may not come until later in the license term, we believe that it is important to explain what we expect the licensee to provide in the form of reasonable cooperation. An example of reasonable division of duties in such an endeavor might include the licensee funding the cost of intensive herbicide treatment on its shorelands, or sharing the cost of a control program with the Department or a Lake Association. Similarly, NSP could participate by offering the services of its Communications Department to distribute the public notification required for such actions. Other examples of fair cooperation could include furnishing manpower or making temporary operational changes. Our purpose here is not to list all conceivable scenarios or to place strict bounds on the licensee's level of participation. Rather, we hope to avoid misunderstanding among staff in our organizations who may be involved if this matter arises again. We encourage innovative collaboration among interested parties in future attempts to control purple loosestrife. However, neither the Department, nor the licensee, nor any other group or organization should be expected to assume sole responsibility for control efforts at these hydro projects. We offer these comments for clarification only. There is no need to amend the monitoring plans to incorporate the comments in this paragraph.

This letter should wrap up post-licensing consultations on purple loosestrife management at White River and Hayward. If you have any questions with regard to our comments on this draft plan, you can reach me at (715) 762-3204, extension 131.

Sincerely,

Jeff Scheirer

Jeff Scheirer
Northwest District FERC Project Manager