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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Wisconsin Electric Power Company

Project No. 2486-051

ORDER AMENDING ORDERING PARAGRAPH (B) OF ORDER APPROVING
PURPLE LOOSESTRIFE MONITORING PLAN, PURSUANT TO ARTICLE 413

(Issued May 03, 2002)

On September 1, 2000, Wisconsin Electric Power Company (Wisconsin Electric), licensee for the Pine Hydro Project¹ filed an annual Purple loosestrife Monitoring Report, pursuant to ordering paragraph (B) of the Order Approving Purple loosestrife Monitoring Plan, Pursuant to Article 413 (1997 Order)² which also included a formal request to suspend filing future annual monitoring reports with the Commission. The Pine Project is located on the Pine River in Florence County, Wisconsin.

BACKGROUND

Ordering paragraph (B) of the 1997 Order requires the licensee to monitor purple loosestrife in project lands and waters annually, starting in August 1998, and to file the annual monitoring results with the Commission by October 19 each year. Ordering paragraph (C) states that the Commission reserves the right to require changes to the Purple loosestrife Monitoring Plan.

LICENSEE'S PROPOSAL

Wisconsin Electric proposes to suspend filing annual purple loosestrife monitoring reports with the Commission. Wisconsin Electric proposes to continue the annual monitoring and to share annual monitoring reports with the resource agencies, as they have done in the past. In the event that during any year of monitoring, purple loosestrife is found within the shoreline of the Pine Project impoundment, Wisconsin Electric proposes to notify the Commission and resume filing yearly reports at that time. In addition to annual monitoring, Wisconsin Electric proposes to continue to post information on identifying and preventing the spread of purple loosestrife on bulletin boards at the Pine Project recreation Areas 24 and 34.

¹ See 73 FERC ¶ 61,346 (issued December 19, 1995)

² See 80 FERC ¶ 62,145 (issued August 14, 1997).

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information on identifying and preventing the spread of purple loosestrife on bulletin boards at the Pine Project recreation Areas 24 and 34.

AGENCY COMMENTS

In recent telephone conversations with the U.S. Fish and Wildlife Service (FWS) and Wisconsin Department of Natural Resources (WI DNR) ³, these agencies concurred with the licensee's proposal to eliminate filing annual reports with the Commission provided annual reports continue to be filed with the agencies.

DISCUSSION

As stated above, the resource agencies are in concurrence with suspending the annual filings with the Commission. In addition, upon reviewing the past monitoring reports, no purple loosestrife was found during field surveys in 1998, 1999, 2000, or 2001. Staff does not believe any adverse environmental effects would result from the licensee's current proposal. Therefore, we agree with the licensee's proposal to discontinue filing annual reports with the Commission at this time. However, we recommend that annual monitoring continue and that annual monitoring reports continue to be filed with the resource agencies. If any purple loosestrife is ever found along the impoundment during field surveys, the licensee should notify the Commission and resume filing annual monitoring reports by October 19 of that given year. October 19 is stipulated because it is the current annual reporting due date pursuant to the 1997 Order.

The Director's Orders:

(A) The Licensee's request for amendment of Ordering Paragraph (B) of the 1997 Order Approving Purple Loosestrife Monitoring Plan, Pursuant to Article 413, is approved and Ordering Paragraph (B) is hereby modified to read as follows:

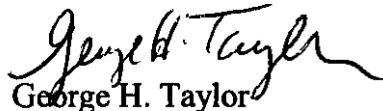
(B) The Licensee shall monitor purple loosestrife in project lands and waters annually. Starting in 2002, the Licensee shall file annual monitoring reports with the resource agencies over the term of license. Upon locating any purple loosestrife plants along the shoreline of the impoundment during field surveys, the Licensee shall resume filing annual monitoring reports with the Commission (along with the resource agencies), by

³ Telephone conversations between CarLisa Linton of the Commission staff and Jim Fossum, representing the FWS and CarLisa Linton and Tom Meronek, representing WI DNR on April 18, 2002 and May 2, 2002, respectively.

October 19 of that given year. These filings shall include comments from the resource agencies on the findings and any recommendations proposed by the Licensee and/or agencies for control measures.

(C) The Commission reserves the right to require changes to the Purple loosestrife Monitoring Plan.

(D) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance this order, pursuant to 18 C.F.R. § 385.713.



George H. Taylor
Chief, Biological Resources Branch
Division of Hydropower Administration
and Compliance