

127 FERC ¶ 62,125
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Wisconsin Public Service Corporation

Project No. 2433-098

ORDER MODIFYING AND APPROVING EURASIAN WATERMILFOIL
CONTROL PLAN

(Issued May 11, 2009)

1. The Wisconsin Public Service Corporation (licensee) filed, on April 16, 2009, the proposed Eurasian watermilfoil control plan to supplement the Order Modifying and Approving Purple Loosestrife and Eurasian Watermilfoil Monitoring Plan (1998 Order)¹ of the Grand Rapids Hydroelectric Project license (1997 Order).² Measures regarding noxious species were originally required pursuant to license article 411 of the 1997 Order. The Grand Rapids Project is located on the Menominee River in Marinette County, Wisconsin and in Menominee County, Michigan.

BACKGROUND

2. Ordering paragraph (B) of the 1998 Order requires the licensee to monitor Eurasian watermilfoil every three years, starting in August 1998, and to notify the Commission that the tri-annual monitoring results were filed with the agencies by December 1998 and 2001. Tri-annual monitoring reports are required to include copies of any comments from the agencies. Ordering paragraph (C) of the 1998 Order requires the licensee to monitor purple loosestrife annually, starting in August 1998, and to notify the Commission that the annual monitoring results were filed with the agencies by December 31, 1998 and 1999. Annual purple loosestrife monitoring reports are to include copies of any comments from the agencies. Ordering paragraph (D) of the 1998 Order states that the Commission reserves the right to require changes to the purple loosestrife and Eurasian watermilfoil monitoring plan.

3. As a result of noxious species survey monitoring, which has identified population growth, by letter dated May 14, 2007,³ the Commission required the licensee to file a control plan by December 31, 2007, to help prevent the spread of Eurasian watermilfoil. However, problems then occurred with an endangered plant species in the project area in

¹ See 82 FERC ¶ 62,001 (issued January 2, 1998).

² See Order Issuing New License (Major Project), 79 FERC ¶ 62,098 (issued May 7, 1997).

³ See FERC Project No. 2433-080 and -081.

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close proximity to this noxious plant, which extended the filing on the proposed control plan until April 25, 2009.⁴

LICENSEE'S PROPOSED CONTROL PLAN

4. The licensee states that the objective of the proposed control plan is to obtain necessary information on Eurasian watermilfoil population dynamics within the Grand Rapids Project reservoir and to participate in a watershed wide study to determine if an appropriate Eurasian watermilfoil control method is viable, while helping to control the spread of Eurasian watermilfoil to other water bodies. Three components of the objective include: (1) determine if native milfoil weevils (*Euhrychiopsis lecontei*) are present within the reservoir and, if so, at populations that can control Eurasian water milfoil; (2) work with other stakeholders within the Upper Menominee River Basin Watershed to exchange information about Eurasian watermilfoil presence and control strategies and to obtain information on the genetic characteristics of the Eurasian watermilfoil populations; and (3) implement measures to help control the spread of Eurasian watermilfoil to other water bodies.

5. The licensee proposes the following control methods, which are summarized from the filed plan:

- (1) Select a minimum of 20 sample points (200 plant stems) within the project reservoir and collect data on weevil populations. The weevil survey will be conducted in 2009.
- (2) At each sample point, the weevil population and Eurasian watermilfoil population will be evaluated to determine if Eurasian watermilfoil is being controlled by weevils at the reservoir.
- (3) If control of Eurasian watermilfoil is observed, the number of weevils per plant will be counted to help establish a baseline of the numbers needed for biocontrol.
- (4) The results of the weevil survey will be evaluated at the end of the 2009 field season, with a report submitted to the resource agencies by October 31, 2009. The licensee will consult with the resource agencies on the need for additional surveys in subsequent years.
- (5) The licensee will partner with WE Energies and the Dickinson Conservation District to evaluate Eurasian watermilfoil control methods throughout the watershed. The licensee will work with these partners and Grand Valley State University to determine whether genetic change is occurring in existing Eurasian watermilfoil populations, and if so, the genetic implications of management effort

⁴ See Order Granting Extension of Time for FERC Project No. 2433-091 (issued July 15, 2008).

efficacy. The licensee proposes that the majority of control studies and field work will be completed in 2010 through 2011.

- (6) The licensee will maintain signage concerning the presence of Eurasian watermilfoil on the reservoir at both boat landings in the project area.
- (7) The licensee will apply aquatic herbicide treatment to any Eurasian watermilfoil discovered at the two boat landings to help prevent the spread to other water bodies. The area chemically treated will be directly within the area where boats are launched and will not exceed one acre in size at each of the two boat landings. The chemical treatment will start in 2009 and if applicable continue through 2011.
- (8) The licensee will submit a determination of what surveys and activities will be conducted the following year to the resource agencies by March 31, 2009, March 31, 2010, and March 31, 2011.
- (9) The licensee will submit a letter detailing the status of the objectives to the resource agencies by October 31 and to the Commission by December 31, 2009 and 2010. Any comments received by the resource agencies will be addressed prior to filing the results with the Commission.
- (10) After the 2010 field season, the licensee will consult with the resource agencies on the appropriate control and/or monitoring schedule. A new plan will be submitted to the resource agencies by October 31, 2011 and to the Commission by December 31, 2011.

The licensee's proposed control plan also included a copy of the mitigation and enhancement fund (MEF) pre-proposal submitted by Dickinson Conservation District and the Grand Valley State University concerning determining the genetic change in Eurasian watermilfoil.

AGENCY COMMENTS AND LICENSEE'S RESPONSES

6. The licensee provided a draft copy of the proposed control plan to the agencies for review with a comment deadline of April 15, 2009. The U.S. Fish and Wildlife Service (FWS) did not provide written comments on the proposed control plan, but the licensee reports having met with the FWS on March 10, 2009 and having conducted a conference call with representatives from the FWS and the Wisconsin Department of Natural Resources (WI DNR) on March 27, 2009. By e-mail dated March 30, 2009, the WI DNR recommended signage so people can know that the water body contains Eurasian watermilfoil and zebra mussels and to take proper care of their boats and trailer equipment. Secondly, the WI DNR recommended that treatment of Eurasian watermilfoil should occur when the plant is in the early growth stage to be most effective. The WI DNR also stated that a permit is necessary for chemical treatment and it takes about 15 working days to issue a permit after receiving a complete application with fees. The licensee responded in writing that it agreed to implement the agency recommended

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measures. Likewise, the licensee reported that all comments submitted by the Michigan Department of Natural Resources were also incorporated in the proposed control plan.

DISCUSSION AND CONCLUSIONS

7. The licensee began implementing noxious species monitoring methods in 1998 after approval of the 1998 Order Modifying and Approving Purple Loosestrife and Eurasian Watermilfoil Monitoring Plan. Since 1998 the populations of Eurasian watermilfoil has increased and the project also has zebra mussels. As a direct result of the increase in noxious species at the project a control plan was necessary. The proposed control plan will attempt to determine baseline information on native weevil populations and attempt to use native weevils as biological controls. The proposed plan will implement chemical controls at two boat launch areas and provide informative signage at the project site. In addition, the proposed plan will also involve working with other stakeholders within the Upper Menominee River Basin Watershed to exchange information about control strategies and genetic characteristics of Eurasian watermilfoil in 2010 and 2011.

8. The licensee proposes to submit a determination of what surveys and activities will be conducted the following year to the resource agencies by March 31, 2009, 2010, and 2011. In order that we will be kept abreast of this issue, we recommend that those determinations also be filed with the Commission on said dates. The licensee proposes to implement the control measures from 2009 through 2011, then to consult with the resource agencies on an appropriate control and/or monitoring schedule before submitting a new plan to the resource agencies by October 31, 2011, and to the Commission by December 31, 2011. We recommend that the 2011 plan include information on the quantity of the Eurasian watermilfoil population in 2009, 2010, and 2011 in both text form and depicted on a project map, so that the Commission can make a determination on the best course of action in regards to future monitoring and control methods. We recommend that the Commission reserve the right to require changes to the monitoring and/or control plan.

9. The proposed control plan incorporates comments from the resource agencies and has no outstanding issues. We note that the proposed control plan does not eliminate the 1998 established requirement of annual purple loosestrife monitoring and the removal of small colonies, and the required tri-annual monitoring of Eurasian watermilfoil. These monitoring practices are required over the term of license, unless otherwise directed by the Commission.

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The Director orders:

(A) The Eurasian Watermilfoil Control Plan filed by the Wisconsin Public Service Corporation (licensee) on April 16, 2009, is approved, as modified below by ordering paragraphs (B) and (C).

(B) In addition to measures required in the 1998 Order Modifying and Approving Purple Loosestrife and Eurasian Watermilfoil Monitoring Plan, the licensee shall implement the control plan as proposed beginning in 2009 and at least through 2011.

(C) The licensee shall submit a determination of what surveys and activities will be conducted the following year to the Michigan Department of Natural Resources, Wisconsin Department of Natural Resources, U.S. Fish and Wildlife Service and Commission by March 31, 2009, March 31, 2010, and March 31, 2011. The licensee shall submit a letter detailing the status of the objectives to the resource agencies by October 31 and to the Commission by December 31, 2009 and 2010. Any comments received by the resource agencies shall be addressed prior to filing the results to the Commission. After the 2010 field season, the licensee shall consult with the resource agencies on an appropriate control and/or monitoring schedule and file a new plan to the resource agencies by October 31, 2011, and to the Commission by December 31, 2011. The 2011 plan shall include information on the quantity of the Eurasian watermilfoil population in 2009, 2010, and 2011 in both text form and depicted on a project map, so that the Commission may make a determination on the best course of action in regards to future monitoring and control methods. The Commission reserves the right to require changes to the monitoring and/or control 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 of this order, pursuant to 18 CFR § 385.713.

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

Document Content(s)

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