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December 12, 2002

Magalie R. Salas, Secretary
Federal Energy Regulation Commission
888 First Street, N.E.
Washington, D.C. 20426

Re: *Purple Loosetrife Monitoring Plan; Flambeau Hydro, LLC
Crowley Project, No. 2473, Article 410*

Dear Ms Salas:

Enclosed are originals and eight copies of plans to monitor and control the spread of Purple Loosetrife for the Flambeau Hydro, L.L.C. (FHLLC) project listed above.

This plan was developed in consultation with the Wisconsin Department of Natural Resources (WDNR) and the U. S. Fish and Wildlife Service (USFWS). A draft plan was sent to the agencies for comment on August 28, 2002. On October 1, 2002, comments were received from the WDNR. No correspondence has been received from the USFWS. A copy of the WDNR comments is included with this plan.

The WDNR made the following comments:

- **WDNR requests:** Replace the wording "After purple loosetrife has bloomed..." with "While purple loosetrife is blooming".
- **FHLLC response:** The plan has been modified accordingly.

- **WDNR requests:** Flambeau Hydro should cruise the entire shoreline of the project reservoirs and tailwaters by boat and map all visible occurrences of purple loosetrife, regardless of ownership or elevation.



- **FHLLC response:** We believe that FHLLC shouldn't be required to survey lands outside the project boundary or control purple loosestrife that is not located on lands owned by FHLLC. We believe that this is supported in 89 FERC ¶ 62115 (November 10, 1999) ORDER MODIFYING AND APPROVING PURPLE LOOSESTRIFE AND EURASIAN WATERMILFOIL CONTROL PLAN, N.E.W. Hydro, Inc., Project No. 2523-018, in which the FERC states "We agree that the licensee should not have to survey lands outside of the project boundary (i.e. beyond 6000' upstream of the State Highway 32 bridge or 500' downstream of the project dam), since they could not implement control measures on lands they do not own and we do not have the jurisdiction over lands not included in the project boundary."

- **WDNR requests:** Project maps should be included in the final plans that you file with the Commission.
- **FHLLC response:** Maps have been included with the plan.

- **WDNR requests:** The plans should be modified to include specific procedures for eliminating individual plants and small stands of purple loosestrife.
- **FHLLC response:** The plan includes the wording "FHLLC will consult with the WDNR and USFWS to determine proper control methods". We believe that this is sufficient as the WDNR, USFWS, and licensee can determine the most current and effective control methods at the time of consultation. This will also allow flexibility in and modification to the selection of control measures as the field of purple loosestrife control improves.

- **WDNR requests:** The plans should also include provisions for adaptive management as necessary to accommodate the current scientific knowledge about purple loosestrife ecology and control.
- **FHLLC response:** The plan has been modified accordingly.

- **WDNR requests:** Examples of how FHLLC would cooperate with the agencies to control/eliminate purple loosestrife should be included in the plans.
- **FHLLC response:** The plan has been modified accordingly.

- **WDNR requests:** Include the wording "For stands larger than 20 plants located on lands owned by FHLLC within the project boundary, FHLLC will consult with the WDNR and USFWS to determine proper control methods, and FHLLC will then take action on the control method or methods recommended by the resource agencies."



- **FHLLC response:** The plan has been modified to include the statement "For stands larger than 20 plants located on lands owned by FHLLC within the Project Boundary, FHLLC will consult with the WDNR and USFWS to determine proper control methods, and FHLLC will then take action on the agreed upon control method or methods."

If you should have any questions about the enclosed material, we will be pleased to discuss them with you at your earliest convenience.

Sincerely,

North American Hydro, Inc.

A handwritten signature in black ink, appearing to read "Loyal Gake".

Loyal Gake
Director of Development and
Regulatory Compliance

ral:RAL

Enclosures: As stated

Cc: CRO
Mr. Jeffrey Scheirer, WDNR
Ms. Janet Smith, USFWS

File: 02-10-02 RAL Crowley 2473 Article 410 Purple Loosetrife Plan to FERC.doc

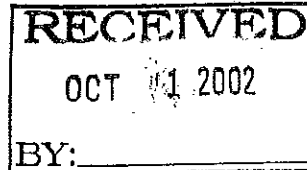


State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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Darrell Bazzell, Secretary
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September 30, 2002



Loyal Gake
North American Hydro, Inc.
116 State St., P.O. Box 167
Neshkoro, WI 54960

Subject: Comments on Draft Purple Loosestrife Monitoring Plans for Upper, Lower, Pixley, and Crowley Hydro Projects (FERC Project Nos. 2640, 2421, 2395, and 2473, respectively).

Dear Mr. Gake:

In answer to your request for post-licensing consultation, the Department provides the following comments on the Draft Purple Loosestrife Monitoring Plans that Flambeau Hydro prepared to comply with Articles 410 and 412 of the licenses for its 4 hydroelectric projects on the Flambeau River. Unless otherwise noted, we have consolidated our comments in a single response to address the four draft plans collectively. Please incorporate these modifications and additions into the version of the plan that you submit to the Federal Energy Regulatory Commission.

The annual surveys should be conducted when purple loosestrife is in the flowering stage so the plants can be readily recognized. We recommend a minor change in wording to clarify the timing of the inventories. Please replace "After purple loosestrife has bloomed..." with "While purple loosestrife is blooming..."

The proposed scope of monitoring, reporting, and control of purple loosestrife in the draft plans was limited to "within the project boundaries" and "lands owned by Flambeau Hydro, L.L.C." The areas to be inventoried were further circumscribed by specific reservoir elevations. Such a limited scope does not effectively meet the plans' objectives for monitoring and controlling the distribution of this invasive species. We recommend that Flambeau Hydro should cruise the entire shoreline of the project reservoirs and tailwaters by boat and map all visible occurrences of purple loosestrife, regardless of land ownership or elevation. The annual inventories should include the North Fork Flambeau River from the first rapids at the head of the Upper Hydro Project's impoundment downstream to Nine-mile Landing below the Crowley Hydro Project. Likewise, Flambeau Hydro's cooperation in federal, state, and community programs to control purple loosestrife should not be restricted only to areas within the project boundaries. Cooperative programs for purple loosestrife control would be implemented on a broader systemic scale, rather than on a site-specific basis, and the licensee's participation in those efforts is essential for their success. In the plans you indicated that copies of project maps were appended, but none were attached to the drafts we received. These project maps should be included in the final plans that you file with the Commission.

The draft plans do not include a description of the control methods Flambeau Hydro will use to eliminate purple loosestrife when small colonies are found on its lands. Based on a telephone conversation with your company's staff about the procedure employed in the 2002 survey, bagging and cutting the plants is

not an effective control method. While bagging the plant will help to reduce introduction of new seeds, the rootstock of cut plants remains a viable source of propagation. We recommend basal treatment of cut loosestrife stems with an appropriate herbicide by qualified personnel according to the manufacturer's directions. Depending on the location of the plants, either Roundup® is suitable for terrestrial application or Rodeo® can be used for aquatic application. Several manufacturers offer pruning shears that combine cutting with chemical application. The Department does not endorse the use of any particular product; however the web sites below provide information about those options.

http://www.frostproof.com/catalog/kut_n_kill.html

http://209.35.185.42/ShopSite/Felco_F-19_Pruner_with_Spray_Device.html

The plans should be modified to include specific procedures for eliminating individual plants and small stands of purple loosestrife as outlined above. The plans should also include provisions for adaptive management as necessary to accommodate the current scientific knowledge about purple loosestrife ecology and control.

Each license article listed, as Item #5 of the plan components, specific information on how the licensee would cooperate with the agencies to control/eliminate purple loosestrife. While it may be difficult to provide details of this cooperation before the specific circumstances are known, we can offer some examples of cooperation from other licensees in controlling purple loosestrife on waters and lands beyond their immediate ownership and control. This cooperation included control of small stands on private lands with owner's permission, funding start-up and maintenance costs for biological control, experimental use of dilute herbicides for selective control, and funding educational and research efforts. These examples should be included in the plans to meet the license requirements.

We appreciate your offer to post information about purple loosestrife at recreational sites near your Flambeau River projects. Certainly, education is a critical element in understanding the problems and challenges related to purple loosestrife and other invasive species. The Department will send a supply of posters and brochures to your office in a separate mailing.

Finally, the last paragraph of each plan should be modified to clarify that the licensee will implement the control measures recommended by the resource agencies for stands with more than 20 plants on Flambeau Hydro's lands. We suggest the following language to identify these responsibilities.

For stands larger than 20 plants located on lands owned by FHLLC within the project boundary, FHLLC will consult with the WDNR and USFWS to determine proper control methods, and FHLLC will then take action on the control method or methods recommended by the resource agencies.

Fortunately, the distribution and abundance of purple loosestrife are still relatively isolated and sparse in the upper portions of the Flambeau River system. Flambeau Hydro's efforts in monitoring and controlling the spread of this exotic species represent significant contributions to keep it that way, especially at the Crowley Hydro Project where several individual plants and small stands have been found. If you have any questions regarding our comments on these plans, don't hesitate to contact me by phone at (715) 762-4684, extension 131 or by e-mail at Jeffrey.Scheirer@dnr.state.wi.us.

Sincerely,



Jeff Scheirer

Northern Region FERC Project Manager

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Flambeau Hydro, LLC October 2, 2002

Submitted to FERC
12/12/02

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Article 410 of the Federal Energy Regulatory Commission Order Issuing Subsequent License (Minor Project) for the Lower Project (FERC No. 2473) located on the Flambeau River reads:

Within 180 days from the date of issuance of this license, the licensee shall, in consultation with the Wisconsin Department of Natural Resources (Wisconsin DNR) and the U. S. Fish and Wildlife Service (FWS), develop a plan to monitor purple loosestrife (*Lythrum salicaria*) in project waters. The plan shall include, but is not limited to: (1) the method of monitoring, (2) the frequency of monitoring, (3) documentation of transmission of monitoring data to the Wisconsin DNR and FWS, (4) procedures for obtaining technical assistance and input from the Wisconsin DNR, and (5) specific information on how the licensee would cooperate with the agencies to control/eliminate purple loosestrife.

If at any time during the term of the license, the Wisconsin DNR or FWS deem it necessary to control/eliminate purple loosestrife, the licensee shall cooperate in this measure.

The licensee shall include with the plan documentation of consultation, copies of comments and recommendations on the completed plan after it has been prepared and provided to the agencies, and specific descriptions of how the agencies comments are accommodated by the plan. The licensee shall allow a minimum of 30 days for the agencies to comment and make recommendations before filing the plan with the Commission. If the licensee does not adopt a recommendation, the filing shall include the licensee's reasons based on project-specific information.

The Commission reserves the right to require changes to the plan. Upon Commission approval, the licensee shall implement the plan including any changes required by the Commission.

Beginning in 2002, annual inventories of Purple Loosestrife will be performed by Flambeau Hydro, LLC (FHLLC) using the following method:

While Purple Loosestrife is blooming in mid July to early August, the inventory should be conducted using a boat to survey the impoundment above the dam within the Project Boundary and on foot or by boat below the dam within the Project Boundary. County wetland maps may be used to determine other areas where Purple Loosestrife could be found on lands owned by FHLLC within the Project Boundary. Lands owned by FHLLC within the Project Boundary will be surveyed on foot. A pair of binoculars should be used to search for the purple flowered spikes of the plant. When plants are located, the person(s) inventorying should get close enough to make a positive identification without disturbing the plants or the immediate area around the plants as this could cause them to

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spread. A GPS receiver will be used to establish a GPS coordinate for the location of the plants. If it is not possible to get close enough to establish an accurate location, an approximate location will be established with reference to an established GPS coordinate. The plants should be inventoried by marking and numbering the location on a Project map along with notes approximating size of plants, stand area, percent cover, stem density, plant density, and location with reference to established GPS coordinates. Photos and/or videotape will be taken of the largest occurrences.

Example:

#1 6' tall plants; 4' X 20'; 30% cover; 4 – 5 stems per plant; 4 plants; on shoreline N45° 56.183' W90° 26.748'; no photo

#2 5' - 7' tall plants; 10' X 10'; 25% cover; 4 – 5 stems per plant; 10 plants; in marsh ~50 feet bearing 25° from N45° 56.256' W90° 26.710'; photo No. 1

The area to be inventoried shall be the shoreline of the impoundment to elevation 1428 feet NGVD and lands owned by FHLLC within the Project Boundary as indicated on the Project Map 1, dated November 1991, included in Exhibit G of Flambeau Paper Corp. Application For A Subsequent License for the Crowley Hydroelectric Project FERC Project #2473. A copy of this map is included at the end of this monitoring plan.

By November 30 of each year, the results of the inventory along with descriptions of control methods used will be mailed to the Wisconsin Department of Natural Resources (WDNR), the U.S. Fish and Wildlife Service (USFWS), and, by the following January 1 of each year, the results along with any comments by the agencies, will be mailed to the Federal Energy Regulatory Commission (FERC).

FHLLC will cooperate with any Federal, State, and community Purple Loosestrife control program located within the Project Boundary. Any participation by FHLLC in Purple Loosestrife control programs not located on lands owned by FHLLC and within the Project Boundary will be voluntary and may include assisting with Federal, State, and community initiated programs such as helping with the control of small stands of purple loosestrife on private lands with owner's permission, partial funding of start-up and maintenance costs for biological control, and partial funding of educational and research efforts.

FHLLC will display informational Purple Loosestrife brochures and signs supplied by the WDNR at recreational sites within or adjacent to the Project Boundary.

If colonies less than 20 plants are located on lands owned by FHLLC within the Project Boundary, FHLLC will take appropriate steps to eliminate plants at time of detection. For stands larger than 20 plants located on lands owned by FHLLC within the Project Boundary, FHLLC will consult with the WDNR and USFWS to determine proper control methods, and FHLLC will then take action on the agreed upon control method or methods.

For Purple Loosestrife inventoried, but not located on FHLLC owned land, FHLLC will attempt to contact the landowner and encourage removal of the plants. The owner will also be asked to contact the WDNR and USFWS.

In the future, control and monitoring methods may be updated in consultation with the WDNR and the USFWS to accommodate the current scientific knowledge about Purple Loosestrife ecology and control.