

FEDERAL ENERGY REGULATORY COMMISSION
Washington D.C. 20426

OFFICE OF ENERGY PROJECTS

Project No. 10854-009 -- Michigan
Cataract Hydroelectric Project
Upper Peninsula Hydro, LLC

Project No. 10856-005 -- Michigan
Au Train Hydroelectric Project
Upper Peninsula Hydro, LLC

February 1, 2013

Jason Kreuzscher
Renewable World Energies, LLC
P.O. Box 264
100 S. State Street
Neshkoro, WI 54960

Subject: 2012 Tri-annual purple loosestrife and Eurasian watermilfoil monitoring reports

Dear Mr. Kreuzscher:

This letter acknowledges receipt of your 2012 tri-annual purple loosestrife and Eurasian watermilfoil monitoring reports, filed with the Federal Energy Regulatory Commission (FERC or Commission) on December 4, 2012, for the Cataract and Au Train projects (FERC No. 10854 and 10856, respectively). Your reports were filed pursuant to the Commission's Order Modifying and Amending Approved Noxious Plant Monitoring Plan(s)¹ for the Cataract Project license² and the Au Train Project license.³

The approved plans require you to conduct purple loosestrife surveys on an annual basis and Eurasian watermilfoil surveys on a tri-annual basis. You are required to file a monitoring report an annual basis with the Michigan Department of Natural Resources

¹ 89 FERC ¶ 62, 131 (November 17, 1999).

² Order Issuing License. 78 FERC ¶ 62,100 (issued February 7, 1997).

³ Order Issuing License. 78 FERC ¶ 62,217 (issued June 26, 1997).

(MDNR) and the U.S. Fish and Wildlife Service (FWS) by September 30th, and on a tri-annual basis with the Commission by November 30th. The tri-annual monitoring report must include the results of the annual surveys, a map of known locations of purple loosestrife and Eurasian watermilfoil, data from the annual survey findings, any necessary control and/or elimination measures, and copies of comments from the MDNR and FWS on the reports. Your December 4, 2012 reports represent the 2010-2012 monitoring period.

According to your reports, you conducted purple loosestrife surveys at the Cataract Project on July 28, 2011 and July 25, 2012. Purple loosestrife was not identified during either survey in 2011 and 2012.

Your report did not include a purple loosestrife survey for 2010. According to your report, the Cataract Project license was transferred in 2010 from Upper Peninsula Power Company (UPPCO) to Upper Peninsula Hydro, LLC, and that the previous licensee did not complete the purple loosestrife survey prior to transferring the license. Given that the license was transferred to Upper Peninsula Hydro, LLC on December 15, 2010,⁴ the 2010 survey should have been completed by UPPCO during the summer months, when purple loosestrife is blooming. Despite the oversight on UPPCO's behalf, you surmise that the survey would have confirmed an absence of purple loosestrife in the project area in 2010, given the results of the 2011 and 2012 surveys. Although this oversight was beyond your control, we recommend that you evaluate your monitoring tracking system as a preventative measure to ensure that your purple loosestrife surveys continue to occur on an annual basis.

At the Au Train Project, you conducted purple loosestrife surveys on August 5-6, 2010, July 25-27, 2011, and July 26-27, 2012. Purple loosestrife was found at nine locations in 2010, five locations in 2011, and seven locations in 2012. Each year, you released 500 *Galerucella sp.* beetles to treat the stands of loosestrife. You experienced mixed success with the beetles, and thus supplemented the beetle treatment with manual removal of the loosestrife stands. Given the results from 2010 to 2012, you are considering plan-approved chemical control methods for the 2013 season.

With regard to Eurasian watermilfoil, the tri-annual survey was conducted at the Cataract Project on July 25, 2012, and at the Au Train Project on July 27, 2012. Eurasian watermilfoil was not observed during the surveys at either project. Although Eurasian watermilfoil has not been documented at either project, we remind you that your approved plans require you to amend your plan to begin monitoring on an annual basis

⁴ Order Approving Transfer of License. 133 FERC ¶ 62,257 (issued December 15, 2010).

should future monitoring results show a significant increase in Eurasian watermilfoil populations, or, if the state of Michigan develops an effective methodology for the treatment of Eurasian watermilfoil.

The results of all surveys were reported to the MDNR and the FWS in 2010, 2011, and 2012, and your consultation record was included in your reports that you filed with the Commission. Neither entity provided comments on the reports.

Your tri-annual purple loosestrife and Eurasian watermilfoil reports, filed on December 4, 2012, adequately fulfill the reporting requirements referenced here within. Your next tri-annual report is due to the Commission by November 30, 2015. Please be advised that, while Commission staff will continue to review these filings, staff will no longer issue acknowledgement letters for future filings under this license requirement, unless further Commission action is needed. When your future filings for this requirement are posted on the Commission's e-library system, you may consider that as acknowledgment of the Commission's receipt of your submittal.

Thank you for your reports. If you have any questions regarding this letter, please contact me at (202) 502-6760.

Sincerely,

Joy M. Kurtz
Aquatic Ecologist
Division of Hydropower Administration and
Compliance

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