

UNITED STATES OF AMERICA 134 FERC ¶ 62,138
FEDERAL ENERGY REGULATORY COMMISSION

United Water Conservation District

Project No. 2153-029

ORDER MODIFYING AND APPROVING VEGETATION AND NOXIOUS WEED
MANAGEMENT PLAN UNDER ARTICLE 405

(Issued February 14, 2011)

1. On October 12, 2010, United Water Conservation District (licensee) filed its Vegetation and Noxious Weed Management Plan (plan), pursuant to article 405 of the Santa Felicia Hydroelectric Project (project) license.¹ The project is located on Piru Creek, a tributary of the Santa Clara River, in Ventura County, California. The project occupies 174.5 acres of federal lands, administered by the U.S. Department of Agriculture, Forest Service (Forest Service).

BACKGROUND

2. Article 405 requires the licensee to file a vegetation and noxious weed management plan for Commission approval within two years of license issuance. The plan must incorporate the provisions of final Forest Service 4(e) condition no. 18(b), including:
- a. an inventory and mapping system of new noxious weed populations;
 - b. a schedule and strategy for noxious weed treatment and the eradication of specific classes of invasive vegetation;
 - c. provisions for restoring and revegetating weed-eradicated areas;
 - d. provisions for annually monitoring known populations of noxious weeds and evaluating the effectiveness of revegetation and noxious weed control measures;
 - e. provisions for monitoring ground-disturbing activities for re-introduction of noxious weeds; and,

¹ Order Issuing New License, 124 FERC ¶ 62, 193 (issued September 12, 2008).

- f. provisions for providing annual monitoring data to the Forest Service.
3. In addition to managing noxious weeds, the plan is required to address the overall management of vegetation in, and adjacent to, the project area. This includes hazard tree removal, transmission line clearing, habitat improvement, use of weed-free seed sources, and the implementation of soil and erosion control measures. Finally, article 405 requires that the plan include a provision for the establishment and/or revegetation of culturally significant plant populations on federally-owned project lands. The Forest Service 4(e) condition no. 18(b) provision does not discriminate between non-federal and federally-owned lands.
4. The licensee is required to consult with the Forest Service, California Department of Food and Agriculture (CDFA) and the Ventura County Agricultural Commissioner during the development of its plan and include documentation of its consultation efforts, including comments provided by the agencies on its plan, in its filing with the Commission.

LICENSEE'S PROPOSED PLAN

5. The licensee's proposed plan is organized by noxious weed management and vegetation management activities and is described below.

Noxious Weed Management

6. The licensee proposes that noxious weed management activities under the plan include inventorying, mapping, monitoring, and controlling noxious weeds at the project. The licensee's proposed plan includes a list of target noxious weed species, which it developed based upon consultation with the CDFA and the Forest Service. The licensee indicates that the list may be modified over time, based upon the results of monitoring activities and its annual meetings with the Forest Service.
7. The licensee proposes to conduct a baseline noxious weed inventory during the first spring following Commission approval of the plan. Following the baseline inventory, the licensee would conduct follow-up inventories every five years. The licensee would incorporate its inventory data into a noxious weed database, which would be used to develop corresponding geographic information system (GIS) layers. The licensee proposes to use the results of the baseline inventory and follow-up inventories to evaluate weed infestation levels and develop site-specific control measures in consultation with the Forest Service.
8. The licensee proposes to manage noxious weeds at the project with mechanical and chemical control measures. In addition to these control measures, the licensee would

continually implement best management practices to discourage the introduction of additional noxious weeds. The licensee proposes to use mechanical control methods to the largest extent possible and resort to chemical control in circumstances where mechanical control methods are ineffective. According to its proposed plan, the licensee would implement mechanical controls before seed set of the respective species. Unless the species is highly invasive, the licensee proposes to mulch the material and leave it on site. For those species with mature fruit or seeds at the onset of control efforts, the licensee would remove the plants from the project area.

9. If chemical controls are necessary, the licensee proposes to develop site-specific treatment strategies based on a variety of factors, including the life history of the target species, its growth density, and its location relative to sensitive resources and special use areas. The licensee states that the treatment schedule would depend on the time of year. The licensee would not proceed with chemical treatment without prior approval from the Forest Service. All chemical treatments would be applied by licensed pesticide applicators.

10. The licensee proposes to monitor all areas containing noxious weeds at the project on an annual basis. Additionally, the licensee would monitor all areas undergoing project-induced ground disturbance for a three-year period following the disturbance.. According to the licensee, all annual and inventory-related monitoring activities would be conducted using a Forest Service-approved protocol.

Vegetation Management

11. The objectives of the vegetation management activities proposed by the licensee are to maintain and re-establish native vegetation at the project. Currently, the licensee performs routine maintenance at the project to ensure that hazard trees are pruned or removed as necessary in public use areas and at project facilities. The licensee proposes to continue this maintenance under the plan in addition to implementing multiple revegetation and habitat improvement measures.

12. In addition, the licensee proposes to restore areas that are disturbed by project-related activities, including areas treated for noxious weeds, by planting native vegetation. For restoration areas that contained ornamental vegetation prior to the disturbance, the licensee would restore the area(s) using non-invasive ornamental plants. The licensee would implement soil and erosion control measures during all revegetation activities and would use native plants and weed-free seed material.

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Annual Reporting for Noxious Weed and Vegetation Management Activities

13. The licensee proposes to document its vegetation monitoring efforts and noxious weed control activities in annual reports, that would include the following information:
- a. a summary of target noxious weed populations, including newly-identified populations;
 - b. a location map of target noxious weed populations using GIS data;
 - c. a description of all noxious weed treatment areas and the respective control methods implemented during the reporting period;
 - d. a description of revegetation efforts conducted during the reporting period and an evaluation of past revegetation efforts conducted under the plan; and,
 - e. a list of proposed future revegetation areas.
14. The licensee proposes to provide and discuss the findings of its annual report with the Forest Service during an annual consultation meeting that the licensee is required to conduct under a separate Forest Service 4(e) condition (condition no. 2). According to that 4(e) condition, an annual consultation meeting must take place between January 10th and March 15th. The licensee proposes to use the annual consultation meeting with the Forest Service as a forum to develop modifications to the plan, should they be necessary.
15. The licensee proposes to file its record of its annual consultation meeting with the Commission no later than 60 days after the annual meeting has taken place.

AGENCY CONSULTATION

16. The licensee provided its plan for Forest Service, CDFR, and the Ventura County Agricultural Commissioner's review by letter dated August 10, 2010. By letter dated September 7, 2010, the CDFR provided comments, which the licensee incorporated into its plan. No comments were received from the Ventura County Agricultural Commissioner. On October 12, 2010, the licensee filed its plan with the Commission for approval. On December 9, 2010, the licensee filed a letter with the Commission which it received from the Forest Service on November 9, 2010. In its letter, the Forest Service stated that it had no comments on the plan.

DISCUSSIONS AND CONCLUSIONS

17. The licensee's proposed plan provides an adequate means for managing noxious weeds and other vegetation at the project. The licensee's plan reflects a collaborative effort between the licensee and the Forest Service, and if properly implemented, should minimize noxious weed presence, discourage the colonization of additional noxious weeds, maintain desirable vegetation and promote native plant growth at the project.

18. While the licensee's proposal to annually file its Forest Service consultation records with the Commission is appropriate, this filing alone will not provide the Commission with specific data that activities under the plan are intended to yield. Therefore, the licensee should file both its annual report and annual record of consultation with the Forest Service with the Commission. Taking into consideration the licensee's timeframe for conducting the annual consultation meeting, the licensee should file this information with the Commission by May 15th of each year, beginning in 2012.

19. The Commission should reserve the right to make changes to the plan based on monitoring data.

20. The licensee's proposed plan, as modified, fulfills the requirements of article 405 and should be approved.

The Director orders:

(A) United Water Conservation District's (licensee) Vegetation and Noxious Weed Management Plan, filed October 12, 2010, pursuant to article 405 of the project license for the Santa Felicia Hydroelectric Project, FERC No. 2153, as modified in paragraphs (B) and (C), is approved.

(B) The licensee shall file concurrently its annual report and annual record of consultation with the U.S. Forest Service with the Commission by May 15th of each year beginning in 2012.

(C) The Commission reserves the right to make changes to the Vegetation and Noxious Weed Management Plan based on monitoring data.

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(D) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the FPA, 16 U.S.C. § 8251 (2006), and the Commission's regulations at 18 C.F.R. § 385.713 (2010). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. The licensee's failure to file a request for rehearing shall constitute acceptance of this order.

Thomas J. LoVullo
Acting Chief, Aquatic Resources Branch
Division of Hydropower Administration
and Compliance

Document Content(s)

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