

MODIFIED

AVISTA CORPORATION

**COEUR D'ALENE LAKE AQUATIC WEED
MANAGEMENT PLAN FOR NON-TRIBAL WATERS**

ARTICLE 410

Spokane River Hydroelectric Project
FERC Project No. 2545

Prepared By:
Golder Associates Inc.
Spokane Valley, WA

*Date Filed with FERC: June 16, 2010
Date Modified by FERC ORDER 2545-129: January 19, 2011*

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Acronyms and Abbreviations

Avista	Avista Corporation
FERC	Federal Energy Regulatory Commission
HED	Hydroelectric Development
IDAPA	Idaho Administrative Code
IDEQ	Idaho Department of Environmental Quality
IDL	Idaho Department of Lands
IDWR	Idaho Department of Water Resources
IECWMA	Inland Empire Cooperative Weed Management Area
ISDA	Idaho State Department of Agriculture
Reservation	Coeur d'Alene Indian Reservation
Tribe	Coeur d'Alene Tribe

1.0 INTRODUCTION

On June 18, 2009, the Federal Energy Regulatory Commission (FERC) issued a new license for Avista Corporation's (Avista) Spokane River Hydroelectric Project, FERC Project No. 2545-091 for a 50-year license term. The new FERC License (License) became effective on June 1, 2009 and includes operation of five Hydroelectric Developments (HEDs) on the Spokane River; four in the state of Washington (Upper Falls, Monroe Street, Nine Mile, and Long Lake HEDs) and one in Idaho (Post Falls HED). Article 410 of the License requires the development of a Coeur d'Alene Lake Aquatic Weed Management Plan for Non-Tribal Waters (Plan). This Plan applies to Avista's Post Falls HED, which was constructed on the Spokane River approximately nine miles downstream from the outlet of Coeur d'Alene Lake at river mile (RM) 102 between 1906 and 1908.

1.1 Background

As shown in Figure 1, the Project boundary for the Post Falls HED falls within Kootenai and Benewah Counties and encompasses Coeur d'Alene Lake; the Spokane River upstream of the Post Falls dams; the lower reaches of the St. Joe, Coeur d'Alene, and St. Maries rivers; and other tributaries of Coeur d'Alene Lake to the normal full pool elevation of 2,128 feet.

This Plan provides for the management of aquatic noxious weeds within non-tribal waters affected by the Project in the Coeur d'Alene Lake Basin (non-tribal Project waters). As such, the boundary for this Plan encompasses the Post Falls HED Project boundary, excluding the Coeur d'Alene Indian Reservation (Reservation). This includes the northern two-thirds of Coeur d'Alene Lake; lower 30 miles of the Coeur d'Alene River and associated chain lakes; navigable waters within Heyburn State Park; lower 17 miles of the St. Joe River located outside of the Reservation; lower 9 miles of the St. Maries River; and 9 miles of the Spokane River upstream of the Post Falls dams.

This Plan also identifies potential cooperating parties currently involved in the management of aquatic noxious weeds within the Project boundary, and a schedule within which Avista will work with cooperating parties to implement measures described in this Plan. This Plan does not supersede existing management or jurisdictional authorities and is consistent with the goals, programs, and objectives contained within the Coeur d'Alene Lake Management Plan (IDEQ and CDAT 2009), the 2008 Statewide Eurasian Watermilfoil Control Strategy for Idaho (ISDA 2007), and the Coeur d'Alene Reservation Aquatic Weed Management Plan (CDAT and Avista 2010). The Coeur d'Alene Reservation Aquatic Weed Management Plan is a separate plan developed for Coeur d'Alene tribal waters as required by Appendix D, Condition No. 7 of the License.

1.2 License Requirement

The License requires Avista to complete a Coeur d'Alene Lake Aquatic Weed Management Plan for Non-Tribal Waters within one year of License issuance (June 18, 2010) with the purpose to provide education, monitoring, and control of aquatic noxious weeds. This Plan includes the following elements:

- Provisions to establish or expand aquatic noxious weed educational programs
- A framework for annual monitoring to determine the distribution of aquatic noxious weeds
- Management strategies for the control of aquatic noxious weeds

The intent of this Plan is to satisfy the requirements identified in Article 410 of the License, stated as follows:

Article 410. Coeur d'Alene Lake Aquatic Weed Management for Non-tribal Waters. Within one year of license issuance, the licensee shall file, for Commission approval, a Coeur d'Alene Lake aquatic weed management plan for the purpose of providing education, monitoring, and control of aquatic noxious weeds in the Coeur d'Alene Lake basin on non-tribal waters. The plan shall include, but not necessarily be limited to:

1. *a provision to establish or expand educational programs with respect to noxious aquatic weeds in non-tribal waters affected by the project;*
2. *a provision to annually monitor the distribution of noxious aquatic weeds within non-tribal waters affected by the project; and*
3. *management strategies to help control noxious aquatic weeds as they are identified within non-tribal waters affected by the project.*

In addition to an implementation schedule, the licensee shall include with the plan, documentation of consultation with the Idaho Department of Fish and Game and the U.S. Fish and Wildlife Service; copies of comments and recommendations on the completed plan after it has been prepared and provided to the consulted entities; and specific descriptions of how the consulted entities' comments are accommodated by the plan. The licensee shall allow a minimum of 30 days for the consulted entities to comment and to 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. Implementation of the plan and associated schedule shall not begin until the plan and schedule are approved by the Commission. Upon Commission approval, the licensee shall implement the plan and schedule, including any changes required by the Commission.

On January 19, 2011, FERC issued an Order Modifying and Approving the Coeur d'Alene Aquatic Weed Management Plan For Non-Tribal Waters, Pursuant to Article 410 (FERC Order 2545-129).

1.3 Jurisdiction and Regulatory Authorities

The State of Idaho claims title to the bed of Coeur d'Alene Lake below the 2,128 foot elevation contour and outside of the boundaries of the Coeur d'Alene Indian Reservation. Idaho Department of Lands (IDL) manages these submerged areas in the public interest (IDAPA 20.03.04). Idaho Department of Water Resources (IDWR) permits proposed alterations to the flow, bed, or banks of perennial waters under state jurisdiction (IDAPA 37.03.07).

The U.S. Department of Agriculture and the Idaho State Department of Agriculture (ISDA) hold authority for the control of nuisance aquatic weeds (Plant Protection Act 7 USC 7701; IDAPA 02.03.03; IDAPA 02.06.22). House Bill 869 authorizes ISDA to administer state funds for the control of Eurasian watermilfoil (*Myriophyllum spicatum*). At the local level, weed control authority is granted to the counties through their noxious weed departments (Idaho Code 22-2405 and 22-2406). Kootenai, Benewah, and Shoshone counties are members of the Inland Empire Cooperative Weed Management Area (IECWMA), which jointly coordinates the management of noxious aquatic weeds with the Coeur d'Alene Tribe (Tribe), state agencies, municipalities, landowners, and other interest groups.

1.4 Potential Cooperating Parties

This Plan is designed to cooperate with and support entities that have existing aquatic weed management programs. Entities that have been identified as potential cooperating parties include, but are not limited to: the Tribe; the Idaho Department of Environmental Quality (IDEQ); IECWMA; and ISDA. Programs and activities undertaken by these entities for the control of aquatic noxious weeds are provided in Table 1 and summarized as follows.

1.4.1 Tribe

The Tribe's public awareness efforts and work to survey for, and control aquatic noxious weeds focus primarily on tribal waters. However, the Tribe has been contracted by other entities to survey for and treat aquatic noxious weeds throughout the Coeur d'Alene Lake Basin (CDAT and Avista 2006; CDAT 2006, 2007, 2008).

1.4.2 IDEQ

IDEQ and the Coeur d'Alene Tribe developed the Coeur d'Alene Lake Management Plan (2009), which includes a framework for public education and control of aquatic noxious weeds. Through implementation of the Lake Management Plan, IDEQ plans to expand upon earlier work conducted by the Tribe to understand and monitor the migration of aquatic noxious weeds and the nutrient content in submerged macrophytes in Coeur d'Alene Lake.

1.4.3 IECWMA

IECWMA has been actively coordinating the control of aquatic noxious weeds in the region since 2002. In general, Kootenai, Shoshone, and Benewah counties' resources for the control of aquatic noxious weeds have been focused through the IECWMA. IECWMA has led surveys for aquatic noxious weeds where habitat conditions indicate susceptibility to infestation (Figure 2). They have also managed herbicide treatment of Eurasian watermilfoil in Cave and Medicine lakes. IECWMA includes public outreach and education efforts in their management programs and uses local media and speaking engagements to educate the public on aquatic noxious weed issues (IECWMA 2007, 2008, 2009).

1.4.4 ISDA

ISDA administers the state's Eurasian Watermilfoil Control Program. In this capacity, ISDA provides funding to IECWMA through grants for Eurasian watermilfoil management. ISDA also completed the initial herbicide treatment for Eurasian watermilfoil control in Cave and Medicine lakes, and cooperated with IECWMA in the treatment of these lakes from 2007 through 2009. As part of the Eurasian Watermilfoil Control Program, ISDA developed standard protocols for aquatic noxious weed surveys and procedures for the safe application of herbicide in public waters (ISDA 2008).

1.5 Baseline Condition

1.5.1 Surveys

Littoral habitats within non-tribal Project waters, have been surveyed for aquatic noxious weeds since 2006. Most habitats susceptible to weed infestation have been surveyed more than once, as shown in Figure 2. Eurasian watermilfoil and a hybrid of Eurasian watermilfoil and northern watermilfoil (*Myriophyllum sibiricum*) are the only aquatic noxious weeds noted in the Coeur d'Alene Lake Basin. Infestations of these species have been found in Harrison Slough, along the shoreline near Harrison, within the navigable waters of Heyburn State Park, and within three chain lakes associated with the Coeur d'Alene River (Cave, Medicine, and Black lakes; CDAT 2006, 2008, 2009; IECWMA 2007). In addition, the Tribe (2008) reports infestations of watermilfoil within the St. Joe and St. Maries rivers upstream of the Coeur d'Alene Reservation boundary.

Surveys scheduled for 2010 within non-tribal Project waters include the following:

- IDEQ will initiate, as part of the Lake Management Plan, a long-term program of surveying rooted aquatic plants within selected mid-lake and northern bays (IDEQ 2010). Purposes of the surveys include documenting trophic status and nutrient contributions from rooted plants in shallow bays, and detection of Eurasian watermilfoil. During July through September, IDEQ will sample within three to six bays.
- Kootenai County, on behalf of IECWMA, plans to survey for aquatic noxious weeds within additional shallow bays in the northern portion of Coeur d'Alene Lake

1.5.2 Management Actions

Since 2006, the Tribe has coordinated with Heyburn State Park to control invasive watermilfoil within the navigable waters of Heyburn State Park. Control efforts have included herbicide application, hand pulling, and bottom barriers. Avista and the Tribe propose to complete herbicide application within approximately 292 acres in 2010. The Tribe continues to work collaboratively with Heyburn State Park to coordinate treatment within the park's navigable waters.

Aquatic noxious weed control in other non-tribal areas has been limited to herbicide treatment of watermilfoil infestations in Cave and Medicine lakes. Moderate success has been achieved through this treatment (IECWMA 2008, 2009). Treatments proposed for 2010 include herbicide application to infestations of watermilfoil in Cave and Medicine lakes completed by Kootenai County, on behalf of the IECWMA (personal communication Meghan Lunney, Avista and Linda Ely, Kootenai County, April 13, 2010).

Harrison Slough poses a unique challenge to watermilfoil control. Samples submitted by ISDA for metals analysis indicate that watermilfoil is sequestering metals from Harrison Slough sediments, such that diver suction removal may not be a prudent control option (personal communication between Meghan Lunney, Avista and Thomas Woolf, ISDA, March 19, 2010). Herbicide application could prove effective, and had been planned by IECWMA for Harrison Slough in 2008; however, application was not completed due to contested ownership of the land below the high-water mark and the potential for active western grebe (*Aechmophorus occidentalis*) nests and fish spawning to be disrupted (IECWMA 2008). For these reasons, current plans for watermilfoil control in Harrison Slough include biocontrol through augmentation of the milfoil weevil (*Euhrychiopsis lecontei*), a native of North America that is known to exist in the slough (personal communication Meghan Lunney, Avista, and Dave Lamb, CDAT, April 13, 2010).

2.0 PLAN

2.1 Purpose and Objectives

The purpose of this Plan is to control the spread and reduce the distribution of aquatic noxious weeds within non-tribal Project waters. This purpose will be met through the following program elements:

- Expansion of aquatic noxious weed education programs
- Annual monitoring of aquatic noxious weed distribution
- Management of noxious aquatic weeds through identified control strategies

Because programs addressing aquatic noxious weeds are currently in place, Avista will work with and support the entities involved in aquatic noxious weed management (the cooperating parties) during implementation of each of the three elements of this Plan.

2.2 Educational Programs

2.2.1 Existing Programs

IECWMA currently administers an outreach program to increase public awareness of aquatic noxious weeds in the region. Their program includes the maintenance of two websites with information on Eurasian watermilfoil and ongoing control measures. In 2009, these sites received 1,374 hits. During the same period, IECWMA distributed 111 informational brochures to the public and two newsletters to lakeshore property owners (IECWMA 2009).

2.2.2 Expanded Programs

Avista proposes to work with IECWMA to identify effective means to expand its outreach program with a focus on educating recreationists about threats posed by Eurasian watermilfoil, and actions that can be taken to prevent its spread. In coordination with IECWMA, Avista proposes to support the following outreach elements:

- Preparation and distribution of an annual informational newsletter to residents who own shoreline property adjacent to bays classified as high-priority suitable habitat within non-tribal Project waters (see Section 2.3.2)
- Informational presentations to groups likely composed of Coeur d'Alene Lake recreationists, such as members of lakeshore community associations, sporting groups, boat clubs, and marina groups. One to two presentations will be targeted per year initially. The frequency of presentations may be modified over time in coordination with the cooperating parties.

Avista may contribute additional support to IECWMA outreach efforts as educational needs are identified. Avista will coordinate its outreach commitments with its comprehensive Interpretation and Education Plan required under License Article 418.

2.2.3 Support Mechanisms

Avista will provide funding through IECWMA to implement outreach elements (see Section 2.5). This support will include preparing and presenting informational talks, compiling information for lakeshore landowners, and other relevant tasks as agreed upon with IECWMA. If IECWMA becomes unable to administer educational programs, Avista will provide support to other suitable cooperating parties and/or undertake educational programs itself.

2.3 Monitoring

2.3.1 Existing Monitoring

IECWMA coordinates monitoring for aquatic noxious weeds within non-tribal Project waters. Since 2006, surveys for aquatic noxious weeds have included most areas of Coeur d'Alene Lake considered susceptible to infestation (Figure 2), although no comprehensive surveys exist for the St. Joe, St. Maries, and Coeur d'Alene rivers.

2.3.2 Annual Monitoring

Avista proposes to coordinate with IECWMA, the Tribe, ISDA, and IDEQ to identify and map suitable habitat for Eurasian watermilfoil (using existing datasets). In general, habitat suitable for Eurasian watermilfoil includes unshaded waters with a depth less than 30 feet and muck, clay or silt substrates (Prather et al. 2003). Avista will consult with IECWMA, the Tribe, ISDA, and IDEQ to partition suitable habitat into high, moderate, and low survey priority categories based on susceptibility to infestation. Categorization of susceptibility will be founded on proximity to existing infestations, proximity to public boat launches, prevailing currents, and recreational use patterns. Areas where infestations are known to exist will be classified as high priority suitable habitat.

Monitoring will occur annually in the following pattern:

- High priority suitable habitats will be surveyed a minimum of once per three-year period
- Moderate priority suitable habitats will be surveyed a minimum of once per four-year period
- Low priority suitable habitats will be surveyed a minimum of once per five-year period

Surveys will follow procedures established by ISDA (2008). In habitats where Eurasian watermilfoil is not known to occur, littoral survey methods will be followed. To allow for effective pre and post-treatment comparisons, point-intercept survey methods will be used in habitats where treatment of Eurasian watermilfoil has occurred or is anticipated. Annual monitoring may be combined with pre- or post-

treatment surveys within infested areas. Other technologies, such as infrared aerial surveys may also be used as appropriate.

2.3.3 Support Mechanisms

Avista will cooperate with IECWMA, the Tribe, ISDA, and IDEQ to map and categorize suitable habitat and prepare a survey schedule. Avista will provide funding (see Section 2.5) for the monitoring effort. If IECWMA, ISDA, or IDEQ become unable to undertake annual monitoring, Avista will lead surveys.

2.4 Aquatic Noxious Weed Management Strategies

2.4.1 Management Strategies

Because of IECWMA's existing relationships with landowners, contractors, the Tribe, and agencies; their history of coordinating funding; and their experience managing the treatment of aquatic noxious weeds, Avista proposes to control the introduction and spread of aquatic noxious weeds through IECWMA programs. Avista's funding priorities are based on the goals described for the North Idaho region in the 2008 Statewide Strategic Plan for Eurasian Watermilfoil in Idaho (ISDA 2007). Funding will target the treatment of infestations as follows:

- First priority
 - Newly discovered infestations that are limited in extent where eradication is deemed feasible
 - Infestations with high probability of contributing to colonization in previously unaffected habitats within non-tribal Project waters
- Second priority
 - Infestations with a high probability of re-infesting waters where watermilfoil control is currently taking place
- Third priority
 - Established infestations with low probability of spreading

Treatment methods tested in Coeur d'Alene Lake include herbicide application, diver suction removal, hand pulling, and bottom barriers. Implementation of biocontrol and evaluation of its efficacy are planned for the 2010 season. The costs, efficacy, and limitations of each method are compared in Table 2. IECWMA (or other cooperating parties) will evaluate the suitability of treatment methods based on site-specific conditions and will propose projects for funding accordingly.

IECWMA implements quantitative pre and post-treatment monitoring to document the results of weed control activities. IECWMA also administers the permitting, notification, and water quality monitoring required by ISDA for herbicide application projects (IECWMA 2009). Although Avista will provide funding,

the cooperating parties will remain responsible for securing all necessary permits, making required notifications, and coordinating with wildlife management agencies before implementing aquatic noxious weed control activities. Funding provided by Avista for the treatment of aquatic noxious weeds may be applied toward any necessary element of a control project, including: supplies (herbicide, gasoline, etc.), equipment (bottom barriers, rakes, and water quality supplies), labor costs, preparation of permit applications or notifications, and payment of subcontractors (herbicide applicators, divers, etc.).

2.4.2 Support Mechanisms

Avista's primary support for aquatic noxious weed control will consist of funding distributed annually to IECWMA for identified treatment projects. Avista will also provide staff as necessary at the joint discretion of Avista and the cooperating parties. If IECWMA becomes unable to implement aquatic noxious weed control projects, Avista will either manage the treatment of aquatic noxious weeds or provide funding to an alternative appropriate cooperating party, such as IDEQ.

2.5 Funding

Avista will provide funding, in an amount not to exceed \$30,000 per year, for the implementation of measures described in this Plan. Funds that are not expended in the year provided will carry over for a period of up to three years and accumulate up to a maximum of \$90,000. Funding provided by Avista may be used to pay for any element of this Plan whether implemented by a cooperating party, Avista, or a contractor. Avista will determine the allocation of funds in a manner consistent with the goals and priorities established in this Plan and in consultation with the cooperating parties. Avista's administrative costs to implement this Plan, including the reporting requirements, will be part of Avista's internal costs for license implementation and are not included in the funding identified above.

2.6 Reports

Avista will prepare annual reports which summarize activities implemented under this Plan. Each report will be comprised of the following elements:

- A description of educational programs (e.g. number of newsletter mailed, attendance at presentations)
- Figure(s) indicating the extent of surveys for aquatic noxious weeds and locations of weed infestations, weed species identified, and treatments implemented
- A brief description of control activities and their efficacy
- Planned activities for the coming year
- Any proposed changes in plan administration or approach
- Money spent on implementation activities completed under this Plan

In accordance with the FERC Order 2545-129, the annual report will be submitted to FERC by March 1, beginning in 2012 (Appendix B). Prior to submittal to FERC, Avista shall allow the Tribe, IDEQ,

IECWMA, and ISDA 30 days to review the report and make comments or recommendations. The comments or recommendations received from these three agencies will be included in the annual report filed with FERC, along with Avista's responses to each of the comments received.

The annual report will be made available to other private or public entities upon request.

2.7 Coordination and Adaptive Management

The long-term nature of this noxious aquatic weed management effort necessitates an adaptive approach, wherein information from monitoring and control activities and changes in aquatic weed distribution are used to inform adjustments to the Plan. Avista will review management approaches with cooperating parties annually. The annual meeting will include a review of the previous season's efforts and proposed adjustments to the education, monitoring, and control strategies described in this Plan. Changes to the approach and methods described within this management Plan will be based on mutual agreement among the cooperating parties and Avista.

3.0 IMPLEMENTATION SCHEDULE

Implementation of this Plan will begin following FERC approval, and occur annually as outlined within Table 3. Changes to the schedule may be enacted on mutual agreement among the cooperating parties, Avista and FERC.

Table 3
Annual Implementation Schedule

Task	Date
Identify geographic areas for upcoming surveys	December 31
Review available funding	January - February
Annual meeting with cooperating parties	February
Review funding requests from cooperating parties for outreach, monitoring, and control activities	March - April
Finalize support with cooperating parties to include funding, staff and equipment	May 1
Gather project-completion information from cooperating parties for Avista-supported activities	September - November
Avista provides annual report to Tribe, IDEQ, IECWMA, and ISDA	December 31
Avista provides annual report to FERC	March 1

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TABLES 1 & 2

Table 1
Survey and Management of Aquatic Noxious Weeds Within the Coeur d'Alene Lake Basin

Entity	Surveys and Studies	Recent Treatments	2010 Planned Activities
Coeur d'Alene Tribe - Lake Management Department	2006 Baseline Coeur d'Alene Lake aquatic vegetation survey - <i>extensive survey covered littoral areas throughout non-tribal waters</i>	2006 Herbicide treatment of 266 acres of Eurasian watermilfoil in tribal waters	Herbicide treatment and diver suction removal of Eurasian watermilfoil from Lower Lakes and portions of Coeur d'Alene Lake within tribal waters
	2006 - 2009 Pre-treatment surveys for Eurasian watermilfoil within tribal waters	2006 Diver suction removal of 46 acres of Eurasian watermilfoil	Biocontrol for Eurasian watermilfoil in Harrison Slough
	2006 - 2009 Post-Treatment surveys to evaluate efficacy of Eurasian watermilfoil control within tribal waters	2006 Hand removal of Eurasian watermilfoil from two high-use boat launch/marina areas	
	2006 - 2009 Post-herbicide treatment water quality monitoring (herbicide residue, water clarity, pH, dissolved oxygen, temperature, conductivity)	2007 Herbicide treatment of 599 acres of Eurasian watermilfoil in tribal waters	
	2007 Lower Lakes aquatic vegetation survey - <i>covered 3,000 acres within Benewah, Chatcolet, and Round Lakes (primarily within Tribal Waters), included biomass and nutrient input studies</i>	2007 Placement of 2,000 ft ² of bottom barrier panels within tribal waters	
	2007 - 2008 Analysis of water potatoes for herbicide residue	2007 Hand removal of Eurasian watermilfoil from 1.5 acres in tribal waters	
	2008 DNA sequence analysis of hybrid milfoil	2008 Herbicide treatment of 283 acres of Eurasian watermilfoil in tribal waters	
	2008 Testing hybrid milfoil for herbicide susceptibility	2008 Diver suction removal of approximately 12 acres of Eurasian watermilfoil in tribal waters 2009 Diver suction removal of 20 acres of Eurasian watermilfoil 2009 Herbicide treatment of 117 acres of Eurasian watermilfoil in tribal waters	

Entity	Surveys and Studies	Recent Treatments	2010 Planned Activities
Idaho Department of Environmental Quality			Aquatic vegetation surveys within three to six northern bays (non-tribal waters) may include surveys in: Cougar, Kidd Island, Wolf Lodge, Mica, Carlin, and/or Rockford bays
Inland Empire Cooperative Weed Management Area (IECWMA)	<p>2007 Pre and post treatment surveys for Eurasian watermilfoil in Cave and Medicine Lakes - <i>found 187 infested acres</i></p> <p>2007 Post-treatment water quality monitoring for herbicide residue and dissolved oxygen in Cave and Medicine Lakes</p> <p>2007 Surveys in Harrison Slough and Harrison Public Boat Launch - <i>found 268 acres in slough and 8 acres at launch</i></p> <p>2007 Surveys along shoreline near Harrison, western shoreline from Cottonwood Bay to Rockford Bay, Mica Bay, Cougar Bay and Kidd Island Bay - <i>no milfoil found</i></p> <p>2008 Surveys in Harrison Slough - <i>found 268 acres of Eurasian watermilfoil</i></p> <p>2008 Surveys of Kidd Island Bay, Mica Bay and Cougar Bay - <i>no milfoil found</i></p> <p>2008 Post-treatment water quality monitoring in Cave and Medicine Lakes for herbicide residue and dissolved oxygen</p> <p>2009 Survey of Cave and Medicine Lakes - <i>35 acres found</i></p> <p>2009 Surveys in Beauty, Bennett, Blue Creek, Carlin, Mica, Neachen, and Wolf Lodge Bays - <i>no milfoil found</i></p> <p>2009 Post-treatment water quality monitoring in Cave and Medicine Lakes for herbicide residue and dissolved oxygen</p>	<p>2007 Herbicide treatment of 198 acres of Eurasian watermilfoil in Cave and Medicine Lakes</p> <p>2008 Herbicide treatment of 306 acres of Eurasian watermilfoil in Cave and Medicine Lakes</p> <p>2009 Herbicide treatment of 33 acres of Eurasian watermilfoil in Cave and Medicine Lakes</p>	<p>Surveys for Eurasian watermilfoil in shallow bays within the northern portions of Coeur d'Alene Lake</p> <p>Herbicide treatment of Eurasian watermilfoil in Cave and Medicine lakes</p>
Idaho State Department of Agriculture	2006 Survey of Cave and Medicine Lakes - <i>found Eurasian watermilfoil</i>	2006 Herbicide treatment of 250 acres in Cave and Medicine Lakes	Administers grants awarded to the Coeur d'Alene Tribe and IECWMA for control of Eurasian watermilfoil

Table 2
Aquatic Noxious Weed Control Methods Currently Used within the Coeur d'Alene Lake Basin

Control Method	Description	Regulatory Requirements	Efficacy ¹	Cost per Acre ²	Limitations
Chemical Control	Chemical control includes application of fast-acting systemic herbicide (2,4D or triclopyr) to the water surface within infestations.	Herbicide applicator must be state licensed as a professional applicator with an Aquatic Pest Control (AP) certificate Requires ISDA short-term exemption permit for use of herbicides in Idaho waterways Legal notice posted in a local and regional newspaper 10 and 14 days prior to application 48-hour notification on individual docks and shore line stakes Post-treatment monitoring for herbicide residue and dissolved oxygen	40 - 100% (depending on conditions)	\$600 - \$800	Not appropriate for areas with a swift current Specialized equipment required Not suitable near drinking and irrigation water intakes and/or intakes must be shut off for a period following treatment Work should avoid fish spawning and sensitive waterfowl nesting areas and dates Large areas of decomposing vegetation may negatively affect dissolved oxygen
Diver Suction Removal	Divers use a pump system to suction plants and roots from the sediment. Pumps are mounted on barges or pontoon boats and the diver uses a hose with a cutter head to remove the plants and vacuum them through the hose to a basket on the support vessel.		60 - 100%	\$1,000 - \$3,000	Work should avoid fish spawning and sensitive waterfowl nesting areas and dates Specialized equipment required Disturbs bottom sediments May be difficult to locate plants for removal in turbid waters or areas of heavy native aquatic plant growth
Hand Pulling	Plants are pulled and removed from the water by hand, divers are needed in water over four feet in depth.		50 - 80%	\$80 - \$2,400 ³	May be difficult to locate plants for removal in turbid waters or areas of heavy native aquatic plant growth Work should avoid fish spawning and sensitive waterfowl nesting areas and dates Plant fragments released may lead to the spread of infestations Only feasible for relatively small infestations
Bottom Barriers ⁴	Occlusive material is placed on the lakebed over an infestation for a period of approximately 10 weeks.	IDL permit for modifications to lakebed	100%	\$20,000 - \$50,000 ⁵	Suitable only for relatively small areas Work should avoid fish spawning and sensitive waterfowl nesting areas and dates
Biocontrol ⁶	Watermilfoil weevils are found in the Coeur d'Alene Lake Basin (Harrison Slough) and are natural predators of native and introduced milfoils. Augmentation of natural populations with	May require permit approval from ISDA	Highly variable	Unknown	Control may require densities of 100-300 weevils per square meter Control is largely unpredictable in natural systems and relies on a number of environmental variables

Notes:

1 - Efficacy estimates are from CDAT 2006 and CDAT 2007.

2 - Cost estimates are from IECWMA 2007 and IECWMA 2009.

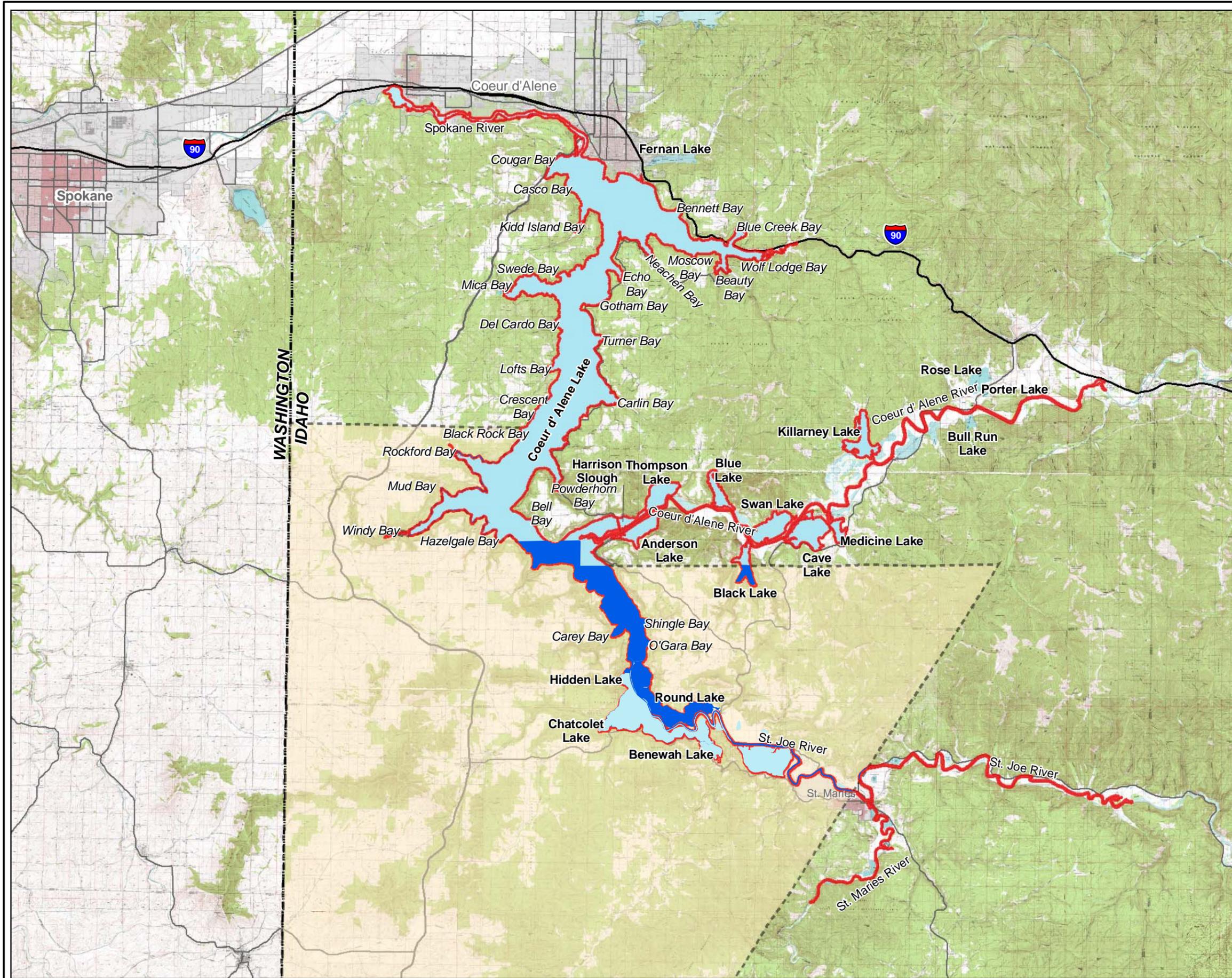
3 - Costs depend on the density of infestation and height of plants, from Prather et al. 2003.

4 - This table addresses bottom barriers as a treatment method for existing infestations, not as a long-term method to prevent infestation.

5 - Cost depends on the materials used, water depth, etc. Cost was \$1 per square foot for a bottom barrier trial within Tribal waters (CDAT 2007).

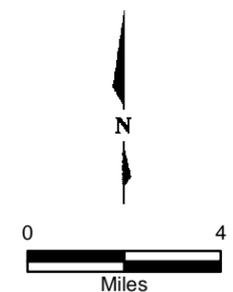
6 - From Newman 2008.

FIGURES



LEGEND

- Project Boundary
- Coeur d'Alene Tribe Reservation
- Lakes, Rivers
- CWA Sections 303(c) and 401 Approved Tribal Waters

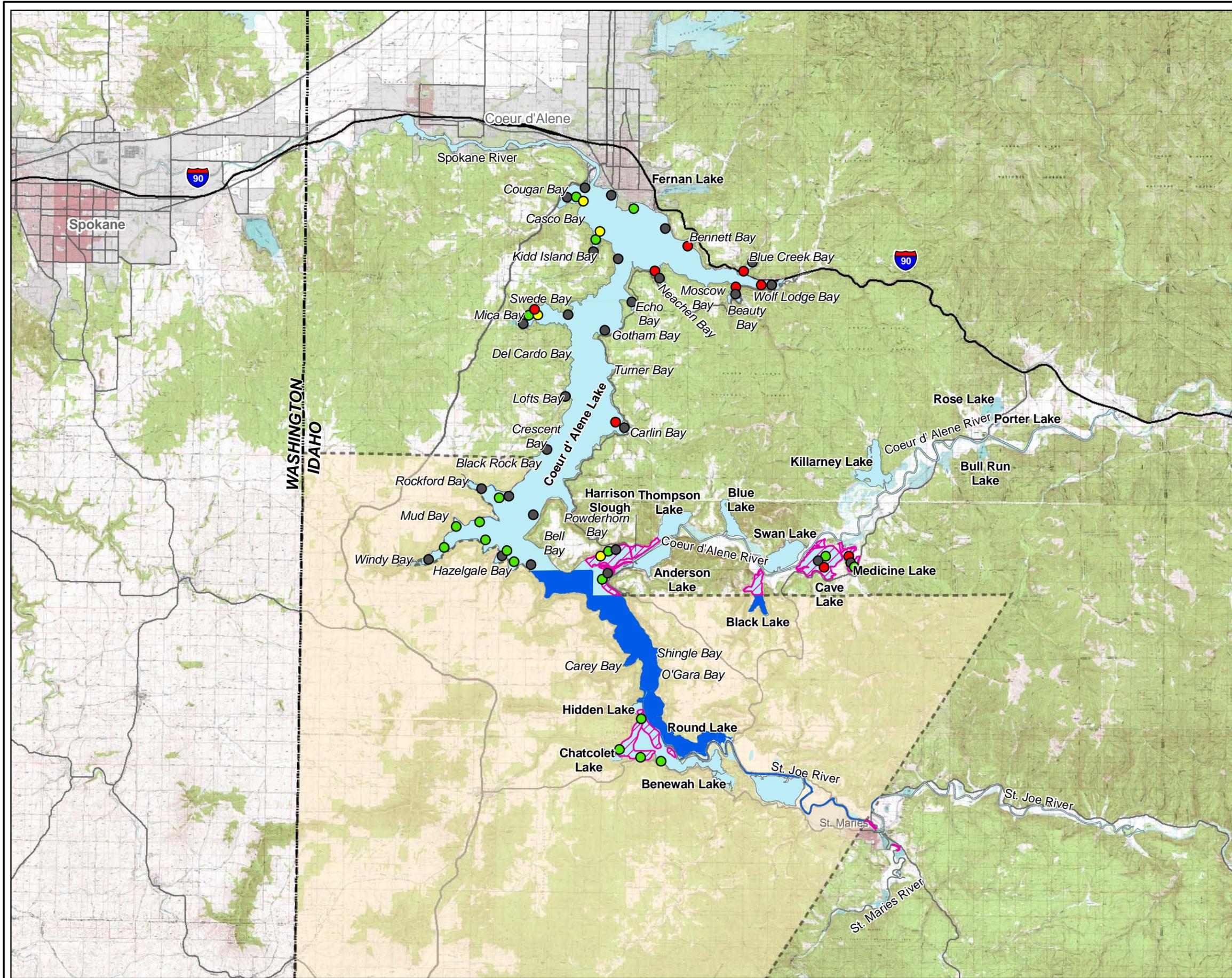


Map Projection:
Idaho StatePlane West
NAD 1983 Feet

Source:
ESRI, USGS (quadrangle 24k), Golder Associates Inc.

This figure was originally produced in color. Reproduction in black and white may result in a loss of information.

FIGURE 1
POST FALLS
HED LOCATION MAP
AVISTA AQUATIC WEED PLAN
Golder Associates

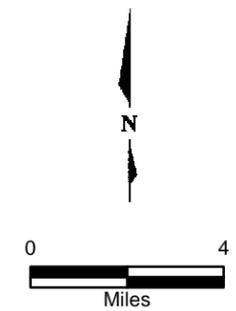


LEGEND

Aquatic Noxious Weed Surveys

- 2006
- 2007
- 2008
- 2009

- Invasive Watermilfoil Areas
- Coeur d'Alene Reservation Boundary
- Lakes, Rivers
- CWA Sections 303(c) and 401 Approved Tribal Waters
- State Boundary



Map Projection:
Idaho StatePlane West
NAD 1983 Feet

Source:
Aquatic Noxious Weed Surveys (CDAT 2006, CDAT and Avista 2006, IECWMA 2007, 2008, 2009),
Invasive Watermilfoil (CDAT and Avista 2006, CDAT 2008, IECWMA 2007),
ESRI, USGS (quadrangle 24k), Golder Associates Inc.

This figure was originally produced in color. Reproduction in black and white may result in a loss of information.

FIGURE 2
RECENT SURVEYS AND IDENTIFIED
AQUATIC NOXIOUS WEED
INFESTATIONS WITHIN
NON-TRIBAL WATERS IN
THE COEUR D'ALENE LAKE BASIN

AVISTA AQUATIC WEED PLAN

Golder Associates

APPENDIX A

Agency Comments and Avista Responses



April 28, 2010

Rick Donaldson
U.S. Fish & Wildlife Service
11103 E. Montgomery Drive, Suite 2
Spokane, WA 99206

**Subject: Spokane River Hydroelectric Project, FERC Project No. 2545
Draft Coeur d'Alene Lake Aquatic Weed Management Plan for Non-Tribal
Waters as Required by the Spokane River License, Article 410**

Dear Mr. Donaldson:

On June 18, 2009 the Federal Energy Regulatory Commission (FERC) issued a new license for the Spokane River Hydroelectric Project, FERC Project No. 2545 (License). Article 410 of the License requires Avista to submit a Coeur d'Alene Lake Aquatic Weed Management Plan for Non-Tribal Waters (Plan) for FERC's approval within one year of License issuance. The FERC License requires Avista to consult with the Idaho Department of Fish and Game and the U.S. Fish and Wildlife Service during the development of the enclosed Plan.

With this, we request your comments and recommendations on the Plan by **May 28, 2010**. Avista will incorporate your comments and recommendations as appropriate, and submit the final Plan to FERC for approval. We will begin implementing the Plan once we receive FERC's approval.

If you have any questions regarding this Plan, feel free to call me at (509) 495-4998. In my absence please call Meghan Lunney at (509) 495-4643.

Sincerely,

A handwritten signature in black ink, reading "Speed Fitzhugh". The signature is written in a cursive, flowing style.

Elvin "Speed" Fitzhugh
Spokane River License Manager

Enclosure

C: Bryan Helmich, IDFG
Meghan Lunney, Avista



United States Department of the Interior



FISH AND WILDLIFE SERVICE

*Eastern Washington Field Office
11103 East Montgomery Drive
Spokane, Washington 99206*

June 7, 2010

Elvin "Speed" Fitzhugh
Spokane River License Manager
Avista Utilities
1411 E. Mission Ave
Spokane, WA 99252

Subject: Spokane River Hydroelectric Project (FERC No. 2545), Draft Coeur d'Alene Lake Aquatic Weed Management Plan for Non-Tribal Waters (FERC Article No. 410), Reference No. 14420-2010-CPA-0010 (File No. 503.0005)

Dear Mr. Fitzhugh:

This letter comprises the U.S. Fish and Wildlife Service's (Service) response to your April 28, 2010, letter and attached Draft Coeur d'Alene Lake Aquatic Weed Management Plan for Non-Tribal Waters (Plan) pertaining to Avista's Spokane River Hydroelectric Project (Project). The Plan dated April 28 2010, was prepared by Golder Associates, Inc. for Avista to comply with the Federal Energy Regulatory Commission's (FERC) License Article No. 410.

We recommend that you include the following language in your final plan: *"The July 31, 2008, section 7 Endangered Species Act (ESA) consultation conducted for the Spokane River Hydroelectric Projects does not cover subsequent weed management activities conducted in areas where federally listed threatened and endangered species (listed species) may be present. Therefore, if listed species may be present in the action area, the appropriate federal action agency will need to complete section 7 ESA consultation with the Service prior to the commencement of work."*

Thank you for the opportunity to provide our comments and recommendations on the Plan. We look forward to working with your staff during the implementation of the Plan during the course of the new license. If you have any questions, please contact Toni Davidson of our Spokane Office at 509-893-8006.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stogren". The signature is written in a cursive style with a large initial "R" and a long, sweeping underline.

Assistant Project Leader

cc:

WDFW, Spokane (Helmick)

**U.S. FISH AND WILDLIFE SERVICE COMMENTS ON
DRAFT COEUR D'ALENE LAKE AQUATIC WEED MANAGEMENT PLAN FOR NON-TRIBAL
WATERS**

Comment: We recommend that you include the following language in your final plan: "The July 31, 2008, section 7 Endangered Species Act (ESA) consultation conducted for the Spokane River Hydroelectric Projects does not cover subsequent weed management activities conducted in areas where federally listed threatened and endangered species (listed species) may be present. Therefore, if listed species may be present in the action area, the appropriate federal action agency will need to complete section 7 ESA consultation with the Service prior to the commencement of work."

Response: *This comment is not relevant at this time because Avista is not proposing to fund or implement any aquatic weed management controls for 2010 in association with this AWMP. As such this suggested language was not incorporated into the AWMP. Avista recognizes that ESA consultation may be required for future aquatic weed control efforts that "may affect" ESA-listed species and that require new federal approval. Regardless, Avista will coordinate future AWMP control efforts, as they are implemented with FWS.*



April 28, 2010

Bryan Helmich
Idaho Department of Fish & Game
2750 Kathleen Ave.
Coeur d'Alene, ID 83814

**Subject: Spokane River Hydroelectric Project, FERC Project No. 2545
Draft Coeur d'Alene Lake Aquatic Weed Management Plan for Non-Tribal
Waters as Required by the Spokane River License, Article 410**

Dear Mr. Helmich:

On June 18, 2009 the Federal Energy Regulatory Commission (FERC) issued a new license for the Spokane River Hydroelectric Project, FERC Project No. 2545 (License). Article 410 of the License requires Avista to submit a Coeur d'Alene Lake Aquatic Weed Management Plan for Non-Tribal Waters (Plan) for FERC's approval within one year of License issuance. The FERC License requires Avista to consult with the Idaho Department of Fish and Game and the U.S. Fish and Wildlife Service during the development of the enclosed Plan.

With this, we request your comments and recommendations on the Plan by **May 28, 2010**. Avista will incorporate your comments and recommendations as appropriate, and submit the final Plan to FERC for approval. We will begin implementing the Plan once we receive FERC's approval.

If you have any questions regarding this Plan, feel free to call me at (509) 495-4998. In my absence please call Meghan Lunney at (509) 495-4643.

Sincerely,

A handwritten signature in black ink that reads "Speed Fitzhugh". The signature is written in a cursive, flowing style.

Elvin "Speed" Fitzhugh
Spokane River License Manager

Enclosure

C: Rick Donaldson, USFWS
Meghan Lunney, Avista

From: Helmich, Bryan [mailto:bryan.helmich@idfg.idaho.gov]

Sent: Thursday, June 03, 2010 9:43 AM

To: Lunney, Meghan

Subject: RE: Draft Coeur d'Alene Lake Aquatic Weed Management Plan for Non-Tribal Waters as Required by the Spokane River License, Article 410

Meghan,

I reviewed the attached plan and discussed the key points with Chip Corsi. The Department supports the plan as written and without modification.

Please feel free to comment if you need additional comment.

Bryan

APPENDIX B

**FERC ORDER MODIFYING AND APPROVING COEUR D'ALENE AQUATIC WEED
MANAGEMENT PLAN FOR NON-TRIBAL WATERS, PURSUANT TO ARTICLE 410**



June 18, 2010

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First St. N.E.
Washington, DC 20426

**Subject: Spokane River Project License, FERC Project No. 2545
Submittal of the Coeur d'Alene Lake Aquatic Weed Management Plan
Article 410 of the Commission's June 18, 2009 Order**

Dear Secretary Bose:

On June 18, 2009 the Federal Energy Regulatory Commission (FERC) issued a new license for the Spokane River Hydroelectric Project, FERC Project No. 2545 (License). Article 410 of the License requires Avista to submit a Coeur d'Alene Lake Aquatic Weed Management Plan for Non-Tribal Waters (Plan) for FERC's approval within one year of License issuance.

The License requires Avista to consult with the Idaho Department of Fish and Game and the U.S. Fish and Wildlife Service during the development of the enclosed Plan. Copies of the agency's comments and recommendations, and Avista's responses to them, are included in Appendix A of the Plan.

With this, Avista is submitting the Plan for FERC approval. Upon approval Avista will begin implementing the Plan. If you have any questions regarding this filing, please feel free to contact me at (509) 495-4998.

Sincerely,

Elvin "Speed" Fitzhugh
Spokane River License Manager

Enclosure

cc: Bryan Helmich, Idaho Department of Fish and Game
Rick Donaldson, U.S. Fish and Wildlife Service

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the **Coeur d'Alene Lake Aquatic Weed Management Plan** on Idaho Department of Fish and Game and the U.S. Fish and Wildlife Service in compliance with Ordering Paragraph J of the Spokane River Project FERC License (P-2545).

Bryan Helmich
Idaho Department of Fish and Game
2885 W. Kathleen Avenue
Coeur d'Alene, ID 83815
Bryan.helmich@idfg.idaho.gov

Rick Donaldson
U.S. Fish & Wildlife Service
11103 E. Montgomery Drive, Suite 2
Spokane, WA 99206
Rick_Donaldson@fws.gov

Dated this 18 day of June, 2010

By:



Cherie Hirschberger
Avista Corporation
1411 E. Mission Ave.
Spokane, WA 99202
(509) 495-4486

134 FERC ¶ 62,049
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Avista Corporation

Project No. 2545-129

ORDER MODIFYING AND APPROVING COEUR D'ALENE AQUATIC WEED
MANAGEMENT PLAN FOR NON-TRIBAL WATERS, PURSUANT TO ARTICLE
410

(Issued January 19, 2011)

1. On June 18, 2010, Avista Corporation (licensee) filed its Coeur d'Alene Aquatic Weed Management Plan for non-tribal waters (non-tribal AWMP)¹ pursuant to Article 410 of its license² for the Spokane River Hydroelectric Project (FERC No. 2545). The project is located on the Spokane River in Spokane, Lincoln, and Stevens Counties, Washington, and in Kootenai and Benewah Counties, Idaho. The Spokane River Project occupies about 6,460 acres of federal and tribal lands, including about 5,996 acres that are part of the Coeur d'Alene Reservation (Reservation).

LICENSE REQUIREMENTS

2. Article 410 requires the licensee to file for Commission approval a Coeur d'Alene Lake Aquatic Weed Management Plan for the purpose of providing education, monitoring, and control of aquatic noxious weeds in the Coeur d'Alene Lake basin on non-tribal waters. The plan shall include, but not necessarily be limited to:

- (1) a provision to establish or expand educational programs with respect to noxious aquatic weeds in non-tribal waters affected by the project;
- (2) a provision to annually monitor the distribution of noxious aquatic weeds within non-tribal waters affected by the project; and

¹ The licensee's Aquatic Weed Management Plan for tribal waters was approved on July 30, 2010. See 132 FERC ¶ 62, 079.

² 127 FERC ¶ 61,265 (2009).

- (3) management strategies to help control noxious aquatic weeds as they are identified within non-tribal waters affected by the project.

3. In addition to an implementation schedule, the licensee shall include with the plan, documentation of consultation with the Idaho Department of Fish and Game (IDFG) and the U.S. Fish and Wildlife Service (FWS); copies of comments and recommendations on the completed plan after it has been prepared and provided to the consulted entities; and specific descriptions of how the consulted entities' comments are accommodated by the plan. If the licensee does not adopt a recommendation, the filing shall include the licensee's reasons based on project-specific information.

LICENSEE'S PLAN

4. The licensee's non-tribal AWMP applies to the Post Falls development, which includes three dams, nine impounded miles of the Spokane River (from the three dams to the natural outlet of Coeur d'Alene Lake), and Coeur d'Alene Lake. The plan provides for the management of aquatic noxious weeds within non-tribal waters affected by the project. Eurasian watermilfoil and a hybrid of Eurasian watermilfoil and northern watermilfoil (*Myriophyllum sibiricum*) are currently the only aquatic noxious weeds in the Coeur d'Alene Lake Basin.

5. The boundary for this non-tribal AWMP encompasses the Post Falls development, excluding the Coeur d'Alene Indian Reservation. This includes the northern two-thirds of Coeur d'Alene Lake; lower 30 miles of the Coeur d'Alene River and associated chain lakes; navigable waters within Heyburn State Park; lower 17 miles of the St. Joe River located outside of the Reservation; lower 9 miles of the St. Maries River; and 9 miles of the Spokane River upstream of the Post Falls dams.

6. Under the non-tribal AWMP, the licensee is proposing to cooperate with entities that have existing aquatic weed management programs. These include, but are not limited to, the Coeur d'Alene Tribe, Idaho Department of Environmental Quality (IDEQ), Inland Empire Cooperative Weed Management Area (IECWMA) and Idaho State Department of Agriculture (ISDA), further referred to as cooperating parties. The licensee will cooperate with these parties to implement educational programs, monitoring and management, as required by Article 410.

7. The licensee proposes to work with IECWMA to expand the educational outreach program currently administered by IECWMA. Currently the program includes the maintenance of two websites with information on Eurasian watermilfoil and ongoing control measures. The IECWMA also distributes informational brochures to the public and two newsletters to lakeshore property owners. The licensee proposes to work with IECWMA to expand the program with a focus on recreationalists. In coordination with IECWMA, the licensee proposes to prepare and distribute annual newsletters to residents

who own shoreline property adjacent to bays classified as high-priority suitable habitat, and provide one or two informational presentations per year to recreationalists, such as lakeshore community associations, sporting groups, boat clubs and marina groups. The licensee proposes to provide funding through IECWMA to implement these outreach elements, and provide support by preparing and presenting informational talks, compiling information, and other relevant tasks agreed upon with IECWMA. The licensee states that if IECWMA becomes unable to administer educational programs, the licensee will provide support to other suitable parties and/or undertake educational programs itself.

8. The licensee proposes to coordinate with IECWMA, the Tribe, ISDA and IDEQ to identify and map suitable habitat for Eurasian watermilfoil, and to partition suitable habitat into high, moderate and low survey priority categories based on susceptibility to infestation. High priority habitat will be surveyed a minimum of once per three-year period, moderate priority habitat will be surveyed a minimum of once per four-year period, and low priority habitats will be surveyed once per five-year period. Surveys will follow procedures established by ISDA.

9. The licensee's primary support for aquatic noxious weed control will consist of funding distributed annually to IECWMA for use in its programs. Newly discovered infestations where eradication is deemed feasible, and infestation with a high probability of contribution to colonization will have first priority for funding. Second and third priority funding would be given for infestations with a high probability of re-infesting waters where control is currently taking place and for established infestations with a low probability of spreading. Current treatment methods include herbicide application, diver suction removal, hand pulling and bottom barriers. The licensee proposes that if IECWMA becomes unable to implement aquatic weed control projects, the licensee will either manage the treatment of the weeds or provide funding to an alternative appropriate cooperating party.

10. Funding will not exceed \$30,000 per year. Funds that are not expended in the year provided will carry over for a period of up to three years and accumulate to a maximum of \$90,000. Funds may be used to pay for any element of the licensee's non-tribal AWMP, whether implemented by a cooperating party, the licensee, or a contractor. The licensee will determine the allocation of the funds in a manner consistent with the goals and priorities established in the non-tribal AWMP and in consultation with the cooperating parties.

11. The licensee proposes to take an adaptive management approach, where information from monitoring and control activities, and changes in aquatic weed distribution are used to make adjustments to the plan. The licensee proposes to review management approaches with the cooperating parties annually in February, and changes to the plan will be based on mutual agreement among the cooperating parties and the licensee.

12. The licensee proposes to develop annual reports summarizing activities implemented under the non-tribal AWMP. Each report will include: (1) a description of education programs; (2) figures indicating the extent of aquatic noxious weed surveys and locations of weed infestations; (3) weed species identified and treatments implemented; (4) a description of control activities and their efficacy; (5) planned activities for the coming year; (6) any proposed changes in non-tribal AWMP administration or approach; and (7) money spent on implementation activities completed under the non-tribal AWMP. The annual report will be submitted to each cooperating party by December 31, and made available to other entities upon request.

AGENCY COMMENTS

13. The licensee provided the FWS and IDFG with a copy of the non-tribal AWMP by letter dated April 28, 2010. By email dated June 3, 2010, the IDFG supported the plan without modification. By letter dated June 7, 2010, the FWS recommended that the licensee add language to the plan stating that section 7 Endangered Species Act (ESA) consultation for the Spokane River Project does not cover subsequent weed management activities conducted in areas where federally listed threatened and endangered species may be present. The FWS states that if listed species may be present in the action area, the appropriate federal action agency will need to complete section 7 ESA consultation with the Service prior to the commencement of work. In response, the licensee stated that they recognize that ESA consultation may be required for further aquatic weed control efforts, and it will coordinate future control efforts with the FWS.

DISCUSSION

14. Under the non-tribal Coeur d'Alene Lake Aquatic Weed Management Plan, the licensee is proposing to distribute funds annually to IECWMA for use in current aquatic weed management programs and educational outreach. The licensee will coordinate with the IECWMA, the Coeur d'Alene Tribe, ISDA and IDEQ to identify and map noxious aquatic weeds. As stated in its license, the licensee is reminded that while it may work cooperatively with stakeholders and may share the costs of implementing the aquatic weed management plan required by Article 410, the Commission has no jurisdiction over any party other than the licensee. Therefore, we will look to the licensee as the party ultimately responsible for developing the plan and ensuring its full implementation.

15. The licensee proposes to submit an annual report summarizing activities implemented under the non-tribal AWMP, planned activities for the upcoming year and any proposed changes to the plan. The annual report will be submitted to each cooperating party by December 31. The licensee should also be required to file this report with the Commission for review.

16. During consultation with the agencies, the FWS recommended that the licensee add language to the plan that states if listed species may be present in the action area, the

appropriate federal action agency will need to complete section 7 ESA consultation prior to commencement of work. The licensee responded by stating it will coordinate future control efforts with the FWS. If there is potential for aquatic weed management efforts to affect threatened or endangered species, the licensee should consult with the FWS prior to commencement of work. However, the Commission will not need to complete additional section 7 ESA consultation. Section 7 ESA consultation was completed during relicensing of the project, which included consideration of the licensee's non-tribal AWMP. On January 31, 2007, the Commission requested concurrence under the ESA that relicensing the project, under the proposed measures, which included an AWMP, is not likely to adversely affect the bald eagle or bull trout and its critical habitat, and would have no effect on the water howellia, ute ladies'-tresses, spalding's catchfly, and gray wolf. This finding was based on the Commission's draft Environmental Impact Statement (DEIS) for relicensing the Project, and a Biological Assessment (BA). Both documents were submitted to the FWS. In response, the FWS, by letter dated July 31, 2008 concurred with the Commission determination of "not likely to adversely affect," and concluded section 7 ESA consultation. Since the non-tribal AWMP was considered during the relicensing process, and was part of the DEIS and BA, further section 7 consultation for the above species related to implementation of the non-tribal AWMP should not be needed absent new circumstances.

17. The licensee's Coeur d'Alene Aquatic Weed Management Plan for non-tribal waters includes all the provisions of Article 410. The non-tribal AWMP should be effective in controlling exotic and noxious aquatic weeds, in non-tribal waters within Coeur d'Alene Lake, and therefore, as modified, should be approved.

The Director orders:

(A) Avista Corporation's Coeur d'Alene Lake Aquatic Weed Management Plan for Non-Tribal Waters, filed June 18, 2010, pursuant to Article 410, for the Spokane River Hydroelectric Project, FERC No. 2545, as modified by paragraph (B), is approved.

(B) The licensee shall file its annual report with the Commission summarizing activities implemented under the Coeur d'Alene Lake Aquatic Weed Management Plan for Non-Tribal Waters, by March 1, beginning in 2012. The report shall include: (1) a description of education programs; (2) figures indicating the extent of aquatic noxious weed surveys and locations of weed infestations; (3) weed species identified and treatments implemented; (4) a description of control activities and their efficacy; (5) planned activities for the coming year; (6) any proposed changes in the plan's administration or approach; and (7) money spent on implementation activities completed under the plan. The licensee shall allow the Coeur d'Alene Tribe, Idaho Department of Environmental Quality, Inland Empire Cooperative Weed Management Area and Idaho State Department of Agriculture 30 days to review the report and make comments or recommendations. The licensee shall file the annual report with the Commission,

including any comments or recommendations received from the agencies, and the licensee's response.

(C) 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 Federal Power Act, 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.

Steve Hocking
Chief, Biological Resources Branch
Division of Hydropower Administration
and Compliance

Document Content(s)

P-2545-129.DOC.....1-6