

PPL Montana, 45 Basin Creek Road, Butte, Montana 59701



PPLM - Mystic 2301 - 2300

Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Re: PPL Montana, LLC, Mystic Lake Project No. 2301, filing of Wilderness Occupancy and Use Plan per December 17, 2007 Commission Order Issuing New License

November 24, 2008

Dear Secretary Bose:

In accordance with U.S. Forest Service 4(e) Condition 20 of the December 17, 2007 Order Issuing New License, we herein attach a Wilderness Occupancy and Use Plan for the Mystic Lake Project 2301. This plan has been developed in consultation with, reviewed and approved by the U.S. Forest Service as indicated by their signature on page 2.

We appreciate your consideration of this plan.

Regards,

A handwritten signature in blue ink, appearing to read "Jon Jourdonnais", is written over a faint, light blue circular stamp or watermark.

Jon Jourdonnais
Director of Hydro Licensing and Compliance

Cc: Jeff Gildehaus, USFS
Mark Sommer, APLE
Dave Kinnard, PPLM
Pete Simonich, PPLM
Roscoe Kronfuss, PPLM
Carrie Harris, PPLM
Sharon Vidrich, PPLM

PPL Montana has consulted with the U.S. Forest Service in the preparation and filing of this Mystic Lake Project Wilderness Occupancy and Use Plan as required by the Commission. As signed below, the U.S. Forest Service agrees with this plan described above and provided in Attachment I:

By: 

Title: Custer Forest Supervisor

Representing U.S. Forest Service

Date: 11/20/08

Attachment I

Mystic Lake Hydroelectric Project No. 2301-022

Wilderness Occupancy and Use Plan

The Mystic Lake Project License requires per U.S. Forest Service Section 4(e) condition 20, that PPL Montana file with the Commission a Wilderness Occupancy and Use Plan that is approved by the Forest Service.

Following are the four items that are included in this plan as required by the Forest Service:

A. A description of all past, present, and reasonably foreseeable future actions associated with Project operations and License requirements that would occur within either congressionally designated wilderness areas or within any lands recommended for wilderness protection (Management Area H) by the Forest Service. The plan should disclose all such actions that may potentially affect wilderness and recommended wilderness lands.

As stated in the License, two small portions of the Mystic Lake Project are located within the boundary of the Absaroka-Beartooth Wilderness Area (ABWA) which was established in 1978. These two portions are an 8.2 acre portion of the upper end of Mystic Lake, and a 0.9 acre portion of West Rosebud Lake and adjacent uplands. The two portions total 9.1 acres which is 1.35% of the 673.54 acre Project. None of the Project is within any lands recommended for wilderness protection (Management Area H), except for perhaps an 0.5 acre area just east of the Mystic Lake Dam. The National Forest Management Area maps are not detailed enough to determine if this 0.5 acre area is within or outside the Project. This plan is being prepared assuming the 0.5 acre area is within the Project.

Some actions associated with Mystic Project operations and License requirements may occur outside the Project, and within the ABWA and/or Management Area H. For example, if someone walks along the edge of Mystic Lake to conduct a shoreline erosion survey, they would not be within the Project because full pool is the Project Boundary, and they would be walking above full pool. However, while doing so they would be walking in areas of the ABWA and Management Area H. Thus, this plan will include actions that occur outside the Project, if they occur in the ABWA and/or Management Area H.

In general, few actions associated with Mystic Project operations and License requirements have occurred or will occur within the ABWA and/or Management Area H because very little of the Mystic Project is within either of these areas, and where it is within these areas it is located away from the main project operations. None of the actions within the ABWA have involved or will involve the use of motorized equipment or mechanical transport. Motorized equipment or mechanical transport have been used within Management Area H in the past, and some use is expected in the future.

Following is a specific list of the actions that have occurred within the ABWA and/or Management Area H within the past 10 years, and those actions that could reasonably be expected to occur within the ABWA and/or Management Area H within the term of the new Mystic License :

Past Actions:

1. The annual fluctuation in the water level of Mystic Lake, which causes this reservoir to both enter and exit the ABWA each year.
2. Daily fluctuations in the water level of West Rosebud Lake, causing shoreline fluctuations in the ABWA portion of West Rosebud Lake.
3. Periodic nonmotorized foot traffic of Mystic Lake Trail for access purposes between the powerhouse, dam and upper end of Mystic Lake, with portions of the trail passing through both the ABWA and Management Area H.
4. Periodic nonmotorized off-trail foot traffic around Mystic Lake and West Rosebud Lake in areas that are within the ABWA and Management Area H.
5. Periodic survey and monitoring work, conducted on foot and using hand-held nonmotorized devices (e.g. camera, GPS unit, hand tools, laptop computer and land survey equipment) related to vegetation, noxious weeds, riparian areas, wildlife, fisheries, water quality, erosion, recreation, cultural resources, wilderness boundary location and safety.
6. Periodic use of motorized and non-motorized watercraft on Mystic Lake for transport to complete survey and monitoring work similar to that noted in #5. From time to time this would have included pulling the watercraft into shore when Mystic Lake was at full pool, causing a portion of the watercraft to extend beyond the water's edge into Management Area H. Motorized and non-motorized watercraft have never entered the ABWA portion of Mystic Lake.
7. Periodic use of motorized and non-motorized watercraft on West Rosebud Lake to complete survey and monitoring work similar to that noted in #5. The Forest Service and Licensee did not suspect that a portion of West Rosebud Lake was within the ABWA until about 2005. The Licensee is not aware of any situations where motorized or non-motorized watercraft entered the ABWA portion of West Rosebud Lake before 2005. However, there may have been situations where this occurred, as there would have been no reason to purposely stay out of the area now known to be within the ABWA.
8. Periodic use of a helicopter to transport materials and personnel to the Mystic Lake Dam helipad area, which from time to time involved entering the air space above Management Area H.
9. Periodic use of a helicopter to fly along the edge of Mystic Lake to complete survey and monitoring work, such that the helicopter entered the air space above Management Area H.
10. One-time use of a helicopter to complete fisheries redd surveys that involved flying over the upper end of Mystic Lake such that the helicopter entered the air space above the ABWA.

Current and Future Actions:

1. The annual fluctuation in the water level of Mystic Lake, which causes this reservoir to both enter and exit the ABWA each year.
2. Daily fluctuations in the water level of West Rosebud Lake, causing shoreline fluctuations in the ABWA portion of West Rosebud Lake.

3. Periodic nonmotorized foot traffic of Mystic Lake Trail for access purposes between the powerhouse, dam and upper end of Mystic Lake, with portions of the trail passing through both the ABWA and Management Area H.
4. Periodic nonmotorized off-trail foot traffic around Mystic Lake and West Rosebud Lake in areas that are within the ABWA and Management Area H.
5. Periodic survey and monitoring work, conducted on foot and using hand-held nonmotorized devices (e.g. camera, GPS unit, hand tools, laptop computer and land survey equipment) related to vegetation, noxious weeds, riparian areas, wildlife, fisheries, water quality, erosion, recreation, cultural resources, wilderness boundary location and safety. For example, a noxious weed survey is conducted whereby the surveyor walks the trail between the powerhouse and dam, and takes pictures of, GPSes the location of, and takes notes of the presence of noxious weeds along the trail. Most of this survey and monitoring work is required by the Project license.
6. Periodic use of motorized and non-motorized watercraft on Mystic Lake for transport to complete survey and monitoring work similar to that noted in #5. From time to time this will include pulling the watercraft into shore when the reservoir is at full pool, causing a portion of the watercraft to extend beyond the water's edge into Management Area H. Motorized and non-motorized watercraft will not enter the ABWA portion of Mystic Lake.
7. Periodic use of a helicopter to transport materials and personnel to the Mystic Lake Dam helipad area, which from time to time will involve entering the air space above Management Area H. Entering this air space is needed for safety reasons to provide the helicopter a safe approach to the helipad. This routine helicopter use by PPL Montana will have blanket approval by the Forest Supervisor per this plan, and will not require individual specific requests, as noted in section B below.

B. Procedures and timelines to request, in writing, Forest Service approval of the use of motorized equipment or mechanical transport within the Absaroka-Beartooth Wilderness or in recommended wilderness areas (Management Area H). For such use within the Absaroka-Beartooth Wilderness, the Regional Forester shall review each proposal, determine if it is consistent with the purposes of the Wilderness, and authorize the scope and conditions of approved uses in writing. For such use within recommended wilderness, the Forest Supervisor shall review each proposal and authorize the scope and conditions of approved uses in writing.

PPL Montana has no anticipated need to use motorized equipment or mechanical transport within the ABWA. However, if such a need arose, PPL Montana would submit a description of the proposed use in writing to the Regional Forester for his/her review 30 or more days in advance of when the proposed use would occur. PPL Montana would not proceed with the proposed use unless and until it was authorized by the Regional Forester.

PPL Montana's only anticipated need to use motorized equipment or mechanical transport within Management Area H is in the form of flying a helicopter in the air space above Management Area H to provide for a safe approach to the helipad. As noted in section A, "Current and Future Actions", item number 7, this particular use will have blanket approval from the Forest Supervisor per this Forest Service approved plan. If any other need arises to use motorized equipment or mechanical transport within Management Area H, PPL Montana will submit a description of this proposed use in writing to the Custer National Forest Supervisor for his/her

review 30 or more days in advance of when the proposed use would occur. PPL Montana would not proceed with the proposed use unless and until it was authorized by the Custer National Forest Supervisor.

C. Methods and procedures of reporting emergency use of motorized equipment or mechanical transport within the Absaroka-Beartooth Wilderness or in recommended wilderness areas in response to emergencies involving public health and safety or potential loss of life. Emergency use shall be exempt from prior written authorization as long as that use involves public health and safety or potential loss of life. However, any emergency access activities involving mechanized or motorized equipment shall be directly reported to the Forest Service within 24 hours and a written summary of the occurrence shall be filed with FERC and the Forest Supervisor within 30 days of the occurrence.

The use by PPL Montana of motorized equipment or mechanical transport within ABWA for emergencies will be directly reported to the Forest Service within 24 hours by phone, in-person, or by other direct communication methods, and a written summary of the occurrence shall be filed with FERC and the Forest Supervisor within 30 days of the occurrence.

D. Timeline and survey procedures for locating the Absaroka-Beartooth Wilderness boundary and posting the boundary with National Forest Wilderness sign 27-6A supplied by the Forest Service. The Licensee shall ensure that their employees, contractors and all others conducting activities on behalf of the Licensee are aware of the location of the boundary and the procedures for mechanized or motorized activities set forth in this condition. The Licensee shall complete all surveying and signing activities for those portions of the Absaroka-Beartooth Wilderness boundary located within the Project

The ABWA boundary was surveyed in the summer of 2007 using Forest Service approved methods, and in the presence of and with the assistance of the Forest Service Regional Surveyor. PPL Montana will post the ABWA boundary with National Forest Wilderness sign 27-6A as supplied by the Forest Service in the summer of 2009.