

UNITED STATES OF AMERICA 132 FERC ¶ 62,197
FEDERAL ENERGY REGULATORY COMMISSION

PPL Montana, LLC

Project No. 2301-033

ORDER APPROVING WILDLIFE PLAN
PURSUANT TO ARTICLE 401 AND 4(e) CONDITION 12

(Issued September 27, 2010)

1. On August 3, 2010, PPL Montana, LLC (licensee), licensee for the Mystic Lake Hydropower Project, FERC No. 2301, filed a Wildlife Plan (plan) pursuant to article 401 and 4(e) condition no. 12 of the license.¹ The project is located on West Rosebud Creek, in Stillwater and Carbon Counties, Montana. The entire project is located on U.S. Forest Service (FS) lands within the Custer National Forest and occupies 673.54 acres of federal lands.

LICENSE REQUIREMENTS

2. Article 401 and condition no. 12 require the licensee to develop a plan, in consultation with the FS, to begin implementation of wildlife species protection, mitigation, and enhancement measures. At a minimum, the condition requires the licensee to complete the following wildlife protection measures during the term of the new license:

- a) undertake actions to minimize potential for human/bear conflicts;
- b) undertake actions to reduce potential for mortality of bald eagles and other raptors;
- c) establish a baseline of bald eagle use of West Rosebud Creek and associated water bodies from the Mystic Lake Trailhead to the outlet of Emerald Lake and determine the disturbance effects of recreation on bald eagles; and
- d) determine the presence or non-detection of Harlequin ducks along West Rosebud Creek from the FS boundary upstream to the powerhouse and determine disturbance effects of recreation on Harlequin ducks.

3. The plan is to be implemented for a period of 10 years (i.e., until January 1, 2020) and revised every 10 years thereafter for the duration of the 40-year project license.

¹ 121 FERC ¶ 62,198, Order Issuing New License (December 17, 2007, effective on January 1, 2010).

DESCRIPTION OF THE PLAN

4. To minimize the potential for bear/human interactions, the licensee would implement the following actions: (1) install and maintain bear-resistant refuse container at the licensee's camp; (2) install and maintain bear-resistant refuse containers and solid waste collection in recreation areas surrounding West Rosebud Lake; and (3) throughout the term of the license, collaborate with the FS for any future maintenance of bear-aware sign postings within the project area.

5. To address the concern of potential raptor electrocution or collision hazard posed by transmission/distribution lines, the licensee developed the following measures to reduce potential for mortality of bald eagles and other raptors: (1) update the project transmission lines (A and B lines between Line Creek Substation and Mystic Lake powerhouse) per accepted raptor safety standards as lines are replaced or upgraded for maintenance purposes; and (2) update all project distribution lines (including the lines located along the trail from the powerhouse to Mystic Lake, the lines adjacent to the flow line, and the lines around the housing compound) per accepted raptor safety standards as lines are replaced or upgraded for maintenance purposes.

6. In regard to bald eagle monitoring, the licensee would establish a baseline of bald eagle use of West Rosebud Creek and associated water bodies from the Mystic Lake Trailhead to the outlet of Emerald Lake and determine disturbance effects of recreation on bald eagles. The plan includes the following measures: (1) conduct bald eagle monitoring for each of the first 3 years after license issuance, then every 5 years for the term of the new project license or until bald eagles are removed from the FS Region 1 Sensitive Species list; and (2) file a progress report of monitoring and determination of effects with the Commission within 1 year of the completion of the first 2-year survey, followed by subsequent reports within 1 year of the completion of each additional survey conducted on a 5-year interval.

7. Finally, the plan provides for harlequin duck surveys to be conducted as follows: (1) conduct surveys annually for the first 5 years after license issuance, then survey incrementally in future years if warranted; and (2) file a progress report of the monitoring and determination of effects with the Commission within 1 year of completion of the 5-year survey.

CONSULTATION

8. In its filing, the licensee included documentation of consultation with the FS. The FS signed a statement of approval of the Mystic Lake Project Wildlife Plan on July 26, 2010.

CONCLUSION

9. The licensee's plan fulfills the requirements of condition no. 12 of the December 17, 2007, Commission Order Issuing New License. The plan includes all of the elements required by condition no. 12 and should allow the licensee to implement wildlife species protection, mitigation, and enhancement measures, including the minimization of bear/human interaction conflicts; guard against potential raptor electrocution or collision hazard posed by transmission/distribution lines; and provide protection for bald eagles and harlequin duck in the project area. The plan should be approved.

The Director orders:

(A) The Wildlife Plan filed on August 3, 2010, pursuant to article 401 and 4(e) condition no. 12 of the license for the Mystic Lake Hydroelectric Project, is approved.

(B) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. §385.713.

Robert J. Fletcher
Chief, Land Resources Branch
Division of Hydropower
Administration and Compliance