

UNITED STATES OF AMERICA 131 FERC ¶ 62,031  
FEDERAL ENERGY REGULATORY COMMISSION

PPL Montana

Project No. 2301-025

ORDER MODIFYING AND APPROVING RECREATION PLAN UNDER ARTICLE  
401 AND U.S. FOREST SERVICE SECTION 4(e) CONDITION 11

(Issued April 07, 2010)

1. On January 29, 2009, and supplemented December 17, 2009, PPL Montana (licensee) filed a recreation plan (plan) pursuant to article 401 of the license and U.S. Forest Service (FS) section 4(e) condition no. 11 for the Mystic Lake Project (FERC No. 2301).<sup>1</sup> The project is located on West Rosebud Creek, in Stillwater and Carbon counties, Montana, wholly on lands of the Custer National Forest (CNF), which is under the supervision of the FS.

BACKGROUND

2. Article 401 requires the licensee to file, for Commission approval, various plans that have been approved by the FS pursuant to FS section 4(e) conditions, including condition no 11. FS condition no. 11 requires the licensee to develop a plan in consultation with the FS to provide a framework for implementation of all recreation-site protection, mitigation, and enhancement (PM&E) measures.

3. On December 17, 2009, the licensee filed supplemental information that provides the required final whitewater flow plan (flow plan). The licensee is responsible for providing all necessary funding required in the development and implementation of the plan.

DESCRIPTION OF PLAN

4. The plan provides support for recreational opportunities as described in the FS management plan for the CNF. The plan described three general areas managed under the FS-accepted Recreation Opportunity Spectrum framework to provide recreation opportunities in the categories of roaded natural, semi-primitive non-motorized, and primitive. The plan describes measures that include the licensee filing an FS-approved soil erosion management control plan at least 90 days prior to any ground disturbance associated with trail work. The plan also describes monitoring and reporting of

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<sup>1</sup> Order Issuing New License, issued December 17, 2007 (121 FERC ¶ 62,198).

recreation use, maintenance of minimum pool level at Mystic Lake for seasonal recreation use, maintenance of existing facilities and trail systems, construction of additional specified and accessible facilities, and sanitation. The plan is intended to sustain high-quality recreation opportunities and provide for the protection of natural resources.

5. The plan includes site-specific proposals, a list of priority items to be completed, and a general schedule for their implementation. The list of items also includes projected construction costs, and ongoing operation and maintenance costs. The licensee would fund improvements to campsites, picnic areas, and toilets through its collection agreement with the FS. The filing contains a copy of the agreement detailing the disbursement of funds for these improvements.

6. The licensee states that it would meet annually with the FS and other stakeholders to discuss plan implementation, and would file an annual report with the Commission to report on the status of PM&E measures.

7. The flow plan includes measures for an annual consultation process to forecast and enhance whitewater boating flows. The licensee would consult with the stakeholders and file a formal update to the flow plan, for Commission approval, beginning January 1, 2015, and every five years thereafter.

## DISCUSSION AND CONCLUSION

8. The plan was prepared in consultation with the required agencies. The licensee included approval signatures in the filing from the Acting Supervisor of the CNF dated January 1, 2009, and the Chief of Fisheries of Montana Fish, Wildlife and Parks (MFWP) dated January 6, 2009. The flow plan also included approval signatures in the filing from the Deputy Supervisor of the CNF dated December 16, 2009, the Water Quality Standards Coordinator on November 23, 2009, the Division Administrator of MFWP dated November 23, 2009, and the National Stewardship Director of American Whitewater.

9. The plan recommends information and educational (I&E) materials be available to visitors, and proposes possible methods of developing such materials. While I&E is budgeted for and given a scheduled implementation date, the licensee does not include final FS-approved measures. The licensee should provide the Commission with a description of FS-approved I&E measures by the scheduled implementation date of January 1, 2012.

10. Implementation of the plan would improve the project's recreation sites and facilities. The plan addresses efforts to enhance a wide range of public recreational opportunities, and provides upgraded accessibility for the disabled. The plan meets the

requirements of article 401, and FS 4(e) condition 11, and should be approved as modified by ordering paragraphs (B) through (D).

The Director orders:

(A) The recreation plan, filed January 29, 2009, and supplemented December 17, 2009, pursuant to article 401 and U.S. Forest Service 4(e) condition 11 of the license for the Mystic Lake Project, is approved as modified by ordering paragraphs (B) and (C).

(B) The licensee will file by January 1, 2012, for Commission approval, a final description of all information and educational materials to be made available, as approved by the U.S. Forest Service.

(C) Within 90 days of the issuance date of this order, the licensee shall file, for Commission approval, as-built drawings for all recreation facilities that the licensee is responsible for operating and maintaining at the project. The drawings shall show the location and layout of the facilities in relation to the project boundary.

(D) Within 45 days of the date of this order, the licensee shall file location point data representative of each of the facilities provided under the recreation plan approved in ordering paragraph (A), above. The location point must be positionally accurate to comply, at a minimum, with National Map Accuracy Standards for maps at a 1:24,000 scale. The location point must include latitude/longitude, in decimal degrees, based on the horizontal reference datum of the North American Datum of 1983 (NAD 83).

(E) 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 CFR § 385.713.

Robert J. Fletcher  
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Administration and Compliance