

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

The Montana Power Company

Project No. 2301-005

ORDER AMENDING LICENSE

(Issued June 10, 1985)

On May 3, 1985, The Montana Power Company (Licensee) filed an application for amendment of license for the Mystic Lake Project No. 2301 located on West Rosebud Creek, tributary to the Stillwater River, in Stillwater County, Montana. 1/ The license for the project was issued on October 5, 1976 (56 FPC 2008).

Licensee requests that paragraph (c) of Article 34 of the license be amended to change the time period to maintain a minimum water surface elevation. 2/ Licensee seeks to change the time period from July 1 to September 15 of each year to July 10 to September 15 of each year.

Licensee states that the change is necessary because adherence to the July 1 refill date results in the unnecessary and wasteful spillage of water and in the consistent loss of potential generation. Licensee estimates that the proposed change, over a 50-year period, would increase the average annual energy production by 768 MWh per year.

1/ Authority to act on this matter is delegated to the Director, Office of Hydropower Licensing, under §375.314 of the Commission's regulations, 49 Fed. Reg. 29,369 (1984)(Errata issued July 27, 1984)(to be codified at 18 C.F.R. §375.314). This action may be appealed to the Commission by any party within 30 days of the issuance date of this order pursuant to Rule 1902, 18 C.F.R. §385.1902 (1983). Filing an appeal and final Commission action on that appeal are prerequisites for filing an application for rehearing as provided in Section 313(a) of the Act. Filing an appeal does not operate as a stay of the effective date of this order or of any other date specified in this order, except as specifically directed by the Commission.

2/ Article 34. Pending further order by the Commission on its own motion or at the request of others, after notice and opportunity for hearing, the Licensee shall:

...

(c) maintain a minimum water surface elevation of 7,663.5 feet, (USGS datum) from July 1 to September 15 each year.

...

The U.S. Forest Service, Custer National Forest, by letter dated April 25, 1985, has no objection to Licensee's proposal. The Montana Department of Fish, Wildlife & Parks, by letters dated April 15 and April 22, 1985, finds Licensee's proposal to be satisfactory. Interior's Fish and Wildlife Service, by letter dated April 15, 1985, concurs with the conclusions reached in Licensee's studies and has no objections to Licensee's proposal.

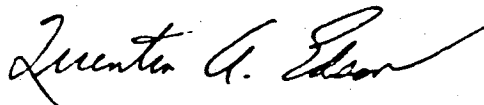
The only expected adverse environmental impact would be minor visual degradation resulting from the exposed mudflats evident during lower water levels for a longer period of time. Otherwise the granting of Licensee's request would have no environmental impacts beyond those already addressed in the order issuing the license.

It is ordered that:

(A) Paragraph (c) of Article 34 of the license for the Mystic Lake Project, FERC No. 2301, is superseded by the following paragraph:

(c) maintain a minimum water surface elevation of 7,663.5 feet, (USGS datum) from July 10 to September 15 each year. —

(B) This order is final unless a petition appealing it to the Commission is filed within 30 days from the date of its issuance, as provided in Section 385.1902 of the Commission's regulations, 18 CFR 385.1902 (1983).



Quentin A. Edson
Director, Office of
Hydropower Licensing