



NWE-MYS-4341

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

December 15, 2023

Re: NorthWestern Energy Filing Updated Mystic Lake Project Wildlife Plan

Dear Secretary Bose,

On December 17, 2007 the Federal Energy Regulatory Commission (Commission) issued an Order Issuing New License for the Mystic Hydropower Project (Project No. 2301, "Project"), effective January 1, 2010. Included in this license is Article 401 and U.S. Forest Service (USFS) Appendix B Section 4(e) condition 12¹. Article 401 and condition 12 required the Licensee to develop, in consultation with the U.S. Forest Service (USFS) to begin implementation of wildlife species protection, mitigation, and enhancement measures.

The Licensee developed a 10-year wildlife plan (Wildlife Plan) in consultation with USFS and submitted it to the Commission on August 3, 2010. FERC approved the 10-year plan in an order issued September 27, 2010².

NorthWestern has and will continue to implement the wildlife protection migration measures identified and outlined in the 2010 Wildlife Plan. As part of this implementation, NorthWestern conducted bald eagle monitoring every five years and filed monitoring reports in 2013, 2018, and 2023. Monitoring during the 2010-2023 monitoring period did not provide any conclusive evidence that human presence and/or recreational activities in the Project area has any adverse impact on bald eagle foraging perching, or roosting opportunities.

The approved 2010 Wildlife Plan provides for monitoring bald eagles at the Project until bald eagles are removed from the USFS Region 1 Sensitive Species List. The Sensitive Species List was replaced by the Species of Special Concern list in 2022, as part of the Custer Gallatin Forest Plan revision. The updated Species of Conservation Concern list does not include the bald eagle. Therefore, NorthWestern proposed bald eagle monitoring be discontinued and

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

² 132 FERC ¶ 62,197. Order Approving Wildlife Plan Pursuant to Article 401 and 4(e) Condition 12

included USFS concurrence with discontinuation of bald eagle monitoring in the bald eagle monitoring report submitted to FERC on May 2, 2023.

FERC issued a letter on May 11, 2023 concurring with NorthWestern proposal to discontinue bald eagle monitoring at the Project. However, FERC included the condition to revise the Wildlife Plan, including the provisions to discontinue bald eagle monitoring at the Project, and file the revised plan, including documentation of consultation with the USFS, for Commission approval no later than December 31, 2023.

NorthWestern prepared to the attached updated Wildlife Plan in consultation with the USFS to be implemented from 2023-2042. NorthWestern proposes to evaluate any needed changes to the Wildlife Plan in 2042, consult with and acquire USFS approval for any changes, and file an updated wildlife plan with FERC by no later than December 31, 2042. USFS approval of the updated Wildlife Plan is included on page 3.

Please reach out with any questions to Andy Welch at Andrew.Welch@NorthWestern.com or at 406-444-8115.

Sincerely,



Mary Gail Sullivan

Director, Environmental and Lands

CC: Andy Welch, NWE
Jeremy Clotfelter, NWE
Carrie Harris, NWE
Angela Coleman, USFS
Ken Coffin, USFS

By signature below, the USFS approves this Mystic Lake Project Wildlife Plan filing with the Commission.

A handwritten signature in blue ink, appearing to read 'Angela J Coleman', written over a horizontal line.

Angela J Coleman

Name

District Ranger (Acting)

USFS Position

12/08/2023

Date

Mystic Hydroelectric Project FERC No. 2301

2023 Updated Wildlife Plan

Public



November 2023

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Section 1.0 – Introduction

On December 17, 2007 the Federal Energy Regulatory Commission (Commission) issued an Order Issuing New License for the Mystic Hydropower Project (Project No. 2301), effective January 1, 2010. Included in this license is Article 401 and U.S. Forest Service (USFS) Appendix B Section 4(e) condition 12¹. Article 401 and condition 12 required the Licensee to develop, in consultation with the U.S. Forest Service (USFS) to begin implementation of wildlife species protection, mitigation, and enhancement measures.

In 2010, the wildlife protection measures for implementation during the term of the license were:

- Undertake actions to minimize human/bear conflicts;
- Undertake actions to reduce potential for mortality of bald eagles and other raptors;
- Establish a baseline of the bald eagle use of West Rosebud Creek and associated waterbodies from the Mystic Trailhead to the outlet of Emerald Lake and determine the disturbance effect of recreation on bald eagles; and
- Determine the presence or non-detection of Harlequin ducks along West Rosebud Creek from the Forest Service boundary upstream to the powerhouse and determine effects of recreation on Harlequin ducks.

The Licensee developed a 10-year wildlife plan in consultation with USFS and submitted it to the Commission on August 3, 2010. FERC approved the 10-year plan in an order issued September 27, 2010.

2010-2022 Wildlife Plan

The Licensee has implemented and completed several wildlife protection migration measures identified and outlined in the 2010 wildlife management plan (PPL Montana 2010). Table 1 provides a summary of the measures and surveys identified in the 2010 wildlife management plan and current status.

¹ See Appendix B of License, Section 4(e) Terms and Conditions filed May 3, 2007 and modified by filing of November 30, 2007.

Table 1. Summary of PM&E measures completed, 2010-2022.

WILDLIFE RESOURCE	PM&E MEASURES	STATUS
Bear-Human Interactions	Installed bear-resistant refuse containers at the NorthWestern camp. Installed bear-resistant refuse containers and solid waste collection in recreation areas surrounding West Rosebud Lake	In 2007, the Licensee installed several small bear-resistant refuse containers for the USFS campground areas and housing area. NorthWestern contracts with solid waste services during the summer months for solid waste collection for one large refuse container placed at one of the parking areas at West Rosebud Lake.
	Collaborate with the USFS for any future maintenance or bear aware sign postings	Continue collaboration with USFS as needed for Term of License
Raptors Protection	Bring transmission lines (A-line, B-line) to current raptor safety standards as repairs are made for maintenance purposes.	A-Line - A total of 54 poles have been replaced on the A-line (20 in 2004, 34 in 2005). Raptor proof framing was used on all poles replaced. B-Line – replaced in 2021-22 and adhering to raptor safety standards.
	Update all Project distribution lines, including 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.	Continue to bring transmission lines up to current raptor safety standards as poles or lines are replaced through term of License.
Bald Eagle Monitoring	Baseline Survey 2010-2013	Completed 2010-2013, 2017-2018, and 2022-2023 baseline surveys and submitted reports to FERC in 2010, 2018, and 2023, respectively.
	Surveys completed every 5- years (2017-18, 2022-23)	Bald Eagles removed from FS Region 1 Sensitive Species List in 2022. No monitoring program required by USFS. In consultation with USFS, NorthWestern proposed to discontinue bald eagle surveys. Proposal submitted to FERC ² with May 2023 report.

² 2022-2023 Bald Eagle Monitoring Report Ascension # 20230502-5087

WILDLIFE RESOURCE	PM&E MEASURES	STATUS
Harlequin Duck Monitoring	Annual surveys for 5 years (2010-2014)	No Harlequin duck was observed during the 5-year period (PPL Montana 2014). In consultation with USFS, no additional surveys were requested, thus completing the license requirements.

NorthWestern prepared and submitted this 2023 Updated Mystic Wildlife Plan to USFS for review and comment. NorthWestern proposes to continue to minimize bear-human interactions and mitigate conflicts and maintain and enhance raptor safety standards throughout the remainder of the 40-year license. In addition, NorthWestern will consult with the USFS in advance of NorthWestern’s planned operation or maintenance projects that may have the potential to disturb or impact grizzly bears in the area of the Project. The bald eagle and Harlequin duck monitoring programs identified in the license and initial wildlife plan (2010) were completed and have been discontinued in consultation and agreement with USFS (PPL Montana 2014, NorthWestern 2023).

Section 2.0 – Updated Wildlife Plan

The following sections outline the protection, mitigation, and enhancement (PM&E) measures that comprise the Mystic Lake Wildlife Plan (Wildlife Plan). The Wildlife Plan was developed in consultation with and approved by the USFS. The Wildlife Plan focuses on concerns regarding bear-human interactions and raptor protection.

Bear-Human Interactions

There is a concern for the safety of wildlife and recreationists regarding bear-human encounters. Recreational use in the Mystic Lake Project area coupled with improper food or trash storage practices can create an unsafe environment for the bears and public.

There is recreational use related to Project facilities (West Rosebud Lake, Mystic Lake, Employee Housing Camp) and non-Project facilities (Pine Grove and Emerald campgrounds, trails) where bear-human encounters have occurred and could occur. The presence of the Project may attract public use of the area thus increasing the potential for bear-human conflicts that could be detrimental to bears and the public.

The Licensee has developed mitigation measures to address the issue of proper food and trash storage around recreational facilities in the Project area. The Licensee shall continue to support the following actions to minimize potential for human/bear conflicts.

- Maintain a bear-resistant refuse container at the Employee Housing camp.
- Maintain bear-resistant refuse containers and solid waste collection in recreational areas surrounding West Rosebud Lake (Re-regulation Dam).
- Throughout the term of the License, collaborate with the USFS for any future maintenance of bear-aware sign postings within the project area.

NorthWestern will continue to collaborate with the USFS for any future maintenance of bear-aware sign postings within the project area through the term of the license.

Grizzly Bear Protection

NorthWestern routinely has the need to perform operation or maintenance projects on infrastructure within the Project area. These projects could include but are not limited to the maintenance on the flowline, tram, intake structure, dam, or other infrastructure critical to the operation of the project.

To address any potential concerns relative to grizzly bears, the Licensee will commit to the following measure in order to minimize any conflicts.

- Throughout the term of the License, NorthWestern will consult with the USFS for any planned operation or maintenance project that has the potential to disturb or impact grizzly bears in the Project area.

Raptor Protection

There is a concern that not all poles along the transmission/distribution line corridor meet current raptor-safety standards creating a potential electrocution or collision hazard. In 2004, the distribution line from the powerhouse upstream to Mystic Lake is mostly below treetop level, and thus is expected to have minimal collision or electrocution hazard potential to avian wildlife. The configuration of the power line from the powerhouse to the surge tank was considered to have the potential to electrocute raptors attempting to perch on the crossarms. Prior to the 2010 wildlife plan, the Licensee estimated that approximately 30 more poles will need to be replaced on the A-line. The B-line was replaced in 2021-2022.

To address the concern of the potential raptor electrocution or collision hazard posed by the transmission/distribution lines, the Licensee has developed the following measures to reduce potential for mortality of bald eagles and other raptors.

- 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.

Schedule and Reporting

A summary of the wildlife resources and associated protection, mitigation, and enhancement (PM&E) measures, the schedule for implementation, and reporting requirements are provided in Table 2.

Table 2. Summary of wildlife resources, PM&E measures, schedule for implementation, and reporting requirements to FERC.

WILDLIFE RESOURCE	COMPONENTS OF PM&E MEASURE	SCHEDULE TO START IMPLEMENTATION	REPORTING REQUIREMENTS
Bear-Human Interactions	Collaborate with the USFS for any future maintenance of bear aware sign postings.	Term of License.	None
Grizzly Bear Protection	Consult with the USFS for any planned operation or maintenance project that has the potential to disturb or impact grizzly bears in the Project area	Term of License	None
Raptor Protection	Any replacement of lines or poles will be set to current raptor safety standards as repairs are made.	Term of license.	None

NorthWestern will implement the Wildlife Plan for the next 20-year period (2023-2042). NorthWestern will evaluate any needed changes to the Wildlife Plan in 2042, consult with and acquire USFS approval for any changes, and will file an updated wildlife plan with FERC by no later than December 31, 2042.

Section 3.0 References

FERC. 2007. Order Issuing New License Project 2301-022. December 17, 2007.

FERC. 2010. Order Approving Wildlife Plan pursuant to Article 401 and 4e Condition 12. September 27, 2010.

PPL Montana. 2010. Mystic Lake Wildlife Plan. Submitted to FERC, Washington, D.C.

PPL Montana. 2014. 5-year (2010-2014) Annual Harlequin Duck Survey Summary Report. Mystic Lake Hydroelectric Project FERC Project Number 2301. Submitted to FERC, Washington, D.C.

NorthWestern. 2023. 2022-2023 Bald Eagle Monitoring Survey. Submitted to FERC, Washington, D.C.