

Mystic Lake Hydroelectric Project No. 2301-026

Public Access Management Plan

The Mystic Lake Project License requires per U.S. Forest Service Section 4(e) condition 10, that NorthWestern Energy file with the Commission a Public Access Management Plan that is approved by the Forest Service. It is important to note that aspects of public access are also included in NorthWestern Energy's Public Safety Plan, Recreation Management Plan and Wilderness Occupancy and Use Plan. These plans have been filed with the Commission and are available from the Commission or NorthWestern Energy.

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

A. Unrestricted administrative access for Forest Service personnel to Project lands and waters.

US Forest Service personnel will have unrestricted administrative access to Project lands and waters, which are shown in the Exhibit G maps that have been filed with the Commission, and on file at US Forest Service and NorthWestern Energy. Coordination would need to occur between US Forest Service and NorthWestern Energy personnel, prior to US Forest Service personnel entry into NorthWestern Energy structures and fenced areas for safety and operational reasons. Such coordination shall take place by phone with the US Forest Service contacting the NorthWestern Energy plant foreman at least three business days before entry.

B. Motorized and non-motorized public access on and across Project lands and waters.

Motorized public access on Project lands shall be consistent with the Beartooth Ranger District's Motor Vehicle Use Map, which currently authorizes public motorized use on the West Rosebud Road (#2072) and associated parking areas at the Mystic Lake Trailhead and parking areas at West Rosebud Lake. Water-based motorized public access will only be allowed on West Rosebud Lake, excluding the portion of the lake that is within the Absaroka-Beartooth Wilderness. The shoreline on this portion of the lake has been signed as described in the Mystic Wilderness Occupancy and Use Plan. Signage will be placed and maintained within the Project as needed to inform the public of authorized and prohibited motorized uses. Water-based motorized public access on West Rosebud Lake may be modified in the future as determined necessary by the Forest Service, NorthWestern Energy, and Montana Fish, Wildlife and Parks.

Non-motorized public access will be allowed within the Project, with the following exceptions where public access will generally be prohibited for safety and operational considerations (see Exhibit A):

- the tram and railroad;
- the interior of any NorthWestern Energy structures which are the powerhouse, an operator village adjacent to the powerhouse that includes four homes for NorthWestern Energy employees and three maintenance buildings, a maintenance/housing structure near the dam, and a structure at the intake;
- Mystic Lake Dam and the area immediately adjacent to the spillway according to the fencing and signage that exists at the time;
- the re-regulation dam according to the fencing and signage that exists at the time; and
- the Line Creek substation.

C. Road maintenance.

Stillwater County has traditionally been the on-the-ground entity completing road maintenance activities on the approximately 14-mile-long West Rosebud Road (aka National Forest System Road 2072). Approximately 7.57 miles of the road is owned by Stillwater County and 6.43 miles is owned by the Custer-Gallatin National Forest. The County has maintained the entire 14 mile section through a management agreement with the Custer-Gallatin National Forest and annual road maintenance funding provided to the County by NorthWestern Energy as part of their license agreement (\$10,000-\$12,000 per year). Cooperative agreements involving the County for road maintenance expired in 2018 and were not renewed.

Typically, the West Rosebud Road has been graded approximately two times per year by the County, which has also completed other routine maintenance on the road and snow plowing in the winter.

In lieu of an agreement with Stillwater County, NorthWestern Energy and the Forest Service entered into an agreement in June 2019 whereby NorthWestern will provide annual funding to the Forest Service for maintenance on the Forests' 6.43-mile portion of West Rosebud Road #2072. NorthWestern's annual contribution amounts will vary year to year based on estimated costs for at least two road gradings (including overhead) as well as heavy maintenance on the road to repair or replace ditches, culverts, and other drainage structures as needed and to the extent funds are available beyond grading costs. The maximum total cost liability to NorthWestern under the agreement is \$9,900, with remaining annual funding needs for maintenance activities provided by the Forest. Ideally, road grading will be done prior to Memorial Day, prior to Labor Day, and prior to hunting season as road and weather condition allow. The 5-year agreement expires at the end of 2024.

To further the three-party partnership for road maintenance, NorthWestern Energy may enter into discussions regarding road maintenance needs and potential cost-sharing with Stillwater County and the US Forest Service.

D. Schedule for completion.

The original plan was approved by the Commission in September of 2009. A revised (USFS-approved) Public Access Management Plan will be completed and filed every 10 years thereafter with the Commission for the term of the Mystic Project License. This is the revised plan for the first 10-year window.