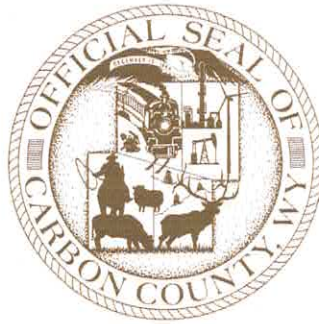


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March 14, 2025

Secretary Debbie-Anne A. Reese
Federal Energy Regulatory Commission
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Washington, DC 202426
Attention: Michael Tust
Email: michael.tust@ferc.gov
Delivery via upload at: <https://ferconline.ferc.gov/eFiling.aspx>

RE: Seminole Pumped Storage Project No. 14787-004 – COMMENTS for Scoping Document 2

Dear Secretary Reese,

Carbon County appreciates the opportunity to provide comments on the Federal Energy Regulatory Commission (Commission) scoping solicitation regarding a license application filed on January 8, 2023, by rPlus Hydro, LLLP, on behalf of Black Canyon Hydro, LLC (applicant), to construct and operate the Seminole Pumped Storage Project No. 14787-004 (Proposed Project) in Carbon County, Wyoming.

Wyoming Statute Annotated §18-5-208(a) has established that when a county is acting as a cooperating agency in matters related to the National Environmental Policy Act ("NEPA"), county commissioners have . . . "special expertise on all subject matters for which it has statutory responsibility, including but not limited to, all subject matters directly or indirectly related to the health, safety, welfare, custom, culture and socio-economic viability of a county." The statute further establishes that counties who have adopted a comprehensive plan, may coordinate the plan with federal agencies as provided in the Federal Land Policy and Management Act of 1976. Wyo. Stat. Ann. §18-5-208(b).

The Carbon County Board of County Commissioners adopted a Natural Resource Management Plan on July 6, 2021, after receiving and considering any public comments. The Carbon County Board of County Commissioners also adopted the Carbon County Land Use Plan on November 9, 2010, which was amended on April 3, 2012, after receiving and considering any public comments. Both Plans includes goals, actions, strategies, objectives, and priorities. The National Environmental Policy Act (NEPA) requires coordination between federal agencies and local governments in order to achieve management and regulator consistency between the Proposed Project and the CCCLUP and CC NRMP whenever possible. The NEPA commands the federal agency to "*discuss any inconsistency of a proposed action with any approved state or local plan and laws (whether or not federally sanctioned). Where an inconsistency exists, the [environmental impact] statement should describe the extent to which the [federal] agency would reconcile its proposed action with the [local government] plan or law.*" 40 C.F.R. §§ 1506.2, 1506.2(d)). The CC NRMP outlines objectives and priorities during the NEPA process. Our comments throughout the NEPA process will be based upon the CCCLUP and the CC NRMP.

NEPA also allows local governmental entities to be recognized as a “Cooperating Agency” during the NEPA process. (40 C.F.R. § 1508.5) Carbon County has been designated as a Cooperating Agency for this process.

We anticipate the proposed project may potentially impact the health, safety, welfare, custom, culture and socio-economic viability of our County, and also assert that the project must be evaluated to determine whether it is consistent with the Carbon County Natural Resource Management Plan and the Carbon County Comprehensive Land Use Plan. As established by the Carbon County Natural Resource Management Plan, “12. Federal agencies should inform and encourage those impacted by decisions to substantively participate in scoping processes on National Environmental Policy Act decisions.” Page 19, CC NRMP (2021). The comments provided by Carbon County consider whether the proposed project action is consistent with the policies and guidelines adopted in these plans.

As for **Seminole Pumped Storage Project No. 1487-004 – COMMENTS for Scoping Document 1**, Carbon County concurs with and adopts the previously submitted comments from the Saratoga-Encampment-Rawlins Conservation District (SERCD) and the Bureau of Land Management (BLM) - Rawlins.

Carbon County provides the following comments to the **Seminole Pumped Storage Project No. 1487-004 – COMMENTS for Scoping Document 2** for consideration:

Comments – Section 6.0 – Comprehensive Plans:

Please add the following plans to the list for consistency review:

- a. Carbon County Comprehensive Plan Land Use Plan, as amended, (CCCLUP).
- b. The Carbon County Natural Resource Management Plan (CCNRMP) to the list of Comprehensive Plans that the Commission considers for consistency.
- c. Wyoming’s Bighorn-Domestic Sheep Management Plan.
- d. The Bureau of Land Management (BLM) Rawlins Field Office Resource Management Plan, 2008, should be added to the list and extensively reviewed.

Primary Comments and Recommendations:

Environmental Impact Statement.

“Federal agencies prepare an Environmental Impact Statement (EIS) if a proposed major federal action is determined to significantly affect the quality of the human environment. The regulatory requirements for an EIS are more detailed and rigorous than the requirements for an EA.”

<https://www.epa.gov/nepa/national-environmental-policy-act-review-process#EIS>

- The proposed project will have a significant impact upon the quality of the human environment as it exists. A project of this magnitude has the potential to drastically impact the socioeconomic, agricultural, wildlife, recreational and environment in the project area. **The potential and varied implications on access, land use, socioeconomic, infrastructure, hydrological, and biological impacts of this project establish why it is necessary for a detailed and rigorous study to be completed.**

Structural Impact on the Dams of any Drilling/Boring Activities.

The current scoping document does not consider the consequences of drilling or boring on the existing environment and dam structures. Instead, scoping document 2 explains: “[i]f a license is issued for the project, the Commission's Division of Dam Safety and Inspections would evaluate the stability of the reservoir embankment dams under all probable loading conditions, including seismic loading.”

- **Consideration of the existing dam structures, reservoir embankment, and seismic activity is necessary to consider the structural feasibility of the proposed project. Failure to consider these issues during the NEPA process will provide false or inadequate information regarding the feasibility of the proposed project. CC NRMP provides the following guidance on the need for drilling and seismic activities to be considered and properly evaluated when a project is being assessed:**
 - “8. Drilling and seismic activities should not be denied merely because they are in the immediate vicinity of cultural resources if it is shown that such activities will not damage those cultural resources.” Pg. 31, CC NRMP.
 - “1. Carbon County encourages geological studies to occur within the County to assist with potential development of new mining and energy activities.” Pg. 75, CC NRMP, 4.2.4.
 - “3. Federal agencies should support decisions that ensure the socioeconomic wellbeing of Carbon County citizens, maintain the culture and customs of the constituents, and consider natural resource health. 4. Federal agencies should consider the effects their decisions will have on neighboring private and state lands within Carbon County. 5. When an agency decision or proposed alternative will negatively impact the current use of neighboring lands, that proposed decision or alternative is not supported by Carbon County. . . . 7. Federal agencies should coordinate with and accommodate the reclamation needs of neighboring landowners whenever a project will affect split estate lands.” Pg. 37, CC NRMP.

Access.

The proposed project will limit access to the project area and resources located in the project area to both humans and wildlife. This will impact hunting, fishing, camping and recreating in the project area, and on surrounding State and Federal land.

- The CC NRMP explains, “13. Carbon County opposes public land management actions that restrict public access to cultural, historic, and paleontological resources, except as required by law or if restrictions are enforced to protect current uses on public lands.” Pg. 32, CC NRMP.
- The CCCLUP provides, “4. **Retain ranching and agriculture as the preferred land uses in rural areas.**” Page 95, CCCLUP.
- **The NEPA needs to adequately address all modifications or limitations on access that may occur as a result of the project. The information regarding grazing leases is very limited. This will have a negative consequence upon the agricultural uses in the project area. What is an accurate result of the project on grazing and agricultural practices?**

Energy Utilities/Net Zero Project.

When public engagement occurred for the CCCLUP, members of the public were asked to consider their agreement with specific statements related to land use. The statements that received 70 percent or more agreement from all categories of respondents were:

- *Ensure that new development does not impair water supplies for established users*
- *Ensure that new development is served by adequate infrastructure such as roads, water, and*

sewer

- Promote continuation of ranching and agriculture
- Ensure that new development pays for the public services and infrastructure needed to support it
- Maintain open space and wildlife habitats throughout the county
- Improve the quality of new development and minimize its impact to agriculture and the natural environment

Page 91, CCCLUP.

- The CCCLUP provides the following goal: ***"1. Achieve a sustainable balance between energy development, agriculture, and the environment."*** Page 92, Chp. 7, CCCLUP.
- Does the current plan address whether there is a sustainable balance between energy development and the environment and existing land use?
- Is this project necessary for the Wyoming Energy grid? Or, is this project providing a minimal benefit to the State of Wyoming, while greatly impacting the environmental, hydrological, land use, and socioeconomic areas of Carbon County and the State of Wyoming.
- Is the Net-Zero nature of the project a strong enough justification for a project that will greatly impact the quantity and quality of water in the Seminole Reservoir?

Page 25 of application states, *"If the no action alternative is selected, other generating alternatives will need to be developed to meet the increasing demand for reliable peaking power generations..."*.

- Wyoming's current power production includes a mixture of reliable and non-reliable sources of power which provide reliable energy sources for the state of Wyoming and the Western grid. This pumped storage process is not necessary to meet these needs.
- We do not support a "net zero" energy consuming project which will use more energy than it produces, and have a detrimental impact on the human environment.

Water rights and access.

The scoping document indicates that water permits have yet to be obtained, but the applicant plans to obtain a temporary fill permit from the BOR for construction, and additional water rights by contracting with existing users. The CC NRMP and CCCLUP both address important considerations related to water rights. See the following authority:

- ***"2. Protect water supplies of established users."*** Strategies to accomplish this goal includes: *Protect rivers, creeks, and aquifers from pollution; Protect aquifer recharge areas; Endorse and support the continuation of adjudicated water rights in the County; Limit new development in sensitive groundwater areas; Compile information about countywide aquifers and water supplies; and Protect community watersheds and wellheads.* Page 93, CCCLUP.
- *"2. Water rights shall not be acquired through exactions as a condition precedent of any permit."* Page 111, NRMP, 5.2.1.C. 15. Carbon County supports the State of Wyoming's prior appropriation doctrine for water rights allocation. 16. Carbon County supports the protection of senior water right holders' allocations." Page 112, NRMP, 5.2.1.C.
- *"8. Federal agencies should support the implementation of irrigation best management practices."* Page 113, NRMP, 5.2.3.C.
- *"3. Federal agencies should recognize and consider primary and preexisting uses of water facilities in all decisions affecting such. 4. Federal agencies should support the recreational and consumptive use of water to support the local economy."* Page 116, NRMP, 5.2.4.C.

- “1. Federal agencies should require water quality monitoring as a part of all energy and right-of-way development projects to ensure groundwater and surface water quality is not degraded.” Page 125, NRMP, 5.3.4.
- “3. Support continued use of rivers and streams by all users. 4. Carbon County should be consulted when any impact to rivers and streams is a potential outcome of federal action or decision 5. Support projects and policies which improve or maintain the current ecological function of rivers and streams within Carbon County. 6. Support the recreational and consumptive uses of water to support the local economy.” Page 120, CC NRMP, 5.2.5.C.
- “5. Carbon County does not support converting water rights from agriculture use to instream flow use.” Page 158, CC NRMP, 6.4.4.
- “9. Federal agencies should recognize the Conservation Districts’ water quality expertise and encourage their continued involvement in any water quality issue that may arise in Carbon County.” Page 158, CC NRMP, 6.4.4.
- “12. Support projects and encourage policies that manage stormwater run-off and flooding on public lands. 13. Carbon County should be consulted where flooding and stormwater run-off could impact or endanger Carbon County and its citizens.” Page 177, CC NRMP, 8.2.4.
- “8. Promote the use of watershed best management practices (BMPs) by federal agencies to mitigate water pollution from heavy erosion and sedimentation from public lands and permitted projects on public lands, and to work with local conservation districts in accomplishing these BMPs. 9. Encourage agricultural operations within Carbon County and promote their sustainability. 10. Federal agencies should, in conjunction with ranch owners/managers, local, state, and federal planning partners, develop economically sustainable strategies to maintain working ranches within Carbon County.” Page 192, CC NRMP, 9.1.4.
- **Does the plan adequately consider the best watershed management practices, water quality and quantity, and interests of pre-existing users?**

The North Platte River water decree, and its interpretation in the 1945 Supreme Court ruling in *Nebraska v. Wyoming* (1945)) and its subsequent modifications, dictate the allocation of water rights between Wyoming, Nebraska, and Colorado. The decree emphasizes the natural flow of the river, especially between May 1st and September 30th. The decree also limits irrigation and water use in Wyoming. The decree is crucial for managing water resources in the North Platte River Basin. *Nebraska v. Wyoming*, 325 U.S. 589 (U.S. 1945).

- **Has the plan considered the North Platte River Decree to determine whether the project is contrary to the decree?**

Section 3.0 – Proposed Action and Alternatives.

3.1.1 – Seminole Dam and Reservoir.

Dams and reservoirs are located across Carbon County and are used for various functions, including storage for irrigation, livestock/ wildlife water, recreation, industrial, municipal, flood control, and fish propagation. The Wyoming Water Development Office’s (WWDO) Dam and Reservoir Planning Division works to promote dam and reservoir maintenance and improvement. Funding from the State Dam and Reservoir Division’s account, Wyoming Water Development Account III, is available for the development of new reservoirs that are 2,000 acre-feet or larger, or the enlargement of existing reservoirs (minimum of 1,000 acre-feet increased capacity). Funding is also available for Level I reconnaissance studies and Level II feasibility studies to identify possible water storage projects. (WWDC, n.d.)

The GGRB and PRB Water Plans evaluated all reservoirs considered 'major reservoirs' within the surface water assessments. Major reservoirs are defined as reservoirs with equal to or greater storage capacity than 500-acre feet. Below is a description of the major reservoirs within Carbon County. (States West Water Resources Corporation & WWDC, 2001; WWDC, 2006)

The Seminole Reservoir is located on the North Platte River upstream of the Pathfinder Reservoir. Seminole Reservoir is the first reservoir on the North Platte and therefore anything upstream from the reservoir is not regulated by a reservoir system for flood mitigation as areas downstream from the reservoir are. The Seminole Reservoir and dam are used for hydroelectric power generation, flood control, and irrigation. Seminole is a primary irrigation storage component of the Kendrick Project, this reservoir stores up to 1,026,360 acre-feet. The Kendrick Project provides irrigation water to about 24,000 acres of land northwest of the North Platte River between Casper and Alcova. (Hein, 2014)

- **Carbon County recognizes that hydroelectricity projects are important; however, those projects must be useful and appropriate. The primary use of all reservoirs within Carbon County is maintained for the purpose for which they were originally intended. The quality of all dams and reservoirs within Carbon County is preserved and water resources are developed responsibly in coordination with the County.**
- **Carbon County should be informed early of any potential decisions that may impact water use, yield, or development of dams, reservoirs, and other water storage methods and is coordinated with and given the opportunity to participate as a cooperating agency. Federal agencies should support projects that create hydroelectric power projects within Carbon County.**

3.1.2 – Bennett Mountain Wilderness Study Area.

The Bennett Mountain WSA encompasses 6,003 acres of BLM-administered land near Rawlins. This WSA is characterized by steep rock ledges and walls with several drainages. The WSA is predominately natural, with few human footprints. Motorized travel is strictly prohibited along with mineral entry. (BLM, 2017a).

- *The Carbon County WPLI Advisory Committee's recommendations for the Bennett Mountain WSA were to designate a special management area with the following management prescriptions:*
 - *Permit motorized and mechanized vehicles only on roads and trails designated for motorized and mechanized vehicles, except as needed for administrative purposes and to respond to an emergency, or to develop/maintain grazing infrastructure.*
 - *Prohibit construction of permanent or temporary roads except in response to an emergency (fires). Temporary roads must be reclaimed to Wyoming BLM policy.*
 - *Continue existing grazing in accordance with applicable law following the Federal Land Policy Management Act of 1976, the Public Rangelands Act of 1978, and the Taylor Grazing Act of 1934.*
 - *Prohibit commercial timber harvest.*
 - *Prohibit oil and gas, geothermal, coal, and other mineral leasing and new locatable mineral entry under the 1872 Mining Law as amended. Honor all existing valid mining claims.*
 - *Maintain existing fire management.*

"In the Wilderness Act of 1964, Congress established a National Wilderness Preservation System to be composed of federally managed lands called "wilderness areas," which are only designated by Congress. The Act defines a wilderness as "a area where the earth and its community of life are

untrammeled by man, where man himself is a visitor who does not remain” . . . “[in] contrast with those areas where man and his own works dominate the landscape.”

Land management of wilderness areas is very restrictive because the Wilderness Act prohibits the use of mechanized equipment and motorized vehicles and generally prohibits permanent structures. Mineral development is also prohibited, subject to valid rights that predate wilderness designation. Wilderness areas are not intensively managed, so fire suppression is rarely undertaken. While livestock grazing may continue, grazing management is difficult and expensive due to limits on access and use of motorized equipment and agency resistance to range improvements or increases in livestock numbers.”

Page 82, Chapter 7, CCCLUP.

- **Does the plan adequately address the concerns with the status of the Bennett Mountain Wilderness Area?**

Proposed Action and Alternatives:

3.2.1 – Proposed Project Facilities.

- Carbon County strongly suggests that there are alternative project locations that should be proposed or considered by the applicant. **Why hasn't the applicant provided an in-depth analysis as to why alternative locations were not selected/desired?**
- Transportation systems and access and internal roads leading to the proposed location need to be thoroughly analyzed as there will impacts to existing public access to the BLM public lands and state lands. Modifications will be necessary to the Seminole Road for safety during construction and there needs to be available options for the upper reservoir access road and as well as enhancements to the power line access road. **Why hasn't this information included in the NEPA document?** The Seminole Road as it exists is not safe for the quantity or type of increased construction equipment travel required for the Proposed Project. **How will these issues be addressed?**
- *“B. Roads are maintained and expanded for economic uses, such as agriculture, mining/oil and gas industries, energy industries, communication infrastructure, and recreation where possible so long as such access, maintenance, or expansion does not harm private property rights.” Pg. 43, CC NRMP, 3.2.3.*
- *“E. Federal and state agencies coordinate with Carbon County to maintain the safety and availability of public roads within their jurisdiction. F. All federal agencies' travel management planning efforts affecting Carbon County are coordinated with the County.” Pg. 43, CC NRMP, 3.2.3.*

3.2.3 – Proposed Environmental Measures.

“8. Federal agencies should maintain Carbon County's culture of open access, multiple use, agriculture, and rural communities. 9. Federal agencies should promote projects that improve the health and sustainability of public lands within Carbon County” Pg. 19, CC NRMP.

Aquatic Resources:

The current language requires, “Develop a water temperature adaptive management plan in consultation with Wyoming DEQ that includes provisions for monitoring water temperatures at the USGS river gage in the Miracle Mile reach of the North Platte River downstream of Kortess Dam with particular emphasis on monitoring during low water levels (i.e., when Seminole Reservoir water levels are below 6,230feet).”

- **Why doesn't the proposed plan consider the water temperatures throughout the identified project area, rather than only at this specific location?** If the proposed project may affect the temperatures in other areas it would appear necessary to expand the plan location to have adequate information and protections in place.

Terrestrial Resources:

The current language states "Develop a weed *and vegetation* management plan to reduce the spread or introduction of *state or county-listed* noxious weed and invasive plant species, including measures to: (1) clean vehicles and equipment; (2) work with land managers to assess, treat, and monitor noxious weeds and invasive plants at the project; and (3) incorporate restrictions and guidelines for the application of herbicides and pesticides. *The plan would also include BMPs to guide vegetation clearing and maintenance activities and post-construction reclamation and monitoring activities.*"

- **Why does the document lack establishment of a required working relationship with the Carbon County Weed and Pest Department? The plan should also include identification of the species to be utilized during reclamation.**

The scoping document includes, "Develop a biological resources protection training program to help inform construction workers and other project staff of the sensitive biological (botanical and wildlife) resources in the area."

- **Should the training identify the hydrological resources as sensitive biological resources?**

Wildlife Resources:

The language requires, "Develop a traffic management plan (as described in *Recreation and Aesthetics* section below) that includes a provision to reduce wildlife disturbance and injury (e.g., speed limits and methods of enforcement)."

- **Will this include a plan for all three project phases of the project – construction, operation and maintenance?**

The language also states, "Fence and monitor the upper reservoir to prevent cattle, wild ungulates, and other medium- to large-sized animals from accessing the area."

- **Will the proposed fencing limit access by wildlife or humans? Will this cause harm to either population?**

Recreation Resources:

There is a requirement to develop a traffic management plan prior to construction. This identifies the road to the upper reservoir as needing to be upgraded for construction purposes. Many other roads located in the project area, or that lead to the project area are not sufficient roadways for industrial or construction traffic.

- **Will this plan include upgrades to all roadways utilized to access the project area?**
- **Why hasn't the applicant requested a Road Use Agreement from Carbon County for any County Roads needed for access?**
- **Will the applicant follow the Carbon County requirements and request snow removal permits, oversize or overweight permits for any County Roads utilized to access the project area?**

Cultural and Paleontological Resources:

This includes a requirement to “[d]evelop a plan to monitor construction and, if necessary, mitigate adverse impacts to significant paleontological resources. . .”.

- **Will this plan include procedure for when historic or cultural artifacts are located and to account for their removal and/or relocation?**

Air Quality:

The applicant is required to complete an air pollution control plan.

- **Will the plan limit and regulate the quantity of dust produced from construction activities to prevent excessive dust production in a specific timeframe?**

3.3 Alternatives to the Proposed Action:

The applicant has not provided any alternatives to the Proposed Action.

- **As no alternatives to the Proposed Action have been provided by Applicant, the only alternative is No Action. The Commissioners strongly oppose any alternatives other than No Action, as those were not provided and are not anticipated to be included in the NEPA process.**

4.1.1 Resources that could be Cumulatively Affected

The current language explains, “Based on our review of the license application and preliminary staff analysis, we have identified *water quantity*, water quality, fisheries (and their habitat), big game species (and their habitat), *avian species (and their habitat)*, and *recreation* as resources that could be cumulatively affected by the construction and operation of the Seminole Project in combination with Reclamation's dam operations at both Seminole Dam and the downstream Kortes Dam on the North Platte River.”

- **Should this plan include mountain ranges, wildlife management areas and habit, dam structures, other species, such as mountain lions, water related species other than fish (such as those on which the fish feed), trees, other related waterways, reservoirs?**
- The CC NRMP, explains, “8. *Active management of forested lands should consider timber yield to maintain the health of timber stands to provide wildlife habitat, minimize erosion of soils, and continue soil stability.*” Pg. 69, NRMP, 3.5.4.

Cumulative effects under NEPA are defined by the CEQ as: “*... effects on the environment that result from the incremental effects of the action when added to the effects of other past, present, and reasonably foreseeable actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.* (40 CFR 1508.1).”

- **Carbon County is concerned that it is possible that increased construction could lead to loss of connectivity between required seasonal habitats, especially crucial winter ranges, calving areas, breeding areas, migration corridors, all of which are necessary to maintain big game and small game populations.**
- **Carbon County is concerned that increased fragmentation may result in a decrease in available habitat quality and attractiveness of habitat areas/patches in the vicinity and adjacent to the Proposed Project.**
- **Carbon County believes that cumulative effects on wildlife cannot be adequately addressed within the Proposed Project at this time. There is insufficient information to determine the overall impact of the Proposed Project on wildlife.**
- **Does the plan provide sufficient information on cumulative impacts to wildlife, projects should avoid sensitive areas such as wildlife migration routes and crucial winter ranges.**

Geographic Scope:

Footnote 13 reads: “Within this reach, flows and water quality conditions are largely driven by Reclamation's operation of Seminole Dam and Kortes Dam; thus, the addition of the Seminole Pumped Storage Project has the potential to further influence *water quantity*, water quality, and fisheries in this reach.

- **Does this project have the potential to “influence” water quantity, water quality and fisheries, or would it be more accurate to say the project has the potential to damage or impact water quantity, water quality and fisheries?**

The document currently states, “It is one of the most popular recreation destinations near the proposed project and supports camping, hunting, and fishing (particularly for trout). 49 maintenance of the project in combination with other energy projects (WPCI Project, Two Rivers Wind Energy Project, Lucky Star 1 Wind Project, Gateway West Transmission Line Project, Gateway South Transmission Line Project, and Rock Creek Wind Energy Center) in these watersheds may affect habitat availability for big game species (including elk, pronghorn, mule deer, and bighorn sheep) *and avian species within these watersheds.*

- **Should additional wildlife species be considered for inclusion? For example, do other wildlife species such as mountain lions live in this habitat or watershed?**

“The presence of multiple dams on the North Platte River may cumulatively affect recreation resources at the project (i.e., multiday paddle trips). Based on our review and stakeholder comments, we find the geographic scope of the cumulative effects on recreation to include the North Platte River from Seminole Reservoir downstream through Seminole and Kortes Dams and through the 5.5-mile-long “Miracle Mile” reach of the river from the tailrace of Kortes Dam to the reservoir for Pathfinder Dam.”

- **In addition to limiting recreation resources, doesn't the proposed project also limit recreational access?**

4.2.1 Geology and Soils Resources

- **The effects of project construction, operation and maintenance should include the effects of project construction, operation, and maintenance on channels of spillage, overflow, and the existing mountain range to accurately assess the geology and soil resources.**
- **The effects do not consider failure of existing dams or overflow of the upper reservoir. Why is this not included?**
- The CC NRMP provides, “5. Federal agencies should assist in maintaining the resilience of Carbon County soil resources and encourage practices that support soil health and reduce or eliminate soil loss. 6. Federal agencies should support and encourage the use of mechanical treatments, including livestock grazing, as key to site reclamation for soil health and biodiversity.” Page 78, NRMP, 4.3.4.
- **Additional geological studies to assist with potential development of new mining and energy activities have not been included. Why doesn't the plan include the development of a Topsoil Reclamation and Management Plan(s). Any such plan should refer to Carbon County Hazard Mitigation Plan.**

4.2.2 Aquatic Resources

The scoping document states, “Effects of project construction on water quality (including water temperatures, dissolved oxygen, and turbidity) in the Seminole Reservoir and downstream North Platte River.*”

- **Why isn't water quantity also included?**

The scoping documents includes, “Effects of project construction, operation (*including water level fluctuations*), and maintenance on fish resources (*including brown trout, rainbow trout, walleye, and macroinvertebrates*) and aquatic habitat in the Seminole Reservoir and downstream North Platte River.*”

- **Why doesn't this include the effects on other aquatic species which may be impacted by the project?**

The scoping documents says, “*Effects of project operation and maintenance on reservoir ice thickness during the winter months.*”

- **Should this include the project construction phase as well?**

The scoping document includes, “Effects of construction, operation, and maintenance activities on groundwater quality, recharge, and flow.”

- **Why is water quantity not included?**

The scoping document includes, “Effects of construction, operation, and maintenance activities on groundwater quality, recharge, and flow.”

- **Should this also include the quantity of groundwater?**
- *Chapter 7. Future Land Use, of the CCCLUP includes a map identifying areas of groundwater sensitivity.*
- **Has this information been utilized?** Is the sensitivity of the groundwater in this specific location being considered as this has a large impact on the habitats and land use in surrounding areas.
- *Chapter 7. Future Land Use of the CCCLUP discusses geohydrologic setting and land slope.*
- **Has the presence of any aquifers or land slope been considered or incorporated?**

The scoping document says, “Effects of entrainment and impingement associated with pumping operations on fish resources (*including brown trout, rainbow trout, and walleye*) in the Seminole Reservoir.*”

- **What about other organisms or aquatic species on which fish feed - such as crawfish, etc. in this area?**

The scoping language includes, “Effects of project construction, operation, and maintenance on ongoing operations at Reclamation's Seminole and Kortes Dams (including water storage and flow releases, etc.).*”

- **Should this include study of any structural or functional operation of these dams?**

4.2.3 Terrestrial Resources

The scoping document includes, “Effect of permanent and temporary wildlife habitat loss due to construction of project features on foraging and/or nesting raptors, greater sage-grouse, and other birds, and wintering habitat for pronghorn, mule deer, elk, and bighorn sheep.*”

- **Should this also include loss of access to valuable resources for these species and habitats? For example, will there be consequences from limiting access to areas that will fence out these species.**

The scoping document states, “Effect of noise and vibrations, lighting, vehicular traffic, *construction dust, spoil disposal*, and human presence during project construction, operation, and maintenance activities on movement, nesting, and foraging habitats of 52 wildlife, especially during sensitive periods (e.g., parturition, wintering, brood-rearing, or nesting).*”

- **Why isn't drilling, boring, and industrial/ construction traffic included?**

The scoping document provides, “Effects of the new upper reservoir in attracting wildlife (mammals and birds) and potential indirect effects of drowning.*”

- **Can additional wildlife directly impact the viability and population of existing species in the habitat?**

The scoping document requires, “Effects of project transmission lines on raptors and other birds, including increased predation and electrocution/collision hazards.*”

- **Why doesn't this include studies to quantify the number of raptors or other bird species expected to be impacted?**
- **Can this add any effects of transmission line for other species of wildlife, such as bighorn sheep, elk, etc.?**

The CC NRMP provides significant direction on decisions with implications on wildlife management. See the following:

- *“2. Support the use of Wyoming's Bighorn-Domestic Sheep Management Plan as the basis for all management decisions impacting the Bighorn/domestic sheep interactions.” Page 140, CC NRMP, 6.2.4.1*
- *“7. Federal agencies should support wildlife conservation and a robust public process to protect and enhance habitats that are important to the custom and culture of Carbon County and its residents. 8. Wildlife habitat preservation should be one of several multiple-use considerations during any federal habitat disturbing activity.” Page 140, CC NRMP, 6.2.4.1.*
- *“19. Promote the critical role agricultural producers have in providing habitat to wildlife within Carbon County and encourage the use of livestock as a tool to improve wildlife habitat.” Page 141, CC NRMP, 6.2.4.1.*
- *“12. Federal agencies should coordinate with Carbon County in the determination of any impact of the management of a predator species. This includes impacts on the economy, culture, custom, and the health and safety of the residents of Carbon County.” Page 160, CC NRMP, 6.5.4*
- *“22. Hunting, fishing, and outdoor recreation involving wildlife are important to the custom and culture of Carbon County and should be recognized as an important use.” Page 141, CC NRMP, 6.2.4.*
- *“7. Federal agencies should support habitat enhancement projects that have a defined and funded weed control and monitoring plan for the anticipated life of the enhancement.” Page 206, CC NRMP, 9.3.4.*
- **Does the current plan adequately address the impacts the project will have upon the habit and existing wildlife in the project area?**
- **Should the plan include development of scientific standards for wetland designations that will be affected by the Project before, during, and after construction activities?**
- **Should the plan include development of a comprehensive wildlife habitat management plan before, during, and after construction activities?**
- **A Recovery Plan for Threatened and Endangered Species regarding the thirteen endangered or threatened species and no critical habitats identified for Carbon County before, during, and after construction activities has not been included. Is this a requirement of the plan?**
- Wyoming Executive Order 2019-3 Greater Sage-Grouse Core Area Protection explains, “Proponents of new projects are expected to coordinate with the WGFD to determine which Ieks need to be monitored and what data should be reported by the proponent”. This requirement is not included in the plan, but should be included. Wyoming Game and Fish should also be added.

4.2.5 Recreation, Land Use, and Aesthetics

The scoping document provides, “Effects of project construction, operation (*including use of roads for project-related purposes*), and maintenance on recreational resources, *public access*, and use in the project area *year-round* (including within the Bennett Mountain WSA, the Morgan Creek Wildlife Management Area, Seminole Reservoir, and the downstream Miracle Mile), including direct effects on recreationists (*e.g., hunting, angling, and other recreation at the state park*) from anticipated construction noise, vibrations, dust/air quality, and lighting as well as indirect effects on recreation resulting from loss of wildlife habitat or effects to water quality and fish.*”

- **Camping is also a highly utilized type of recreation at the Seminole State Park and Miracle Mile.**
- **Why doesn't this include indirect effects from loss of water quantity, water quality, and watershed, hiking, trail and recreation opportunities.**
- **Why hasn't Air Quality Plan and Standards before, during low, medium, and high peak construction activities, and after construction activities.**
- **Has a Dust Mitigation Plan and Standards been developed for before, during low, medium, and high peak construction activities, and after construction activities?**

The CC NRMP says: “12. *Recreational hunting and fishing, including big game hunting, small game hunting, fur trapping, and other recreational hunting that is a part of Carbon County's custom and culture are maintained at its traditional levels.*” Page 172, CC NRMP, 8.1.4.

The scoping document states, “*Effects of project construction, operation, and maintenance on winter recreation resources including direct impacts to ice fishing and public access to the upper reservoir site.*”

- **Are there other winter recreation activities that should be included?**

The document also says, “Effects of project construction, operation, and maintenance on aesthetic resources in the project area, including lighting, *solitude, wild and natural landscapes*, and visual viewsapes.”

- **Should this include air quality from construction, operation and maintenance as well?**
- **“3. *Sustain scenic areas, wildlife habitat, and other important open spaces.*” Page 94, Chp. 7, CCCLUP.**
- **Will the plan include development of a Noise Reduction Plan and Standards before, during low, medium, and high peak construction activities, and after construction activities?**

The scoping document also includes, “Adequacy of project construction design, operation, and maintenance in conforming to the Bureau of Land Management's Resource Management Plan (RMP) for the Rawlins Field Office. 16”

- **Why hasn't the project considered conformance with the Carbon County Natural Resource Management Plan, and/or the Carbon County Comprehensive Land Use Plan?**
- **“The land management decisions made by governmental entities (primarily BLM and USFS) have a significant impact on the local economy and eventual achievement of the Plan Goals. It is important that governmental entities consider this Plan and more specifically the following Plan goals when evaluating and permitting future land use on public lands. Carbon County Comprehensive Land Use Plan Goals:**
 - 1. *Achieve a sustainable balance between energy development, agriculture, and the environment.***

3. Sustain scenic areas, wildlife habitat, and other important open spaces.

7. Retain diversity of use on public lands and provide for conversion of public lands to other land uses as would benefit the orderly development of the County.”

Page 81-82, Chp. 7, CCCLUP.

- The CCCLUP also provides the following direction, **“7. Retain diversity of use on public lands and provide for conversion of public lands to other land uses as would benefit the orderly development of the county.”** Page 98, CCCLUP, July 7, 2021.
- **The project proposal fails to consider the CCCLUP.**
- **Does the plan develop a Recreational Resource Plan that will ensure that Carbon County’s custom and culture are maintained at its traditional levels?**
- **Does the plan include an Access Road Management Plan into recreational use areas and/or the closing and/or decommissioning of any road?**
- **Does the plan include a Traffic Management Plan prior to construction that includes vehicle/truck weights and average truck traffic trips (daily, weekly, and monthly)?**

4.2.6 Socioeconomic Resources

- **Has there been an assessment of the existing level of available services, including emergency response services, to determine if a sufficient level of services exist?**
- *“Public land use and development has a direct affect on the local economy and the provision of public/county services. Law enforcement, schools, social and medical services, the County road network and housing (including housing in the municipalities) are all impacted by development projects on public lands.”* Page 81, Chp. 7, CCCLUP, July 7, 2021.
- **“6. Ensure that future land development is fiscally responsible and has adequate roads and other infrastructure.”** Page 97, Chp. 7, CCCLUP, July 7, 2021.
- The NRMP explains, *“12. Subject experts should complete socioeconomic analyses for proposed projects; the experts should be familiar with and focus on Carbon County’s unique history, culture, economy, and resources. 13. Socioeconomic analyses should include a description of existing social, demographic, and economic conditions; the analytical methodologies used; and the impacts to topics including (but not limited to) population, employment, income levels, industry activity, housing, community services, utility services, schools, fiscal impacts to Carbon County and local jurisdictions, public revenues and expenses, transportation, and quality of life. 14. Federal agencies should promote multiple uses that will increase the economic diversity of Carbon County and promote efforts to efficiently analyze and approve the permitting process for those uses.”* Page 188, NRMP, 8.3.4.

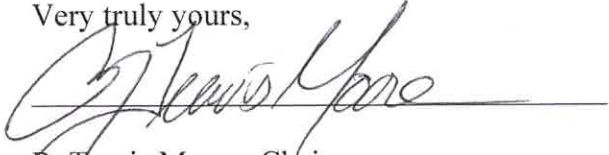
General Comments:

- **Why doesn’t the plan consider the development and inclusion of an Emergency Response Management Plan?** This allows the Carbon County Emergency Office of Management, Carbon County Sheriff’s Office, and the Carbon County Fire Warden to review the Emergency Response Management Plan (Plan) in full detail and provide sufficient feedback and changes to the Plan to better accommodate emergency services for better and faster response time due to the remoteness of the Proposed Project’s location. In addition, refer to Carbon County Hazard Mitigation Plan.
- **Inclusion of a Reclamation plan is necessary and has not been included.**

Conclusion:

On behalf of Carbon County, I would like to thank you for the opportunity to submit comments for the **Seminole Pumped Storage Project No. 14787-004 (Proposed Project)**. Please feel free to contact me at your convenience with any questions or concerns. We look forward to hearing from you as this matter progresses.

Very truly yours,

A handwritten signature in dark ink, appearing to read "R. Travis Moore", is written over a horizontal line.

R. Travis Moore, Chairman

On behalf of Carbon County Commissioners

cc: Carbon County Board of County Commissioners
Lisa Smith, Carbon County Clerk
Kristy Rowan, Planning Director
Ashley Mayfield Davis, Deputy County Attorney

Document Content(s)

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