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Subject: Seminoe Pumped Storage Project – FERC No. 14787-004 – DEIS.

Please accept these comments on the Draft Environmental Impact Statement (DEIS) on the application for a license for the Seminoe Pumped Storage Project. The proposed project would be located at the U.S. Bureau of Reclamation's (Reclamation) Seminoe Reservoir on the North Platte River in Carbon County, Wyoming, approximately 35 miles northeast of Rawlins, Wyoming.

rPlus Hydro, LLLP, on behalf of Black Canyon Hydro, LLC (BCH), filed an application for an original major license to construct and operate the 972-megawatt (MW) Seminoe Pumped Storage Project (project). The project would occupy 1,025.94 acres of land managed by the Bureau of Land Management (BLM), 77.00 acres managed by the Bureau of Reclamation (Reclamation), and 830 acres of private lands. The project would involve constructing a new upper reservoir, water conveyance and maintenance tunnel system, underground powerhouse, access bridge, two new overhead transmission lines, and relocating two overhead transmission lines. It would use the existing Seminoe Reservoir as its lower reservoir. As proposed, project construction would take about 5 years to complete and require permanently disturbing approximately 284.0 acres of land and temporarily disturbing another 328.7 acres. The project would require water from Seminoe Reservoir to initially fill the new upper reservoir and would continue to require water annually to replace water lost to evaporation and seepage. Once operating, the project would cycle water between the upper and lower reservoirs. The project would pump water from the lower reservoir during off-peak hours and generate electricity by discharging water from the upper reservoir through three pump-turbines located in the underground powerhouse when demand is high. The project would be capable of generating 2,916 gigawatt-hours per year. BCH proposes to develop or finalize plans to protect and mitigate the environmental effects of project construction and operation.

Bighorn sheep *(Ovis canadensis)* are among nature's most awe-inspiring animals native to western North America; bighorn sheep usually live in remote and rugged habitats. They have high ecological and economic values and are culturally and socially important. They are a vital

component of the natural heritage of North America. The historic and recent distribution of wild sheep in western North America has changed over time; once widespread, their ranges and populations are far smaller today. Bighorn sheep (BHS) are a popular game species and are important to local economies.

BHS populations declined significantly between the mid-1800s and the mid-1900s and have never fully recovered. BHS were extirpated in many states across the West during that time, due to many factors including disease, habitat disturbance/loss from human activities, effects of a changing climate, and predation.

BHS continue to exist and, in some places, thrive often due to intensive and expensive restoration and monitoring efforts, including significant funding from conservation partners. Active management includes moving animals to re-establish new populations, actively testing and managing individuals for disease, working with agencies and private landowners on managing, monitoring, and minimizing the effects of domestic sheep and goat diseases, and monitoring, managing and mitigating human disturbances. Even with this active management, BHS populations are a fraction of their historic numbers and currently occupy a small proportion of their original range.

The Ferris-Seminoe BHS herd is a non-migratory population that occupies habitat in the proposed project boundary. Since 1999, this herd's size has fluctuated considerably, ranging from a population low of approximately 15 bighorn sheep in 2003 to an estimated 300-350 bighorn sheep in 2025 (WGFD, 2025).

This BHS herd is a rare success story in that bighorn sheep were successfully reintroduced to the area and continue to expand. The Wyoming Wild Sheep Foundation (WY-WSF) reports that this herd is one of the healthiest in the state and is currently the only viable source population for future reintroductions and herd augmentations in Wyoming.

The Ferris-Seminoe BHS herd is in one of Wyoming's "Cooperative Review" areas under the Wyoming Statewide Bighorn Sheep/Domestic Sheep Interaction Working Group (Wyoming Plan") 2004. These are landscapes with suitable bighorn sheep habitat and historic bighorn sheep ranges. The success of the Ferris-Seminoe BHS herd is due to active management and economic investment. Continued transplants and focused habitat efforts have allowed this herd to expand, and it has met its herd objective and is now eligible to provide more ram harvest opportunities and transplant stock for other restoration efforts. It is the only viable source herd for other reintroductions and transplants in Wyoming.

The 2020 Wyoming Statewide Habitat plan (SHP) prioritizes maintaining the functionality and integrity of big game crucial ranges. Crucial ranges describe the component of big game habitat

that has been documented as one of the limiting factors in a population's ability to maintain itself at a certain level over the long term. Big game crucial ranges provide habitat components and connectivity necessary for maintenance of populations at established objective levels.

Wyoming Game and Fish Department's (WGFD) Mitigation Policy (January 2016) identifies big game crucial habitats as mitigation category Vital. Vital habitats are those that directly limit a wildlife population or subpopulation. Impacts to these habitats could result in a significant local- or landscape-level decline in species distribution, abundance, or productivity. Restoration or replacement is difficult, may not be possible, or may only be possible in the very long term. The Department is directed by the Commission to recommend no significant declines in species distribution, abundance, or loss of habitat function.

Increased human activity at sensitive times or areas can negatively impact individuals and populations and can decrease or even eliminate habitat functionality. Among these activities, rural residential development, energy development and unmanaged vehicle travel pose the largest threats.

Invasive non-native plants can replace native vegetation, rendering foraging areas unusable for BHS. Fire management can rejuvenate native forage and reduce conifer encroachment, which increases connectivity between source habitats. Fire can decrease predation by reducing tree or shrub cover, increasing visibility and sight distances.

To ensure long-term viability of the Ferris-Seminoe BHS herd, the plan should include the latest data collected to accurately reflect all areas BHS are utilizing as their population has expanded. This data is available from WGFD and published in a BHS Habitat and Suitability Research Brief (Wagler & Monteith 2021). The updated seasonal range maps for this herd indicate that most of the proposed project (upper reservoir, access tunnel, access roads, spoil piles, and a portion of the transmission line) are located within crucial winter/yearlong and parturition habitats, all areas crucial to this BHS herd.

Most of the proposed project features are located within areas that contain crucial winter and parturition habitat for BHS. Project construction would remove important, valuable habitat, and construction activities are likely to cause BHS to avoid crucial wintering habitat, increasing physiological stress at a time when energy reserves are at their lowest and animals are most vulnerable.

BLM's Rawlins Resource Management Plan (RMP) (12/2008) defines seasonal restrictions for surface disturbing activities to minimize adverse effects during winter. The RMP prohibits surface-disturbing and disruptive activities within crucial winter range from November 15 through April 30. BLM states that a request to modify or waive the seasonal restrictions is not applicable in this

instance because the project does not involve a mineral lease. BLM states that an exception could be considered if it can be shown that a project's impact on crucial winter range habitat would be negligible; regardless, exceptions are not intended to provide season-long relief. WSF does not believe this project would have a negligible effect to wintering BHS.

Use of BHS parturition range generally occurs from May 1 through June 30. Similar to restrictions for winter periods, the BLM Rawlins RMP includes the following management actions for parturition areas: (1) surface disturbing and disruptive activities within identified big game parturition areas will not be allowed during the period of May 1 to June 30; and (2) surface disturbing and disruptive activities will be managed, on a case-by-case basis, in identified big game migration and transitional ranges to maintain their integrity and function for big game species in these areas.

WGFD also recommends avoiding disturbing wildlife during critical periods, including on winter ranges and during parturition. BHS can be sensitive to project disturbance due to their site fidelity. Disruption of movement patterns during winter, and increased stress during use of parturition areas could alter BHS long-term use in the project area.

In Wyoming:

- BHS are considered a Species of Greatest Conservation Need (SGCN) – Wyoming State Wildlife Action Plan (SWAP), WGFD.
    - BHS on Nature Serve are considered imperiled/vulnerable in Wyoming (SWAP).
    - BHS are considered stable after historic declines (WGFD SWAP)
- BHS are NSS4 Teir II and WY NDO – G4, S2S3 (Wyoming SWAP).
- BHS in Wyoming are moderately vulnerable to extrinsic stressors.
- The species is particularly susceptible to disease.
- Restricted ranges - BHS occurs in disjunct populations in relatively restricted habitats (WFGD SWAP).
- Low population numbers or restricted ecological conditions (habitat) within the state.
    - Compared to historic BHS numbers, populations are low.
    - Invasion of noxious weeds has and continues to adversely affect BHS habitat.
    - Human activities can prevent BHS from using some habitat.

- BHS are on the USDA Forest Service Regional Forester's Sensitive Species lists in both Forest Service Regions in Wyoming.

The Seminoe Pumped Storage Project DEIS considers the following alternatives: (1) BCH's proposal, (2) no action, meaning license denial, and (3) a staff alternative.

(1) No-Action: license denial – this would be the best alternative for the continued success of the Ferris-Seminoe BHS population.

(2) BCH Proposal:
   a. Implement the Habitat Management Plan (Habitat Plan - September 11, 2024) to manage, avoid, and mitigate the loss of habitat and vegetation during project construction and operation, which includes: (a) revegetating and restoring temporarily disturbed areas following project construction activities with native plant communities to help prevent soil erosion, the spread of weeds, and restoration of wildlife habitat and (b) develop a site-specific BLM-lands reclamation plan and species-specific restoration plans.
   b. Implement the Wildlife Seasonal Restriction Variance Plan (Wildlife Restrictions Plan - December 2, 2024) to identify the seasonal wildlife restrictions applicable to construction, including winter and parturition range use by BHS.
   c. Implement the traffic plan that includes a provision to reduce wildlife disturbance and injury.
   d. Develop a project outdoor lighting plan to incorporate lighting design features that minimize disturbance to wildlife species during construction and operation.
   e. Install, monitor, and maintain a 10-foot-tall wildlife exclusion fence around the base of the upper reservoir and spillway to prevent medium to large-sized animals from accessing the area.

(3) Staff Alternative:
   a. Modify the Wildlife Restrictions Plan, in consultation with BLM and WGFD, to (1) develop and implement pre-construction BHS habitat improvement measures; (2) conduct pre-construction, during construction, and post-construction monitoring to document changes in BHS herd population, herd health, and use of habitat; and (3) file reports of the monitoring results with the Commission along with recommendations for any proposed additional mitigation measures, if needed, to address project effects to the Ferris-Seminoe BHS Herd Unit population and its habitat based on the monitoring results.

Potential threats to BHS resulting from construction include loss or disturbance of habitat, habitat fragmentation, and direct injury or mortality of individuals. Project construction would

permanently remove 284 acres of vegetation and temporarily disturb an additional 328.7 acres. Adverse effects on vegetation communities also have the potential to affect BHS. Construction of the proposed project would require vehicle traffic, increased, human presence, noise levels, and artificial lighting. These factors have the potential to disturb and disorient BHS, thereby increasing susceptibility to predators, reducing foraging success, disrupting breeding behavior, and increasing stress on wintering populations. The potential for direct mortality associated with vehicular collisions would also increase. Construction activities would overlap periods when BHS are most vulnerable, such as wintering and parturition periods.

To minimize disturbance to BHS during vulnerable periods, BCH has developed a Wildlife Restrictions Plan (WRP). The plan (1) identifies each major construction element of the project, including planned construction activities; (2) outlines seasonal restrictions that are applicable to that construction element; (3) identifies where seasonal restrictions conflict with proposed activity timing; and (4) proposes mitigation measures to reduce construction/BHS space-use conflicts.

Project construction would remove important habitat, and construction activities are likely to cause BHS to avoid crucial wintering and parturition habitat, which could result in local or landscape-level declines in distribution, abundance, or productivity.

The WRP proposes to reduce project effects, including vegetation management actions to restore habitats with native vegetation. It includes measures to reduce effects of construction activities by implementing seasonal and spatial restrictions. The proposed mitigation measures may reduce some impacts to BHS. Improving habitat within the remaining crucial winter range and parturition habitats prior to construction may increase the capacity of these lands to support BHS. This should include invasive species management and improvements to winter range.

Much of the project occurs on crucial winter and parturition habitat for BHS. The length of construction activities would last for at least 5 years. Effects on BHS crucial winter range and parturition habitat could be significant, with potential negative long-term effects to herd population, herd health, and the use of crucial winter range and parturition habitat. Prohibiting construction during crucial winter range and parturition periods would minimize disturbances during these critical periods.

The lower reservoir area occupies a large part of the crucial winter range for BHS. The duration of construction activities of 5 years on BHS crucial winter range and would be significant, potentially reducing winter survival, recruitment, and population sizes.

The proposed locations of the spoil pile and the inlet/outlet fabrication and laydown area are also located within the crucial winter range for BHS. Construction in these areas would occur over 2 years.

WSF recommends that WGFD's and BLM's seasonal use timing stipulations for big game crucial winter range, winter-yearlong range (November 15 – April 30), and parturition areas (May 1 – June 30) be adhered to and construction activities be limited during these critical times. Timing of construction is important to protect BHS which is identified as a WGFD Species of Greatest Conservation Need in the SWAP.

The new data from WGFD indicates BHS crucial winter habitat and parturition area is also present along the first several miles of the transmission line route. Because most construction of the transmission line would occur between July 1 and November 15, WSF believes construction activities of the transmission line could and should be accomplished to avoid this sensitive period.

The Seminoe Road traverses BHS winter ranges and is currently in use year-round by the operators of the Seminoe Dam and is open to the public; while not ideal, public use could remain as long as project construction activities are stopped during the BHS use of the winter range and with the implementation of the BCH proposed mitigation actions during construction to reduce the impacts of increased construction-related traffic.

The BCH proposed mitigation actions include; Along the 3.7 mile stretch of Seminoe Road; (1) fence a 1.3 mile segment of the haul route along Seminoe Road where visibility is reduced, (2) post and enforce a 25 mph speed limit, (3) install sensor triggered wildlife warning signs at known crossing areas, (4) use animal detection systems including cameras, continuous radio dispatch, and human monitoring (traffic control flaggers during high wildlife use periods and pausing traffic when wildlife are present and at risk), (5) install animal deterrents to lead them away from the road and/or alert them to approaching traffic (use of wildlife reflectors, mirrors and repellents), (6) increase the attractiveness of areas away from the road by restoring salt licks or water, and (7) evaluate ways to improve riparian areas off-site. These proposed measures would minimize potential vehicle/big game collisions but would not reduce disturbances or fully offset habitat loss during sensitive periods. WSF is not convinced that mitigation actions #3, #5, and #7 will be successful mitigation for BHS. They may work for other species.

Construction activities at the upper reservoir could disturb and alter use of parturition habitat for BHS. Dust generated by construction could reduce the quality/quantity of available vegetation for foraging. WSF agrees with WY-WSF that dust abatement measures should be implemented because BHS are susceptible to various respiratory pathogens, and excessive dust in the air from construction activities and traffic could impact the respiratory health of the herd, making them more susceptible to disease outbreaks and potential die-offs. Implementing BMPs from the proposed erosion control and traffic management plan could reduce some impacts of construction-related dust.

BHS ram hunting is a once-in-a-lifetime opportunity in Wyoming; tags are limited and highly sought after. With relatively few tags issued in this area, the Ferris-Seminoe BHS herd is a highly coveted population to hunt. Disturbances from construction activities will impact hunters, guides, and outfitters. WSF recommends that construction activities be limited during BHS hunting seasons to have a lower impact on this unique and rare opportunity.

A monitoring plan should be developed with WFGD and BLM. This would be used to monitor changes in herd population, health, use of crucial winter range and parturition habitat within areas disturbed during construction, as well as to areas outside the project footprint. This would assess the extent of project-related impacts to the herd. Monitoring prior to construction and continued post-construction could provide information needed to assess extent of impacts and success of mitigation efforts. Project effects on the BHS herd and crucial habitat should be identified and if determined to threaten the viability/health of the herd and its habitat, additional mitigation measures may be needed. This could include transplanting and relocation of BHS to boost population numbers or additional habitat improvements to increase the carrying capacity of the remaining habitats. The WGFD BHS Working Group, created to identify, consider, and address wild sheep management priorities across the state, could assist.

BHS are some of the most economically and socially important animals in North America and have extreme value to both the hunter/conservationist, Tribes, and the public. WGFD, with WSF and WY-WSF are actively conducting research, implementing expensive management strategies such as Test & Remove, to better understand and actively manage threats to BHS herds across Wyoming. Our comments and participation continue to identify the high value and investments placed on BHS and our commitment to this amazing Wyoming resource.

We thank you for the opportunity to comment on the Seminoe Pumped Station Project DEIS, and we look forward to continued participation.

Respectfully,

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CC: WY-WSF

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