Re: Seminoe Pumped Storage Project Draft Environmental Impact Statement (DEIS) and Water Quality Adaptive Management Plan (AMP, Sept. 17, 2025)
FERC Docket No. 14787-004

Submitted by:
Trout Unlimited (TU)
Wyoming Wildlife Federation (WWF)
Theodore Roosevelt Conservation Partnership (TRCP)
Wyoming Wild Sheep Foundation (WY-WSF)
Wyoming Council of Trout Unlimited (WYTU)
Muley Fanatic Foundation (MFF)
Pheasants Forever & Quail Forever (PF) (QF)
Backcountry Hunters and Anglers (BHA)
North American Pronghorn Foundation (NAPF)

Dear Secretary Reese,

Thank you for the opportunity to comment on the Draft Environmental Impact Statement (DEIS) and the Water Quality Adaptive Management Plan (AMP) for the Seminoe Pumped Storage Project. Our organizations represent hunters, anglers, and conservationists who rely on healthy rivers, intact wildlife populations, and well-functioning public-land ecosystems throughout the Seminoe to Miracle Mile landscape.

We have long supported responsible energy development that helps advance grid reliability while protecting the lands and waters that sustain fish, wildlife, and local communities. This approach is grounded in a simple principle: conservation and energy development can coexist when projects are sited carefully, designed to avoid the most sensitive habitats, and paired with rigorous, science-based protections. The best projects are built in the right places and adhere to the planning frameworks and habitat safeguards that keep the West's remaining high-quality fisheries and wildlife habitat intact.

As currently written, the DEIS and AMP do not provide that level of assurance for the Seminoe Pumped Storage Project. They identify substantial uncertainties and unresolved impacts to coldwater fisheries, the Ferris-Seminoe bighorn sheep herd, sage-grouse, mule deer, pronghorn, and regional recreation economies. Many of these concerns stem from narrow or incomplete modeling windows, missing or deferred analyses, and an assumption that key wildlife protections can be waived to make the project feasible. These gaps prevent the public and the Commission from fully understanding whether this proposal can be constructed and operated while maintaining the Class 1, Blue Ribbon trout fishery and the wildlife values that define this landscape.

Below we provide a detailed technical review grounded in the DEIS, the AMP, and work completed by independent experts, including hydrologic and water quality analysis by Follum Hydrologic Solutions, as well as established fisheries and wildlife science. Where we differ with cooperating agencies, we do so respectfully, with the shared goal of ensuring that if this project moves forward, it does so with the science, safeguards, and regulatory clarity necessary to protect water quality, fish and wildlife, and the communities that depend on them.

1. Trout and Water Quality

1.1 Significance of the Miracle Mile and Regulatory Context

The Miracle Mile is one of Wyoming's premier coldwater fisheries. Its Class 1 designation under Wyoming DEQ agency standards reflects its exceptional ecological value and requires that it be managed to maintain "existing quality" and to prevent any human-caused changes that would result in harmful acute or chronic effects (DEIS pg. 162). The Miracle Mile's Blue-Ribbon designation further underscores its statewide and regional importance, drawing anglers from Carbon, Natrona, Sweetwater, Albany, Laramie, Fremont counties in Wyoming and beyond, including significant visitation from Colorado's Front Range. This is evidenced by a Trout Unlimited petition (which was submitted to the public record) that circulated for two days ahead of the scoping comment deadline. In those two days, that petition generated nearly 1,200 signatures from all 50 states. As FERC notes, fishing is a major driver of local and regional recreation economies (DEIS pg. 115).

Wyoming water quality standards (DEIS pg. 162):

- When water temperatures exceed 15.6°C (60°F), human-caused warming may not exceed 1.1°C (2°F).
- Under no circumstances may human influence raise the temperature above 20°C (68°F) for a coldwater fishery.
- Pollutants (including temperature impacts) must not create conditions that fail to fully support existing uses.

Evaluating compliance with these standards requires a modeling framework that captures the full range of hydrologic and climatic scenarios relevant to this river system, not a narrow slice of recent years.

1.2 Modeling Limitations: Narrow Baseline, Exclusion of Key Datasets, and Lack of Climate Integration

Page 65 of the DEIS explains that the project proponent initially modeled temperature responses using BOR temperature profile data from 1976–1979, a series of low water years documented in the Follum Hydrologic Solutions review, but ultimately based the final predicted thermal impacts on the 2013–2016 dataset. The DEIS does not explain the rationale for this transition or whether earlier data were excluded because they reflected different hydrologic, thermal, or stratification conditions.

This is significant because:

- The DEIS acknowledges that exceedances of thermal stress criteria are more likely under low-reservoir conditions (pg. 66).
- University of Wyoming modelling, publicly accessible on the WYAdapt database, indicates an average annual temperature increase of 8.3 F, over the term of the licensing period, and predicts a decline in annual snow water equivalent from 5.26 inches to 3.49 inches. Furthermore, a 2016 EPA report indicates that Wyoming, and southeastern Wyoming in particular, is warming faster than most of the contiguous United States, with the North Platte headwaters experiencing an approximately 20 percent decline in April snowpack since 1955 and projections showing that Wyoming may see twice as many days over 100 degrees Fahrenheit by 2050.
- According to the Follum Hydrologic Solutions review and BOR historic records, Seminoe Reservoir has experienced at least 22 years with water levels lower than those included in the 2013–2016 modeling window, excluding the years where the reservoir was being filled.
- The exclusion of these lower-elevation years results in an underrepresentation of conditions under which warming effects are most pronounced.
- The DEIS includes mention of broad climate-change projections, such as declining snowpack, higher ambient air temperatures, increased drought frequency, and higher average wind speeds, but none of these projections are incorporated into the temperature modeling.

Taken together, these limitations produce a modeling framework that cannot reliably predict thermal behavior under:

- extended drought years,
- hotter climate conditions,

- reduced inflows,
- altered stratification patterns,
- or sequential warm-year sequences, conditions the DEIS itself identifies as increasingly likely.

The reliance on a narrow four-year dataset, combined with the omission of significant historic low elevation years and anticipated future climate scenarios, undermines confidence in the DEIS's conclusion that thermal impacts are acceptable or manageable.

Recommendation:
Require expanded modeling that includes (1) the full range of BOR temperature profiles; (2) sequences of warm/dry years; and (3) predicted future climate-informed scenarios. Without this, the DEIS lacks the scientific foundation necessary to evaluate compliance with Wyoming's Class 1/2AB standards.

1.3 Biological Data Gaps: Missing Baseline Fisheries Studies

Page 71 indicates FERC did not require additional fisheries studies because modeling indicates temperatures and Dissolved Oxygen (DO) will not reach lethal thresholds. This justification is flawed.

The requested studies, supported by WGFD, TU, the Wyoming Office of Tourism, and Discover Carbon County, were designed to evaluate:

- seasonal habitat selection,
- fish distribution through the water column,
- population structure,
- life-stage vulnerabilities,
- seasonal movements,
- and winter fisheries dynamics, which the DEIS acknowledges remain poorly understood.

The purpose of these studies is not to identify lethal thresholds; it is to understand sublethal stress pathways that drive population outcomes long before mortality occurs.

Winter is a critical season for evaluating over-winter energetics and survival, yet a winter study was dismissed as "labor intensive," a rationale that is not grounded in biological or regulatory necessity.

While the DEIS and AMP suggest that winter water temperatures and dissolved oxygen conditions may improve under certain operational scenarios, it does not evaluate how increased mixing, operational cycling, and altered release patterns could affect winter river ice dynamics downstream of Kortes Dam. In tailwater systems, frazil and anchor ice formation are driven by turbulence, rapid cooling, and thermal variability rather than average temperature alone. The DEIS does not analyze whether pumped storage operations could increase the frequency or severity of frazil or anchor ice events in the Miracle Mile, nor does it assess the implications of such events for overwinter survival, habitat stability, or macroinvertebrate production. These physical winter processes represent a distinct impact pathway that cannot be evaluated through temperature and dissolved oxygen modeling alone.

Recommendation

- Require a comprehensive fisheries study plan (baseline and periodic), including winter components, to validate assumptions and inform effective mitigation strategies.
- Require analysis of winter river ice dynamics, including frazil and anchor ice formation, under pumped-storage operational conditions downstream of Kortes Dam, and evaluate implications for aquatic habitat and overwinter survival.

1.4 Thermal Exceedances: Sublethal Thresholds Not Evaluated

Page 66 acknowledges that:

- proposed operations increase days above the thermal stress threshold;
- maximum operations could add 26 days above 15.6°C, with up to 24 days exceeding stress criteria;
- temperatures could increase 1.6–2.8°C above ambient.

The DEIS minimizes these exceedances by emphasizing that they do not reach lethal levels. However, lethal thresholds are not the regulatory benchmark for a Class 1 water, and they are not the biological benchmark for maintaining trout populations.

Coldwater fish experience measurable negative impacts at sublethal temperatures:

- reduced feeding efficiency at temperatures near the upper end of their thermal window;
- increased vulnerability to pathogens;

- lower reproductive success/fecundity
- reduced fry emergence success;
- changes in competition dynamics;
- and dramatically increased catch-and-release mortality rates.

The DEIS does not evaluate these conditions despite having time-series outputs that could be used to compare predicted temperatures to known biological thresholds.

Recommendation:
Require analysis of sublethal thermal thresholds, including for spawning, incubation, early life stages, and angling mortality, as part of the impact assessment.

1.5 Entrainment and Intake Structure Concerns

The DEIS acknowledges that any fish entrained in the system would likely suffer mortality due to pressure, turbulence, and shear stress. It concludes entrainment risk is "low," based on:

- a proposed 0.75-inch bar rack screen; and
- an assumption that larger fish can outswim approach velocities.

However:

- No engineering drawings or hydraulic analyses for the intake structure are provided.
- A 0.75-inch spacing inherently permits passage of larval and juvenile life stages of multiple species.
- These early life stages are least capable of avoiding intake flows and are critical for long-term recruitment.
- The DEIS provides no analysis of how entrainment of early life stages could affect reservoir productivity or fishery resilience.
- Seasonal emergence timing is not analyzed, nor are operational adjustments evaluated for sensitive periods.

Recommendation:
Require, and make available for public review, detailed intake structure design, entrainment modeling across life stages, and clear operational measures to protect fry and juvenile fish.

1.6 Sedimentation and Turbidity: Insufficient Analysis, Unsubstantiated Mitigation, and Risks to a Class 1 Coldwater Fishery

The DEIS provides an incomplete and largely qualitative assessment of sediment and turbidity impacts associated with both construction and long-term operation of the proposed project. While the document briefly acknowledges that constructing the access bridge and lower inlet/outlet structure "would disturb bottom sediments" and could introduce contaminants, the analysis does not address how the project's daily pumping and generating cycles would interact with accumulated fine sediments, nor does it evaluate whether proposed mitigation measures, most notably the "rock blanket," are technically capable of preventing re-mobilization of sediments in a high-energy, confined river-reservoir interface.

This is significant because:

The DEIS relies on a "rock blanket" over unconsolidated reservoir sediments as a primary mitigation measure, yet provides no engineering design, performance modeling, or documentation to substantiate its claimed effectiveness. Internal engineering discussions have referenced efficiencies ranging from "100%" downward, indicating uncertainty that is not resolved in the DEIS.

The proposed inlet/outlet structure is located in a narrow canyon reach, with the outlet positioned roughly 400–500 feet from the opposing canyon wall. Hydraulic constriction and bidirectional flows from pumping and generating cycles are likely to generate scour, turbulence, and bottom disturbance beyond the capabilities of an untested rock blanket placed on seven decades of accumulated fine sediment.

The DEIS does not evaluate whether the rock blanket can remain effective once covered by annual tributary-driven sediment, nor does it analyze maintenance requirements or the likelihood of periodic failure.

Year-round or frequent turbidity pulses resulting from project operations would occur outside natural high-flow runoff periods. Unlike spring runoff–derived turbidity, which is episodic and paired with high flows capable of transporting sediment downstream, turbidity from pumping operations is human-caused, chronic, and decoupled from flow conditions capable of restoring substrate quality.

Turbidity and sediment deposition are known to:
- smother redds,
- impair egg-to-fry survival,
- reduce macroinvertebrate production, and
- limit foraging efficiency, growth, and condition in trout.

The Miracle Mile is a Class 1/2AB coldwater fishery where human-caused water-quality degradation is strictly limited, including turbidity criteria. The DEIS contains no turbidity thresholds and the AMP includes no sediment-related operational triggers, despite acknowledging the potential for construction and operation to disturb and mobilize sediment.

Taken together, these omissions result in an analytical framework that cannot reliably predict sediment related impacts under:

- construction-phase disturbance of deep, unconsolidated sediments,
- daily operational mixing in a confined canyon reach,
- long-term accumulation of new sediment atop the rock blanket,
- or continuous low-level turbidity pulses that may persist through the fishing and spawning seasons.

The DEIS also does not evaluate how continuous turbidity would alter the angling experience in the Miracle Mile. Anglers currently avoid the predictable spring runoff turbidity and return when waters clear for late-spring through fall fishing. Persistent turbidity throughout the ice-free months would materially degrade angling quality and associated regional economic benefits.

Recommendation:

Require a comprehensive sedimentation and turbidity analysis that includes:

- Engineering design and performance modeling of the proposed rock blanket under site-specific hydraulic conditions and daily pumping cycles.
- Sediment-transport modeling that evaluates re-mobilization of existing fine sediments and annual tributary input.
- Numeric turbidity thresholds consistent with Wyoming Class 1/2AB criteria, incorporated directly into the Adaptive Management Plan.
- Mandatory curtailment or shutdown triggers when turbidity increases attributable to project operations exceed allowable limits.
- A multi-station turbidity monitoring network from the Seminoe tailrace to the upper extent of Pathfinder Reservoir.
- Assessment of habitat, spawning, and recreational impacts, including effects on brown trout redds, macroinvertebrates, and angling quality.

Without these additions, the DEIS lacks the technical basis necessary to ensure that sediment and turbidity impacts will not degrade a Class 1 coldwater fishery or undermine aquatic-life that Wyoming water-quality law requires to be fully supported.

2. Adaptive Management Plan

2.1 Structure and Trigger Design: WYDEQ's Plan Strengthens Oversight, but Critical Protective Measures Remain Absent

We appreciate FERC's decision to expand the Adaptive Management Plan (AMP) monitoring suite to include dissolved oxygen, pH, and turbidity, an important acknowledgement of the complex water-quality dynamics in the Seminoe>Kortes>Miracle Mile system. We also appreciate the Wyoming Department of Environmental Quality for addressing some of our concerns in the design of the AMP.

However, despite these improvements, the AMP's core operational framework remains inadequate to protect a Class 1 coldwater fishery and appears structured primarily to preserve the financial feasibility and operational flexibility of the project rather than to ensure resource protection.

Several structural elements of the AMP significantly constrain its ability to prevent exceedances of Wyoming's Class 1 and Class 2AB water-quality standards:

- Operational evaluations occur only once every 15 days, using a semimonthly water-surface–elevation-based accounting system. This approach is fundamentally misaligned with the temporal scale at which thermal stress develops in tailwater systems, where river temperatures can approach or exceed thresholds within hours or days during hot or low-flow periods. A 15-day review cycle is functionally incapable of providing timely protections.
- Temperature protections are contingent on reservoir-elevation triggers, meaning the AMP evaluates temperature only when Seminoe Reservoir drops below defined thresholds. As a result, in warm years with normal reservoir elevations, or during periods of high ambient air temperature, low inflows, or high wind evaporation, no temperature-based protections will apply. This reliance on reservoir elevations alone as a trigger risks allowing harmful thermal events to occur without intervention.
- The AMP contains no mandatory shutdown provision, even if temperatures approach or exceed the state's allowable thresholds, including the 20 °C (68 °F) maximum for coldwater fisheries or the 1.1 °C allowable increase above ambient when temperatures exceed 15.6 °C (60 °F). Instead, the AMP allows for partial curtailment only, based on pro-rated volume reductions over a 15-day window. This design allows operators to continue generating or pumping at will, so long as they remain under the volumetric cap, meaning thermal impacts can still accumulate.

- Monitoring is conducted by the project operator, not an independent third party. This structure creates both a conflict of interest and a lack of regulatory rigor.
- The AMP contemplates "corrective measures" such as stream restoration or aquatic habitat enhancement to increase thermal refugia, but the DEIS provides no evidence that such measures could meaningfully reduce river temperatures in a tailwater system driven primarily by dam-release conditions. In coldwater systems like the Miracle Mile, channel or floodplain restoration cannot offset multi-degree warming caused by altered reservoir withdrawal temperatures. Without a scientifically demonstrated mechanism by which habitat changes could counteract thermal loading from project operations, these measures cannot serve as substitutes for operational curtailment.
- Real-time monitoring is only required to be reported once restrictions are already in place, eliminating the possibility of using real-time data to prevent exceedances before they occur.

These weaknesses are compounded by FERC's own conclusions in the DEIS. Page 67 acknowledges Trout Unlimited's recommendation for a mandatory shutdown trigger when temperatures are likely to exceed criteria and concedes that such a measure "would reduce the potential" for project-caused warming in the Miracle Mile. Yet FERC declines to adopt this protective measure, asserting instead that BCH's monitoring "would inform the need" for operational adjustments. This logic is fundamentally flawed. If shutdown authority is not established before exceedances occur, then the first instance of thermal exceedance will be unmitigated, placing an irreplaceable Class 1 coldwater fishery at risk. Further, the DEIS states on page 13 that temperatures are not expected to exceed chronic or acute levels that would result in fish death. Taken at face value, this means there would be little, if any, operational disturbance if the AMP contained a mandatory shutdown trigger at the first indication of a temperature exceedance. Yet, FERC and WYDEQ have thus far declined to include explicit operational curtailment requirements for temperature exceedances.

Similarly, page 115 recognizes the central economic importance of the Miracle Mile and Seminoe Reservoir fisheries, yet the DEIS relies extensively on the AMP to mitigate cumulative impacts without examining whether the AMP's design is adequate for that purpose. Despite references to hourly temperature monitoring, the AMP limits operational evaluation to 15-day intervals and restricts temperature consideration to low-elevation periods. This approach has no scientific basis in thermal-response ecology and does not align with the urgency required to prevent acute and chronic stress in a river system.

The proposed AMP's structure is reactive rather than protective and framed around operational convenience rather than the stringent water-quality protections required for Class 1 waters.

Recommendation:

To ensure compliance with Wyoming water-quality standards and to protect trout populations in the Miracle Mile, FERC should require the AMP to include:

- Explicit, enforceable curtailment and shutdown triggers based on real-time temperature measurements, not tied to reservoir elevation.
- Authority for WGFD, WYDEQ, and BOR to order immediate curtailment or shutdown when temperatures approach criteria, independent of operator discretion.
- Real-time monitoring and reporting (hourly) with publicly accessible dashboards. Monitoring should continue throughout the entire term of the license.
- A shift from a 15-day volumetric review to a continuous-response framework, allowing operations to be adjusted within hours when needed.
- Mandatory action thresholds for temperature, dissolved oxygen, turbidity, and other parameters, with no option to rely solely on volumetric caps.
- Analysis of feasible industrial cooling technologies that could reduce withdrawal temperatures or mitigate project-caused warming evaluated for technical feasibility, effectiveness, and operational impact within the Seminoe–Kortes–Miracle Mile system.
- Removal of habitat restoration or channel enhancement as a primary or standalone corrective action for temperature exceedances, unless supported by rigorous, site-specific modeling demonstrating a measurable and sufficient temperature response.
- Explicit clarification that operational curtailment is the first and most reliable tool for preventing thermal exceedances, with physical habitat measures considered only supplemental and only if feasible and scientifically justified.

Absent these changes, the AMP does not provide the protective capacity necessary for a Class 1 fishery and will not prevent exceedances under increasingly frequent warm-year and low-flow conditions, a vulnerability the DEIS recognizes but does not resolve.

2.2 Monitoring Locations: Spatial Coverage Insufficient for a 27-Mile Reach

The AMP relies on a single temperature monitoring site below Kortes Dam. As FERC noted during scoping, the area of potential hydrologic influence extends from Seminoe Reservoir to Pathfinder Reservoir, roughly 27 miles.

A single monitoring site cannot capture:

- spatial thermal gradients;

- turbidity plumes from construction;
- dissolved oxygen distribution;
- downstream temperature changes;
- or site-specific stress pockets that could exceed regulatory thresholds.

For monitoring to serve its intended protective role, the AMP must clearly define (1) how project-caused changes will be distinguished from natural variability; (2) what specific operational adjustments, curtailments, or shutdowns will occur when thresholds are reached; and (3) evidence that the proposed measures are likely to be effective, along with immediate backstop measures while alternative mitigation options are evaluated. Without these elements, monitoring becomes observational rather than protective and cannot ensure compliance with Wyoming's Class 1 and aquatic-life water quality standards.

Recommendation

FERC should require:

- Installation of multiple monitoring stations spanning the project's entire area of influence from the inflow to Seminoe downstream the Pathfinder Reservoir.
- Development and installation of the full monitoring system prior to construction, with baseline data collection beginning immediately.
- A monitoring design that allows agencies to distinguish project-caused changes from natural variability, including drought, seasonal stratification shifts, and climate-driven warming.
- Clear linkage between measured conditions and required operational responses, ensuring monitoring is protective rather than observational.

2.3 BMPs for Sediment and Fuel Disturbance: Insufficient Detail

The DEIS acknowledges that bridge construction and inlet/outlet installation will disturb bottom sediments and create risk of hazardous material introduction. It then relies on operator-developed BMPs but provides:

- no descriptions,
- no evidence of success in similar systems, and
- no turbidity or contamination response thresholds.

If BMPs are being relied upon to mitigate sediment mobilization and contamination risks, FERC should require the proponent to (1) reference specific, proven BMPs that have

demonstrated effectiveness in similar hydropower construction contexts, or (2) provide detailed BMP descriptions, including monitoring, containment, and response protocols, and identify the data or engineering analyses used to support their adequacy. Without this level of specificity, the DEIS offers no verifiable basis to conclude that sediment and contaminant risks will be avoided or minimized during construction, particularly in a Class 1 water and a Blue Ribbon fishery reach where even small failures could have outsized ecological consequences.

Recommendation:
Require site-specific BMPs, including turbidity thresholds, containment plans, monitoring procedures, and spill-response protocols.

3. Ferris–Seminoe Bighorn Sheep Herd: Population-Level Risks and Land-Use Conflicts

The DEIS acknowledges that the proposed project overlaps crucial winter range, yearlong range, and parturition habitat for the Ferris–Seminoe bighorn sheep herd and that construction and operation "could be significant," with likely effects on survival, recruitment, and overall population size. This recognition is appropriate, but the analysis does not fully account for the biological characteristics of this herd or the land-use protections that were established specifically to maintain its viability.

The Ferris–Seminoe herd is one of the most important bighorn populations in Wyoming. It is the only herd in the state not known to carry Mycoplasma ovipneumoniae, making it essential for future translocations, genetic resilience, and statewide restoration efforts. Decades of work have gone into maintaining this herd, including disease-prevention strategies, habitat improvements, and enforcement of timing restrictions intended to reduce stress during winter and protect lambing success. Multiple agency datasets confirm that the project's footprint intersects the most sensitive components of this range, including areas that support significant portions of lamb production and seasonal forage.

Despite this, the DEIS concludes that adherence to Rawlins RMP wildlife stipulations would make construction "infeasible." This finding is not an indication that stipulations should be waived. It is evidence that the proposed design, schedule, and location are incompatible with the ecological and management requirements of the existing land-use plan. Seasonal timing restrictions were created to avoid population-level impacts, not to be suspended for multi-year industrial activity. Waiving them would contradict the purpose of the Rawlins RMP and undermine the framework intended to protect big-game populations across the resource area.

Several key issues limit the DEIS's ability to determine whether bighorn sheep can withstand project impacts:

- The DEIS does not evaluate population-level consequences of repeated displacement from crucial winter and lambing habitats over multiple years of construction.
- The analysis does not resolve how blasting, excavation, heavy truck traffic, lighting, and human presence during winter and parturition periods will affect energy budgets and lamb survival.
- The DEIS does not assess whether the herd has the capacity to shift into alternative habitats, many of which are lower quality or already constrained by predators, topography, or forage limitations.
- The mitigation measures proposed in the Wildlife Restrictions Plan do not alleviate the biological consequences of losing habitat function during the most limiting seasons of the year.
- Monitoring proposals would document impacts but cannot prevent them, and the DEIS does not identify any measures that would offset population-level losses if survival or recruitment declines occur.

Because the herd's disease-free status and unique conservation role create statewide implications, the stakes of proceeding without full adherence to wildlife protections are high. Multi-year disturbance during winter and lambing seasons may reduce population size in ways that cannot be reversed within the project's license period. Under projected climate conditions, which will include more drought years, lower forage quality, and more variability in winter severity, the physiological margins of this herd will be even narrower than they are now.

The DEIS does not demonstrate that the project can be constructed and operated while maintaining the viability of this irreplaceable herd. Nor does it show that proposed mitigation can prevent the population-level consequences associated with long-term disturbance in crucial seasonal habitats.

Recommendations:

To ensure the long-term viability of the Ferris–Seminoe bighorn sheep herd and compliance with the Rawlins RMP, FERC should require:

- Full adherence to all existing bighorn sheep timing and disturbance stipulations for crucial winter range, yearlong range, and lambing/parturition habitat.
- Analysis of alternative siting, phasing, or design options if the project cannot be constructed within those restrictions.

- A science-based assessment of population-level impacts, including the cumulative effects of multi-year disturbance on survival, lamb recruitment, and long-term herd viability.
- Mitigation measures that prevent rather than document impacts, including avoidance of sensitive habitats during limiting seasonal periods.

4. Sage-Grouse, Mule Deer, Pronghorn, and Other Wildlife

The DEIS acknowledges that the proposed upper reservoir, access corridors, and transmission-line alignments intersect sage-grouse lek and seasonal habitats, mule deer crucial winter range, and pronghorn seasonal ranges. These are among the most important wildlife habitats in the Rawlins planning area and carry established protections under the Rawlins Resource Management Plan and Wyoming's Sage-Grouse Executive Order 2019-03.

The DEIS repeatedly states that full compliance with these stipulations would render the project infeasible. This conclusion does not justify relaxing wildlife protections. Rather, it signals a fundamental siting conflict. Seasonal restrictions and lek buffers were created to prevent population-level impacts to sage-grouse, mule deer, and pronghorn. If a proposal cannot be built without waiving them, the proposal warrants rethinking, not the stipulations.

The landscape already carries multiple stressors. Drought, habitat fragmentation, invasive species pressure, and warming temperatures have reduced resilience for sage-grouse and big game populations. The addition of a permanent industrial footprint, year-round traffic, dust, noise, and lighting will layer new disturbance on top of existing pressures. The DEIS acknowledges these issues but does not fully evaluate their cumulative effects, nor does it propose species-specific mitigation despite the scale of the impacts.

The upper reservoir location and transmission alignments place the highest-intensity components of the project directly in habitats already identified as sensitive or declining. A responsible approach requires first determining whether these alignments can avoid sensitive habitat and, if they cannot, whether the project is compatible with the existing land-use designations at all.

Recommendations

- To ensure compliance with state and federal wildlife protections and to maintain habitat integrity, FERC should require:
- Full compliance with the Rawlins RMP sage-grouse and big game stipulations, including lek buffers and seasonal timing restrictions.

- Adherence to all requirements of Wyoming's Sage-Grouse Executive Order 2019-03, with no broad or multi-year waivers.
- Follow Endangered Species Act requirements for threatened and endangered species.
- Evaluation of alternative transmission alignments that avoid or significantly reduce impacts to sage-grouse, mule deer, and pronghorn habitat.
- A cumulative effects analysis that incorporates drought, climate-driven habitat stress, invasive species, regional development, and other existing disturbances.
- Development of species-specific mitigation plans, which are entirely absent from the current DEIS, including measures for sage-grouse lek protection, winter range avoidance, and long-term disturbance minimization for mule deer and pronghorn.

Without these steps, the wildlife analysis in the DEIS remains incomplete, and the project cannot be evaluated as compatible with the region's existing land-use and wildlife conservation commitments.

5. Recreation and Local Economies

5.1 Recreation Losses: Underestimated and Narrow in Scope

The DEIS estimates that construction will result in 117,134 lost recreation visits over the five-year construction period (DEIS, p. 113). These projected losses include anglers, hunters, boaters, campers, and general recreationists across Seminoe Reservoir, Kortes Reservoir, and the Miracle Mile. This magnitude of disruption is not marginal. It reflects five consecutive years of displaced hunting seasons, missed fishing trips, lost guide days, reduced park visitation, and significant economic losses to the communities and small businesses that depend on recreation-driven economies.

Despite the scale of these impacts, the DEIS evaluates socioeconomic effects only within Carbon County. Seminoe and the Miracle Mile function as regional destinations with high levels of use by residents of Natrona, Albany, Sweetwater, Fremont, and Laramie Counties, as well as Northern Colorado. Limiting the analysis to Carbon County obscures the true economic footprint of the recreation corridor. The DEIS does not account for revenue generated by hotels and short-term lodging, guide and outfitter services, restaurants, gas stations, tackle shops, or State Park visitation. It also omits losses in state and county revenue derived from lodging taxes, fuel taxes, and fishing and hunting license sales.

By focusing solely on Carbon County and emphasizing temporary construction job benefits while overlooking recreation-related losses, the DEIS presents an incomplete and inaccurate picture of the project's socioeconomic consequences. This approach conflicts

with NEPA's requirement to evaluate all reasonably foreseeable impacts, including those that occur outside a single county boundary.

The DEIS also does not consider whether long-term degradation of the Miracle Mile fishery, potentially caused by turbidity or temperature changes, could prolong economic losses beyond the construction period. Reduced angling quality and diminished guiding opportunity during extended periods of turbidity or thermal stress could result in continued visitation and revenue declines.

Recommendation:

To comply with NEPA and accurately characterize the socioeconomic consequences of the project, FERC should require:

- A full regional socioeconomic analysis that includes Natrona, Albany, Sweetwater, Laramie, and Fremont Counties, as well as Northern Colorado, reflecting the true recreation user base.
- Assessment of the full spectrum of economic impacts, including guide and outfitter losses, reduced lodging and restaurant revenue, diminished State Park visitation, and lost permit and license revenue.
- Consideration of long-term economic effects resulting from water-quality changes and fishery degradation.
- Evaluation of displacement effects, including whether users shift to other locations or forego trips entirely.

Without this regional and multi-sector analysis, the DEIS significantly understates the socioeconomic burden of the project and does not provide a sound basis for determining whether impacts are acceptable or adequately mitigated.

5.2 Hunting Access and Wildlife Distribution Impacts

The DEIS acknowledges that construction will create substantial and recurring access disruptions across the Seminoe, Kortes, and Miracle Mile landscapes. These disruptions include:

- road closures and reroutes associated with upper reservoir construction,
- restricted access near the new bridge and inlet/outlet structure at Kortes Reservoir,
- up to 79 construction-related vehicle trips per day on narrow recreation corridors (DEIS p. 102),
- heavy-equipment traffic during peak hunting seasons,

- dust, noise, and sustained human presence in big-game winter and transitional ranges.

These conditions are not temporary inconveniences; they are predicted to alter wildlife distribution and reduce hunting quality in one of central Wyoming's most important multiple-use landscapes. Increased traffic and industrial disturbance are expected to displace mule deer, pronghorn, and bighorn sheep from traditional use areas, reducing hunter success, diminishing opportunity, and undermining the high-value public hunting experience that local communities and outfitters depend on.

The DEIS does not quantify the extent, duration, or severity of these changes, nor does it analyze cumulative effects when access restrictions overlap with crucial winter range and parturition habitat already stressed by construction. This lack of analysis limits the public's ability to understand how hunting opportunity will be affected over the project's five-year construction period.

Recommendation:

FERC should require:

- A full hunting access and wildlife distribution impact analysis, including expected displacement distances, seasonal sensitivity, and predicted changes in hunter success.
- Detailed maps and timelines of anticipated road closures, reroutes, and restricted-access zones, including construction seasons and peak hunting periods.
- Mitigation measures developed in coordination with WGFD, such as seasonal construction limits, traffic-reduction commitments, and protection of high-use hunting access points.
- Evaluation of cumulative effects where construction disturbance overlaps with crucial winter range, transitional range, or parturition habitat.
- Adaptive access provisions, ensuring that if displacement or access losses exceed modeled expectations, the operator must adjust construction timing or traffic levels to minimize impacts.

5.3 Ice Fishing Safety

Ice fishing at Seminoe Reservoir is an important recreational use and a valued part of the region's winter outdoor culture. The DEIS acknowledges water-level fluctuations associated with the project but does not meaningfully analyze how daily operations may affect ice

formation, ice stability, or ice safety, despite the clear mechanisms through which fluctuating reservoir elevations could create hazardous conditions.

Frequent or rapid changes in water elevation beneath a frozen surface can create voids or air gaps between the ice sheet and the water column. These gaps significantly weaken ice integrity, reduce load-bearing capacity, and can lead to sudden ice collapse under foot or under vehicles. The DEIS does not address these mechanisms, nor does it evaluate the magnitude, frequency, or seasonality of operational elevation changes in winter conditions.

This is significant because:

- The DEIS concludes that impacts to winter recreation are "low" because winter visitation is lower than in warmer months (DEIS p. 114), but visitation numbers are not a proxy for safety risk. A smaller number of winter users does not reduce the severity of potential accidents, especially where ice thickness and stability are directly affected by project operations.
- The DEIS does not assess how continuous or daily water-level changes from pumped storage operations would interact with freezing temperatures, early-season ice formation, midwinter shifts, or late-season thinning.
- The document also does not evaluate whether new operational patterns could cause the reservoir to repeatedly rise and fall beneath ice, producing unpredictable and spatially variable hazards that are extremely difficult for the public to detect.
- Dismissing these risks solely because visitation is lower in winter fails to meet NEPA's requirement to assess the nature and severity of impacts, not just their frequency or the number of affected users.
- Winter recreation in the Seminoe system is also an element of local identity, culture, and quality of life. It is not sufficient under NEPA to deem impacts insignificant simply because the number of winter anglers is smaller than summer visitors.

Moreover, the DEIS does not provide a technical basis for its conclusion that winter impacts are low. There is no ice-safety analysis, no modeling of elevation-change effects on ice stability, and no operational limits designed to protect public safety during ice-covered periods. In the absence of such analysis, the conclusion that impacts are low is unsupported.

Ice fishing is one example of a broader pattern in the DEIS wherein public-safety risks associated with recreation are minimized, unquantified, or unmitigated. The lack of winter-specific analysis creates uncertainty about whether the project can safely operate during ice-covered months and whether recreationists will have adequate warning or protection from hazardous conditions.

Recommendation:

FERC should require:

1. A comprehensive ice-safety analysis that models water-elevation changes beneath ice sheets under realistic operational scenarios, including frequency, magnitude, and rate of change.
2. A winter operations plan that limits elevation fluctuation during ice-covered periods to prevent formation of air gaps and unsafe ice conditions.
3. A recreation public-safety plan covering construction and operation detailing: (1) hazard monitoring; (2) real-time public alerts; (3) signage, closures, and communication protocols and; (4) coordination with WGFD, State Parks, and county emergency officials.
4. Operational curtailment requirements triggered when water-level fluctuations threaten ice integrity.
5. Clear public-access guidance during winter months based on monitoring of ice thickness, stability, and elevation-change patterns.

Without these analyses and protective measures, the DEIS does not provide an adequate basis for concluding that winter recreation impacts are low or that the project can operate safely during ice-covered conditions.

5.4: Traffic Management:

Page 8 of the Adaptive Management Plan outlines a Traffic Management Plan that focuses largely on signage, dust control, vehicle pull-outs, and general construction logistics intended to "more efficiently allow safe passage of construction and public vehicles." While these are standard construction BMPs, they do not address the broader set of recreation, public safety, and socioeconomic issues identified during scoping. The AMP's approach treats traffic impacts as a narrow operational issue rather than a major driver of recreation disturbance and community economic loss during both construction and operation.

This omission is significant because:

- Construction-related traffic will be substantial. The DEIS anticipates up to 79 vehicle trips per day on a 2.2 mile segment along the Miracle Mile (DEIS p. 102), including heavy equipment, water trucks, worker shuttles, and haul vehicles. These levels are unprecedented for the area and will dramatically change user experience along one of Wyoming's most iconic fishing and hunting corridors.

- Access disruptions are unavoidable, particularly around the Kortes bridge construction area, upper reservoir access roads, and transmission line corridors. The AMP does not map or quantify the extent, frequency, or duration of these disruptions, leaving the public and decisionmakers unable to evaluate their magnitude.
- These access changes directly affect recreation dependent businesses, including guides, outfitters, shuttle operators, lodging providers, and sporting goods retailers, whose operations rely on predictable access, reliable road conditions, and customer perceptions of a high quality, low conflict outdoor experience. The AMP contains no socioeconomic analysis of how traffic related delays, detours, road restrictions, or congestion will affect these businesses.
- The AMP does not analyze seasonal conflicts, particularly during peak fishing periods, big game hunting seasons, or ice fishing months when narrow roadways, snow conditions, or darkness compound the risks of mixing heavy industrial traffic with public recreation. The DEIS notes significant construction activity scheduled for winter and shoulder seasons, yet the AMP does not identify how traffic will be managed during periods of reduced visibility, icy roads, or limited turnaround space.
- Public safety risks are not evaluated. Increased heavy truck traffic on narrow canyon roads, particularly near the Miracle Mile, Seminoe State Park access, and the Kortes tailrace, raises concerns about collisions, pedestrian conflicts at angler access areas, and emergency response limitations in constricted corridors. The AMP does not address any of these issues.
- Long-term access changes are not addressed. The AMP does not evaluate how permanent infrastructure, including roads, transmission lines, or altered traffic patterns, may change recreation use patterns, crowding, or displacement even after construction ends.
- Procedural mitigation is proposed without establishing the full range of impacts. The plan assumes that signage and dust control are sufficient mitigation measures without first conducting a complete assessment of likely recreation impacts, seasonal bottlenecks, user displacement, or emergency response constraints. Under NEPA, mitigation must be supported by analysis. Here, mitigation is proposed in the absence of the necessary analysis.

As a result, the Traffic Management Plan is not an adequate socioeconomic or recreation impact mitigation tool. It is a construction logistics document rather than a recreation or public safety plan.

Recommendation:

FERC should require a comprehensive traffic and access impact assessment that includes:

- A full recreation access analysis that incorporates angling, hunting, boating, camping, and ice fishing access during all phases of construction and operation.
- A socioeconomic analysis of how road restrictions, delays, and closures will affect guides, outfitters, local businesses, and regional tourism.
- A public safety analysis identifying collision risks, winter road hazards, narrow corridor constraints, emergency response limitations, and mitigation strategies tailored to this project area.
- A seasonal traffic management plan that accounts for peak use periods such as spring runoff, summer angling, big game hunting seasons, and winter ice fishing.
- Detailed maps of expected closures, detours, and restricted areas, including duration, schedules, and alternative access points.
- Evidence-based mitigation commitments, not just procedural BMPs, implemented in coordination with WGFD, State Parks, county emergency response.
- Clear operational triggers requiring traffic restrictions or temporary suspensions during periods of high public use or hazardous winter conditions.

Without these elements, the AMP and DEIS do not provide a sufficient analytical foundation for concluding that proposed traffic measures will protect public safety, recreation access, or the guiding and outfitting economy that depends on this landscape.

6. Alternatives and Rawlins RMP Conflicts

6.1 Alternatives Analysis Too Narrow

Page 9 of the DEIS explains that FERC's staff alternative is to approve the project largely as proposed, with selected additional measures, to ensure that the project is economically viable for the developer because grid stability is desired. However, Appendix B makes equally clear that FERC declined to analyze Trout Unlimited's request to evaluate a closed-loop configuration, or other peaking/grid stability technologies, like natural gas simple cycle turbines because, in FERC's view, such alternatives were not proposed by the developer and therefore fall outside the agency's review. This interpretation unduly narrows the range of reasonable alternatives required under NEPA and risks approving a high-impact project without determining whether other feasible energy solutions could meet regional energy needs with far fewer ecological, recreational, and socioeconomic consequences.

Trout Unlimited has consistently supported responsible energy development that is carefully sited, avoids the most sensitive habitats, and minimizes impacts to coldwater fisheries and wildlife. A core tenet of this approach is that alternatives should be evaluated early and transparently, and that projects should be "smart from the start" by using

previously disturbed or low-conflict landscapes whenever possible. Declining to examine reasonable alternatives undermines this fundamental principle and falls short of what NEPA requires for a major federal action affecting some of Wyoming's most important fish and wildlife resources.

This limitation has several significant implications:

- It assumes the applicant's preferred design is the only viable design, even though closed-loop pumped storage is a common, widely studied alternative that avoids many of the impacts associated with open-loop systems in sensitive watersheds.
- It sidesteps the question of whether a different site or configuration could achieve comparable storage benefits without significant impacts to a Class 1 tailwater, bighorn sheep crucial winter range, or sage-grouse core habitat.
- It relies on a narrowly-framed cost comparison that artificially inflates the economic advantage of the proposed project by comparing it primarily to lithium ion battery banks, a technology not economically feasible for 10-plus-hour storage at the scale needed for this system.
- It fails to analyze the cost of natural gas peaker plants, despite their relevance to the stated purpose and need (grid support, peak balancing, and system stability).
- It omits cost modeling for closed-loop pumped storage, even though such systems eliminate entrainment, thermal, and stratification impacts and therefore reduce the required mitigation.
- It selectively excludes costs associated with complying with Wyoming Game and Fish Department and Department of Interior's wildlife stipulations, despite acknowledging that adhering to those protections would raise annualized costs by $144 million, nearly closing the stated cost gap between the proposed project and battery storage.
- It omits analysis of how future operational restrictions such as mandatory curtailments under a functioning AMP would impact cost effectiveness over the project's 50-year license term.
- It allows the applicant to assume variances or waivers from wildlife, recreation, and water-quality protections, rather than requiring the project to be evaluated as if those stipulations apply, which is the proper legal baseline.

Taken together, these omissions lead to a development analysis that favors the applicant's preferred open-loop configuration and siting, not because it is the least-impactful or most cost-effective solution, but because meaningful alternatives were never evaluated on a

comparable footing. In doing so, the DEIS implicitly assumes that the project's viability and the developer's economic needs outweigh the interests of the region's fish, wildlife, and recreation economies, without providing the data necessary to justify that assumption.

Recommendations:

FERC should require a complete and transparent alternatives analysis that includes:

- Closed-loop pumped storage options located off-channel or in less sensitive landscapes.
- Alternative siting scenarios outside of Class 1 waters, big-game crucial winter range, and sage-grouse habitat.
- Cost comparisons to natural gas peaker plants and other new, longer duration storage solutions outside of lithium-ion batteries alone
- Cost modeling that assumes full compliance with WGFD wildlife stipulations, seasonal protections, and land-use restrictions, rather than assuming variances will be granted.
- Economic modeling that accounts for periods of reduced or halted operations, including climate-driven low water years or shutdowns required under an improved AMP.
- Regional socioeconomic and cost analysis that includes all counties and states contributing to the Miracle Mile and Seminoe recreation economy, and that evaluates both near-term and long-term costs so the proposed project can be compared fairly against other available technologies.

A NEPA document cannot meaningfully assess whether the proposed project is the best choice without analyzing reasonable, lower-impact alternatives. Until such alternatives are fully evaluated, the DEIS does not satisfy NEPA's requirements nor provide the basis for an informed, environmentally responsible licensing determination.

6.2 Rawlins RMP: Conflict Requires Separate Amendment

The DEIS acknowledges that the proposed project is inconsistent with several provisions of the Rawlins Resource Management Plan, including visual resource objectives, sensitive species protections, old growth forest designations, and wildlife timing and disturbance stipulations that cannot be met under the current design (DEIS pp. 24, 102, 151). Page 86 further explains that project related exceptions or waivers to these stipulations are not

available for a right-of-way authorization. If the project cannot comply with the RMP, a formal amendment is required.

Because no RMP amendment process has been initiated, FERC and cooperating agencies cannot rely on hypothetical future waivers or amendments to justify a finding of land use consistency, nor can a license be approved contingent upon later changes to a land use plan. The administrative record is clear that the project, as proposed, conflicts with the governing land use plan, and unless and until a formal amendment is completed, the project cannot proceed on its current footprint.

Recommendation:

- Require that the project demonstrate full consistency with the existing Rawlins RMP before hydropower licensing can proceed.
- Ensure that any necessary RMP amendment is conducted through a separate BLM process that includes public notice, public comment, alternatives analysis, and a full NEPA review.

6.3 Wildlife Waivers: Undefined Authority and Criteria

Page 5 of the Adaptive Management Plan directs the project proponent to "identify and request waivers for seasonal wildlife restrictions that cannot be met." Despite this being a central component of the project's proposed path to feasibility, the AMP provides no clarity on how such waivers would be evaluated, by whom, or under what biological circumstances they could be granted. This represents both a procedural defect and a substantive risk to wildlife populations managed under the Rawlins Resource Management Plan (RMP).

The AMP does not specify:

- Which agency or agencies have the legal authority to approve or deny waivers. Potential authorities include BLM (as federal land manager), the Wyoming Game and Fish Department (WGFD), Carbon County, and the Wyoming Industrial Siting Council; however, the AMP is silent on this question.
- What biological standards or thresholds would govern waiver decisions. Seasonal wildlife restrictions, especially for bighorn sheep crucial winter range, lambing areas, and sage-grouse lek and nesting buffers, were established to prevent population-level impacts, not to be waived casually.
- Whether waivers may be issued for consecutive years, an especially important gap for this multi-year construction project.

- How cumulative impacts will be evaluated when waivers are requested repeatedly or across multiple species and habitat types.
- What constitutes an "inability to meet" seasonal restrictions, and whether operational or design alternatives must be exhausted before a waiver can even be considered.

These omissions matter because the DEIS indicates that full adherence to wildlife timing and disturbance stipulations would make the project infeasible. If the project can only proceed by securing broad or repeated waivers from protections that were enacted to maintain population viability, this is strong evidence that the proposed design, schedule, or siting may be incompatible with existing land-use designations, particularly those protecting bighorn sheep, sage-grouse, mule deer, and pronghorn.

The lack of defined authority and criteria also risks turning the waiver process into a mechanism for bypassing wildlife protections rather than enforcing them. Seasonal restrictions were adopted through public processes under the Rawlins RMP and the Wyoming Sage-Grouse Executive Order specifically to avoid population declines. Treating waivers as routine exceptions rather than rare, biologically justified tools contradicts the purpose of those stipulations and undermines the integrity of BLM's land-use planning framework.

Moreover, operational impacts are likely to grow more frequent and severe under the warming, more arid climate conditions that the DEIS itself projects for the region. If wildlife protections cannot be upheld even under baseline climate conditions, they are even less likely to be upheld under future conditions, raising serious questions about long-term project feasibility and compliance.

In this context, the absence of transparent, enforceable waiver standards is a major deficiency in the AMP and the DEIS. Any project with impacts of this magnitude must demonstrate that it can be constructed and operated while adhering to existing wildlife protections, not only by seeking relief from them.

Recommendation:

FERC should require the AMP to:

- Define waiver authority explicitly, identifying which entities (e.g., BLM, WGFD, County, DEQ Industrial Siting Council) have decision-making power.
- Establish clear, biologically grounded criteria under which a waiver may be considered, including thresholds for population viability, habitat function, and seasonal sensitivity.

- Prohibit multi-year or consecutive-year waivers unless supported by rigorous, species-specific biological analysis demonstrating no long-term population risk.
- Require cumulative impact evaluation for any waiver request, including impacts to multiple species, overlapping seasonal habitats, and concurrent disturbances (roads, transmission lines, noise, traffic).
- Require demonstration that all feasible design, timing, or operational alternatives have been exhausted prior to requesting a waiver.
- Affirm that adherence to wildlife stipulations, not waiving them, is the baseline expectation, and that repeated reliance on variances indicates incompatibility with the Rawlins RMP.

Without these clarifications, the waiver process risks functioning as an open-ended exception mechanism rather than a protective tool, contrary to the intent of the RMP, the goals of the wildlife stipulations, and the principles of responsible energy development.

6.4 Implications for Future Energy Development and Public-Land Management

The DEIS describes the unique ecological, recreational, and economic value of the Seminoe, Kortes, and Miracle Mile landscape, yet the analysis also assumes that variances or waivers will be available for wildlife timing restrictions, stipulations protecting bighorn sheep crucial winter range, sage-grouse lek buffers, and big-game parturition periods. If the project is allowed to proceed by modifying or relaxing these stipulations, it would establish a concerning precedent for future energy development across Wyoming's public lands.

Several issues underscore this risk:

- The Rawlins RMP stipulations at issue were developed through a public process to protect population viability of bighorn sheep, sage-grouse, mule deer, and pronghorn in sensitive habitats. Treating these mandatory protections as negotiable for the purpose of facilitating a single project would diminish the integrity of the planning framework established under FLPMA.
- Approval of an open-loop pumped storage project that does not meet existing wildlife or visual resource protections may encourage future applicants to assume that similar variances will be granted, even in landscapes with high conservation value.
- The DEIS acknowledges that the proposed project cannot meet multiple RMP standards without an amendment. Allowing the project to move forward on the assumption that an amendment will occur would normalize a process in which projects drive land-use changes rather than land-use plans guiding project design.

Moreover, FERC may not rely on the expectation that the RMP will be amended. To do so would amount to improper NEPA pre-determination.

The implications extend beyond this specific pumped storage proposal. They directly relate to how federal land-use decisions are made, how wildlife protections are applied, and whether Wyoming's most important recreation and wildlife areas remain safeguarded under the principles that guided the development of the Rawlins RMP.

Recommendation:

- FERC should not advance a licensing decision that relies on assumed variances or future RMP amendments.
- Alternatives, siting decisions, and project feasibility assessments must be evaluated against the existing RMP standards, not contingent or speculative changes.
- Because of the statewide precedent this project could set, FERC should require full evaluation of lower-impact alternatives and full compliance with wildlife and land-use stipulations before determining whether the proposed location is appropriate for a federal hydropower license.
- At best, FERC should issue only a conditional license that is dependent upon the outcome of a RMP amendment process that follows acceptable NEPA practices for public notice, participation, and meaningful analysis of alternatives.

Conclusion

Our organizations have been clear from the outset that conservation and energy development are not mutually exclusive. We have supported responsible energy development and balanced public-lands management that sustains huntable wildlife populations, intact coldwater fisheries, and the communities that depend on them. That approach rests on several core principles: some places are simply too important to sacrifice; development should be "smart from the start," with careful siting in less sensitive or previously disturbed areas; and land-management agencies must maintain strong habitat protections and planning frameworks that keep the best remaining fish and wildlife habitat whole.

As the DEIS and AMP are currently structured, the Seminoe Pumped Storage Project does not yet meet that standard. Key elements of the analysis rely on a narrow modeling window that excludes many lower-reservoir years; do not integrate climate-change scenarios in a meaningful way; and assume that significant thermal, sediment, and entrainment risks can be managed later through an Adaptive Management Plan that lacks clear, enforceable

triggers. Wildlife protections in the Rawlins RMP and Wyoming's Sage-Grouse Executive Order are treated as constraints to be waived rather than as foundational sideboards that must guide siting, design, and timing. Socioeconomic impacts to a broad, regional recreation economy are under evaluated, and fundamental questions about feasibility under full compliance with existing stipulations remain unresolved.

Our coalition supports long duration storage and the transition to a more resilient grid, but those goals must be met with the same level of rigor and balance that we have consistently promoted in other energy-development contexts. This requires a full alternatives analysis that seriously considers lower-impact siting and design options; water-quality and sediment modeling that reflects the range of hydrologic and climate conditions this system will face; an Adaptive Management Plan with independent monitoring, transparent public reporting, and firm curtailment and shutdown triggers tied to enforceable standards; and a licensing decision grounded in full compliance with the Rawlins RMP and wildlife stipulations, rather than on the assumption that they can be amended after the fact.

Until these deficiencies are addressed, the current record does not provide a sufficient basis for licensing this project. The proposed open-loop pumped-storage facility would affect a Class 1, Blue Ribbon trout fishery that also anchors a regionally important hunting and recreation landscape. If, after additional analysis and planning, a configuration is identified that genuinely protects water quality, fish, wildlife, and the recreation economy while contributing to grid reliability, our organizations are committed to working constructively with FERC, BOR, BLM, Wyoming DEQ, WGFD, local governments, and the project proponent to get it right.

Thank you for your consideration of these comments and for your continued work on behalf of the public, our rivers, and our shared wildlife resources. Our organizations would welcome the opportunity to discuss these concerns and recommendations further with FERC staff and cooperating agencies, and to help identify solutions that meet regional energy-storage needs while maintaining the world-class fisheries, wildlife, and recreation values of the Seminoe–Miracle Mile landscape.

Respectfully,

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