



rPlus Hydro, LLLP
201 S Main St, Suite 2100
Salt Lake City, UT 84111
(801) 456-1575

December 15, 2025

Debbie-Anne Reese, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

Via Electronic Filing

Re: Black Canyon Hydro, LLC; Submission of Proposed Alternative D and Updated Plans and Reports for the Seminoe Pumped Storage Project; (Project No. 14787-004)

Dear Secretary Reese:

Introduction:

Black Canyon Hydro, LLC (the “Applicant”), following consultation with relevant state and federal agencies and in response to concerns raised about temporary Project construction areas identified in the Draft Environmental Impact Statement (DEIS), is pleased to submit to the Commission its proposed Alternative D. This alternative is designed to further mitigate project impacts, particularly those affecting bighorn sheep and recreational resources within the Project area. The Applicant is also providing updated studies and field work related to the redesigned emergency spillway, as requested by the U.S. Bureau of Reclamation. Collectively, this proposed alternative and Project site modifications, as described in detail below, constitute the Applicant’s preferred project alternative. In the Applicant’s view, they achieve a meaningful reduction in impacts compared to the Project locations currently identified in the DEIS.

The supporting studies and plans are being submitted through two separate submissions:

1. **SWCA Submission:** Includes study reports on conducted fieldwork relating to cultural, recreational, botanical, aquatic, wildlife/habitat, paleo, and other relevant documentation.
2. **Applicant Submission:** Includes the following plans and analyses:
 - Preliminary Traffic Management Plan: This plan outlines strategies and best practices to ensure safe, efficient transportation during Project construction while minimizing impacts on local traffic, the community, and wildlife. It establishes guidelines for traffic control, access coordination,

and incident response, including coordination with relevant agencies to reduce disruptions to existing transportation systems.

- Wildlife Seasonal Restrictions Variance Plan: This plan evaluates the Project's construction schedule and identifies, by area and activity, where work may conflict with species specific wildlife seasonal restrictions.
- Bighorn Sheep Management Plan: This plan addresses temporary bighorn sheep-related impacts associated with Project construction and includes measures, in addition to FERC's recommended mitigation in the DEIS, to further avoid, minimize, and mitigate potential impacts during construction.
- Visual Resource Management Conformance Supplemental Design Considerations: This technical memorandum summarizes the evaluation of potential Project visual impacts, assesses conformance with BLM Visual Resource Management (VRM) objectives, and identifies feasible mitigation measures. It builds on the prior VRM analysis examining whether the Project can meet the existing Class II VRM objectives and, if not, determining the most appropriate alternative VRM classification. The memorandum also provides supplemental design considerations by Project element, including associated visual characteristics and engineering feasibility.
- Updated Alternative Spoil Site Analysis: This technical memorandum evaluates several alternative spoil area configurations, comparing their proximity to the Main Access Tunnel portal and their potential to reduce haul distances and associated construction impacts. It identifies Alternative D as the preferred option based on its location, reduced transportation requirements, and ability to avoid sensitive wildlife and recreation areas.

These materials collectively demonstrate the Applicant's commitment to minimizing environmental and recreational impacts while advancing the Project in a responsible and collaborative manner.

Alternative D:

The Applicant is submitting Alternative D to the Commission to mitigate and further reduce potential impacts on recreation and the local Bighorn Sheep herd. This alternative was developed primarily in response to (i) discussions with, and at the

request of, the Wyoming Game and Fish Department (WGFD), which expressed concern that construction traffic associated with Alternative A could adversely affect the herd during winter and parturition periods; and (ii) WGFD's subsequent expansion of its designated winter restriction area to include Alternative A and portions of the upper reservoir area.

The Applicant notes that Alternative A was originally developed outside of the designated Bighorn Sheep habitat and associated seasonal restriction areas. However, following WGFD's recent proposed revision of these habitat boundaries—representing the first such change in nearly two decades—to include Alternative A and the remaining portions of the upper reservoir, the Applicant evaluated alternative spoil pile locations closer to the Main Access Tunnel to further reduce overall impacts.

The Applicant maintains that Alternative A remains a viable option due to (i) its location on previously disturbed land, and (ii) the adequacy of the Commission's proposed mitigation for Big Horn sheep in the Draft Environmental Impact Statement. Nonetheless, Alternative D provides several clear advantages that warrant consideration. It reduces the haul distance for spoil, cement, and other materials both to and from the Main Access Tunnel from approximately 3.7 miles to 1.6 miles, and it consolidates construction activities by co-locating the batch plant within the same area. These adjustments substantially reduce the extent of road use, vehicle traffic, and the overall construction footprint, thereby decreasing habitat fragmentation, herd disturbance, and other potential wildlife impacts previously identified by WGFD.

From a recreation standpoint, Alternative D relocates the primary construction activities for the Main Access Tunnel—including the batch plant and spoil pile—farther from the state park. As a result, recreational resources and visitor experiences are expected to be less affected than under Alternative A.

Importantly, Alternative D is located on lands owned and managed by the U.S. Bureau of Reclamation (USBR) rather than the Bureau of Land Management (BLM). As such, the site is not subject to a land use plan, and no land use plan amendment or waiver is required. Moreover, any seasonal access or winter restrictions on USBR lands are discretionary and may be adjusted at USBR's direction, providing additional flexibility to minimize environmental impacts while maintaining construction efficiency. In addition, locating these activities on USBR-managed lands creates an opportunity for USBR to beneficially use this area, either as a future source of needed material or as a placement site for materials used in the maintenance or improvement of the existing Seminoe or Kortez Dams.

The Applicant notes that Alternative A should remain under consideration in the Commission's Final Environmental Impact Statement, as the BLM may wish to include it within its right-of-way authorization to accommodate non-significant construction activities or to facilitate big game habitat mitigation or improvements during Project construction.

Inlet/Outlet Construction Area:

The Applicant proposes to relocate the Inlet/Outlet construction area, slightly to the north. This adjustment follows consultation with Wyoming State Parks, which expressed concern that the current location would be highly visible from the state campground and could affect visitor enjoyment. By shifting the construction area to the bay directly north, the existing peninsula provides a natural buffer, helping to screen construction activities from the campground.

The proposed relocation also allows for the creation of a new access road, which would divert construction traffic away from recreational areas. Additionally, this adjustment presents an opportunity for enhanced public access after construction is completed, potentially providing the state park with additional road access and shoreline, thereby increasing long-term recreational opportunities in the area.

Like Alternative D, the Inlet/Outlet construction area is located on lands owned by USBR. As such, the site is not subject to a land use plan, and no land use plan amendment or waiver is required. Moreover, any seasonal access or winter restrictions are discretionary and may be adjusted at USBR's direction, providing additional flexibility to minimize environmental impacts while maintaining construction efficiency.

Wildlife Seasonal Restrictions:

The Project will still require a variance from certain wildlife seasonal restrictions and an amendment to the BLM's Resource Management Plan (RMP). The Applicant has carefully identified the specific areas where these variances are needed and has made substantial efforts to tailor the request to the construction needs of those areas.

Because the BLM-managed lands affected by the Project are now primarily limited to the Upper Reservoir and Transmission Line—areas that naturally experience reduced construction activity during winter months due to ambient temperature conditions—the Applicant's proposed seasonal work variances and timing adjustments will also minimize potential wildlife impacts on lands governed by the RMP.



rPlus Hydro, LLLP
201 S Main St, Suite 2100
Salt Lake City, UT 84111
(801) 456-1575

The Applicant respectfully requests that the Commission, BLM, USBR, and other relevant agencies grant the necessary timing flexibility to construct the Project as described in the Wildlife Seasonal Restrictions Variance Report. These variances are temporary in nature, and when combined with the preventative measures already proposed, the Applicant believes they will provide adequate protections for wildlife across all species in the Project area while allowing the significant Project benefits, which are also in the public interest, to be realized.

Mitigation:

The development of Alternative D and the relocation of the Inlet/Outlet construction area reflect the Applicant's proactive efforts to minimize environmental and recreational impacts while maintaining Project constructability and efficiency. These refinements reduce haul distances, consolidate construction activities, decrease traffic and habitat disturbance, and leverage natural screening to enhance wildlife protection and recreational experiences.

Collectively, they demonstrate meaningful reductions in potential impacts compared to the Project configuration described in the DEIS and provide tangible environmental and operational benefits.

The Applicant respectfully requests that the Commission consider these alternatives in the Final Environmental Impact Statement, as they remain fully compatible with the Commission's original recommendations and overall licensing approach.

If you have any further questions or need additional clarification regarding this submission, please contact Matthew Shapiro, Program Manager for rPlus Hydro, LLLP, at (208) 246-9925.

Sincerely,

A handwritten signature in black ink that reads "Luigi Resta".

Luigi Resta
President
rPlus Hydro, LLLP