



April 20, 2023

Via Electronic Filing Re: Project No. 14876 - Gregory County Pumped Storage Project Revised Study Plan

Secretary Kimberly D. Bose
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Dear Secretary Bose,

The Izaak Walton League of America (League) appreciates the opportunity to comment on the Revised Study Plan (RSP) from Western Minnesota Municipal Power Agency (WMMPA). WMMPA wants to study the feasibility of constructing the Gregory County Pumped Storage Project - FERC No. 14876 (project). If approved, the project would be located along the Missouri River on the west side of Lake Francis Case in south central South Dakota.

The League has over 42,000 members in more than 200 chapters across the country. Many of our members live in the Missouri River Basin and enjoy year-round recreation on, and along, the Missouri River.

The League supports increasing renewable energy and our nation moving away from the use of fossil fuels. However, we have concerns regarding the location of this proposed project and the economic and environmental impacts it could have on Lake Francis Case, the Missouri River, and the people near, and adjacent to, the proposed project area.

Section 4(e) and 10(a) of the Federal Power Act require FERC to give equal consideration to all uses of the waterway on which a project is located. The League asks that when this proposed project is reviewed, FERC carefully consider the environmental, recreational, fish and wildlife, and other non-developmental values, and power generation and other developmental values of Lake Francis Case and the Missouri River.

The construction and operation of the proposed project could impact the water level of Lake Francis Case and change the velocities of the Missouri River. Those changes may impact the aquatic, geologic, and recreation resources of the proposed project location and areas downstream of the site.

The federal Fish and Wildlife Coordination Act states “wildlife conservation shall receive equal consideration and be coordinated with other features of water resource development programs through the effectual and harmonious planning, development, maintenance, and coordination of wildlife conservation and rehabilitation for the purposes of this Act.”

The U.S. Fish and Wildlife Service (FWS) is responsible for implementing the Endangered Species Act. In submitted comments the FWS has identified potential impacts to federally listed, proposed, and candidate species in the proposed project area that utilize the littoral zone habitats that are the focus of portions of the proposed study.

We respectfully ask for your serious consideration of our comments on the following topics:

Changes in the RSP

Since the Pre-Application Document (PAD) was filed, several modifications have been made to the proposed project's boundary and facilities, including the size of the upper reservoir, the powerhouse, switchyard, and the transmission line. WMMPA is now proposing 26 studies that they want to begin this year. We understand the proposed studies are designed to answer stakeholder's questions and the studies will be used in the development of the license application, and to inform FERC's National Environmental Policy Act (NEPA) analysis.

Transmission Line

In reviewing the RSP, the League was delighted to see that WMMPA eliminated the plan for an overhead transmission line across Lake Francis Case. If this project is approved, the line would now be a submarine cable, or done by other underground methods still to be determined. The potential environmental impacts from a submarine or underground transmission across Lake Francis Case would be evaluated.

We were also pleased that the RSP stated the revised transmission line corridor will avoid state and federal conservation lands and easements. The new proposed route will also reduce impacts on private homes.

Agreement with the USACE

The RSP states a Memorandum of Agreement (MOA), or a similar type of agreement, with the U.S. Army Corps of Engineers hasn't been completed. The Corps manages the Missouri River and Lake Francis Case. We think a formal agreement must be reached between the Corps and the sponsor before the start of any preliminary work or the proposed studies on the project. We urge that the sponsor be required to complete a working agreement with the Corps as soon as possible before proceeding with any aspect of the proposed project.

Recreation Resources Study

We were pleased to see that because of the request, from many stakeholders - including the League (Izaak Walton #5), federal agencies, and others, that the study methodology for recreation data will now be conducted over a twelve-month continuous period. In our PSP comments we stated a year-long comprehensive survey and study was the only way to accurately gauge recreational impacts.

This area has a great deal of year-round recreational use. The positive economic impact these activities have on the local, regional, and national economies must be fully examined and quantified. The RSP states the 12-month window for the visitor survey will only begin when the survey is fully deployed. We are also pleased that stakeholders will be able to comment on the proposed language of the visitor survey within the Integrated Licensing Process (ILP).

Title VI Lands

The League supports the Revised Study Plan's inclusion of the evaluation of Title VI lands within the project area. The purpose is to identify impacts to land and land rights in the project area. As we stated in our PSP comments, can the proposed project even be located on land along Lake Francis Case?

The land along Lake Francis Case was transferred from the Corps of Engineers to the South Dakota Department of Game, Fish, and Parks (SDGFP) in the 1999 Water Resource Development Act (WDRA) - Public Law 106-53 that was approved August 17, 1999. Section 605 (1) (A) of the 1999 WRDA states:

“The Secretary shall transfer to the Department of Game, Fish and Parks of the State of South Dakota the land and recreation areas described in subsections (b) and (c) for fish and wildlife purposes, or public recreation uses, in perpetuity.”

We don't believe this comment and/or question were addressed in the RSP. We again request a response to it.

Study Area

The League asks that “study area,” as it pertains to the proposed studies, be clearly defined. The agencies and stakeholders vested in this process shouldn't have to wait for the operations and hydraulic modeling to be completed for this much-needed definition.

Sediment & Sediment Transport

Sediment resuspension will be studied as part of the Sediment Transport Evaluation including suspended sediment from the White River. The League urges a thorough evaluation of the impacts of sediment and resuspended sediment to water quality in the vicinity of the powerplant. The League supports the evaluation of the volume and rate of sediment transport to and from the upper reservoir and the rate of sediment deposition in the upper reservoir.

We believe the impacts of sediment related to the proposed project's construction and operation must be fully examined. This should include an evaluation of the impacts of sediment from the construction and operation of the proposed project on forage and game fish reproduction. Ice on Lake Francis Case can also affect the design, operation, and maintenance of hydropower projects. How ice impacts sediment transport and changes the riverbed must be thoroughly studied.

Powerhouse

The League vigorously supports the comments from the Corps (USACE 45) regarding the design of the proposed project. We agree the applicant must be aware that the location of the proposed powerhouse is 15-20 feet below the top of Fort Randall Dam. There is the potential that the facility could be inundated during future high pool events. Given the dynamic nature of the Missouri River Basin and how that creates wide fluctuations in reservoir levels, the League strongly urges a relocation, or redesign, of the powerhouse to keep it out of harm's way.

Entrainment, Impingement and Survival Study

Lake Francis Case is an immensely popular year-round fishing location for hundreds of thousands of anglers annually. The League support the Entrainment, Impingement and Survival Study to identify the fish species and life stages present in the proposed project's location. The study will be based on each species' habitat needs throughout their life cycle. We appreciate the response to our PSP comment (Izaak Walton 7).

The proposed intake structure is proposed to have a flat trash rack with 2-inch bar spacing. We again question whether smaller spacing can be studied to see if that would reduce entrainment and impingement. The League is concerned about the operation of the proposed project on young and adult gamefish, and young and adult forage fish, especially gizzard shad - the primary prey

in Francis Case. The RSP states this study will include trash rack size and spacing, the depth of the intake structure, hydraulic capacity, and other project operations.

Access Roads

The League was pleased to read that WMMPA is still evaluating the routes for the project's two proposed access roads. The plan initially called for a 3-mile-long access road from South Dakota Highway 44 to the powerhouse and a 1.5-mile access road from the powerhouse to the upper reservoir. The League is genuinely concerned about the impact these roads may have on the popular nearby public recreation area. We urge a complete evaluation of this topic.

Evaporation & Seepage

The League questions using the daily evaporation depth for Lake Francis Case for the evaluation of evaporation loss from the upper reservoir. The surface area of the proposed upper reservoir would be much smaller than the surface area of Lake Francis Case. Doesn't that drastic size difference mean the evaporation rate from the upper reservoir would be much greater? We ask that this be evaluated. Evaporation and seepage losses from the upper reservoir would be a consumptive use that could impact stakeholder water rights.

Missouri National Recreational River

The League urges WMMPA to develop and calibrate a model for the downstream area of Fort Randall Dam to include the Missouri National Recreational River (MNRR) to Gavins Point Dam. The model would help identify impacts from the development of the proposed project to the MNRR. We ask that the model be developed with the USACE, the National Park Service (NPS), FWS, SDGFP, Nebraska Game and Parks Commission (NGPC) and other interested stakeholders. The MNRR attracts paddlers from across the county. The potential impacts to that reach of the MNRR must be evaluated.

Water Rights

The League supports a comprehensive assessment of the applicable water rights in the study area and an evaluation of any impacts the proposed project would have on public and private surface and ground water sources. This should include USACE water rights and obligations, and the rights of South Dakota and the states of Nebraska, Iowa, Kansas, and Missouri.

Water Quality

We support WMMPA collecting baseline water quality data in Lake Francis Case near the proposed project location. The water quality study should include turbidity, heavy metals and other contaminants, mercury, dissolved oxygen, temperature, and pH in the project area.

The League shares the concerns of FERC and others regarding soil and sediment disturbance during the construction and operation of the proposed project. The League endorses an evaluation of the groundwater wells and springs in the project area and the potential impact that the construction and operation of the project may have on those resources.

Geological and Soils Study

FERC requested that WMMPA conduct a Geological and Soils Study to define the geological and soils conditions at the proposed site for the environmental analysis of the feasibility of the project. The League agrees this study should thoroughly evaluate the geologic and soil characteristics within the proposed project boundary and the potential borrow areas and quarry sites.

FERC must consider the environmental effects of the project related to excavation, spoil disposal, material import, soil erosion, temporary and permanent ground deformations, and hydrogeologic conditions.

Upper Reservoir

The League shares the concerns expressed regarding the proposed upper reservoir. We strongly recommend extensive testing be conducted around the upper reservoir, powerhouse, and tailrace areas. This area has unstable soils and a long history of landslides due to the soil type and the amount of Pierre shale in the earth. We also support the evaluation of the slopes in, and next to, the proposed project area, to assess the long-term stability of the existing and proposed slopes.

Shoreline Erosion Assessment

The League agrees with FERC, and others, that a baseline erosion assessment should be done on the current bank characteristics and conditions of Lake Francis Case. This will help determine impacts from the construction and operation of the proposed project. The operation of the project could impact shoreline erosion in areas of Lake Francis Case. Having the data on the existing shoreline conditions will be helpful.

Littoral Habitat Assessment

The League approves of a littoral habitat assessment in the proposed project area to gather baseline conditions. This study intends to identify and characterize key aquatic habitat types and describe, and map, the near shore aquatic habitat in the study area. The purpose is to evaluate the potential effects of proposed project's construction and operation on these habitats and the species that use them.

Mussel Survey

We support the proposed mussel survey in the powerhouse cove to identify the mussel species present. Freshwater mussels could be impacted by the construction and operation of the proposed project throughout Lake Francis Case. Asian clams and Zebra mussels exist in Lake Francis Case and other areas of the Missouri River. We appreciate acknowledgement of our PSP comment (Izaak Walton 1).

Botanical and Wildlife Survey

We support the proposed upland botanical and terrestrial assessment to obtain baseline conditions in the proposed project boundary, upper reservoir, transmission line, and the construction and staging areas. This survey will inventory habitat types, identify botanical and wildlife resources, and evaluate the presence of rare, threatened, and endangered species. This information will help appraise potential effects of the proposed project, guide additional studies, and aid in the development of protection, mitigation, and enhancement measures.

Wetlands Identification Study

WMMPA plans to conduct a wetland inventory in the proposed project area as required for the Section 404 Clean Water Act permit application. The League supports confirming previously identified known, and unknown, wetlands, and any streams in the study area. The study will evaluate the potential effects of the proposed project's construction and operations on these habitats. The proposed transmission line, switchyard, substation, and transmission facilities could also impact wetland and stream resources.

Recreation Resources Study

The sponsor is proposing a Desktop Recreation Assessment of existing recreation opportunities in the project vicinity to characterize recreational use and demand. The League is pleased that WMMPA intends to modify this study in response to comments received. However, with the

heavy recreational use this area has, we request that this study be conducted in the field, and in-person, not just by Desktop.

The League believes this research is needed to fully identify the potential impacts to recreational resources from the construction and operation of the proposed project. The amount and variety of recreation in the proposed project area, and the additional sites that may be impacted by the proposed project, demand a higher level of investigation.

Recreation Survey

This survey will obtain information on recreational use, access, and opportunities at select recreational sites on Lake Francis Case and in Gregory County. The League was pleased to read that stakeholders can submit comments on the survey before it is deployed, and that the sponsor will run the survey for a continuous 12-month period once it is finished and approved.

Land Use Evaluation

The League supports the proposed land use evaluation to determine the effects of proposed project's construction, operation, and maintenance. This study will assess impacts to private, state, and federal land. We support FERC's request for additional information to clarify if Section 21 of the Federal Power Act restrictions are an issue with this proposed project.

Section 21 states no licensee may use eminent domain to acquire lands that, prior to October 24, 1992, were owned by a state or political subdivision that may be included in a public park, recreation area, or wildlife refuge.

To respect the private property owners adjacent to the proposed project area, the League recommends that if entering private property is required to conduct a study, formal permission must be granted by the landowner before the study can begin. And the people conducting a study can only access private property after permission has been formally secured from the affected landowner.

Aesthetic Resources Study

The NPS filed a formal study request pertaining to aesthetic resources and other comments on the aesthetic resource study were also received. The League supports this study to examine the impacts of the proposed project's construction and operation on visual and auditory resources and to evaluate potential mitigation opportunities. Again, we're delighted that the proposed transmission line crossing Lake Francis Case, if built, will either be underwater or underground. This study will identify measures needed to avoid and/or mitigate adverse visual effects.

Socioeconomic Study

Stakeholders requested an in-depth socioeconomic study be done to determine the impact the proposed project will have on socioeconomic resources in the project area and nearby counties. The League supports this study to investigate effects incurred in the construction and postconstruction phases of the project on local and regional infrastructure, hospitals, businesses, recreation, tourism, and hunting and fishing in the region.

Cultural Resources Study

The League supports a cultural resources study, conducted by a qualified archaeologist, to determine the potential effects of proposed project's construction, operation, and maintenance on archaeological and historic resources. This should include an archaeological field study and an architectural history survey.

FERC must comply with Section 106 of the National Historic Preservation Act when considering the effect on historic properties. The Rosebud and Yankton Tribes want to participate in the cultural resource survey and will help identify significant resources including burial sites and Traditional Cultural Properties (TCPs).

Tribal Resources Study

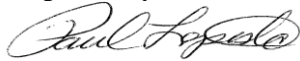
We support, and WMMPA is willing to participate in, cultural resources studies to determine the potential effects of proposed project's construction, operation, and maintenance on Native American TCP resources. This study will support FERC's government-to-government consultation obligations under Section 106 and be included in the NEPA review. The objective is to engage Tribal representatives to identify TCPs and other cultural resources that may be affected by the proposed project.

Summary

The Izaak Walton League of America appreciates this opportunity to comment on the Revised Study Plan from Western Minnesota Municipal Power Agency to study the feasibility of constructing the Gregory County Pumped Storage Project - FERC No. 14876 - in south central South Dakota. We understand FERC will issue the Study Plan Determination by May 9, 2023. We ask to be informed of all future developments related to this project.

Thank you for your time and consideration.

Respectfully submitted,



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