

LEAVITT RESERVOIR EXPANSION PROJECT ENVIRONMENTAL IMPACT STATEMENT

Final Scoping Report



U.S. Department of the Interior
Bureau of Land Management
Cody Field Office

December 2017



The BLM's multiple-use mission is to sustain the health and productivity of the public lands for the use and enjoyment of present and future generations. The Bureau accomplishes this by managing such activities as outdoor recreation, livestock grazing, mineral development, and energy production, and by conserving natural, historical, cultural, and other resources on public lands.

List of Acronyms

AF	acre-feet
BLM	Bureau of Land Management
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CWA	Clean Water Act
CYFO	Cody Field Office
DOI	U.S. Department of the Interior
EIS	Environmental Impact Statement
EO	Executive Order
EPA	Environmental Protection Agency
EPT	Ephemeroptera, Plecoptera, and Trichoptera
FAQ	frequently asked questions
FLPMA	Federal Land Policy and Management Act of 1976, as amended
LEDPA	least environmentally damaging practicable alternative
LREP	Leavitt Reservoir Expansion Project
NEPA	National Environmental Policy Act of 1969, as amended
NOA	Notice of Availability
NOI	Notice of Intent
PSA	public service announcement
ROD	Record of Decision
SVWID	Shell Valley Watershed Improvement District
USACE	U.S. Army Corps of Engineers
WDEQ	Department of Environmental Quality
WWDC	Wyoming Water Development Commission

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1.0 Introduction

In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), the United States (U.S.) Department of the Interior (DOI), Bureau of Land Management (BLM), is preparing an Environmental Impact Statement (EIS) to analyze the direct, indirect, and cumulative effects of increased water development in the Shell Valley watershed. Because Leavitt Reservoir is on federal (i.e., BLM) land, the proposed Leavitt Reservoir Expansion Project (LREP) requires a Right-of-Way (ROW) grant from the BLM, Cody Field Office (CYFO). BLM is the lead federal agency for the LREP. The LREP also requires a Section 404 Permit from the U.S. Army Corps of Engineers (USACE), Omaha District, because the project is anticipated to involve the discharge of dredged or fill material into waters of the U.S. as defined in 40 Code of Federal Regulations (CFR) 230.3. The USACE is a Cooperating Agency on the LREP. WWDC intends to apply for a Department of the Army Permit (Section 404 Permit), pursuant to Section 404 of the Clean Water Act (CWA), to place fill material in jurisdictional waters of the U.S., including wetlands. The EIS being prepared is intended to serve BLM's ROW grant decision and the USACE's Section 404 Permit decision.

The State of Wyoming, through the Wyoming Water Development Commission (WWDC) has proposed the LREP on behalf of the Shell Valley Watershed Improvement District (SVWID) as a means of increasing water storage in the Shell Valley watershed to reduce drought vulnerability and irrigation shortages along Beaver Creek and Shell Creek. The LREP would enlarge the water storage capacity of Leavitt Reservoir, an existing off-channel storage site, by 5,961 acre-feet (AF) to a total storage capacity of 6,604 AF. The LREP is located near the Town of Shell, Wyoming in Sections 13, 14, 23, 24, and 25 of Township 54 North, Range 92 West.

Two primary principles of NEPA are full disclosure of potential environmental effects and open public participation throughout the decision-making process. Through the public involvement process, the public is able to participate in the NEPA process. NEPA requirements for public involvement are set forth by the Council on Environmental Quality (CEQ) at 40 CFR 1500-1508. Additional BLM guidance and direction for public involvement is provided in the BLM Land Use Planning Handbook (BLM Handbook H-1601-1) and the BLM NEPA Handbook (BLM Handbook H-1790-1). The USACE will evaluate WWDC's application under a public interest review, as well as the environmental criteria set forth in the Section 404(b)(1) Guidelines (40 CFR 230), regulations promulgated by the U.S. Environmental Protection Agency (EPA), as well as the USACE regulations for implementing NEPA (33 CFR 325, Appendix B).

This Scoping Report provides an overview of the public scoping process and a summary of the scoping comments, issues, and concerns identified during public scoping. Although the BLM encourages commenting on the project throughout the preparation of the LREP EIS, the range of issues summarized in this report reflects the comments received during the public scoping period.

1.1 Description of the Proposed Project

The WWDC proposes to enlarge the water storage capacity of Leavitt Reservoir located north of Shell, in Bighorn County, Wyoming. The existing Leavitt Reservoir is a manmade 643-AF reservoir located on BLM and private land. The existing reservoir and dam inundate approximately 45 acres. The LREP would expand the reservoir to approximately 203 surface acres with a total pool capacity of 6,604 AF (i.e., a 5,961-AF expansion) to reduce drought vulnerability and irrigation shortages in the Shell Valley watershed, specifically Beaver Creek and Shell Creek. This would be accomplished with a new, approximately 1,800-foot long earthen dam embankment with a maximum height of approximately 80 feet (as measured from existing ground at centerline to top of dam) and a crest width of 21 feet.

The proposed LREP is consistent with WWDC's commitment under the Wyoming Water Development Program to develop and preserve Wyoming's water and related land resources. The State of Wyoming

began exploring the expansion of the existing Leavitt Reservoir in approximately 2010, with the completion of the Shell Valley Watershed Study.

1.2 Purpose of Scoping

The purpose of the public scoping process for federal agencies, including the BLM and the USACE, is to identify issues and planning criteria that should be considered in the EIS, and to initiate public participation in the planning process. The BLM follows the public involvement requirements according to the CEQ regulations set forth in 40 CFR 1501.7, which states, “there should be an early and open process for determining the scope of issues to be addressed and for identifying the process for determining the scope of issues to be addressed during the planning process.” The scoping process is open to all interested agencies and the public. The intent is to solicit comments and identify the issues that help direct the approach and depth of the environmental studies and analysis needed to prepare the EIS, while incorporating the views and concerns of federal, state, and local agencies, as well as the public regarding the scope of issues to be analyzed in the EIS. Other objectives of scoping include:

- Identify and invite agencies with jurisdiction or special expertise relevant to the LREP to participate in the preparation of the EIS as Cooperating Agencies;
- Identify other environmental review and consultation requirements;
- Identify the relevant and substantive issues that need to be addressed during the analyses and in the EIS;
- Determine the range of alternatives to be evaluated; and
- Develop the environmental analysis criteria and systematic planning process, and allocate EIS assignments among agencies as appropriate.

1.3 Document Organization

This Scoping Report contains summary descriptions of the:

- Scoping process, including scoping meetings, advertising leading up to the meetings, and opportunities for public comment during the scoping period (**Chapter 2.0**).
- Scoping content analysis process, including how individual letters and comments were coded and tabulated (**Chapter 3.0**).
- Issues raised by the public during scoping (**Chapter 4.0**).
- Next steps in the EIS process (**Chapter 5.0**).

All comments were given equal consideration, regardless of commenter or method of transmittal.

2.0 Scoping Process

This section provides a description of the scoping process, the means by which the public and agencies were notified and given opportunities to comment on the LREP, and a brief summary of the meetings that were held.

2.1 Federal Register Notice of Intent

The LREP scoping comment period began September 29, 2017, with the publication of the Notice of Intent (NOI) to prepare an EIS in the Federal Register (Vol. 78, No. 126, pages 39313 to 39314) (see **Appendix A**). Pursuant to NEPA and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the NOI informed the public of BLM's intent, through the CYFO, to prepare an EIS for the proposed LREP. The NOI announced the beginning of the 45-day scoping period to solicit public comments and identify issues. The scoping comment period ended on November 13, 2017. Although the formal comment period has ended, the BLM encourages public involvement and will continue to accept comments received throughout the EIS process.

2.2 Public Notification of Scoping

The BLM posted notice of the beginning of the LREP public scoping on its project website (http://bit.ly/Leavitt_Reservoir_EIS_2bcpgqW) on September 29, 2017. On October 11, 2017, Sarah Beckwith, Public Affairs, BLM Wyoming Wind River/Bighorn Basin District, issued a news release via e-mail on behalf of the BLM CYFO, identifying the venue and date for the LREP public scoping meeting and included a picture of the project area as an attachment to that e-mail. See **Appendix B** for copies of these materials.

On October 12, 2017, BLM published Public Notices/Notices of Public Meetings in the Greybull Standard, Cody Enterprise, and Northern Wyoming Daily News newspaper publications (see **Appendix B**).

The following media outlets also covered stories regarding the LREP and cited the information for the public scoping meetings (copies of these newspaper articles appear in **Appendix B**):

- Greybull Standard, October 2 and 5, 2017
- Powell Tribune, October 3 and 24, 2017
- Northern Wyoming Daily News, October 4, 2017

Additionally, an article in the Cody Enterprise titled, "BLM Hearing on Caves October 24," (**Appendix B**) published on October 16, 2017, and included information for the LREP public scoping meeting.

On October 18, 2017, BLM released a public service announcement (PSA) to Big Horn Radio Network announcing the date, time, and location of the public scoping meeting for the LREP (see **Appendix B**).

2.3 Scoping Meetings

The BLM hosted one Cooperating Agency and one public scoping meeting on October 26, 2017, with attendance between the two meetings totaling 51. The meetings provided an opportunity for the BLM to inform attendees about the LREP and the EIS process, including how to comment and be involved in the LREP, and to solicit input on the scope of the LREP and potential issues. The Cooperating Agency scoping meeting was held from 8:00 a.m. to 11 a.m. at BLM's CYFO in Cody, Wyoming. The public scoping meeting was held from 6:00 p.m. to 8:00 p.m. at the Shell Community Hall in Shell, Wyoming. An open-house format was used for the public scoping meeting.

At the public scoping meeting, attendees were greeted, asked to sign in, provided an overview of the layout of the hall, and were given a handout that included copies of the seven display boards located throughout the hall. Additionally, the display board stations contained a total of three frequently asked questions (FAQs) handouts, and one station contained comment forms.

The informational display boards and stations positioned around the hall identified the roles and responsibilities of BLM and the Cooperating Agencies that are participating in the EIS process; outlined the EIS process and draft timeline; provided a description of the LREP; displayed a map of the project area; identified a preliminary list of resource issues to be addressed in the EIS; and provided information on the methods and deadlines for comment submittal. A comment station with chairs and a comment box were provided for those attendees wishing to submit comments that evening. Staff from the BLM, WWDC (the project proponent), the USACE, and AECOM (BLM's third-party contractor for the EIS) were available to answer questions and explain the LREP.

Copies of the public scoping meeting materials are provided in **Appendix C**, including the, comment form, display boards, and FAQ documents. These materials were also posted on BLM's project website (http://bit.ly/Leavitt_Reservoir_EIS_2bcgpgW).

2.4 Opportunities for Public Comment

Members of the public were afforded several methods for providing comments:

- Submit a comment form or letter at the public scoping meeting
- By email to: blm_wy_cody_comments@blm.gov
- By mail: Bureau of Land Management, Cody Field Office, Attn: AFM Minerals and Lands – Leavitt Reservoir EIS, 1002 Blackburn Street, Cody, Wyoming 82414

3.0 Scoping Content Analysis

Commenter contact information for comment submissions was entered into a comment database and project mailing list (unless there was a specific request for that information not to be included), along with the submittal method and entity/affiliation of each submittal. Each submittal was reviewed to capture both submission-level and specific comment level information.

3.1 Submittal-level Coding

Each comment submission was reviewed as a whole to specifically identify the following:

- **Out-of-scope submissions:** Submittals that did not pertain to the project at all (for example, a submittal pertaining to another project or seeking employment);
- **Non-substantive submissions:** Submittals that were too general for any part of the letter to be coded to any resource issue (for example, a submittal with only a statement of support or opposition to the project); and
- **Submissions requiring immediate attention:** Submittals containing requests for maps or other data; requests for comment period extension; or other comments that needed to be brought to the attention of the BLM immediately.

No out-of-scope and non-substantive comment submissions were received. One submission was received that required BLM to check its LREP website regarding the availability of the scoping meeting information on-line.

As shown in **Table 3-1**, the BLM received 11 scoping comment submissions. Most comments were submitted via email or at the public scoping meeting.

Table 3-1 Submittal Method Summary

Code	Submittal Method	Number of Submittals
E	Email	5
M	Comment submitted at meeting	5
L	USPS letter	1
Total		11

Table 3-2 shows the affiliation of each commenter. Members of the public provided the largest number of comment submissions during the scoping period. No comments were received from Native American tribes following BLM's outreach to them regarding the LREP scoping period (**see Appendix D**).

Appendix E provides a list of individual commenters and their affiliations.

Table 3-2 Submittal Summary by Affiliation

Code	Type	Number of Submittals
P	Public	7
F	Federal agency	1
S	State Agency	1
L	County or local agency	0
O	Non-Government Organization (special interest)	2

Of the 11 comment submissions received by the BLM, seven were from commenters in Wyoming, one from Colorado, one from Germany, and two from unknown locations (i.e., address information was not provided). The BLM considered all comments equally, regardless of commenter or geographic origin or affiliation.

3.2 Comment-level Coding

After all comment submissions were coded at the submission level, each submittal was reviewed for comment content and comments were then categorized and coded by primary resource issue(s) or topic(s). Comments were assigned a general code corresponding to their respective resource issue or topic (e.g., “SW,” for surface water resources). For example, a comment about water quality and stream flows was coded to WQ (water quality) and SW (surface water).

A total of 74 unique comments were identified and coded within the 11 comment submissions received. Of this total, 20 comments were coded to multiple primary resources, for a total of 104 comments (meaning they will be considered in the NEPA process under multiple resource considerations/topics) (**Table 3-3**). **Figure 3-1** graphically identifies the percentage of comments by general resource issue or topic.

Table 3-3. Comment Summary by Resource Issue

Resource Issue	Number of Comments Received
NEPA Process Issues (EIS Chapter 1)	
Process (PRO)	3
Purpose and Need (PN)	4
Project Design (EIS Chapter 2)	
New Alternative (NEWA)	1
Range of Alternatives (ROA)	4
Impact Analysis (EIS Chapters 3 and 4)	
Air Quality (AQ)	2
Cultural Resources (CUL)	3
Recreation (REC)	6
Socioeconomics (SOC)	4

Table 3-3. Comment Summary by Resource Issue

Resource Issue	Number of Comments Received
Transportation (TRN)	1
Vegetation (VEG)	4
Visual Resources (VIS)	1
Surface Water (SW)	9
Groundwater (GW)	2
Water Quality (WQ)	13
Stream Morphology (SM)	3
Water Rights (WR)	3
Fisheries (FSH)	12
Wildlife (WL)	5
Wetlands & Riparian (WET)	5
Cumulative Impacts (CUM)	3
Impacts Analysis (IA)	4
Mitigation (MIT)	3
Opinion Only (OO)	12
TOTAL	106

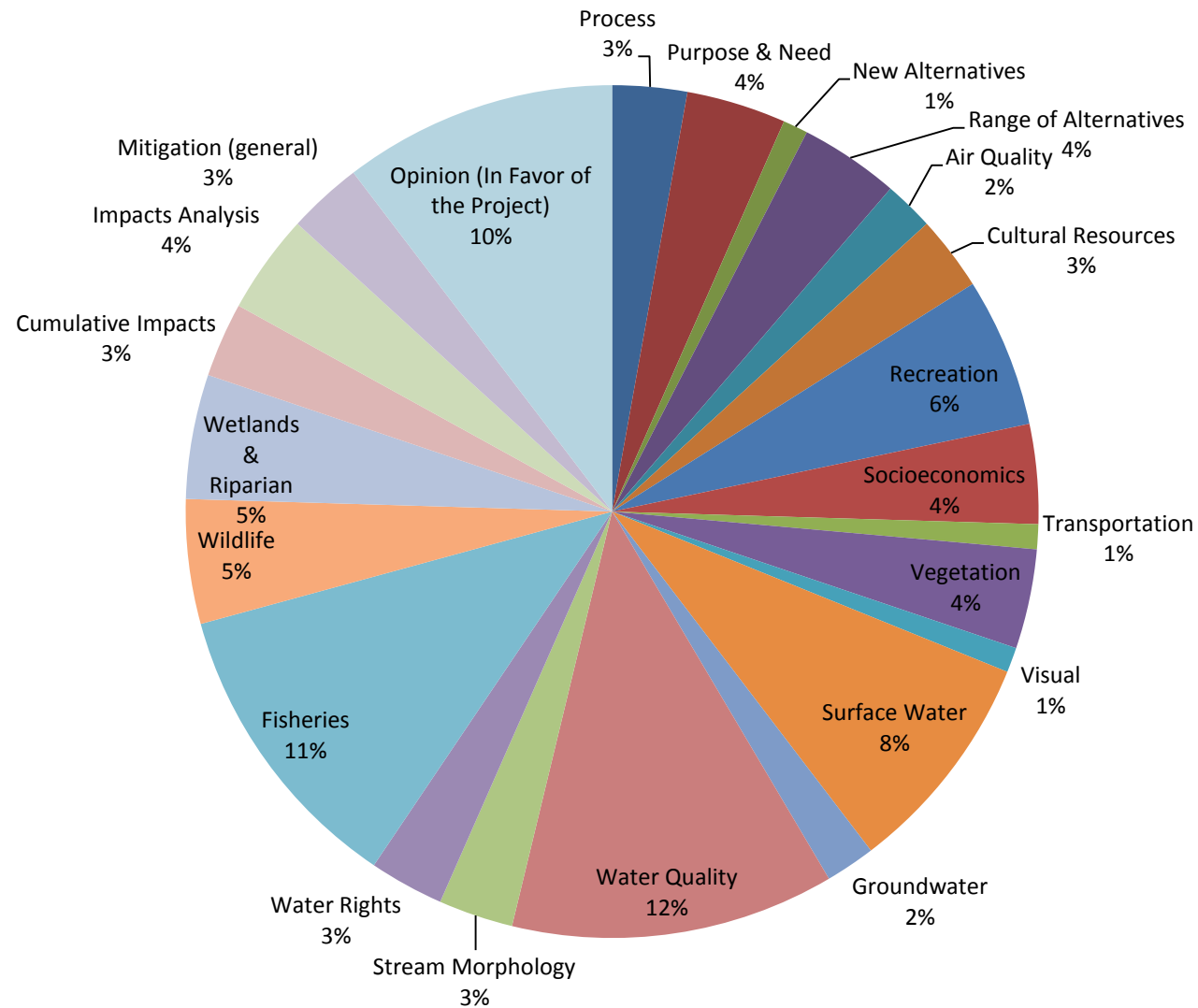


Figure 3-1. Percentage of Comments by General Resource Issue or Topic

4.0 Issue Summary

The key issues, concerns, and suggestions that were expressed in the substantive scoping comments are summarized below by topic. All scoping comment submissions received are presented in **Appendix F**. The BLM will address the issues raised during scoping through the analysis to be disclosed in the LREP EIS and/or in the development of alternatives to be considered in the EIS.

Process

- Interagency coordination is important for developing a NEPA-compliant document, ensuring critical resources are considered, and the scope of analysis is appropriate.
- Utilize monitoring and modeling methods for accurately assessing current conditions, predicting LREP impacts, and ensuring adequate mitigation planning.

Purpose and Need

- The Purpose and Need statement should encompass the full range of alternatives and meet the requirements of both NEPA and CWA Section 404.
- Interagency coordination for development of Purpose and Need statement is critical prior to establishing screening criteria and the identification of alternatives.
- The Purpose and Need statement should describe the quantity of water needed above current supply and clearly document the reasoning behind the need.
- Document existing water use by agricultural producers and check that the agricultural demand estimates have taken into account crop limitations such as elevation and growing season when defining the need.
- Document how the need for 6,489 AF within the Shell Valley watershed during an average water year was determined.

Alternatives

- Include a range of alternatives that is broad enough to encompass an appropriate range of both “reasonable” (per NEPA) and “practicable” (per CWA Section 404) alternatives to meet the basic LREP purpose and all other available water supply and management options.
- Use a combination of non-structural and structural components to develop a range of alternatives that will meet the underlying LREP purpose.
- Summarize the regulatory criteria and processes utilized to develop the reasonable and practicable alternatives, including any environmental, logistical, technological, and cost criteria applied to identify and screen potential sites in the alternatives.
- Provide details of the reasoning used to eliminate alternatives.

Air Quality

- Evaluate air quality impacts and include detailed mitigation steps that will be taken to minimize associated adverse impacts.
- Address potential for adverse fugitive dust impacts from construction traffic (temporary) and increased recreational traffic (permanent).
- Consider opportunities to reduce vehicle emissions as well as road- and construction-related dust emissions through application of best management practices such as dust suppression and limiting vehicle idling.

Cultural Resources

- Address the potential for adverse impacts to undiscovered rock art sites and include a provision for work to be conducted by trained archaeologists.
- If adverse effects to rock art sites occur, formalize funding for permanent site monitoring and public education programs.
- Conduct thorough and effective tribal consultations.

Recreation

- The proposed LREP could provide an opportunity to stock the reservoir with native fish species and provide a high quality recreation destination.
- Allow motorized boats for skiing and wakeboarding on the reservoir.
- Consider the addition of recreational facilities at the reservoir, such as a parking lot, comfort station, boat ramp, etc.
- Recreational use (including fish consumption advisories) may be impacted by changes in water quality and usage.

Socioeconomics

- The LREP should be tendered out to contractors in a way that local excavation and pipe contractors have the chance to offer competitive rates for services and materials.
- The economy in the surrounding area would benefit from new, high-quality fishing and recreation destination opportunities.
- Analyze how the alternatives would impact property and real estate values, as well as the associated potential effects on local stakeholders and watershed groups.
- A destination fishing location would benefit the local economy.

Transportation

- Assess the impacts from increased traffic on Beaver Creek Road as a result of construction activities and increased recreation access.
- Consider black-topping Beaver Creek Road.

Vegetation

- A weed management plan is recommended to support establishment of native vegetation after LREP completion and to treat weeds.
- Analyze the potential of the LREP to increase the spread of invasive species, such as tamarisk (*Tamarix* spp.).

Visual

- A viewshed analysis should be completed for views from, and including, known and newly discovered rock art sites.

Surface Water

- Moving the existing diversion point for the proposed reservoir downstream will not significantly improve flow conditions in the stream, because the existing upstream diversion irrigates the upper meadows in late summer. The low-flow bottle neck of late summer flows below the existing upstream diversion will remain.
- With the proposed LREP in place, there will be no opportunity to expand hydraulic habitat above the new diversion to a level that significantly improves trout habitat.

- Analyze the potential for increasing late summer flow downstream of the proposed diversion structure.
- Account for alterations of quantity, timing, and quality in the impacts assessment, and subsequent impacts to aquatic life and channel morphology.
- Include in the analysis any stream resources in the immediate LREP area, downstream of the LREP area, and any areas that would be affected by inundation, diversions or operational modifications.
- Assess impacts to any Wyoming Department of Environmental Quality (WDEQ) Source Water Protection areas and provide explanation of how the LREP would be consistent with Source Water Protection planning measures.
- Consider potential influences of temperature and precipitation trends on future hydrology.

Groundwater

- Identify and discuss potential for changes in the volume, storage, flow, and quality of groundwater, as well as any impacts to WDEQ Source Water Protection areas.

Water Quality

- Dually allocate research and design funds for the LREP and Alkali Creek Reservoir projects to improve water quality within the Big Horn River drainage area.
- Provide long-term historical data on the Big Horn River's water quality.
- Analyze potential changes to water quality within and downstream of any new or expanded reservoirs.
- Use the following parameters to assess water quality: dissolved oxygen, temperature, pH, metals, algal growth, bacterial concentrations, total suspended solids, turbidity, and total/dissolved organic carbon.
- Consider impacts to water quality from functions of headwater streams through nitrogen cycling and storing and processing organic material.
- Utilize interagency coordination to identify critical water quality issues.
- Discuss impacts to water quality based on changes in flow through operational changes.
- If exceedances of water quality standards are possible, address the spatial extent, magnitude, frequency, and duration of effects.
- Evaluate any water quality impairments per State CWA Section 303(d) lists, draft or established total maximum daily loads, and potentially-affected dischargers.

Stream Morphology

- Add focus on controlling sediments loads going into the Big Horn River around Greybull.
- Assess impacts to stream morphology and sediment transport due to reservoir construction/expansion, changes in stream flow, or changes inland use, and relate pre- and post-LREP flows to sediment transport, channel maintenance, and channel complexity.
- Identify riffle-pool complexes.

Water Rights

- Discuss impacts to existing water rights, as well as their relation to downstream existing rights and ecological needs.
- Address whether it will be possible to purchase AF of water in the future.

Fisheries

- If the proposed diversion forms a barrier to upstream fish passage, an effort to remove brook trout may be required to support a successful Yellowstone cutthroat trout population.
- Include funding for rotenone and associated supplies to help with the removal effort of brook trout if the proposed diversion is configured to form a permanent barrier to upstream movement of fish and an agreement with upstream landowners can be reached.
- Assess impacts to resident fish species and invertebrate assemblages. Consider baseline data regarding functional species composition, diversity, evenness, abundance, and percent Ephemeroptera, Plecoptera, and Trichoptera (EPT) for macroinvertebrates, and some characterization of flow preferences.
- Characterize shifts in species composition, impacts to less tolerant species, and changes in functional composition between current baseline and the post-LREP environment;
- Describe impacts to physical habitat, including availability, heterogeneity, connectivity, and long-term habitat maintenance;
- Consider multiple metrics or factors that influence habitat such as loss of flushing flows, reduced floodplain connectivity, temperature, and changes to ecologically significant flows;
- Hydraulic habitat cannot be extended to a level that significantly improves trout habitat without retiring the irrigated acres in the upper meadows and allowing late-season flow to pass to the new diversion.
- Specific fisheries studies are needed to quantify the benefits for increasing flow both upstream and downstream of the proposed diversion structure.
- Assess impacts associated with reservoir construction/expansion, stream alterations, flow modifications, and inundation with quantifications of impacted aquatic life and habitat.
- Include impacts to all resident fish species and invertebrate assemblages in the analysis.
- Changes in water quality caused by reservoir operations and fluctuating water levels may influence fisheries.
- Analyze the potential to increase the spread of invasive species, such as the zebra (*Dreissena polymorpha*) and quagga (*Dreissena bugensis*) mussels, the New Zealand mudsnail (*Potamopyrgus antipodarum*), and the rusty crayfish (*Orconectes rusticus*).

Wildlife

- Standard big game stipulations are recommended for mule deer and elk crucial winter range for avoiding human activity from November 15 through April 30.
- There are no sage-grouse populations within or near the LREP area, and no stipulations are recommended for sage-grouse; however, if it is found that any portion of the proposed LREP falls in sage-grouse core area, a Density Disturbance Calculation Tool analysis will need to be completed for review and compliance with Sage-grouse Executive Order (EO) 2015-4.
- Any newly-constructed fencing should be wildlife friendly.
- Assess whether altering current stream and water usage would cause ecosystem and/or habitat disruption.

Wetlands & Riparian

- Assess the need for wetland mitigation, as there is potential for the reservoir expansion to create abundant wetlands.
- Illustrate effects to wetlands using descriptions of impacts and an individual permit authorizing discharge of fill or dredge materials to waters of the U.S., wetland delineations and descriptions, clear mapping, and a detailed direct, indirect, and cumulative impacts analysis.

- Demonstrate that the destruction, degradation and modification of all wetlands, both jurisdictional and non-jurisdictional, is being avoided and minimized on federal land as outlined in EO 11990.
- Quantify loss of riparian habitat as a result of altered water quantity or quality.

Cumulative Impacts

- Use site-specific characterization and disclosure of past diversion impacts affecting streams, associated wetlands, and aquatic habitat in analyzing cumulative impacts.
- Identify whether the NEPA or CWA Section 404 statute will be used to evaluate cumulative impacts, and how the analysis would differ under the alternate statute's definition.
- Consider existing or reasonably foreseeable future diversions to quantify the cumulative total diversions as the proportion of average monthly (or daily) streamflow diverted.

Impacts Analysis

- Use a consistent method to compare the alternatives against baseline conditions to quantify and/or characterize magnitudes of effects and understand each alternative's potential benefits and direct, indirect, and cumulative impacts.
- NEPA and the CWA Section 404 have slightly different definitions for indirect (secondary) and cumulative impacts. The EIS should identify which statute is being employed to evaluate the impacts and, if applicable, how the analysis would differ under the other statute's definition.
- Integrate the impact analyses for water-dependent resources (e.g., aquatic, surface water flow, water quality, stream morphology, etc.).
- Use current existing environmental conditions as the baseline for comparison of impacts across all alternatives, including the No Action Alternative.
- Verify that historical data (e.g., data 5 years or older) are representative of current conditions when defining baseline conditions.
- Provide a detailed hydrologic analysis that includes wet, average, and dry year analyses at a daily time-step.
- Include resources directly impacted by the LREP footprint within the geographic scope of analysis, as well as the resources indirectly (or secondarily) impacted by the LREP such as downstream segments, source streams where water diversions will occur, and any other resource areas which may be affected by changes in water management or operations.

Mitigation

- Conduct adequate mitigation planning and implement effective mitigation for all impacted resources. The higher the uncertainty is surrounding LREP impacts, the more emphasis there should be on providing mitigation details (including adaptive management) to provide protection of resources.
- Designate the entity responsible for implementing any proposed mitigation.
- Provide a monitoring plan for cases where mitigation is needed to avoid water quality standard exceedances, including baseline monitoring if data are lacking.
- Provide specific management decision points based upon protecting the minimum desired environmental conditions (thresholds) in the LREP area, which would trigger action. Indicate management alternatives and mitigation measures that would be implemented should a threshold be exceeded.
- Identify funding sources for mitigation.
- Mitigation should be consistent with the 2008 Rule on Compensatory Mitigation for Losses to Aquatic Resources for CWA Section 404 related impacts.

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5.0 Next Steps

The BLM will consider the comments submitted during scoping and the issues identified in this scoping report when developing alternatives to the Proposed Action. The BLM will continue to consider issues identified during scoping, along with other issues and potential impacts, during preparation of the EIS. The BLM will analyze and document potential impacts that could result from implementing the Proposed Action and the alternatives in a Draft EIS.

The Draft EIS is currently scheduled for publication in May 2018. A Notice of Availability (NOA) for the Draft EIS will be published in the *Federal Register* announcing availability of the Draft EIS for review and comment. Publication of the NOA for the Draft EIS will initiate a public comment period during which the BLM will invite the public and other interested parties to provide comments on the Draft EIS. The BLM will hold a public meeting during the Draft EIS public comment period and will advertise the meeting in local newspapers and on its LREP website (http://bit.ly/Leavitt_Reservoir_EIS_2bcgpgW) at a minimum. The BLM will review and consider all comments received on the Draft EIS during the Draft EIS public comment period. The BLM will revise the Draft EIS as appropriate based on public comments received. Substantive comments and BLM's responses to those comments will be incorporated into the Final EIS. A NOA for the Final EIS will be published in the *Federal Register* announcing the availability of the Final EIS. The Final EIS is scheduled to be released in September 2019.

Following publication of the Final EIS, BLM will decide whether and under what conditions to grant a right-of-way for the portion of the LREP that would be constructed on BLM-managed land. That decision constitutes a federal action necessary to determine, based on the selected alternative, whether construction of the proposed LREP could take place and will be made in accordance with the FLPMA. BLM's decision will be communicated through publication of a Record of Decision (ROD). The BLM will issue its ROD no sooner than 30 days after the NOA for the Final EIS is published in the *Federal Register*. The ROD is scheduled to be released in November 2018.

Following release of BLM's Final EIS and prior to construction, a Section 404 Permit from the USACE, Omaha District (Cheyenne, Wyoming office) would also be required. This permit issuance would constitute a second federal action necessary to determine whether construction of the proposed LREP could take place. As described in Section 1.0, the USACE will evaluate WWDC's application under a public interest review, as well as the environmental criteria set forth in the Section 404(b)(1) Guidelines (40 CFR 230), as well as the USACE regulations for implementing NEPA (33 CFR 325, Appendix B). The Section 404(b)(1) Guidelines require the project permitted is the least environmentally damaging practicable alternative (LEDPA). The USACE's decision will be communicated through publication of a ROD separate from BLM's ROD that the USACE will write based on information contained in BLM's EIS. The three major components of the USACE's ROD will be the public interest review, the 404(b)(1) guidelines, and response to public comments. The Section 404 Permit would then describe the proposed project and conditions the permittee must follow.

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Appendix A

Federal Register Notice of Intent

information was published on July 26, 2017 (82 FR 34686). No comments were received.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the BIA; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BIA enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BIA minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Division of Economic Development (DED), within the Office of Indian Energy and Economic Development (IEED), established the Native American Business Development Institute (NABDI) to provide technical assistance funding to federally recognized American Indian Tribes seeking to retain universities and colleges, private consulting firms, non-academic/non-profit entities, or others to prepare studies of economic development opportunities or plans. These studies and plans will empower American Indian Tribes and Tribal businesses to make informed decisions regarding their economic futures. Studies may concern the viability of an economic development project or business or the practicality of a technology a Tribe may choose to pursue. The DED will specifically exclude from consideration proposals for research and development projects, requests for funding of salaries for Tribal government personnel, funding to pay legal fees, and requests for funding for the purchase or lease of structures, machinery, hardware or other capital items. Plans may encompass future periods of five years or more and include one or more economic development factors including but not limited to land and retail use, industrial

development, tourism, energy, resource development and transportation.

This is an annual program whose primary objective is to create jobs and foster economic activity within Tribal communities. The DED will administer the program within IEED; and studies and plans as described herein will be sole discretionary projects DED will consider or fund absent a competitive bidding process. When funding is available, DED will solicit proposals for studies and plans. To receive these funds, Tribes may use the contracting mechanism established by Public Law 93–638, the Indian Self-Determination Act or may obtain adjustments to their funding from the Office of Self-Governance. See 25 U.S.C. 450 *et seq.*

Interested applicants must submit a Tribal resolution requesting funding, a statement of work describing the project for which the study is requested or the scope of the plan envisioned, the identity of the academic institution or other entity the applicant wishes to retain (if known) and a budget indicating the funding amount requested and how it will be spent. The DED expressly retains the authority to reduce or otherwise modify proposed budgets and funding amounts.

Applications for funding will be juried and evaluated on the basis of a proposed project's potential to generate jobs and economic activity on the reservation.

Title of Collection: Native American Business Development Institute (NABDI) Funding Solicitations and Reporting.

OMB Control Number: 1076–0178.

Form Number: None.

Type of Review: Extension without change of currently approved collection.

Respondents/Affected Public: Indian Tribes with trust or restricted land.

Total Estimated Number of Annual Respondents: 20 applicants per year; 20 project participants each year, on average.

Total Estimated Number of Annual Responses: 40.

Estimated Completion Time per Response: 50 hours per application; 1.5 hours per progress report.

Total Estimated Number of Annual Burden Hours: 1,030 hours (1,000 for applications and 30 for final reports).

Respondent's Obligation: Response is required to obtain a benefit.

Frequency of Collection: Once per year for applications and final report.

Total Estimated Annual Nonhour Burden Cost: \$0.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2017–20932 Filed 9–28–17; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWYR02000 L14400000.ER0000.17X, WYW–166003]

Notice of Intent To Prepare an Environmental Impact Statement for the Leavitt Reservoir Expansion Project, Big Horn County, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM), through the Cody Field Office, Cody, Wyoming, intends to prepare an Environmental Impact Statement (EIS) for the proposed Leavitt Reservoir Expansion Project (Project) in Big Horn County, Wyoming. The BLM is announcing the beginning of the scoping process to solicit public comments and identify issues.

DATES: Comments may be submitted in writing until November 13, 2017. In order to be included in the analysis, all comments must be received prior to the close of the 45-day scoping period or 15 days after the last public meeting, whichever is later. The BLM will provide additional opportunities for public participation as appropriate. The dates and locations of any scoping meetings will be announced at least 15 days in advance through the local news media, newspapers, and the BLM ePlanning Web site at: http://bit.ly/Leavitt_Reservoir_EIS_2bcgpgW.

ADDRESSES: You may submit written comments by any of the following methods:

- **Email:** blm_wy_cody_comments@blm.gov.
- **Fax:** 307–578–5939.
- **Mail:** NEPA Coordinator, BLM Cody Field Office, 1002 Blackburn Street, Cody, Wyoming 82414.

Documents pertinent to this proposal are available for public review at the BLM Cody Field Office and on the BLM ePlanning Web site at: http://bit.ly/Leavitt_Reservoir_EIS_2bcgpgW.

FOR FURTHER INFORMATION CONTACT:

Bradley Johnson, Planning & Environmental Coordinator, telephone: 307-578-5928; address: 1002 Blackburn Street, Cody, Wyoming 82414; email: bbjohnson@blm.gov. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339 to contact Mr. Johnson during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours. You may call either of these numbers to have your name added to the project mailing list.

SUPPLEMENTARY INFORMATION:

This Notice initiates the public scoping process for the EIS. The BLM intends to prepare an EIS to support the decision making for the proposed Project and conduct a public scoping period to seek input on the preliminary issues identified regarding this proposal. The Wyoming Water Development Commission proposes to enlarge the water storage capacity of Leavitt Reservoir to a total capacity of 6,604 acre feet for the purposes of multiple use that include late season irrigation, flood attenuation and recreation. A 1.5-mile sub-surface pipeline from Beaver Creek will divert water to the reservoir inlet via a 42-inch diameter pipeline across private lands. A permanent sub-surface transfer pipeline, approximately three miles long, is proposed downstream in the Beaver Creek drainage to efficiently convey reservoir release water to irrigation infrastructure. The proposal area is between the towns of Greybull and Shell, Wyoming, in the Sixth Principal Meridian, Wyoming, T. 54 N., R. 92 W., sec. 13, NW1/4SW1/4 and SW1/4SW1/4; sec. 14, NE1/4SE1/4 and SE1/4SE1/4; sec. 23, NE1/4NE1/4 and SE1/4NE1/4; sec. 24, lots 3 and 4, SW1/4NW1/4, SE1/4NW1/4, NW1/4SW1/4, NE1/4SW1/4, and SW1/4SE1/4.

Preliminary issues include: Potential impacts to wetlands and cultural sites (properties), ground and surface waters, mineral development, wildlife habitat, and the county road right-of-way. The BLM will identify, analyze, and require mitigation, as appropriate, to address the reasonably foreseeable impacts to resources from the approval of this Project. Mitigation may include avoidance, minimization, rectification, reduction or elimination over time, and compensatory mitigation; and may be considered at multiple scales, including the landscape-scale.

The BLM seeks resource information and data for public land values (e.g., air quality, cultural and historic resources, fire/fuels, fisheries, forestry, lands and realty, non-energy minerals and geology, oil and gas, paleontology, rangeland management, recreation, soil, water, and wildlife) in the project area. As proposed, approximately 48 percent of the project area would take place on BLM-managed public lands. The proposed dam and nearly the entirety of the expanded reservoir would reside on BLM lands. The proposed pipeline and borrow areas both cross or take place nearly in their entirety on private lands. The purpose of this request is to ensure that the project analysis has sufficient information and data to consider a reasonable range of resource uses, management options, and alternatives for managing public lands.

Please submit information to the Cody Field Manager at the address above. The BLM will treat proprietary information submissions marked as "Confidential" in accordance with the laws and regulations governing the confidentiality of such information. To provide the public with an opportunity to review the proposal and associated information, as well as any proposed plan amendments, the BLM will host meetings before October 30, 2017. The BLM will notify the public of meetings and any other opportunities for the public to be involved in the process for this proposal at least 15 days prior to the event. Meeting dates, locations and times will be announced by a news release to the media, individual emailings, and postings on the project Web site. The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the process for developing the EIS.

The BLM will use and coordinate the NEPA commenting process to help fulfill the public involvement process under Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. 306108), as provided for in 36 CFR 800.2(d)(3). The information about historic and cultural resources in the area potentially affected by the proposal will assist the lead agency in identifying and evaluating impacts to such resources in the context of both NEPA and Section 106 of the NHPA. Native American tribal consultations will be conducted in accordance with policy, and tribal concerns will be given due consideration. Federal, state and local agencies, along with other stakeholders that may be interested or affected by the BLM's decisions on this proposal, are invited to participate in the scoping

process and, if eligible, may request or be requested by the BLM to participate as a cooperating agency.

Before including your address, phone number, email address or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1501.7.

Mary Jo Rugwell,

BLM Wyoming State Director.

[FR Doc. 2017-21140 Filed 9-28-17; 8:45 am]

BILLING CODE 4310-22-P

DEPARTMENT OF THE INTERIOR**Bureau of Ocean Energy Management**

[Docket No. BOEM-2017-0059; MMAA104000]

Record of Decision for the Cape Wind Energy Project

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Notice of availability of a Record of Decision.

SUMMARY: The Bureau of Ocean Energy Management (BOEM) is announcing the availability of a Record of Decision (ROD) for the Cape Wind Energy Project Final Supplemental Environmental Impact Statement (SEIS) in this Notice of Availability (NOA). The SEIS was prepared in response to a 2016 remand order from the U.S. Court of Appeals for the District of Columbia Circuit in *Public Employees for Environmental Responsibility v. Hopper*, 827 F.3d 1077 (D.C. Cir. 2016), in which the Court vacated the 2009 Cape Wind Energy Project Final Environmental Impact Statement (EIS) and ordered BOEM to supplement the EIS with adequate geological surveys before Cape Wind Associates LLC (Cape Wind) may begin construction. The SEIS presented two alternatives: The Proposed Action (affirming BOEM's issuance of the existing lease) and the No Action Alternative (requiring BOEM to rescind lease issuance). BOEM has decided to select the Proposed Action Alternative.

ADDRESSES: The ROD and associated information are available on BOEM's Web site at <https://www.boem.gov/Massachusetts-Cape-Wind/>.

FOR FURTHER INFORMATION CONTACT: For more information on the ROD, you may

Appendix B

Scoping Advertising and Media Outlets

BLM Press Releases

U.S. DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT

ePlanning

DOI-BLM-WY-R020-2016-0048-EIS (Leavitt Reservoir Expansion Project)

[> NEPA Register](#) > [DOI-BLM-WY-R020-2016-0048-EIS](#) > [Home](#)

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Home

Public Scoping Begins for Leavitt Reservoir Expansion Project

NEW!

The 45 day public scoping period for the Leavitt Reservoir Expansion Project began on Friday September 29, 2017. The scoping period provides an opportunity for the public to provide comments on the project and includes a public meeting to be held in Shell Wyoming, on October 26, 2017.

As of September 29, 2017, the following documents are available for public review:

1. A location map located in the "Data" tab;
2. The Federal Register Notice announcing the public scoping period for the project located in the "Documents" tab.

No content is currently available for this page. Please click the links to the left for more project information.

*Last Updated:**09/29/2017 13:34:42 MDT*

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This page was created by the Bureau of Land Management

Glennon, Jody

From: Beckwith, Sarah <sbeckwith@blm.gov>
Sent: Wednesday, October 11, 2017 10:28 AM
To: Sarah Beckwith
Subject: BLM News: Cody Field Office hosts public meeting for Leavitt Reservoir expansion project
Attachments: BLM_LeavittReservoir2.jpg



News Release

BLM Cody Field Office

FOR IMMEDIATE RELEASE

October 11, 2017

Contact: Sarah Beckwith, 307-347-5207, sbeckwith@blm.gov

Cody Field Office hosts public meeting for Leavitt Reservoir expansion project

SHELL, Wyo. – The Bureau of Land Management Cody Field Office will hold a public meeting from 6-8 p.m. on Oct. 26 at the Shell Community Hall to discuss the proposed expansion of Leavitt Reservoir near Shell. The Leavitt Reservoir expansion project is in line with the BLM's commitment to supporting sustainable, working public lands for the American people.

In July 2015, the BLM received a proposal from the Wyoming Water Development Commission to expand Leavitt Reservoir. The proposed expansion is intended to reduce drought vulnerability and irrigation shortages, and to increase recreation opportunities.

As stewards, the BLM manages public lands for the benefit of current and future generations, and ranching and recreation are traditional uses that continue to serve local communities throughout the West.

In order to begin the environmental analysis, the BLM is seeking input from the public to provide information or help identify potential issues or impacts that may result from expanding the reservoir.

Leavitt Reservoir currently has a surface area of approximately 36 acres and a capacity of 643 acre-feet of water. The proposed project would expand the reservoir to 194 acres with a capacity of 6,604 acre-feet.

The BLM published a notice of intent to prepare an environmental impact statement in the *Federal Register* on Sept. 29, 2017, which began a 45-day public scoping period.

Project information is available at: http://bit.ly/Leavitt_Reservoir_EIS_2bcgpgW.

Written comments may be submitted at the meeting, emailed to blm_wy_cody_comments@blm.gov (please use “Leavitt Reservoir EIS” in the subject line) or submitted to the Cody Field Office, 1002 Blackburn Street, Cody, WY 82414, by Nov. 13, 2017.

The Shell Community Hall is located at 201 Smith Avenue in Shell. For more information, contact Chad Krause at 307-578-5900 or blm_wy_cody_comments@blm.gov.

The BLM manages more than 245 million acres of public land, the most of any federal agency. This land is primarily located in 12 Western states, including Alaska. The BLM also administers 700 million acres of sub-surface mineral estate throughout the nation. The BLM's mission is to manage and conserve the public lands for the use and enjoyment of present and future generations under our mandate of multiple-use and sustained yield.

-BLM-

Sarah Beckwith

Public Affairs
BLM Wyoming Wind River/Bighorn Basin District
o: 307.347.5207 / c: 307.287.3675

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Public Notices, Notice of Public Meeting

BUREAU OF LAND MANAGEMENT

NOTICE OF PUBLIC MEETING

The Bureau of Land Management Cody Field Office will host a public meeting on Thursday, Oct. 26, from 6-8 p.m. at the Shell Community Hall to discuss the proposed expansion of Leavitt Reservoir near Shell. The Wyoming Water Development Commission proposes to enlarge the water storage capacity of Leavitt Reservoir from a current capacity of 643 acre-feet to an enlarged capacity of 6,604 acre-feet to reduce drought vulnerability and irrigation shortages, and to increase recreation opportunities.

In order to begin the environmental analysis, the BLM is seeking input from the public to provide information or help identify potential issues or impacts that may result from expanding the reservoir. A map of the project area and a project description are available at http://bit.ly/Leavitt_Reservoir_EIS_2bcgpgW. Comments may be submitted until Nov. 13, 2017.

The Shell Community Hall is located at 201 Smith Avenue in Shell. For questions or further information regarding the proposed project, contact Chad Krause at 307.578.5909 or blm_wy_cody_comments@blm.gov.

Publish: October 12, 2017 only

Legal No. 3313

PUBLIC NOTICE

NOTICE OF PUBLIC MEETING

The Bureau of Land Management Cody Field Office will host a public meeting on Thursday, Oct. 26, from 6-8 p.m. at the Shell Community Hall to discuss the proposed expansion of Leavitt Reservoir near Shell. The Wyoming Water Development Commission proposes to enlarge the water storage capacity of Leavitt Reservoir from a current capacity of 643 acre-feet to an enlarged capacity of 6,604 acre-feet to reduce drought vulnerability and irrigation shortages, and to increase recreation opportunities.

In order to begin the environmental analysis, the BLM is seeking input from the public to provide information or help identify potential issues or impacts that may result from expanding the reservoir. A map of the project area and a project description are available at http://bit.ly/Leavitt_Reservoir_EIS_2bcgpgW. Comments may be submitted until Nov. 13, 2017.

The Shell Community Hall is located at 201 Smith Avenue in Shell. For questions or further information regarding the proposed project contact Chad Krause at 307.578.5909 or blm_wy_cody_comments@blm.gov.

Published: October 12, 2017

PUBLIC NOTICE

NOTICE OF PUBLIC MEETING

The Bureau of Land Management Cody Field Office will host a public meeting on Thursday, Oct. 26, from 6-8 p.m. at the Shell Community Hall to discuss the proposed expansion of Leavitt Reservoir near Shell. The Wyoming Water Development Commission proposes to enlarge the water storage capacity of Leavitt Reservoir from a current capacity of 643 acre-feet to an enlarged capacity of 6,604 acre-feet to reduce drought vulnerability and irrigation shortages, and to increase recreation opportunities.

In order to begin the environmental analysis, the BLM is seeking input from the public to provide information or help identify potential issues or impacts that may result from expanding the reservoir. A map of the project area and a project description are available at http://bit.ly/Leavitt_Reservoir_EIS_2bcgpgW. Comments may be submitted until Nov. 13, 2017.

The Shell Community Hall is located at 201 Smith Avenue in Shell. For questions or further information regarding the proposed project contact Chad Krause at 307.578.5909 or blm_wy_cody_comments@blm.gov.

October 12, 2017

Media Releases

Leavitt Reservoir expansion project topic of Oct. 26 meeting in Shell

The Bureau of Land Management Cody Field Office will hold a public meeting from 6-8 p.m. on Thursday, Oct. 26 at the Shell Community Hall to discuss the proposed expansion of Leavitt Reservoir near Shell. The Leavitt Reservoir expansion project is in line with the BLM's commitment to supporting sustainable, working public lands for the American people.

In July 2015, the BLM received a proposal from the Wyoming Water Development Commission to expand Leavitt Reservoir. The proposed expansion is intended to reduce drought vulnerability and irrigation shortages, and to increase recreation opportunities.

As stewards, the BLM manages public lands for the benefit of current and future generations, and ranching and recreation are traditional uses that continue to serve local communities throughout the West.

In order to begin the environmental analysis, the BLM is seeking input from the



SUBMITTED PHOTO

The proposed project would expand the reservoir to 194 acres with a capacity of 6,604 acre-feet.

public to provide information or help identify potential issues or impacts that may result from expanding the reservoir.

Leavitt Reservoir currently has a surface area of approximately 36 acres and a capacity of 643 acre-feet of water. The proposed project would expand the reservoir

to 194 acres with a capacity of 6,604 acre-feet.

The BLM published a notice of intent to prepare an environmental impact statement in the Federal Register on Sept. 29, 2017, which began a 45-day public scoping period.

Project information is available at: [http://bit.](http://bit.ly/Leavitt_Reservoir_EIS_2bcgpgW)

[ly/Leavitt_Reservoir_EIS_2bcgpgW](http://bit.ly/Leavitt_Reservoir_EIS_2bcgpgW).

Written comments may be submitted at the meeting, emailed to blm_wy_cody_comments@blm.gov (please use "Leavitt Reservoir EIS" in the subject line) or submitted to the Cody Field Office, 1002 Blackburn Street, Cody, WY 82414, by Nov. 13, 2017.

Input sought on expansion of Shell reservoir

The Bureau of Land Management is seeking public input over the next 45 days on a proposal that would increase the capacity of a reservoir near Shell roughly 10-fold.

In July 2015, the BLM received a proposal from the Wyoming Water Development Commission to expand Leavitt Reservoir. The proposed expansion could support late season irrigation, reduce flooding in the area of Shell and increase recreation opportunities for visitors, the BLM says.

"As stewards, the BLM manages public lands for the benefit of current and future generations, and ranching and recreation are traditional uses that continue to serve local communities throughout the West," said a news release from the BLM's Cody Field Office.

In order to begin the environmental analysis, the BLM is seeking input from the public to provide information or help identify potential issues or impacts that may result from expanding the reservoir.

Leavitt Reservoir currently has a surface area of approximately 36 acres and a capacity of 643 acre-feet of water. The proposed



The Bureau of Land Management is seeking feedback on a proposal that would expand the Leavitt Reservoir near Shell. Photo courtesy BLM

project would expand the reservoir to 194 acres with a capacity of 6,604 acre-feet.

The BLM published a notice of intent to prepare an environmental impact statement in the Federal Register on Friday, which began a 45-day public scoping period. Project informa-

tion is available at: http://bit.ly/Leavitt_Reservoir_EIS_2bcgpgW and a public meeting will be announced at a later date.

Written comments may be submitted at the meeting, emailed to blm_wy_cody_comments@blm.gov (use "Leavitt Reservoir EIS" in the subject line) or submitted

to the Cody Field Office, 1002 Blackburn Street, Cody, WY 82414. Remarks must be submitted by Nov. 13.

For more information, contact the Cody Field Office through Chad Krause at 307-578-5900 or using the email address listed above.

OUTDO



COURTESY/ BLM

Public invited to participate in analysis of Leavitt Reservoir expansion project

SHELL – As part of its commitment to supporting sustainable, working public lands for the American people, the Bureau of Land Management Cody Field Office is requesting public input over the next 45 days on a proposed reservoir expansion near Shell.

In July 2015, the BLM received a proposal from the Wyoming Water Development Commission to expand Leavitt Reservoir. The proposed expansion could support late season irrigation, reduce flooding in the area of Shell and increase recreation opportunities for visitors.

As stewards, the BLM manages public lands for the benefit of current and future generations, and ranching and recreation are traditional uses that continue to serve local communities throughout the West.

In order to begin the environmental analysis, the BLM is seeking input from the public to provide information or help identify potential issues or impacts that may result from expanding the reservoir.

Leavitt Reservoir currently has a surface area of approximately 36 acres and a capac-

ity of 643 acre-feet of water. The proposed project would expand the reservoir to 194 acres with a capacity of 6,604 acre-feet.

The BLM published a notice of intent to prepare an environmental impact statement in the Federal Register on Sept. 29, 2017, which began a 45-day public scoping period.

To provide an opportunity to discuss the project, the BLM will host a public meeting during this comment period. The meeting date, time and location will be announced through local news media and on the BLM project website and social media sites.

Project information is available at: http://bit.ly/Leavitt_Reservoir_EIS_2bcgpgW.

Written comments may be submitted at the meeting, emailed to blm_wy_cody_comments@blm.gov (please use "Leavitt Reservoir EIS" in the subject line) or submitted to the Cody Field Office, 1002 Blackburn Street, Cody, WY 82414, by November 13, 2017.

For more information, contact the Cody Field Office through Chad Krause at 307-578-5900 or blm_wy_cody_comments@blm.gov.

BLM seeks public input on Leavitt Reservoir expansion project

As part of its commitment to supporting sustainable, working public lands for the American people, the Bureau of Land Management Cody Field Office is requesting public input over the next 45 days on a proposed reservoir expansion near Shell.

In July 2015, the BLM received a proposal from the Wyoming Water Development Commission to expand Leavitt Reservoir. The proposed expansion could support late season irrigation, reduce flooding in the area of Shell and increase recreation opportunities for visitors.

As stewards, the BLM manages public lands for the benefit of current and future generations, and ranching and recreation are traditional uses that contin-

ue to serve local communities throughout the West.

In order to begin the environmental analysis, the BLM is seeking input from the public to provide information or help identify potential issues or impacts that may result from expanding the reservoir.

Leavitt Reservoir currently has a surface area of approximately 36 acres and a capacity of 643 acre-feet of water. The proposed project would expand the reservoir to 194 acres with a capacity of 6,604 acre-feet.

The BLM published a notice of intent to prepare an environmental impact statement in the Federal Register on Sept. 29, 2017, which began a 45-day public scoping period.

To provide an opportunity to discuss the project,

the BLM will host a public meeting during this comment period. The meeting date, time and location will be announced through local news media and on the BLM project website and social media sites.

Project information is available at: http://bit.ly/Leavitt_Reservoir_EIS_2bcgpgW.

Written comments may be submitted at the meeting, emailed to blm_wy_cody_comments@blm.gov (please use "Leavitt Reservoir EIS" in the subject line) or submitted to the Cody Field Office, 1002 Blackburn Street, Cody, WY 82414, by November 13, 2017.

For more information, contact the Cody Field Office through Chad Krause at (307) 578-5900 or blm_wy_cody_comments@blm.gov.



SUBMITTED PHOTO

The proposed expansion project would expand the reservoir to 194 acres, up from the current 36.

BLM hearing on caves Oct. 24

Caves will be on the agenda as part of a series of Bureau of Land Management public hearings held by the Cody Field Office.

In Cody on Oct. 24 and in Lovell on Oct. 25, the agency will solicit input for a cave and karst management plan for the region.

The Cody hearing is 5-7 p.m. at the Park County Public Library.

Karst is land atop limestone that has been diluted and created new features such as ridges,

towers and fissures and more.

BLM is exploring rules that will allow for protection of caves in the region while leaving them available for recreational use and scientific research and the land above them.

Field manager Delissa Minnick said the department is seeking help “as we develop a cave and karst management plan that addresses site-specific needs that arise in a multiple-use setting.”

A public meeting also will be conducted in Shell, 6-8 p.m.,

Oct. 26, at the Shell Community Hall to discuss a proposed expansion of Leavitt Reservoir.

The Wyoming Water Development Commission is seeking the change with the goal of reducing drought threat and irrigation shortages, but also to buttress recreational opportunities.

Under the proposal the reservoir would expand from 36 acres to 194.

The BLM is poised to begin an environmental analysis of the project.



Located near Shell, the Leavitt Reservoir may be expanded from its current surface area of about 36 acres to 194 acres. The BLM will discuss the project during a meeting Thursday at the Shell Community Hall. Photo courtesy Bureau of Land Management Cody Field Office

Public meeting set on Leavitt Reservoir expansion

The Bureau of Land Management will hold a public meeting from 6-8 p.m. on Thursday at the Shell Community Hall to discuss a proposed expansion of Leavitt Reservoir near Shell.

The proposed expansion is intended to reduce drought vulner-

ability and irrigation shortages, and to increase recreation opportunities, the BLM says.

To begin an environmental analysis, the BLM is seeking input from the public to provide information or help identify potential issues or impacts that

may result from expanding the reservoir.

Leavitt Reservoir currently has a surface area of approximately 36 acres and a capacity of 643 acre-feet of water; the proposed project would expand the reservoir to 194 acres with a capacity

of 6,604 acre-feet.

A 45-day comment period began Sept. 29 and will run through Nov. 13. For information, visit http://bit.ly/Leavitt_Reservoir_EIS_2bcgpgW or contact Chad Krause at 307-578-5900 or blm_wy_cody_comments@blm.gov.



CODY NEWS 10-18-17

OCTOBER 18, 2017 [LATEST HAPPENINGS](#), [LOCAL NEWS](#), [NEWS](#)

The Bureau of Land Management Cody Field Office will hold a public meeting from 6-8 p.m. on Oct. 26 at the Shell Community Hall to discuss the proposed expansion of Leavitt Reservoir near Shell. The Leavitt Reservoir expansion project is in line with the BLM's commitment to supporting sustainable, working public lands for the American people.

In July 2015, the BLM received a proposal from the Wyoming Water Development Commission to expand Leavitt Reservoir. The proposed expansion is intended to reduce drought vulnerability and irrigation shortages, and to increase recreation opportunities.

As stewards, the BLM manages public lands for the benefit of current and future generations, and ranching and recreation are traditional uses that continue to serve local communities throughout the West.

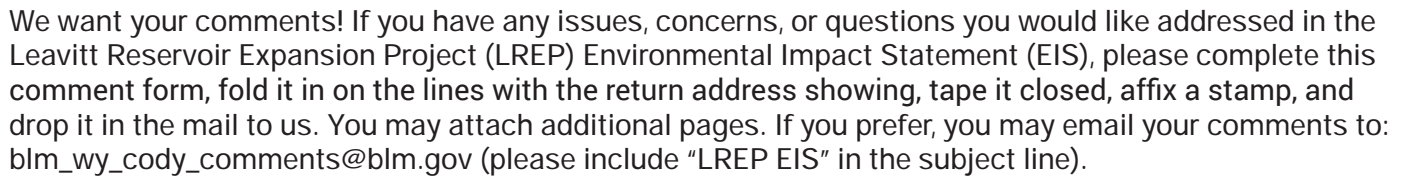
In order to begin the environmental analysis, the BLM is seeking input from the public to provide information or help identify potential issues or impacts that may result from expanding the reservoir.

Leavitt Reservoir currently has a surface area of approximately 36 acres and a capacity of 643 acre-feet of water. The proposed project would expand the reservoir to 194 acres with a capacity of 6,604 acre-feet.

Appendix C

Scoping Meeting Materials

Comment Form

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on its right side, suggesting it's resting on a surface. The overall appearance is that of a clean, unused piece of stationery.

Name _____
Address _____
City, State, Zip _____
Email _____

Other (explain) _____

Please provide Entity name that you represent here: _____

Please hand in your completed comment sheet at the open house or mail it to us by **November 13, 2017**, to ensure your input is considered.

Thank you for your interest and participation!

FOLD 2

AFFIX
STAMP

Bureau of Land Management
Cody Field Office
Attn: AFM Minerals and Lands – Leavitt Reservoir EIS
1002 Blackburn Street
Cody, WY 82414

FOLD 1

Display Boards



Leavitt Reservoir Expansion Project

Environmental Impact Statement



Welcome

Welcome to the public scoping meeting for the **Leavitt Reservoir Expansion Project Environmental Impact Statement**.

While you are here, please take time to learn about the proposed project, ask questions, and discuss your concerns with the BLM project manager and resource specialists involved with this project.

Written comments may be submitted tonight or at any point until **November 13, 2017**.

Thank you for joining us.





Leavitt Reservoir Expansion Project

Environmental Impact Statement



Agency Roles and Responsibilities

LEAD AGENCY

The BLM is the Lead Agency for preparing the environmental impact statement (EIS) as required under the National Environmental Policy Act (NEPA). Lead agency responsibilities and decisions to be made:

- Oversight over development of the EIS, which will be used by the BLM and other agencies to make informed decisions regarding the Proposed Action and alternatives; and
- Determination whether and under what conditions the BLM will grant a right-of-way (ROW) permit for the portion of the project that would be constructed on BLM-managed land (and any special conditions).

The BLM's Record of Decision (ROD) for the EIS will identify the selected alternative and any Conditions of Approval that will be required for a ROW permit. Although the EIS analysis includes private and state lands, the BLM decision will only apply to public lands managed by the Cody Field Office.

COOPERATING AGENCIES

There are 11 cooperating agencies on the Leavitt Reservoir Expansion Project (LREP) EIS. Each has oversight or special expertise over resources addressed in the EIS or has jurisdiction over permits that would be required by the LREP.

The **U.S. Army Corps of Engineers (USACE)** is a key Cooperating Agency because the project is anticipated to require a Clean Water Act Section 404 Permit to place fill material into jurisdictional waters of the United States, including wetlands. The USACE is anticipated to rely on information in the BLM's EIS to prepare its Record of Decision (ROD). The USACE ROD will contain its requisite determinations and its ultimate Section 404 Permit decision (and Special Conditions). Securing a Section 404 Permit may also require additional permits or approvals from other Federal, Tribal, State, or local agencies. This includes a water quality certification from the Wyoming Department of Environmental Quality, Water Quality Division (also a cooperating agency on the project).



Leavitt Reservoir Expansion Project

Environmental Impact Statement



EIS Process and Schedule

Fall 2017

Public
Scoping

Winter 2018-2019

Draft
EIS

Winter 2018-2019

DEIS
Public
Comment

Fall 2019

Final
EIS

Winter 2019-2020

Record
of
Decision

During **Public Scoping**, the public provides input regarding project and resource concerns. This input is used to identify issues to be addressed through alternatives development or EIS analysis.

The **Draft EIS** describes different alternatives that meet the purpose and need for the project while resolving resource conflicts; discloses the effects of each alternative on the natural and human environment; and identifies mitigations that may be applied to reduce impacts.

The **Draft EIS Public Comment** period allows for public comment on the Proposed Action and other alternatives and the analysis contained in the document.

The **Final EIS** discloses all public comments and responses to those comments.

The BLM and the USACE publish separate **Records of Decision** documenting their respective permitting decisions.

Schedule subject to change.



Leavitt Reservoir Expansion Project

Environmental Impact Statement



Project Description

The State of Wyoming, through the Wyoming Water Development Commission (WWDC), is proposing to enlarge the water storage capacity of Leavitt Reservoir, which is located near the Town of Shell in Big Horn County.

Key Elements of the Proposed Leavitt Reservoir Expansion Project (LREP)

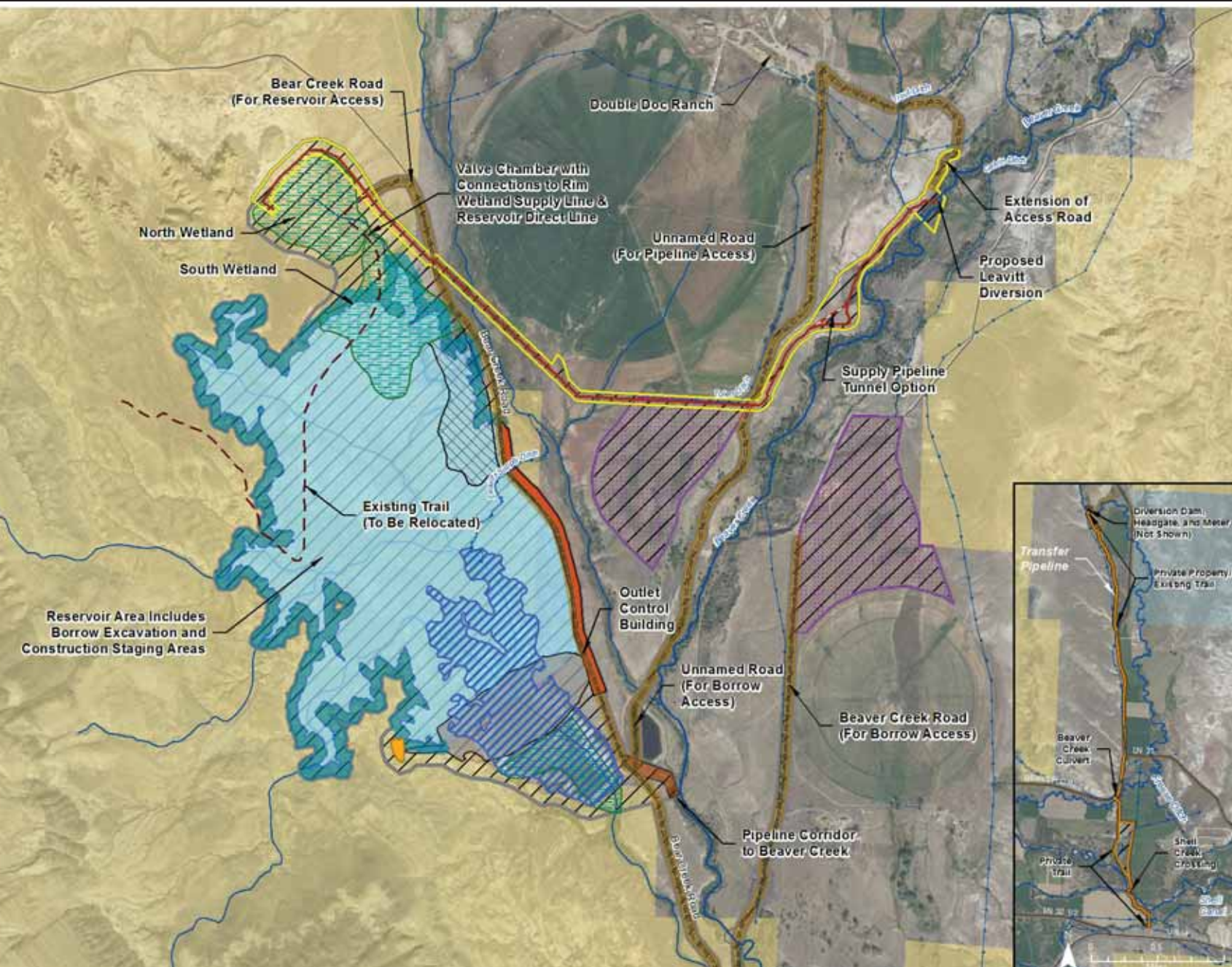
New 1,800-foot-long earthen dam embankment with a maximum height of 80 feet and a crest width of 21 feet	3-mile-long, buried 24- to 36-inch transfer pipeline, located on non-federal lands approximately 6 miles downstream from the reservoir outlet, to convey water released from the reservoir
New 20-foot open channel and weir-type concrete crest auxiliary spillway located west of the dam abutment	Recreational facilities, including boat ramp, picnic facilities, restroom/trash facilities, parking area, and access roads
Gated structure, a pipeline, an access tunnel, a control building, and a stilling pool for discharge below the existing dam	Reconstruction of an approximate 0.5-mile section of Bear Creek Road to raise the grade of the roadbed
2-mile buried 42-inch pipeline fed by a diversion on Beaver Creek, the proposed water source	Construction borrow areas, support facilities, and staging areas
Power transmission corridor and electrical tie-in facilities (locations to be determined)	

The reservoir currently impounds 643 acre-feet (AF) of water and covers approximately 45 acres. The enlarged reservoir would impound 6,604 AF and expand the reservoir to 203 surface acres. The enlarged Leavitt Reservoir would primarily be used to supply irrigated lands in the Beaver Creek and Shell Creek drainages with supplemental late season irrigation supply to reduce drought vulnerability and improve reliability. The enlarged reservoir would also include a 1,500-AF environmental/recreation pool.



Leavitt Reservoir Expansion Project

Environmental Impact Statement



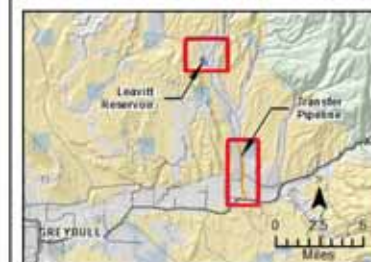
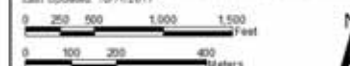
LEAVITT RESERVOIR EXPANSION PROJECT

Legend

- Supply Pipeline Alignment
 - Transfer Pipeline Alignment
 - Access Road
 - Recreation Trail
 - Access Road Disturbance (50' From Each Side of Centerline)
 - Proposed Wetlands
 - Transfer Pipeline Disturbance
 - Proposed Spillway
 - Supply Pipeline Disturbance (100' Construction Corridor)
 - Roadway Raise
 - Existing Leavitt Reservoir
 - Reservoir Inundation Buffer
 - Potential Recreation Area or
 - Proposed Embankment
 - Proposed Maximum High Water Line (4860')
 - Proposed Primary Outlet Works (Releases Water to Existing Leavitt Discharge at Current Flow Rate, Surplus Released to Main Channel of Beaver Creek)
 - Proposed Borrow Area
 - Total Disturbance
- Land Status/Ownership**
- BLM
 - USFS
 - State of WY
 - Private

DRAFT

Data Sources: AECOM, BLM, ESR, US Census, USGS, Wreck
Last Updated: 10/11/2017





Leavitt Reservoir Expansion Project

Environmental Impact Statement



Potential Resource Issues

WATER QUALITY, RIPARIAN AREAS, AND WETLANDS:

Previous surveys identified approximately 20 acres of wetlands in the proposed reservoir expansion area. A full wetlands delineation will be completed as part of the environmental impact statement (EIS) process to determine the extent of potential impacts to wetlands and waters of the U.S. and identify associated mitigation requirements.

The EIS will also analyze sediment transport, capacity, and stream geomorphology. Water sampling will be conducted as part of the EIS process to determine water quality in Beaver Creek and in the existing reservoir.

CULTURAL RESOURCES: Previous surveys identified pre-historic and historic sites that must be reviewed for National Register of Historic Places eligibility and for proposed mitigation. Additional cultural surveys will be conducted in areas not surveyed previously as a part of the EIS process.

PALEONTOLOGICAL RESOURCES: Several known vertebrate localities occur in the project region. No paleontological resources were uncovered during the geotechnical work; however, additional surveys will be performed as part of the EIS process.

WILDLIFE AND FISHERIES: The project would be located outside of Greater Sage-grouse core areas. The proposed project includes 1,500 AF for a minimum environmental/recreation pool.

OTHER RESOURCE ISSUES to be examined in the EIS include air quality, Native American traditional values, geology and minerals, land use, noise, hazardous materials, waste, public health and safety, range resources, recreation, socioeconomics, soils, transportation, vegetation, visual resources, land use, and transportation.

EIS ANALYSIS CONSIDERATIONS

The EIS will identify and take into consideration the applicant-proposed environmental protection measures designed to minimize impacts to these resources. Additional mitigation measures may be identified based on the results of the impact analysis. Public input received during scoping will help the BLM define potential resource issues, impacts analysis methodologies, and proposed mitigations.





Leavitt Reservoir Expansion Project Environmental Impact Statement



How to Comment

You may submit written scoping comments by any of the following methods:

At this meeting

Provide oral comments directly to an oral comment recorder at the public scoping meeting; or fill out a written comment form and leave it with the BLM tonight (or mail it via USPS at a later date for receipt by November 13, 2017).

Email

blm_wy_cody_comments@blm.gov

Mail

Mail a completed/stamped comment form or letter to:

BLM, Cody Field Office
Attn: AFM Minerals and Lands – Leavitt Reservoir EIS
1002 Blackburn Street
Cody, Wyoming 82414



Cody Field Office, Wyoming

Effective Public Commenting

The most helpful comments are those that are timely, specific, and actionable in regard to the content of the environmental impact statement. Examples include: 1) new data or information regarding the affected environment or analysis methodologies; 2) a specific resource concern that should be analyzed in the EIS; 3) an alternative element that meets the purpose and need statement and should be considered in the range of alternatives; and 4) mitigation or other suggestions to reduce impacts.

ALL COMMENTS MUST BE RECEIVED BY NOVEMBER 13, 2017.

Before including your address, phone number, email address, or other personal-identifying information in your comment, you should be aware that your entire comment — including your personal identifying information — may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Frequently Asked Questions Documents



Leavitt Reservoir Expansion Project Environmental Impact Statement



Frequently Asked Questions about Agency Roles and Responsibilities on the Leavitt Reservoir Expansion Project

What is the role of the Bureau of Land Management (BLM) in the Leavitt Reservoir Expansion Project (LREP)?

The BLM is the Lead Agency for preparing the Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). The BLM has authority for the LREP under the Federal Land Policy and Management Act of 1976 (FLPMA) (Public Law [P.L.] 94 579, 43 United States Code [USC] 1701 et seq.). The FLPMA recognizes rights-of-way (ROWs) as one of the “principal or major uses” of public lands. The Secretary of the Interior is authorized to grant or issue ROWs for “reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other facilities and systems for the impoundment, storage, transportation, or distribution of water” per FLPMA Section 1761(1)(a). The need for this federal action, established by the BLM’s responsibility under the FLPMA to provide these ROWs, is driven by documented late season irrigation shortages in the Shell Valley watershed. The purpose of this federal action is to provide access to BLM-managed public lands for increased watershed storage capacity in the Shell Valley watershed.

The BLM must address the purpose and need for the proposed LREP because much of the proposed LREP and associated infrastructure would be located on public land administered by the BLM Cody Field Office.

BLM responsibilities and decisions to be made:

- Evaluation of conformance of the project with the Cody Field Office Resource Management Plan, approved in September 2015;
- Oversight over development of the EIS, which will be used by the BLM and other agencies to make informed decisions regarding the Proposed Action and alternatives; and
- Determination whether and under what conditions the BLM will grant a ROW permit for the portion of the project that would be constructed on BLM-managed land.

The BLM’s decision will be communicated through publication of a Record of Decision (ROD). The ROD will identify the selected alternative and any Conditions of Approval that will be required for a ROW permit.

Although the EIS analysis includes private and state lands, the BLM decision will only apply to public lands managed by the Cody Field Office.



What is a Cooperating Agency?

A "Cooperating Agency" is an agency that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative). A Cooperating Agency typically will have some responsibilities for the EIS analysis related to its jurisdiction or special expertise, and will use that analysis to inform relevant permitting decisions, as applicable. These responsibilities are defined in a Memorandum of Understanding with the BLM. To date, 11 Cooperating Agencies have been identified:

- U.S. Army Corps of Engineers (USACE), Omaha District
- U.S. Environmental Protection Agency (EPA), Region 8
- Wyoming Water Development Commission
- Wyoming Governor's Office
- Wyoming Office of State Lands and Investments
- Wyoming Game and Fish Department
- Wyoming State Engineer's Office
- Wyoming Department of Environmental Quality, Water Quality Division
- Wyoming Department of Agriculture
- South Big Horn Conservation District
- Big Horn County Board of Commissioners

These Cooperating Agencies will participate in the planning process and provide information, data, technical expertise, analyses, and comments to the BLM regarding those elements of the EIS in which they have jurisdiction or special expertise or for which the BLM requests their assistance.

The USACE and EPA are federal agencies that have special jurisdiction as follows:

- **U.S. Army Corps of Engineers (USACE):** The USACE has jurisdiction over Waters of the United States, including wetlands. The USACE's decision to be made will be whether, and under what conditions, to issue a Clean Water Act (CWA) Section 404 Permit that regulates the discharge of dredged or fill material into Waters of the U.S. The USACE will cooperate on the preparation of the EIS and evaluate its content so that the EIS can be relied upon by the agency to support an eventual decision to either issue or deny a Department of the Army Permit under Section 404 of the CWA.
- **U.S. Environmental Protection Agency (EPA):** The EPA has special expertise regarding NEPA compliance and responsibilities under Section 309 of the Clean Air Act to independently evaluate the EIS.

What is the role of the AECOM in the LREP?

AECOM is the third-party contractor for the LREP EIS. They are assisting the BLM by facilitating the NEPA process, preparing the EIS, and conducting public outreach.



FOR MORE INFORMATION, PLEASE

visit the project webpage at http://bit.ly/Leavitt_Reservoir_EIS_2bcpgpW
or contact Chad Krause, BLM Project Manager at 307-578-5909 or ckrause@blm.gov.



Leavitt Reservoir Expansion Project Environmental Impact Statement



Frequently Asked Questions About the National Environmental Policy Act

What is NEPA?

The **National Environmental Policy Act of 1969, as amended (NEPA)**, is a procedural Act aimed at ensuring that environmental information is available to the public and public officials before decisions are made and actions taken. The implementation of this Act is commonly referred to as “the NEPA process” or “the environmental impact assessment process.” The NEPA process must be completed **before** an agency makes a final decision on a proposed action. The level of impact assessment that is required varies by project type and scope; a federal agency must prepare an environmental impact statement (EIS) if it is proposing a major federal action significantly affecting the quality of the human environment. The graphic on the next page outlines key phases and dates associated with the Leavitt Reservoir Expansion Project (LREP).

NEPA is...

- A formal structured process prior to federal decision-making
- Provides for public involvement in federal decisions
- Requires development and analysis of alternatives to a proposed federal action
- Requires federal agencies to analyze and disclose effects in an environmental document

NEPA is not...

- A voting process or other measure of relative support or opposition to a proposed action
- Does not provide a federal agency with decision-making authority
- Does not overrule other federal laws

Additional resources on NEPA can be found here:

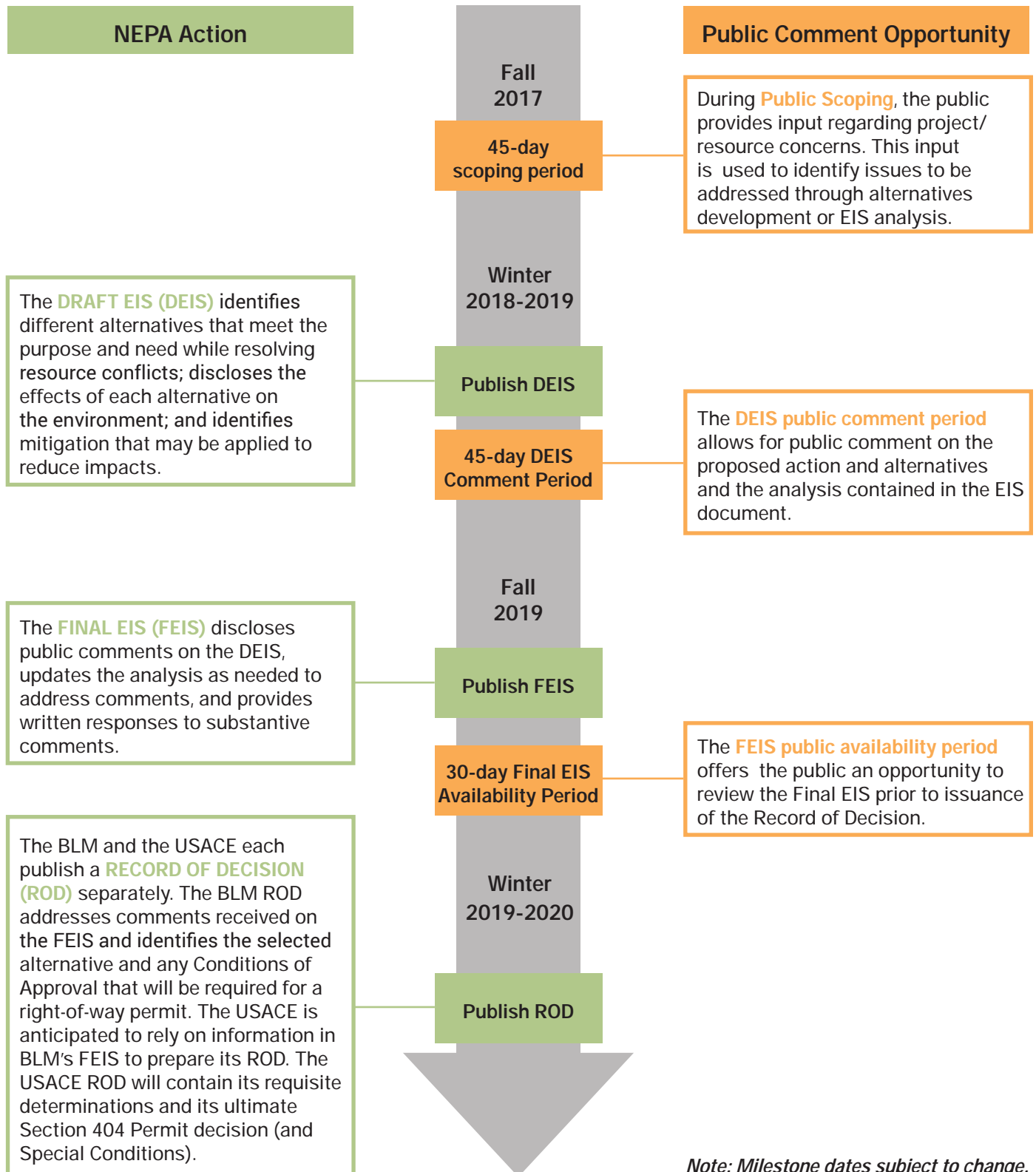
- <https://www.whitehouse.gov/ceq/nepa>
- <http://www.fs.fed.us/emc/nepa/>
- https://ceq.doe.gov/docs/get-involved/Citizens_Guide_Dec07.pdf



What is the schedule for the NEPA process for the Leavitt Reservoir Expansion Project (LREP)?

The following diagram provides an overview of major steps of the NEPA process for the LREP and includes approximate dates for completion of key milestones.

LREP NEPA Processes



Note: Milestone dates subject to change.

How can I participate in public scoping?

Scoping is the initial phase of the NEPA process, during which agencies and the public “scope” issues related to the proposed project. This input regarding project and resource concerns is used to identify “issues” to be addressed through alternatives development or EIS analysis. An **issue** is a point of uncertainty, disagreement, or dispute about an effect that would be caused by the project. The best way to participate in scoping is to:

- Read about the project online at http://bit.ly/Leavitt_Reservoir_EIS_2bcgpgW
- Ask questions and express your concerns freely and openly
- Provide written comments to help the BLM develop a comprehensive EIS

The most helpful comments you can provide are those that are specific and actionable in regard to the content of the EIS. Examples include: 1) new data or information regarding the affected environment or analysis methodologies; 2) a specific resource concern that should be analyzed in the EIS; 3) a different option for the proposed project that should be considered in the range of alternatives; or 4) mitigation or other suggestions to reduce impacts.

EXAMPLE:

“The EIS should consider the potential for impacts on important riparian areas and bird habitat.”

Comments are *least* helpful when they simply express a personal opinion, or address issues that are beyond the scope of this project or beyond the legal authority of the BLM to influence or change.

EXAMPLE:

“Reservoir expansions are not necessary. We just need to learn to conserve more water.”

While these types of comments are noted and recorded, they do not help the BLM with development of the EIS.

Where/how should I submit my scoping comments?

Comments can be submitted by any of the following methods:

- **Submit a comment form or letter** at the public scoping meeting
- **Record an oral comment** at the public scoping meeting
- **By email:** blm_wy_cody_comments@blm.gov, with a subject line reading, “Leavitt EIS”
- **By mail:** mail a completed/stamped comment form or letter to:

Bureau of Land Management, Cody Field Office
Attn: AFM Minerals and Lands – Leavitt
Reservoir EIS
1002 Blackburn Street
Cody, Wyoming 82414

Scoping comments are requested by **November 13, 2017**. Before including your address, phone number, email address or other personal-identifying information in your comment, you should be aware that your entire comment — including your personal identifying information — may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

After scoping, when is the next opportunity for public involvement?

After conclusion of the scoping period, the BLM will develop the Draft EIS. The Draft EIS will identify different alternatives that meet the BLM purpose and need and address issues identified during the scoping process; disclose the effects of each alternative on the natural and human environment; and identify mitigation that may be applied to reduce impacts. The Draft EIS is expected to be released in the winter of 2018-2019. Following publication of the Draft EIS, the BLM will hold a 45-day Draft EIS public comment period to allow the public to review the Draft EIS and provide comments on the proposed action and alternatives, and the analysis contained in the EIS. The BLM will also hold a public meeting during the comment period.

FOR MORE INFORMATION, PLEASE

visit the project webpage at http://bit.ly/Leavitt_Reservoir_EIS_2bcgpgW
or contact Chad Krause, BLM Project Manager at 307-578-5909 or ckrause@blm.gov.



Leavitt Reservoir Expansion Project Environmental Impact Statement



Frequently Asked Questions about the Leavitt Reservoir Expansion Project

Where is the existing Leavitt Reservoir and what is it used for?

The existing Leavitt Reservoir is located within the Shell Creek Watershed, a tributary to the Bighorn River in north central Wyoming. Shell Creek flows from the western side of the Big Horn Mountains to its confluence with the Bighorn River near Greybull, Wyoming. Land ownership and administration within the Shell Creek Watershed is a mixture of private, public (i.e., Bureau of Land Management [BLM] and U.S. Forest Service), and State of Wyoming lands. The BLM Cody Field Office manages lands north of U.S. Highway 14, while the BLM Worland Field Office manages lands south of U.S. Highway 14.

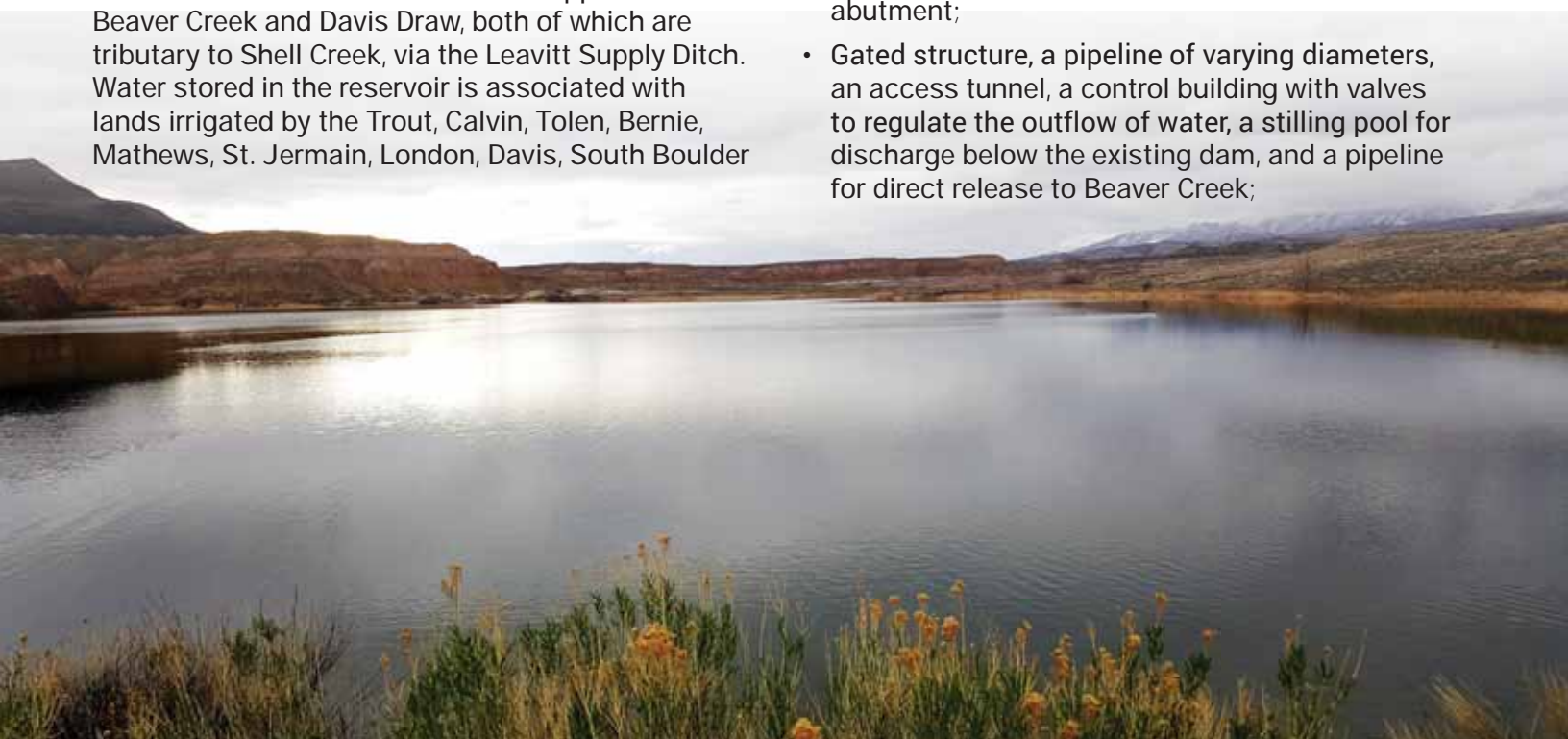
Leavitt Reservoir is an existing off-channel reservoir ("off-channel" means it is located next to or near a stream, but not directly on a stream). The reservoir currently impounds 643 acre-feet (AF), and the existing reservoir and dam inundate approximately 45 acres. Water for the reservoir is supplied from Beaver Creek and Davis Draw, both of which are tributary to Shell Creek, via the Leavitt Supply Ditch. Water stored in the reservoir is associated with lands irrigated by the Trout, Calvin, Tolen, Bernie, Mathews, St. Jermain, London, Davis, South Boulder

Creek Aggregate, Trone and Hurt, Kenyon, Williams, Anderson, Arthur Mason, Pense, Beaver, Loveland, Odessa, Red Bluff, Denney, Dunshee, Linn, and Cropsey ditches, plus Porter Canal and the Barnett pipeline.

What is the proposed Leavitt Reservoir Expansion Project?

The State of Wyoming, through the Wyoming Water Development Commission (WWDC), is proposing to enlarge the water storage capacity of Leavitt Reservoir for the benefit of the Shell Valley Watershed Improvement District (SVWID). The Leavitt Reservoir Expansion Project (LREP) would include the following elements:

- New 1,800-foot-long earthen dam embankment with a maximum height of approximately 80 feet and a crest width of 21 feet;
- New 20-foot open channel and weir-type concrete crest auxiliary spillway located west of the dam abutment;
- Gated structure, a pipeline of varying diameters, an access tunnel, a control building with valves to regulate the outflow of water, a stilling pool for discharge below the existing dam, and a pipeline for direct release to Beaver Creek;



- 2-mile buried 42-inch water supply pipeline fed by a diversion on Beaver Creek;
- 3-mile-long, buried 24- to 36-inch transfer pipeline, located on non-federal lands approximately 6 miles downstream from the reservoir outlet, to convey water released from the enlarged reservoir;
- Recreational facilities, including a boat ramp, picnic facilities, restroom/trash facilities, parking area, and access roads;
- Reconstruction of an approximate 0.5-mile section of Bear Creek Road to raise the grade of the roadbed;
- Power transmission corridor and electrical tie-in facilities (locations to be determined); and
- Construction borrow areas, support facilities, and staging areas.

Under a permitted acreage scenario, the expanded reservoir is anticipated to provide 3,600 AF of firm yield in 8 out of 10 years from the additional storage capacity that would be available (“firm yield” is the maximum quantity of water that can be guaranteed with some specified degree of confidence during a critical period like a drought). Water for the LREP would be supplied by Beaver Creek. The enlarged reservoir would also include a 1,500-AF pool for fisheries and recreation.

The enlarged reservoir is expected to naturally develop fringe wetlands similar to the existing fringe wetlands. The enlarged reservoir would have similar side slopes in general, but would have steeper slopes along the upstream periphery than the existing Leavitt Reservoir.

The minimum (environmental/recreation) pool surface acreage of the expanded reservoir would be approximately 93 acres; at the operational high water level (6,604 AF), the reservoir surface area would be approximately 203 acres. Approximately 332 acres (or 47%) of the LREP would be on BLM land. Approximately 364 acres of private land would be affected to enlarge Leavitt Reservoir and construct the supporting infrastructure. The proposed normal high water level (NHWL) would be elevation 4,853 feet. The proposed NHWL would have approximately 5.1 miles of shoreline (approximately 3 miles more than the existing Leavitt Reservoir). The map on page 3 shows the existing reservoir and key elements of the proposed expansion.

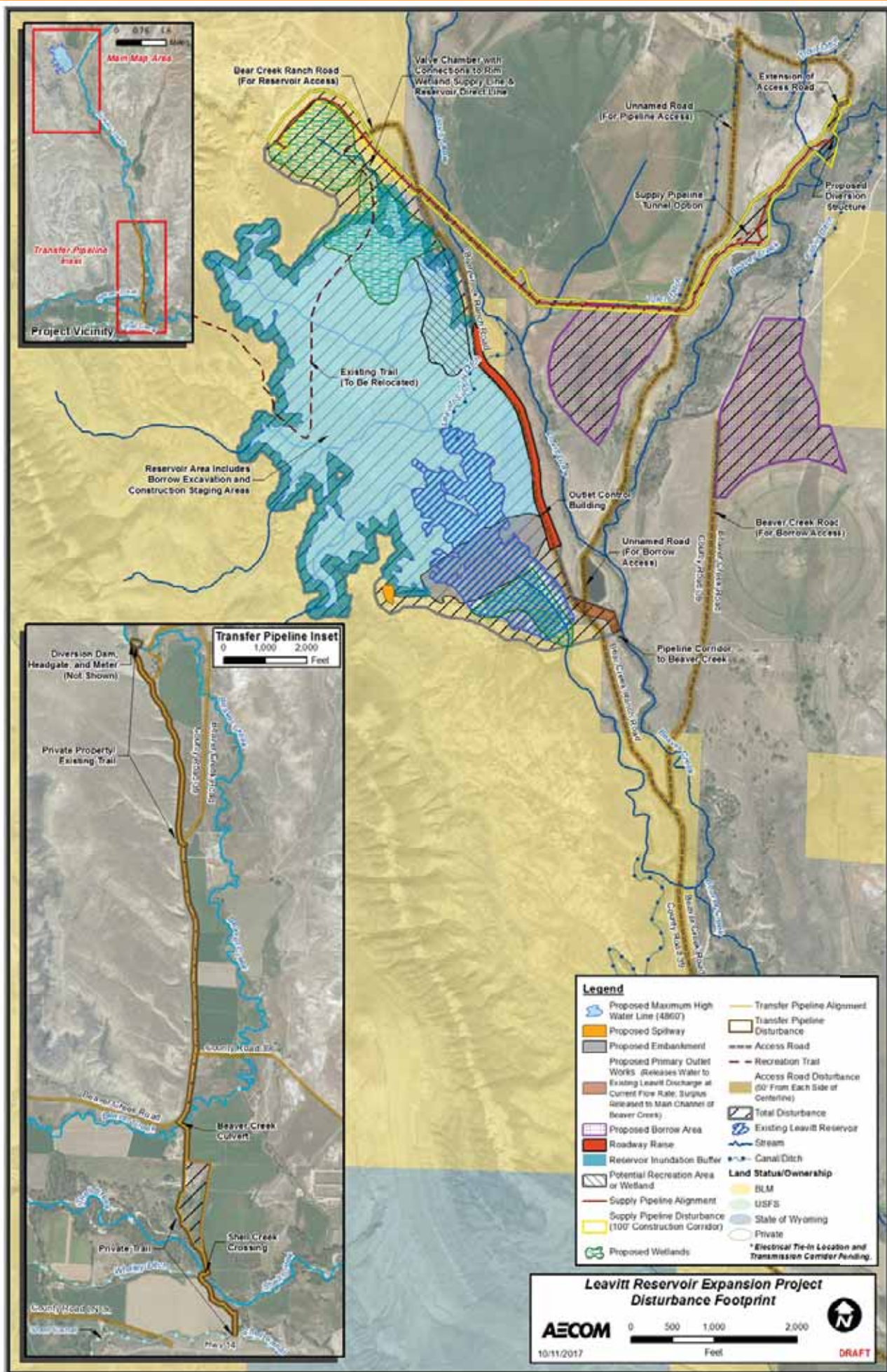
Why was this project proposed and who will benefit from it?

The modeled irrigation shortages for the Shell Valley watershed show the need for additional water storage. Water made available from the proposed reservoir enlargement would provide a means of addressing this need by significantly reducing drought vulnerability and irrigation shortages in the Shell Valley watershed. Reducing the irrigation shortages in the Beaver Creek and Shell Creek drainages is the major factor underlying the need for the LREP. The proposed LREP is consistent with WWDC’s commitment under the Wyoming Water Development Program to develop and preserve Wyoming’s water and related land resources. This LREP site was proposed to provide increased irrigation storage to supplement the existing water supply in the Shell Valley watershed and to provide new, firm yield to supply irrigated lands.

The enlarged Leavitt Reservoir would primarily be used to supply irrigated lands in the Beaver Creek and Shell Creek drainages with supplemental late season irrigation supply to reduce drought vulnerability and improve reliability. The functional life of the LREP is expected to exceed 75 years.

Leavitt Reservoir has an adjudicated water right with a priority date of April 9, 1954. The existing 643 AF of Wyoming water rights would be held by the private individuals who currently hold them.

The water rights for water stored in the enlarged reservoir would be held by either the State of Wyoming or the SVWID, the governing authority of the South Big Horn Conservation District. The application for the water rights has not been submitted to the Wyoming State Engineer’s Office (SEO) at the time of this writing.



What studies were done to determine that the LREP is the best solution to meet the need for additional water storage in the Shell Valley watershed?

WWDC contracted various baseline studies of the Shell Creek watershed in 2010, 2013, and 2015 to identify potential sites for increased water storage for late season irrigation needs within the watershed after being approached by the SVWID (under the governing authority of the South Big Horn Conservation District).

- The Shell Valley Watershed Plan Level I Study (Engineering Associates et al. 2010) compared seventeen (17) potential reservoir or reservoir expansion sites using a scoring matrix for key criteria that included storage capacity (AF), available water (AF per year), fill/capacity, service area (irrigable acres), construction costs, and permitting complexity. Five sites were eliminated prior to reconnaissance-level survey (i.e., mapping, photographing, and documenting) work due to a variety of limiting factors such as lack of water, limited service area, or difficult permitting issues. The remaining 12 sites were then evaluated relative to a variety of criteria such as storage capacity, service area, water source, geotechnical hazards, elevation (since it affects the ability to manage water in winter), and environmental permitting constraints. Multiple reservoir sites had the storage capacity but insufficient flow to fill the reservoir, or had sufficient flow but would require an extremely large inlet ditch to handle the maximum runoff to fill the reservoir.

- In 2013, the Shell Valley Storage Level II Study was conducted (States West 2013) to screen approximately 17 sites and evaluate the Upper Leavitt, Douglas Draw, and Shell Canal Tunnel reservoir sites in detail based on the screen results. This included actions to refine the hydrologic data to determine how much water could be stored and how much shortage relief would be attained through development of any of the three preferred sites, and to complete conceptual design and cost estimates for the preferred sites. An ability-to-pay analysis was also performed that looked at the ability of existing irrigators in the Shell Valley watershed to pay for supplemental irrigation water supplies. The study concluded that Upper Leavitt was the preferred reservoir site. An economic analysis was performed that included the calculation of potential direct and indirect benefits and costs for the Upper Leavitt site.
- The Phase II Project Report for the Shell Valley Storage Level II Study (Wenck 2015) was then prepared and included more intensive investigations of the Upper Leavitt site, including completion of hydrological modeling, in-depth geotechnical explorations and analysis, wetland delineation, cultural and paleontological surveys, and revised preliminary designs and cost estimates.

Through these studies, WWDC selected the Upper Leavitt site, an enlargement of the existing Leavitt Reservoir, as its Proposed Action, also referred to as the Leavitt Reservoir Expansion Project (LREP).



FOR MORE INFORMATION, PLEASE

visit the project webpage at http://bit.ly/Leavitt_Reservoir_EIS_2bcgpgW
or contact Chad Krause, BLM Project Manager at 307-578-5909 or ckrause@blm.gov.

Appendix D

Tribal Consultation



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Wind River/Bighorn Basin District
Cody Field Office
1002 Blackburn Street
Cody, Wyoming 82414-8464
www.blm.gov/wy



1780 (WYR02)

CERTIFIED NUMBER 7015 1660 0000 7823 2598
RETURN RECEIPT REQUESTED

Devin Oldham, THPO Director
Northern Arapaho Tribe
Wind River Reservation
PO Box 67
St. Stevens, WY 82524

Dear Mr. Oldham, THPO

In December 2016, the Bureau of Land Management Cody Field Office (CYFO) initiated consultation with you regarding a proposed undertaking being analyzed by our office. The proposal consists of the Leavitt Reservoir Expansion project located north of Shell, in Big Horn County, Wyoming (Figure 1). Since our last communication, the CYFO published a Notice Of Intent (NOI) to prepare an environmental impact statement in the Federal Register on September 29, 2017. Publication of the NOI started a 45-day public scoping period, which concludes November 13, 2017. This scoping period is geared toward the general-public and constitutes an effort to gather input in addition to our on-going tribal consultation.

Federal Register notice can be accessed at: https://eplanning.blm.gov/epl-front-office/projects/nepa/61751/121780/148639/FR_LeavittReservoirNOI_092917.pdf.

Leavitt Reservoir currently has a surface area of approximately 36 acres and a capacity of 643 acre-feet of water. The proposed project would expand the reservoir to 194 acres with a capacity of 6,604 acre-feet.

As a reminder, in anticipation of the proposal, the CYFO authorized three (3) Class III Cultural Resource Inventory Reports (Eakin & Sanders 2012; Rosenthal 2015; Wandler 2017) that surveyed a total of eight hundred and ninety six (896) acres of both Private and BLM administered lands. As a result, the entirety of the project's direct Area of Potential Effect (APE) has been inventoried. Inventoried areas include the perimeter of the high water mark and wetlands for the proposed reservoir expansion plus a 250 foot buffer, Geotechnical Bore Holes,

Test Pits and associated access roads, six (6) potential pipeline routes, and two (2) borrow areas for fill material (Figures 2a, 2b, 2c and 2d). Fourteen (14) sites were identified and documented as a result of the inventories (Table 1). Site types vary from historic era irrigation ditches, foundations and an out building to prehistoric open camps and lithic scatters, some with hearths, fire cracked rock (fcr), and stone circles.

We would appreciate your input and assistance in identifying any potential cultural concerns regarding the above outlined proposal. Our office seeks to consider the views of your tribe in hopes of creating effective collaboration and an informed decision-making process where all parties share a goal of reaching a decision together. Additionally, please refer us to any available information that would help us to understand the significance and nature of traditional cultural concerns at the proposed locations.

Please provide the names and addresses of any other contacts who you feel should be involved. We also are sending this letter and seeking input from the following tribal groups: Blackfeet, Crow, Eastern Shoshone, Northern Arapaho, Northern Cheyenne, and Shoshone-Bannock.

Consultation:

Please contact us if you have any input regarding the project listed above, or if you require further information. We also would offer to arrange for a meeting should you choose. Specifically, we are consulting with your tribe to understand tribal concerns sufficiently to take into account the effects that this proposed undertaking might have on historic properties and sites of traditional religious or cultural significance. For planning and feasibility purposes, we hope to hear from you by November 13, 2017, or in a timely manner.

For all additional considerations, please contact our Field Office archaeologist, Kierson Crume, at (307) 578-5929. Thank you for your assistance with this matter.

Sincerely,

A handwritten signature in blue ink that reads "Delissa L. Minnick". The signature is written in a cursive, flowing style.

Delissa L. Minnick
Field Manager, Cody

Attachments:

Figure 1:	Project Overview Map
Figures 2a, 2b, 2c, 2d:	OWSA 2012; Arcadis 2015a; Arcadis 2015b; Barron 2017
Table 1:	Site Summary Table

Shoshone-Bannock	Blaine Edmo, Chairman Ft. Hall Business Council Shoshone-Bannock Tribes of the Fort Hall Reservation P.O. Box 306 Fort Hall, ID 83203-0306 208-478-3805	Carolyn Boyer Smith, Cultural Resources Coordinator Shoshone-Bannock Tribes P.O. Box 306 Fort Hall, ID 83203-0306 208-236-1086 (o) 208-221-0326 (c) csmith@sbtribes.com
Blackfeet	Harry Barnes, Chairman Blackfeet Tribal Business Council P.O. Box 850 1 Agency Square Browning, MT 59417 406-338-5194	John Murray, THPO Blackfeet Tribe 620 All Chief Road Box 850 Browning, MT 59417 406-338-7522 jmflysdown@gmail.com
Crow	Alvin "A.J." Not Afraid, Chairman Crow Tribal Council P.O. Box 159 Crow Agency, MT 59022 406-638-3700	William Big Day, THPO Crow Tribe P.O. Box 159 Crow Agency, MT 59022 406-638-1010 (c)
Northern Cheyenne	Lawrence "Jace" Killsback, President Northern Cheyenne Tribal Council P.O. Box 128 Lame Deer, MT 59043 406-477-6284	Teanna Limpy, THPO Director Northern Cheyenne P.O. Box 128 Lame Deer, MT 59043 406.477.4839 Fax 406.477.6491 Teanna.limpy@cheyennenation.com
Eastern Shoshone	Clinton Wagon, Chairman Eastern Shoshone Tribe of the Wind River Reservation P.O. Box 538 Fort Washakie, WY 82514 307-332-3532	Josh Mann, THPO Eastern Shoshone Tribe of the Wind River Reservation P.O. Box 538 Fort Washakie, WY 82514 307-335-2081 (o) 307-438-0094 (c) jmann@easternshoshone.org
Northern Arapaho	Roy Brown, Chairman Northern Arapaho Tribe P.O. Box 396 Fort Washakie, WY 82514 307-332-6120 Fax: 307-332-7543 northernarapaho@msn.com	Devin Oldman, THPO Director Northern Arapaho Tribe P.O. Box 67 St. Stevens, WY 82524 307-856-1628 (o) nathpodd@gmail.com

Appendix E

List of Commenters

List of Commenters for the Leavitt Reservoir Expansion Project Scoping Period

Last Name	First Name	Entity	Entity Type	Number of Submittals
Sundstrom	Linea	American Rock Art Research Association	Non-Governmental Organization	2
Schaffert	Misty	Self	Public	1
Lemay	Paul	Self	Public	1
Flitner	Stan	Diamond Tail Ranch	Public	1
Loewen	Thomas & Rachel	Self	Public	1
Delaney	Tom	Self	Public	1
Simms	Steve	Self	Public	1
Strobel	Melissa McCoy & Philip	U.S. Environmental Protection Agency, Region 8	Federal Agency	1
Anderson	John Ed	Self	Public	1
Bruce	Angi	Wyoming Game and Fish Department	State Agency	1

Appendix F

Comment Submissions

The following pages contain copies of all scoping letters received by the BLM.

From: Krause, Chad <ckrause@blm.gov>
Sent: Tuesday, October 10, 2017 2:57 PM
To: linea.sundstrom@gmail.com
Cc: Gregory, Dan; Glennon, Jody
Subject: Re: Leavitt Reservoir Expansion documents

Hello Linea,

Yes, a project description, frequently asked questions, and disturbance area maps will be added to the ePlanning site in the coming week.

Chad

On Tue, Oct 10, 2017 at 1:12 PM, Johnson, Bradley <bbjohnson@blm.gov> wrote:

----- Forwarded message -----

From: **Linea .Sundstrom** <linea.sundstrom@gmail.com>
Date: Tue, Oct 10, 2017 at 11:51 AM
Subject: Leavitt Reservoir Expansion documents
To: bbjohnson@blm.gov

Are you planning to release other documents on this project? It's difficult to comment with no data on the area of potential effect.

<https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=renderDefaultPlanOrProjectSite&projectId=61751&dctmId=0b0003e880b6b3a9>

Thanks--

Linea Sundstrom

--

Bradley B. Johnson, Ph.D.
Planning & Environmental Coordinator
BLM Cody Field Office
1002 Blackburn
Cody WY, 82414
307-578-5928
bbjohnson@blm.gov

--

Chad Krause - Assistant Field Manager
Cody Field Office
Bureau of Land Management
(307)-578-5909



Leavitt Reservoir Expansion Project

Environmental Impact Statement

We want your comments! If you have any issues, concerns, or questions you would like addressed in the Leavitt Reservoir Expansion Project (LREP) Environmental Impact Statement (EIS), please complete this comment form, fold it in on the lines with the return address showing, tape it closed, affix a stamp, and drop it in the mail to us. You may attach additional pages. If you prefer, you may email your comments to: blm_wy_cody_comments@blm.gov (please include "LREP EIS" in the subject line).

We are concerned about traffic + dust on the gravel road (Beaver Creek Rd). With a recreation area, traffic will increase. ~~our~~ Our houses are close to the road. Our feeling is that the road would need to be blacktopped.

Will this have an effect on existing water rights?
Will it be possible to decide to purchase acre feet of water later?

Please provide your contact information.

Name Misty Schaffert
Address Brucknerstr. 71
City, State, Zip 64291 Darmstadt, Germany
Email misty.schaffert@web.de

I represent (circle one): Myself Agency Tribe Business Non-governmental organization

Other (explain) _____

Please provide Entity name that you represent here: _____

Please hand in your completed comment sheet at the open house or mail it to us by **November 13, 2017**, to ensure your input is considered.

Thank you for your interest and participation!



Leavitt Reservoir Expansion Project

Environmental Impact Statement

We want your comments! If you have any issues, concerns, or questions you would like addressed in the Leavitt Reservoir Expansion Project (LREP) Environmental Impact Statement (EIS), please complete this comment form, fold it in on the lines with the return address showing, tape it closed, affix a stamp, and drop it in the mail to us. You may attach additional pages. If you prefer, you may email your comments to: blm_wy_cody_comments@blm.gov (please include "LREP EIS" in the subject line).

Very Whoot Whyte Project we will ALL BENEFIT
FROM THIS

Please provide your contact information.

Name

Address

City, State, Zip

Email

Paul Loman
384 Hwy 14
Cody WY 82406

I represent (circle one): ☒ Myself ☐ Agency ☐ Tribe ☐ Business ☐ Non-governmental organization

Other (explain) _____

Please provide Entity name that you represent here: _____

Please hand in your completed comment sheet at the open house or mail it to us by **November 13, 2017**, to ensure your input is considered.

Thank you for your interest and participation!



Leavitt Reservoir Expansion Project

Environmental Impact Statement

We want your comments! If you have any issues, concerns, or questions you would like addressed in the Leavitt Reservoir Expansion Project (LREP) Environmental Impact Statement (EIS), please complete this comment form, fold it in on the lines with the return address showing, tape it closed, affix a stamp, and drop it in the mail to us. You may attach additional pages. If you prefer, you may email your comments to: blm_wy_cody_comments@blm.gov (please include "LREP EIS" in the subject line).

I sincerely believe this project is a great opportunity to help Ag, recreation, wildlife, etc. Having been in the irrigation business 30+ years, I fully understand the value of water! The Shell Valley is often short of water in late summer! This is a valley that Ag supports the communities. Any opportunity to store & save Wyoming water for use in Wyoming is a plus. The lands directly below the Leavitt Res. are historically out of water in late summer! I strongly urge the BLM, Wyo Water Development Act, etc to move this project forward ASAP —

Tom Delaney

Please provide your contact information.

Name Tom Delaney
Address 550 Hwy 14
City, State, Zip Greybull, WY. 82426
Email tom.delaney@bighornres.com

I represent (circle one): ☒ Myself ☐ Agency ☐ Tribe ☐ Business ☐ Non-governmental organization

Other (explain) _____

Please provide Entity name that you represent here: _____

Please hand in your completed comment sheet at the open house or mail it to us by **November 13, 2017**, to ensure your input is considered.

Thank you for your interest and participation!



October 26, 2017

To Whom It May Concern:

Re: Leavitt Reservoir Project, Beaver Creek, Shell Valley, Wyoming

As a long-time resident and rancher in the Wyoming's Shell Valley, I fully support the expansion of the Leavitt Reservoir water storage unit near the headwaters of Beaver Creek, Big Horn County, Wyoming. Storage of this kind has a positive effect on stream flow, crop production and water quality in a local area, far out-weighting any negatives. My own past memories include a time prior to the construction of the existing dam, when Beaver Creek ran nearly dry during the peak of summer use. Flooding and erosion were the other unpredictables in our area of low annual precipitation.

In my own lifetime I've observed changing weather patterns, an extended growing season, earlier floodwaters and higher temperatures which have removed snowpack much too soon. A surge of plant growth early in the spring has contributed to cheat grass, weeds and other undesirables which lead to fires, a factor which could be affected by grazing practices made possible by an economic stability within agriculture.

Beyond the obvious of storage capacity, I believe that the expansion project will improve water quality and enhance habitat for wildlife, waterfowl and fisheries; it will offer recreational opportunity, and above all, improve the stability of agricultural production and agricultural economy within our area. These opportunities are few and far between.

Our communities must applaud the individuals who have worked so hard to bring this project to life; I commend them for their vision, their energy and their foresight in securing an opportunity of this magnitude. I can see no negative to this project: I believe that small projects like this will keep streams flowing and protect Wyoming's water for crop production, small communities and stable economies. The advantages of putting water on these mountain plains to create underground storage has yet to be recognized, but may become a factor in future discussions.

Thank you for your attention.

Sincerely,

Stan Flitner for Diamond Tail Ranch



Krause, Chad <ckrause@blm.gov>

Fwd: LREP EIS

1 message

Cody_Comments, BLM_WY <blm_wy_cody_comments@blm.gov>

Fri, Nov 3, 2017 at 4:00 PM

To: Delissa Minnick <dminnick@blm.gov>, Bradley Johnson <bbjohnson@blm.gov>, Chad Krause <ckrause@blm.gov>

----- Forwarded message -----

From: Tom Loewen <tomloewen@gmail.com>

Date: Wed, Nov 1, 2017 at 7:59 PM

Subject: LREP EIS

To: "blm_wy_cody_comments@blm.gov" <blm_wy_cody_comments@blm.gov>

Dear Sirs & Madames at BLM

It was a pleasure to attend your public scoping meeting for the Leavitt Reservoir Expansion Project at the Shell Hall on Nov. 13. I enjoyed reviewing the info provided and most of all meeting all the men and woman that have been working hard for some time on this project already.

We as land owners with irrigation water from the Shell canal are enthused about this project not only for the benefits to the Shell Canal and all its members but for many other reasons as well. We encourage you to make as much water storage as reasonably possible to be used for irrigation with out negatively impacting the wild life and recreational activities that are possibilities. Late season irrigation water is of great necessity on some years.

We recognize that storing water in dry climate like we have at this location is great for animal habitat. We would like to see the reservoir have fish in it that are naturally there already and maybe even stocked with other species that would do well in it together with the natural ones to provide a good fishing experience for the ones that enjoy this sport.

We would like to see that motorized boats with enough power to pull skiers and wake boarders be permitted on the reservoir . This would allow locals and visitors that enjoy this sport to enjoy themselves as well.

Having owned and operated a comercial excavation company in MB Canada some years back I am somewhat familiar with this type of project and how it is tendered out to contractors. I suggest it be tendered out in a way that local excavation and pipe contractors can be involved if they offer competitive rates for there services or supply of materials.

We believe that this project will have a great positive impact for the farmers and ranchers in this area by improving irrigation water, for the general public by providing recreational activities and for the wildlife by providing more and better habitat.

Kind Regards,
Thomas & Rachel Loewen
[561 HWY 14](#)
Greybull WY, USA, 82626
C. 307.202.3003
H. 307.765.2320

11/6/2017

DEPARTMENT OF THE INTERIOR Mail - Fwd: LREP EIS

--

Thomas Loewen
561 US HWY 14
Greybull WY 82426
C 307.202.3003
H 307.765.2320



Krause, Chad <ckrause@blm.gov>

Fwd: Leavitt Reservoir Expansion Project

1 message

Cody_Comments, BLM_WY <blm_wy_cody_comments@blm.gov>
To: Chad Krause <ckrause@blm.gov>

Tue, Nov 7, 2017 at 10:21 AM

----- Forwarded message -----

From: Linea .Sundstrom <linea.sundstrom@gmail.com>
Date: Mon, Nov 6, 2017 at 9:12 PM
Subject: Leavitt Reservoir Expansion Project
To: blm_wy_cody_comments@blm.gov

Greetings,

I am writing on behalf of the American Rock Art Research Association, a nonprofit organization dedicated to the study and protection of rock art sites throughout the world.

As you proceed with your plans for expansion of Leavitt Reservoir, we ask that you pay special attention to the possibility of negative impacts on known and undiscovered rock art sites in the area of potential effect. Specifically, any contracts issued for archaeology survey or site monitoring in the APE should include a provision that the work be conducted by archaeologists with training or prior experience in rock art discovery and site management. We ask that viewshed analysis be completed for views from and including known and newly discovered rock art sites.

If direct or indirect adverse effects on rock art sites are identified as likely in your EIS and NHPA studies, we ask that you formalize funding for permanent site monitoring and public education programs to minimize any likely damage to rock art sites.

We further request that every effort be made to conduct thorough and and effective tribal consultations. Prior studies indicate that members of the Crow, Eastern Shoshone, and other tribes consider these rock art sites to be sacred places, as well as an important link to their history.

Thank you for your continuing efforts to protect these important resources.

Linea Sundstrom, Chair
Conservation Committee
American Rock Art Research Association
www.arara.org



Krause, Chad <ckrause@blm.gov>

Fwd: Upper Leavitt Reservoir enlargement Comments

2 messages

Cody_Comments, BLM_WY <blm_wy_cody_comments@blm.gov>
To: Chad Krause <ckrause@blm.gov>

Mon, Nov 13, 2017 at 8:33 AM

----- Forwarded message -----

From: Steve <steve@on-site.biz>

Date: Thu, Nov 9, 2017 at 4:48 PM

Subject: Upper Leavitt Reservoir enlargement Comments

To: "blm_wy_cody_comments@blm.gov" <blm_wy_cody_comments@blm.gov>

To whom it may concert. I'd like to submit comments before 11/13/2017 cut-off date related to the dam in the Shell Creek drainage east of Greybull (and possibly the Alkali Creek reservoir at Hyattville). With the intention of creating the Upper Leavitt Reservoir enlargement which is filled by Shell and Beaver creeks, I'd like to suggest adding focus on controlling sediments loads going into the Big Horn River around Greybull. I'm not sure of the historical data on the river's water quality in the Big Horn drainage around Greybull but it seems that water clarity should be much better than its current state.

Municipalities all over the nation are finding an economic benefit from increased environmental quality. Specifically to Greybull and it's surrounding areas, it seems the area's economic state would benefit from an increased water quality in this main drainage. If the water quality and clarity of the Big Horn River were increased, this could add to the draw of visitors to the area. Many studies show that improved riparian areas and increased fish populations have a good chance of financially increasing a local economy.

Statistically, revenue generation from fishing is usually second or third to skiing and hunting. By creating a high valued attraction along the river, this would be beneficial to the whole area. Designing to have Greybull as a destination fishing location would be a great benefit to the local economy. If any of the research/design funds that are being put into the work at the Alkali Creek reservoir or the Upper Leavitt Reservoir enlargement could be dually allocated to improving water quality within the Big Horn River drainage around Greybull, it could be win-win for all citizens in the area.

If you have any opinions on this comment I'm very interested in hearing them. Also, if you have any long term historical data on the Big Horn River's water quality (maybe before mining and farming were predominate in the area) around Greybull I'd be jazzed to see that.

<https://www.sheridanmedia.com/news/72-million-dam-projects-advance81435>

<http://waterplan.state.wy.us/plan/bighorn/2010/finalrept/execsumm.pdf>

<http://www.greybullstandard.com/2017/11/09/5324/>

Thanks ahead of time for your time,

Steve Simms

Shell Creek Cabin Owner

303-823-5753 w

Cody_Comments, BLM_WY <blm_wy_cody_comments@blm.gov>
To: Chad Krause <ckrause@blm.gov>

Tue, Nov 14, 2017 at 11:32 AM

[Quoted text hidden]



Krause, Chad <ckrause@blm.gov>

Fwd: Leavitt Reservoir Expansion Scoping Comments

1 message

Cody_Comments, BLM_WY <blm_wy_cody_comments@blm.gov>
To: Chad Krause <ckrause@blm.gov>

Tue, Nov 14, 2017 at 11:32 AM

----- Forwarded message -----

From: McCoy, Melissa <mccoy.melissa@epa.gov>

Date: Mon, Nov 13, 2017 at 6:50 PM

Subject: Leavitt Reservoir Expansion Scoping Comments

To: "blm_wy_cody_comments@blm.gov" <blm_wy_cody_comments@blm.gov>

Dear Chad,

Please find attached EPA's Scoping comments on the Leavitt Reservoir Expansion Project. If you have any questions or would like to discuss anything, please don't hesitate to give me a call.

Thanks,

Melissa

Melissa W. McCoy, Ph.D.

NEPA Compliance and Review Program


U.S. EPA Region 8 (EPR-N)

1595 Wynkoop St.

Denver, Colorado 80202-1129

Ph: (303) 312-6155

F: (303) 312-7203

 Leavitt_Reservoir_EPA_Scoping_Comments_11-13-2017.pdf
343K



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

NOV 13 2017

Ref: 8EPR-N

Chad Krause
Bureau of Land Management
Cody Field Office
1002 Blackburn Street
Cody, Wyoming 82414

Dear Mr. Krause:

The U.S. Environmental Protection Agency Region 8 has reviewed the U.S. Bureau of Land Management's (BLM) October 11, 2017 notice of intent to prepare an Environmental Impact Statement (EIS) for the Leavitt Reservoir Expansion Project. In accordance with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act (CAA), we are providing scoping comments. These comments convey important questions or concerns that the EPA recommends be addressed during the NEPA process.

In EPA's experience, water resource impacts are a primary issue to be included in the scope of analysis for water supply NEPA documents. There are a number of key topics associated with this type of project that the EPA recommends the BLM address through the NEPA process, including:

- Considering opportunities to reduce aquatic resource impacts when developing a range of reasonable and practicable alternatives;
- Documenting the site-specific baseline conditions in the project area, including watershed conditions; water quality; sediment loads; wetland and riparian conditions and functions; vegetation cover and conditions; wildlife, fish and macroinvertebrate population and habitat health and trends;
- Assessing the site-specific impacts to these baseline aquatic resource conditions that would likely result from implementation of each alternative;
- A detailed monitoring and mitigation plan to address any identified potential adverse impacts to resources; and
- Identifying a preferred alternative that the BLM believes would also be the least environmentally damaging practicable alternative according to the Clean Water Act (CWA) Section 404 implementing regulations.

We appreciate your consideration of our comments at this stage of the NEPA process. Our detailed comments are enclosed and are intended to help ensure a thorough assessment of each alternative's environmental impacts and adequate public disclosure to inform the decision-making process for both

NEPA and CWA Section 404.

If further explanation of our comments is desired, please contact me at (303) 312-6704, or Melissa McCoy, lead reviewer for this project, at (303) 312-6155 or mccoy.melissa@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "PS Strobel", with a large, stylized circular flourish above the name.

Philip S. Strobel
Director, NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation

Enclosure

EPA's Detailed Scoping Comments on the Leavitt Reservoir Expansion Project

(1) Analysis and Resource Considerations

Affected Environment and Baseline Conditions

When evaluating effects of project alternatives, we recommend that current existing environmental conditions be used as the baseline for comparison of impacts across all alternatives, including the No Action Alternative. Comparison of the alternatives to existing conditions is an important frame of reference for quantifying and/or characterizing magnitudes of effects and understanding each alternative's impacts and potential benefits. This is especially true when there are environmental protections in place that are based on current conditions, such as total maximum daily loads (TMDLs) for impaired river segments. By utilizing existing environmental conditions as a baseline, future changes to environmental resources can be more accurately measured for all alternatives, including the No Action Alternative. The EPA also recommends that for all alternatives, the NEPA analysis use a consistent method to compare resource impacts against the existing conditions baseline. We recommend that the BLM consider the following when defining baseline conditions:

- Verifying that historical data (e.g., data 5 years or older) are representative of current conditions.
- Providing a detailed hydrologic analysis to adequately assess the project's potential biological and geomorphic impacts. At a minimum, include wet, average, and dry year analyses at a daily time-step. Also consider potential influences of temperature and precipitation trends on future hydrology.
- Including resources directly impacted by the project footprint within the geographic scope of analysis, as well as the resources indirectly (or secondarily) impacted by the project. These indirectly impacted areas may include downstream segments, source streams where water diversions will occur, and any other resource areas which may be affected by changes in water management or operations.

Direct, Indirect and Cumulative Effects

To determine whether a project may have significant effects on the environment, it is important to examine the direct, indirect, and cumulative impacts to the aquatic and other resource characteristics of the project area. This may include impacts to water quality and water quantity, as well as any resulting impacts to stream channel morphology, riparian function, or fish and invertebrate assemblages.

In analyzing cumulative impacts associated with each alternative, we recommend site-specific characterization and disclosure of any past diversion impacts, including incremental impacts from historical operations, affecting aquatic ecosystems, including streams, associated wetlands and aquatic habitat. If there are other water diversion and water management projects that will have a relationship with this project, we recommend that the Draft EIS identify those relationships to aid in the disclosure of any cumulative impacts to the affected environment.

Finally, because this project will also require a CWA Section 404 permit, we offer the following recommendation. NEPA and CWA Section 404 have slightly different definitions for indirect

(secondary) and cumulative impacts. We therefore recommend that the NEPA document identify which statute is being employed to evaluate the impacts and, if applicable, how the analysis would differ under the other statute's definition.

Wetlands

In order to illustrate effects to wetlands in the area, we recommend that the Draft EIS specifically include the following analyses or descriptions:

- Description of impacts under an individual permit authorizing the discharge of fill or dredge materials to waters of the U.S.;
- Wetland delineation and descriptions, including wetlands function analysis if there is any potential that the project will cause impacts;
- Clear maps, including wetland delineation and regional water features;
- Detailed analysis of the direct, indirect, and cumulative impacts to all wetlands in the geographic scope, including impacts to wetlands from changes in hydrology even if these wetlands are spatially removed from the construction footprint. Include in the analysis the indirect impacts to wetlands from loss of hydrology from water diversions and exchanges; and
- Impacts associated with reservoir construction/expansion and subsequent inundation with quantification of lost aquatic and riparian habitat areas.

Compliance with Executive Order 11990 Protection of Wetlands

We recommend that the Draft EIS demonstrate that the destruction, degradation and modification of all wetlands, both jurisdictional and non-jurisdictional, is being avoided and minimized on federal land as outlined in EO 11990. This would involve mapping all wetlands within the project site, including springs, and assuring all avoidance and minimization measures are incorporated into the project.

Streams

When assessing impacts to affected stream system(s), we recommend the EIS account for alterations of quantity, timing and quality, as well as subsequent impacts to aquatic life and channel morphology. In order to understand project effects on streams, include in the analysis any stream resources in the immediate project area, downstream of the project area, and any areas that would be affected by inundation, diversions or operational modifications within the scope of the impact analysis.

To ensure that critical resources (e.g., segments impaired per Section 303(d) of the CWA, segments for which TMDLs have been established, receiving waters for permitted dischargers, species recovery areas, recreational areas, critical habitat for threatened or endangered species, and source water protection areas for surface water intakes) are considered and the scope of analysis is appropriate, we recommend conducting interagency coordination.

Where project alternatives are expected to alter stream flow quantity or quality, we recommend that the Draft EIS include:

- Impacts to the flow regime, with an emphasis on the implications of these changes on channel complexity, channel maintenance, aquatic habitat availability and life history adaptations; which includes:
 - Present and compare pre- and post-project flows as characterized in the table below:

Table 1. Recommended flow metrics for pre- and post-project comparison		
Flow Type	Description	Hydrologic Parameters
Low-flow	Baseflow or dominant flow condition	Mean and median values for each month
High-flow Pulses	Flows during rainstorms or brief periods of snowmelt when flows exceed low-flow levels but are less than bankfull	Mean and median values of high flow pulse event: <ul style="list-style-type: none"> • Duration (days) • Peak flow (maximum flow during event) • Frequency (occurrence throughout water year)
Small Floods	Flows equal to or greater than bankfull flows (2-year flood) but less than the 10-year flood; these floods overtop the main channel but do not include more extreme, less frequent floods	Mean and median values of high flow pulse event: <ul style="list-style-type: none"> • Duration (days) • Peak flow (maximum flow during event) • Frequency (occurrence throughout water year)
Large Floods	Floods equal to or greater than the 10-year flood	Mean and median values of high flow pulse event: <ul style="list-style-type: none"> • Duration (days) • Peak flow (maximum flow during event) • Frequency (occurrence throughout water year)

- If there are existing diversions or reasonably foreseeable future diversions from sources affected by this project, quantify the cumulative total diversions as the proportion of average monthly (or daily) streamflow diverted;
- Impacts to stream morphology and sediment transport due to reservoir construction/expansion, changes in stream flow, or changes in land use;
 - Identify riffle-pool complexes;
 - Relate pre- and post-project flows to sediment transport, channel maintenance and channel complexity;
- Impacts to resident fish species and invertebrate assemblages; which includes:
 - Baseline data regarding functional species composition, diversity, evenness, abundance, and, % EPT for macroinvertebrates, and some characterization of flow preferences. The EPA's rapid bioassessment protocol, or a state-specific method, may be used to describe baseline habitat quality;

- Characterization of shifts in species composition, impacts to less tolerant species, and changes in functional composition between current baseline and post-project environment;
- Impacts to physical habitat, including availability, heterogeneity, connectivity, and long-term habitat maintenance;
- Consideration of multiple metrics or factors that influence habitat such as loss of flushing flows, reduced floodplain connectivity, temperature, and changes to ecologically significant flows;
- Analysis of aquatic resource impacts, which integrate any results from flow, stream morphology and water quality analyses;
- Analysis of impacts associated with reservoir construction/expansion and subsequent inundation and include quantification of lost aquatic and riparian habitat areas and impacts of conversion from lotic to lentic habitat types; and
- A description of mitigation measures for potentially adverse impacts to stream resources and aquatic life.

Water Quality

The EPA recommends analyzing potential changes to water quality within and downstream of any new or expanded reservoirs. Loss of dilution flow in source water streams concentrates pollutants, storing large volumes of water in reservoirs can affect the temperature of the water due to increased surface area, and stratification of the stored water can lead to formation of anoxic zones, which can increase sediment release of nutrients and subsequent growth of algae. Therefore, we recommend that the BLM use its water quality expertise to analyze the potential for the project to cause or contribute to exceedances of Water Quality Standards (WQS). We recommend that the model or other analysis method selected ensures that the full variability and dynamics of growing season nutrient cycling, algal blooms, and reductions in dissolved oxygen are captured to predict potential nutrient impacts.

Relevant WQS include dissolved oxygen, temperature, pH, metals, algal growth, bacterial concentrations, total suspended solids, turbidity and total/dissolved organic carbon. A change in any of these parameters caused by reservoir operations and fluctuating water levels may influence water quality, fisheries, or recreational use (including fish consumption advisories) within or downstream of the reservoir. If exceedances of WQS are possible, it is important to address the spatial extent, magnitude, frequency and duration of effects. Impermanent headwater streams like Alkali Creek serve a critical role in maintaining downstream water quality, including through nitrogen cycling and storing and processing organic material, so these functions should also be considered when analyzing impacts.

Should the project modify flow through operational changes, increased diversion of water, introduction of new water sources, or a combination of these factors, we recommend coordinating with the Wyoming Department of Environmental Quality (DEQ), and that the Draft EIS include an analysis of water quality that, at a minimum, evaluates the following areas:

- Current and post-project water quality at a critical flow condition and expected changes to assimilative capacity or permit limits for any NPDES/WPDES discharge permits downstream of the diversion or impoundment. This analysis should:
 - Compare current water quality, post-project water quality, and the applicable WQS;

- Use State methods to assess water quality and determine water quality-based effluent limits;
- Account for changes in background water quality for water quality modeling and determinations of assimilative capacity;
- Water quality impairments per State CWA Section 303(d) lists, draft or established total maximum daily loads (TMDLs), and potentially affected dischargers;
 - The following water quality-limited segments exist within the affected area and are covered by TMDLs: Beaver Creek from its confluence with Shell Creek to a point 7.9 miles upstream and Shell Creek from its confluence with the Bighorn River to a point 5.3 miles upstream (both impaired by bacteria from non-point sources).
- Any Wyoming DEQ-identified Source Water Protection areas and explanation of how the project will be consistent with Source Water Protection planning measures; and
- Potentially affected water treatment providers and possible changes to treatment processes.

Air Quality

Protection of air quality is important to address in the Draft EIS. We recommend evaluating and disclosing any air quality impacts and, if necessary, detailing mitigation steps that will be taken to minimize associated adverse impacts. We recommend BLM consider opportunities to reduce vehicle emissions as well as road- and construction-related dust emissions through application of best management practices such as dust suppression and limiting vehicle idling.

Groundwater

In assessing the potential impacts of a proposed project on groundwater systems in the region of the project site, the EPA recommends that the Draft EIS examine the potential for changes in the volume, storage, flow and quality of ground water in light of data obtained from characterization of ground water resources and ground water use. Projected construction, operation or maintenance of a proposed project may have significant impact on these facets of the natural system mentioned above. Identify any changes in the system that may result from implementation of the project, and consider mitigation measures that:

- Avoid impacts on groundwater;
- Limit the degree or magnitude of impacts on groundwater;
- Reduce impacts by long-term maintenance operations;
- Repair or restore groundwater resources; and/or
- Compensate for groundwater impacts by replacement or substitution.

Relation to Local Stakeholders and Watershed Groups

The EPA recommends considering the following issues when analyzing the project alternatives and their potential effects on local stakeholders and watershed groups:

- Whether current stream and water usage will be altered and the opportunity cost of ecosystem disruption in these areas (i.e., recreationists/recreation industry, intrinsic habitat quality, enhanced user experience, etc.);

- Effects of alternatives on property and real estate values;
- Existing water rights in relation to downstream existing rights and ecological needs.

(2) Coordinating the Requirements of NEPA and CWA Section 404

For purposes of complying with both the CWA and NEPA, the EPA recommends that the purpose and need statement be broad enough to encompass an appropriate range of both “reasonable” (per NEPA) and “practicable” (per CWA Section 404) alternatives to meet the basic (i.e., underlying) project purpose, including the proposed action and other available water supply and management options. For example, assess whether the need for supplemental irrigation water could be partially or fully met through water conservation or more efficient irrigation practices (e.g., center pivot or linear move irrigation systems, irrigation pipelines, remote-controlled water ditch gates, irrigation water management), groundwater development, alternative development of additional storage or changes in reservoir operations, alternative storage sites within the basin, purchase of other water rights that may be less damaging to aquatic resources, or a combination of these or other alternatives.

A combination of non-structural and structural components could serve to meet the underlying project purpose, and together may reflect a practicable alternative that is potentially less damaging than a single larger structural option. Because non-structural options (e.g., conservation, water rights leasing) may individually contribute less towards meeting the project purpose than structural options (e.g., new or expanded reservoir storage), we recommend designing screening criteria so that these non-structural components are not eliminated solely on the basis of their potentially smaller individual contributions to meeting the project purpose and need. Developing an agency-coordinated purpose and need statement is critical prior to establishing subsequent screening criteria or identification of alternatives. Efforts to develop a purpose and need statement that meets the requirements of both NEPA and CWA Section 404 can provide for a more efficient regulatory process.

When creating the purpose and need statement for this project, we recommend that the Draft EIS describe the quantity of water that is needed above the current supply and the reasoning behind the need. Important considerations include documenting existing water use by agricultural producers and ensuring the agricultural demand estimates have taken into account crop limitations such as elevation and growing season.

The project proponent’s 2010 Wind-Bighorn Basin Plan Update projected that only 800 acre-feet of additional water supply would be needed by the basin’s agricultural sector by the year 2060 according to the plan’s “medium,” and most likely, scenario. We recommend that the EIS clearly document how the need for 6,489 acre-feet within the Shell Valley watershed during an average water year was more recently determined (see the project proponent’s 2015 Phase II Project Report for the Shell Valley Storage Level II Study) and the reasons for the difference in estimated shortages.

Under CWA Section 404 regulations, the U.S. Army Corps of Engineers can only issue a permit for a discharge of fill material into waters of the U.S. if it can be demonstrated that the project is the least environmentally damaging practicable alternative. In order for an alternative to be practicable, it must be reasonably available or obtainable and may include consideration of options beyond the authority of the lead agency. In order to assure that the project is permissible, it is essential that the EIS include a range of alternatives with the goal of avoiding and minimizing the impacts to waters of the U.S. while meeting

the underlying purpose of the action. We recommend that the Draft EIS summarize the regulatory criteria and processes utilized to develop the reasonable and practicable alternatives, including any environmental, logistical, technological and cost criteria applied to identify and screen potential sites in the project alternatives. Details of the reasoning used to eliminate alternatives is also helpful in understanding the decision process. As required by regulation, the rationale must be consistent with the practicability definition and criteria outlined in the preamble language of the CWA. Details of the reasoning used to eliminate alternatives is also helpful in understanding the decision process. As required by regulation, the rationale must be consistent with the practicability definition and criteria outlined in the preamble language of the CWA 404(b)(1) Guidelines (40 CFR § 230.10).

Mitigation

The EPA recommends that each alternative in the Draft EIS explicitly include identification of appropriate mitigation where impacts are expected. Monitoring and modeling efforts are key components for accurately assessing current conditions, predicting project impacts, and ultimately ensuring adequate mitigation planning and implementation of effective mitigation. The higher the uncertainty is surrounding project impacts, the more emphasis there should be on providing mitigation details (including adaptive management) to assure protection of resources. At a minimum, we recommend including the following information in the Draft EIS:

- Designation of the entity responsible for implementing any proposed mitigation;
- A defined mitigation effectiveness monitoring plan for cases where mitigation is needed to avoid water quality standard exceedances, including baseline monitoring if data are lacking;
- Specific management decision points based upon protecting the minimum desired environmental conditions (thresholds) in the project area, which would trigger action;
- Management alternatives and mitigation measures that would be implemented should a threshold be exceeded;
- Identification of funding sources;
- Mechanisms for public disclosure of the analysis and management decisions; and
- Specific temporal milestones to meet rehabilitation standards; and
- Ensure that any mitigation details presented are consistent with the 2008 Rule on Compensatory Mitigation for Losses to Aquatic Resources for CWA Section 404 related impacts.

Invasive species

The EPA recommends that the Draft EIS analyze the project's potential to increase the spread of invasive species. Species may include zebra (*Dreissena polymorpha*) and quagga (*Dreissena bugensis*) mussels, tamarisk (*Tamarix* spp.), the New Zealand mudsnail (*Potamopyrgus antipodarum*), the rusty crayfish (*Orconectes rusticus*).



Leavitt Reservoir Expansion Project

Environmental Impact Statement

We want your comments! If you have any issues, concerns, or questions you would like addressed in the Leavitt Reservoir Expansion Project (LREP) Environmental Impact Statement (EIS), please complete this comment form, fold it in on the lines with the return address showing, tape it closed, affix a stamp, and drop it in the mail to us. You may attach additional pages. If you prefer, you may email your comments to: blm_wy_cody_comments@blm.gov (please include "LREP EIS" in the subject line).

I see no environmental concerns. This project will make a useless piece of land into something that will benefit the environment, wildlife, fisheries, oxygen levels, water quality, livestock, & Farming - Ranching.

Keeping the rural way of life prevents rural sprawl, which hurts the environment.

I see no need to mitigate the wetlands that are there. These are man made from the existing reservoir. A new reservoir will produce 10 times the amount of wetlands currently. Increased water flow in the late season should benefit all plant species & wildlife in the Shell Valley watershed.

Please provide your contact information.

Name

John Ed Anderson

Address

2745 Beaver Cr Rd

City, State, Zip

Shell WY 82441

Email

jganderson@tetwest.net

I represent (circle one):

Myself

Agency

Tribe

Business

Non-governmental organization

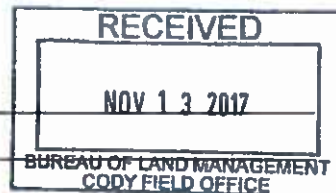
Other (explain)

Please provide Entity name that you represent here:

Red Canyon Ranch

Please hand in your completed comment sheet at the open house or mail it to us by **November 13, 2017**, to ensure your input is considered.

Thank you for your interest and participation!





WYOMING GAME AND FISH DEPARTMENT

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November 9, 2017

WER14016.00
Bureau of Land Management
Cody Field Office
Scoping
Leavitt Reservoir Expansion Project
Big Horn County

NEPA Coordinator
BLM Cody Field Office
1002 Blackburn Street
Cody, WY 82414

To Whom it May Concern,

The staff of the Wyoming Game and Fish Department (Department) has reviewed the proposed Leavitt Reservoir Expansion Project located in Big Horn County. We offer the following comments for your consideration.

Terrestrial Considerations:

The proposed Leavitt Reservoir Expansion project consists of a new earthen dam, a 20-foot open channel, various buried pipelines, recreation facilities, a power transmission corridor, and construction borrow areas.

The entire project is outside of sage-grouse core area, and greater than two (2) miles from the nearest occupied lek. Sage-grouse come into adjacent irrigated hayfields in late summer during late brood-rearing, but typically do not occupy the proposed project area during breeding, nesting, and early brood-rearing. Therefore, we do not recommend any seasonal sage-grouse stipulations.

The majority of the project overlaps mule deer crucial winter range, and a small portion of the proposed borrow area east of Beaver Creek Road overlaps elk crucial winter range. The Department recommends that standard big game stipulations for avoiding human activity from November 15 – April 30 are applied.

We also recommend a follow-up plan for treating weeds after project completion, because weed infestations can prevent reestablishment of native vegetation and drastically reduce habitat effectiveness for wildlife. We cannot tell from the provided information if any new fences will



be constructed. The Department recommends that newly constructed fences be wildlife-friendly. Due to the distance of occupied leks to the project area, we do not recommend marking any proposed fencing.

If any portion of the proposed projects falls in sage-grouse core area, a Density Disturbance Calculation Tool analysis will need to be completed for review and compliance with Sage-grouse Executive Order 2015-4.

Aquatic Considerations:

This project could have environmental benefits for Yellowstone cutthroat trout if the proposed diversion was configured to form a barrier to upstream fish passage. North Beaver Creek supports a relict, native population of Yellowstone cutthroat trout that is declining in response to expanding populations of brook trout. If the diversion is configured to form a permanent barrier to upstream movement of fish and an agreement with upstream landowners can be reached, personnel from our agency would provide manpower to plan and implement removal of the brook trout above the barrier. The project sponsor or Wyoming Water Development Office (WWDO) should include funding for rotenone and associated supplies to help with the removal effort.

Please note that moving the existing diversion point for the proposed reservoir downstream to the targeted area will not significantly improve flow conditions in the stream between those two points because the existing upstream diversion will continue to function in late summer to irrigate upper meadows. Thus, while storage water diversions will remain in the stream in early summer to the new diversion point, the low-flow bottleneck of late summer flows below the existing upstream diversion will remain. Consequently, there will be no opportunity to expand hydraulic habitat above the new diversion with the project in place to a level that significantly improves trout habitat. The caveat to this fact is that if the landowner were to retire those irrigated acres in the upper meadows and allow all late-season flow to pass to the new diversion, there likely would be enhanced hydraulic habitat in the affected stream segment. Specific fisheries studies would be needed to quantify the extent of those benefits.

Environmental benefits could also be achieved by providing higher year-round flow downstream of the proposed diversion structure. We encourage the project sponsor to analyze the potential for increasing late summer flow downstream of the diversion structure. Specific fisheries studies are needed to quantify the relationship between flow and aquatic habitat below the proposed diversion structure.

Recreational facilities (parking lot, comfort station, boat ramp, etc.) at Leavitt Reservoir are important project components for public benefit. We encourage consideration of such project amenities.

To Whom it May Concern
November 9, 2017
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Thank you for the opportunity to comment. If you have any questions or concerns please contact Tom Annear, Water Management Supervisor, at 307-777-4555, or Sam Hochhalter, Cody Region Fisheries Supervisor, at 307-527-7125 Ext. *816, or Tim Woolley, Cody Region Wildlife Coordinator, at 307-527-7125.

Sincerely,

A handwritten signature in black ink, appearing to read "Angi Bruce". The signature is fluid and cursive, with the first name "Angi" written in a larger, more prominent script than the last name "Bruce".

Angi Bruce
Habitat Protection Supervisor

AB/lc/ml

cc: USFWS
Tim Woolley, WGFD
Leslie Schreiber, WGFD
Jerry Altermatt, WGFD
Tom Annear, WGFD
Sam Hochhalter, WGFD
Chris Wichmann, Wyoming Department of Agriculture, Cheyenne

