

FEDERAL ENERGY REGULATORY COMMISSION

Washington, DC 20426

October 5, 2012

OFFICE OF ENERGY PROJECTS

Project No. 14446-000 – Colorado
Peabody Trout Creek Reservoir
Hydroelectric Project
Peabody Trout Creek Reservoir LLC

Subject: Scoping Document 1 for Trout Creek Hydroelectric Project P-14446

To the Party Addressed:

The Federal Energy Regulatory Commission (Commission) is currently reviewing the Pre-Application Document submitted by Peabody Trout Creek Reservoir LLC (Peabody) for the licensing of the proposed Peabody Trout Creek Reservoir Hydroelectric Project (Trout Creek Project or project) (FERC No. 14446). The Trout Creek Project would be located on Trout Creek, 15 miles southwest of Steamboat Springs, Colorado. The Trout Creek Project would be located on mostly private land but would encroach upon 4.3 acres of land administered by the Bureau of Land Management.

Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, Commission staff intends to prepare an environmental assessment (EA), which will be used by the Commission to determine whether, and under what conditions, to issue a license for the project. To support and assist our environmental review, we are beginning the public scoping process to ensure that all pertinent issues are identified and analyzed, and that the EA is thorough and balanced.

We invite your participation in the scoping process, and are circulating the attached Scoping Document 1 (SD1) to provide you with information on the Trout Creek Project. We are also soliciting your comments and suggestions on our preliminary list of issues and alternatives to be addressed in the EA. We are also requesting that you identify any studies that would help provide a framework for collecting pertinent information on the resource areas under consideration necessary for the Commission to prepare the EA for the project.

We will hold two scoping meetings for the Trout Creek Project to receive input on the scope of the EA. An evening meeting will be held at 7:00 p.m. on October 24, 2012, at the Steamboat Springs Community Center, 1605 Lincoln Avenue, Steamboat Springs, CO 80487. A daytime meeting will be held at 10:00 a.m. on October 25, 2012, at the

Steamboat Springs Community Center as well. We will visit the project facilities on October 24, 2012, starting at 11:00 a.m.

We invite all interested agencies, Indian tribes, non-governmental organizations, and individuals to attend one or all of these meetings. Further information on the site review meeting and scoping meetings is available in the enclosed SD1.

SD1 is being distributed to both Peabody's distribution list and the Commission's official mailing list (see section 10.0 of the attached SD1). If you wish to be added to or removed from the Commission's official mailing list, please send your request by email to efiling@ferc.gov or by mail to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Room 1A, Washington, DC 20426. All written or emailed requests must specify your wish to be removed from or added to the mailing list and must clearly identify the following on the first page: **Peabody Trout Creek Reservoir Hydroelectric Project No. 14446-000**.

Please review SD1 and, if you wish to provide comments, follow the instructions in section 6.0, *Request for Information and Studies*. If you have any questions about SD1, the scoping process, or how Commission staff will develop the EA for this project, please contact Shana Murray at (202) 502-8333 or shana.murray@ferc.gov. Additional information about the Commission's licensing process and the Trout Creek Project may be obtained from our website, www.ferc.gov. The deadline for filing comments is **December 4, 2012**. The Commission strongly encourages electronic filings.

Enclosure: Scoping Document 1

cc: Mailing List
Public Files

SCOPING DOCUMENT 1
PEABODY TROUT CREEK RESERVOIR HYDROELECTRIC PROJECT

COLORADO

PROJECT NO. 14446-000

Federal Energy Regulatory Commission
Office of Energy Projects
Division of Hydropower Licensing
Washington, DC

October 2012

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SCOPING DOCUMENT 1

Peabody Trout Creek Reservoir Hydroelectric Project No. 14446-000

1.0 INTRODUCTION

The Federal Energy Regulatory Commission (Commission or FERC), under the authority of the Federal Power Act (FPA),¹ may issue licenses for terms ranging from 30 to 50 years for the construction, operation, and maintenance of non-federal hydroelectric projects. On August 9, 2012, Peabody Trout Creek Reservoir LLC (Peabody) filed a Pre-Application Document (PAD) and a Notice of Intent (NOI) to seek an original license for the construction and operation of the Peabody Trout Creek Reservoir Hydroelectric Project (Trout Creek Project or project) (FERC Project No. 14446).

The Trout Creek Project would be located on Trout Creek, 15 miles southwest of Steamboat Springs, Colorado (figure 1). The applicant proposes to construct a new 1,900-foot-long, 75-feet-high, compacted earth-fill dam with a concrete spillway and crest of the dam. The proposed dam would form a new 392-acre reservoir and impound 11,720 acre-feet of water (figure 2). Water would be stored in the reservoir when Peabody's water right to store 15,000 acre feet is in priority and released at a rate to meet downstream demand throughout the year. The applicant also proposes to construct a dual purpose two-story building that will serve as the powerhouse and a water treatment plant. The powerhouse will contain a 125-kilowatt turbine-generator and generate an estimated average of 756 megawatt-hours annually. Water from the powerhouse for hydropower generation would be released directly back to Trout Creek immediately below the project. Water intended for industrial use by Peabody's mining operations would also be released directly below the dam but would be recaptured further downstream near either Peabody's Twenty Mile mine located west of Trout Creek or near Peabody's Sage Creek Mine at the confluence of Sage Creek and the Yampa River. A detailed description of the project is provided in section 3.0.

The National Environmental Policy Act (NEPA) of 1969², the Commission's regulations, and other applicable laws require that we independently evaluate the environmental effects of the proposed project and reasonable alternatives. At this time, we intend to prepare an environmental assessment (EA) that describes and evaluates the probable

¹ 16 U.S.C. § 791(a)-825(r).

² National Environmental Policy Act of 1969, as amended (Pub. L. 91-190. 42 U.S.C. § 4321-4347, January 1, 1970, as amended by Pub. L. 94-52, July 3, 1975, Pub. L. 94-83, August 9, 1975, and Pub. L. 97-258, § 4(b), Sept. 13, 1982).

effects, including an assessment of the site-specific and cumulative effects, if any, of the proposed action and alternatives. The EA preparation will be supported by a current intent is to prepare a draft and final EA, there is a possibility that an environmental impact statement (EIS) will be required. The scoping process will satisfy NEPA scoping requirements, irrespective of whether the Commission issues an EA or EIS.

2.0 SCOPING

This Scoping Document 1 (SD1) is intended to advise all participants as to the proposed scope of the EA and to seek additional information pertinent to this analysis. This document contains: (1) a description of the scoping process and schedule for the development of the EA; (2) a description of the proposed action and alternatives; (3) a preliminary identification of environmental issues and proposed studies; (4) a request for comments and information; (5) a proposed EA outline; and (6) a preliminary list of comprehensive plans that are applicable to the project.

2.1 PURPOSES OF SCOPING

Scoping is the process used to identify issues, concerns, and opportunities for enhancement or mitigation associated with a proposed action. According to NEPA, the process should be conducted early in the planning stage of the project. The purposes of the scoping process are as follows:

- invite participation of federal, state and local resource agencies, Indian tribes, non-governmental organizations (NGOs), and the public to identify significant environmental and socioeconomic issues related to the proposed project;
- determine the resource issues, depth of analysis, and significance of issues to be addressed in the EA;
- identify how the project would or would not contribute to cumulative effects in the project area;
- identify reasonable alternatives to the proposed action that should be evaluated in the EA;

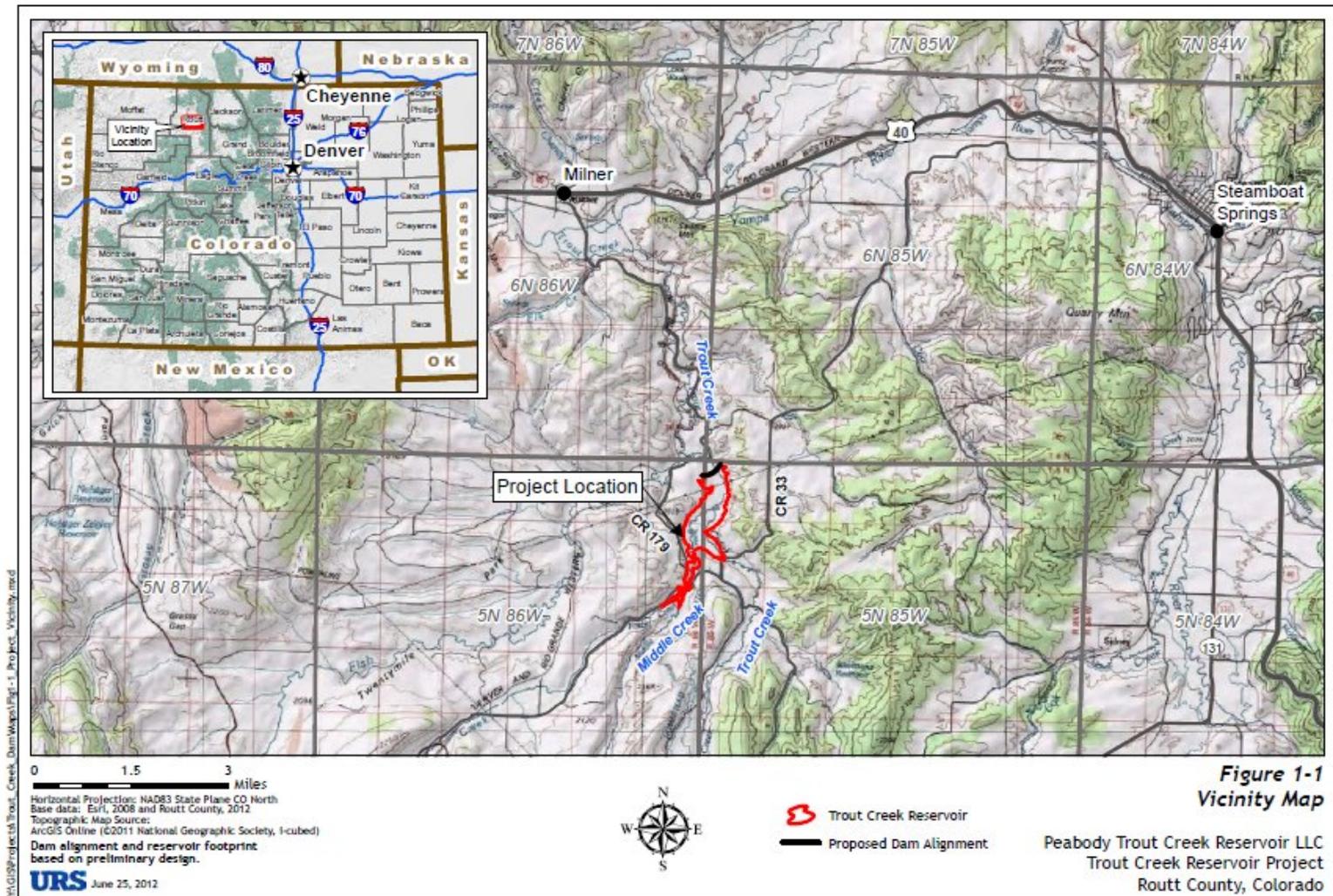


Figure 1. Project Location for the Trout Creek Project. (Source: Peabody Trout Creek Reservoir LLC's PAD, as modified by staff.)

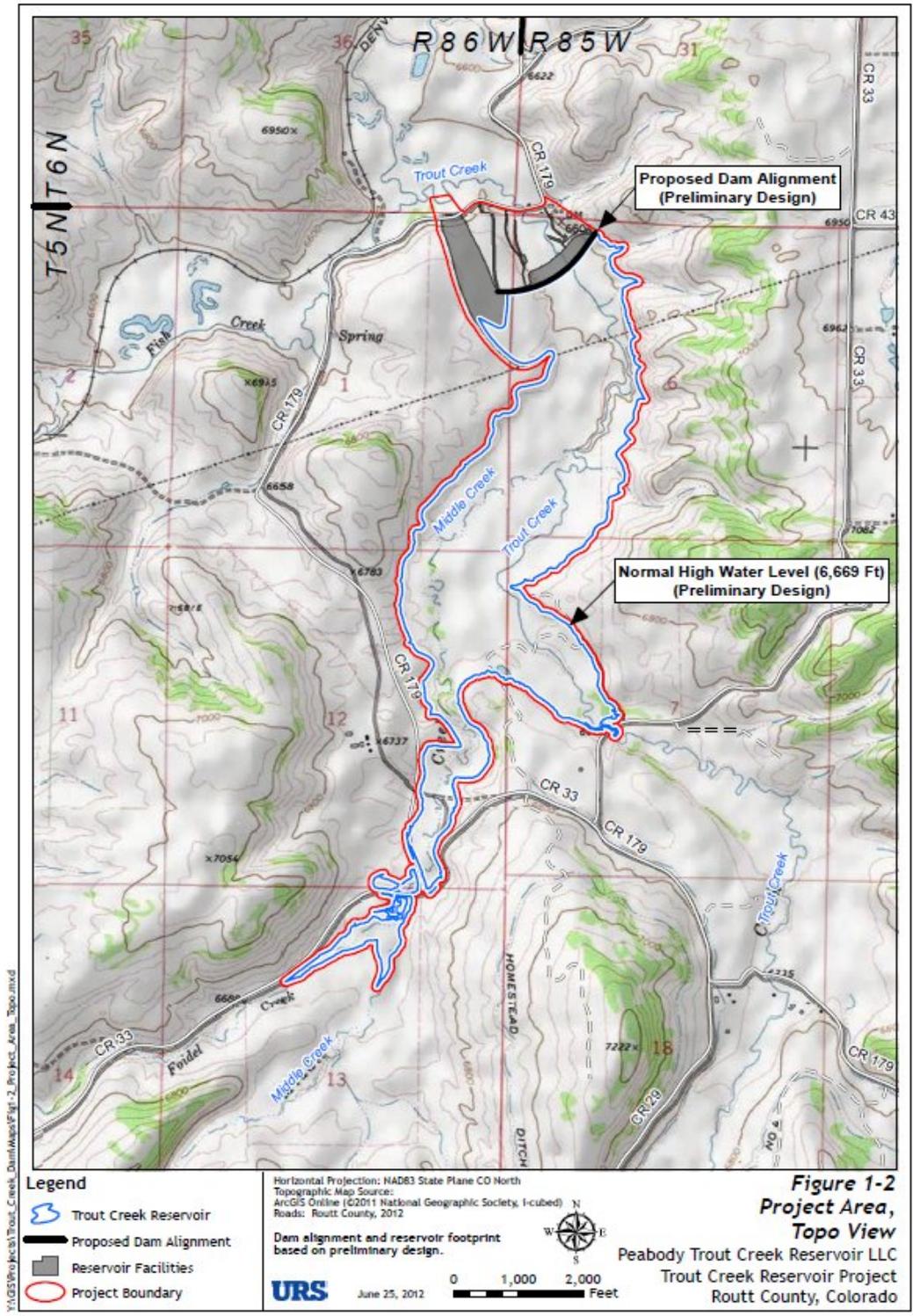


Figure 2. Project Area for Trout Creek Project. (Source: Peabody Trout Creek Reservoir LLC's PAD, as modified by staff.)

- solicit, from participants, available information on the resources at issue, including existing information and study needs; and
- determine the resource areas and potential issues that do not require detailed analysis during review of the project.

2.2 COMMENTS, SCOPING MEETINGS, AND ENVIRONMENTAL SITE REVIEW

During preparation of the EA, there will be several opportunities for the resource agencies, Indian tribes, NGOs, and the public to provide input. These opportunities occur:

- during the public scoping process and study plan meetings, when we solicit oral and written comments regarding the scope of issues and analysis for the EA;
- in response to the Commission's notice that the project is ready for environmental analysis; and
- after issuance of the draft EA when we solicit written comments on the EA.

In addition to written comments solicited by this SD1, we will hold two public scoping meetings and a virtual site review meeting in the vicinity of the project. A daytime meeting will focus on concerns of the resource agencies, NGOs, and Indian tribes, and an evening meeting will focus on receiving input from the public. The virtual site review meeting will provide an overview of the proposed project area, including video, photos, and maps. We invite all interested agencies, Indian tribes, NGOs, and individuals to attend one or both of the scoping meetings to assist us in identifying the scope of environmental issues that should be analyzed in the EA. All interested parties are also invited to participate in the virtual site review meeting. The times and locations of the meetings and virtual site review are as follows:

Evening Scoping Meeting

Date and Time: Wednesday, October 24, 2012, 7:00 p.m.
 Location: Steamboat Springs Community Center
 1605 Lincoln Avenue
 Steamboat Springs, CO 80487
 Phone Number: (970) 871-8264

Daytime Scoping Meeting

Date and Time: Thursday, October 25, 2012, 10:00 a.m.
Location: Steamboat Springs Community Center
1605 Lincoln Avenue
Steamboat Springs, CO 80487
Phone Number: (970) 384-4738

Environmental Site Review

Date and Time: Wednesday, October 24, 2012, 11:00 a.m.
Location: Steamboat Springs Community Center
1605 Lincoln Avenue
Steamboat Springs, CO 80487
Phone Number: (970) 384-4738

Please notify Dave Merritt at the phone number provided above or at david.merritt@urs.com by October 19, 2012, if you plan to attend the environmental site review.

The scoping meetings will be recorded by a court reporter, and all statements (verbal and written) will become part of the Commission's public record for the project. Before each meeting, all individuals who attend, especially those who intend to make statements, will be asked to sign in and clearly identify themselves for the record. Interested parties who choose not to speak or who are unable to attend the scoping meetings may provide written comments and information to the Commission as described in section 6.0. These meetings are posted on the Commission's calendar located on the internet at www.ferc.gov/EventCalendar/EventsList.aspx, along with other related information.

Meeting participants should come prepared to discuss their issues and/or concerns as they pertain to the project. It is advised that participants review the PAD in preparation for the scoping meetings. Copies of the PAD are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website (www.ferc.gov), using the "eLibrary" link. Enter the docket number, P-14446, to access the documents. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at 1-866-208-3676, or for TTY, (202) 502-8659. A copy of the PAD is also available for inspection and reproduction at the following address: URS Corporation, 713 Cooper Avenue, Glenwood Springs, Colorado, 81601.

Following the scoping meetings and comment period, all issues raised will be reviewed and decisions made as to the level of analysis needed. If preliminary analysis indicates that any issues presented in this scoping document have little potential for causing significant effects, the issue(s) will be identified and the reasons for not providing a more detailed analysis will be given in the EA.

If we receive no substantive comments on SD1, then we will not prepare a Scoping Document 2 (SD2). Otherwise, we will issue SD2 to address any substantive comments received. The SD2 will be issued for informational purposes only; no response will be required. The EA will address recommendations and input received during the scoping process.

3.0 PROPOSED ACTION AND ALTERNATIVES

In accordance with NEPA, the environmental analysis will consider the following alternatives, at a minimum: (1) the no-action alternative, (2) Peabody's proposed action, and (3) alternatives to the proposed action.

3.1 No-Action Alternative

The no-action alternative is license denial. Under the no-action alternative, the project would not be built and environmental resources in the project area would not be affected.

3.2 APPLICANT'S PROPOSAL

3.2.1 Proposed Project Facilities

The Trout Creek Project would be located on mostly private land but would encroach upon 4.3 acres of land administered by the Bureau of Land Management. The proposed project site requires realigning County Road 179 adjacent to the emergency spillway and elevating the same road adjacent to the upper end of the reservoir.

The proposed project would consist of: (1) a 1,900-foot-long, 75-foot-high, compacted earth-fill dam with a normal high water elevation of 6,669 feet above mean sea level forming a 392-acre reservoir and impounding 11,720 acre-feet of water; (2) a primary spillway consisting of a 54-inch diameter ductile iron reinforced concrete conduit; (3) a 200-foot-long, earthen, side-channel emergency spillway with an armored crest, sides, and outlet works and a width that varies between 350 feet at the crest and 500 feet at the exit spillway; (4) water supply and hydropower intakes consisting of three separate intakes discharging from three levels inside the reservoir pool; (5) a 40-foot by

30-foot, two-story combined water treatment plant, pump station and powerhouse containing a 125-kilowatt turbine-generator; (6) a 200-foot-long primary transmission line connecting to an existing 7.2 kilovolt transmission line owned by Yampa Valley Electric Association; and (7) appurtenant facilities. The project would generate an estimated average of 756 megawatt-hours annually.

3.2.2 Proposed Project Operations

The Peabody Trout Creek reservoir would serve multiple purposes including hydropower generation, domestic and industrial water supply, and recreation and fisheries. Water would be stored in the reservoir when Peabody's water right to store 15,000 acre feet is in priority and released at a rate to meet downstream calls and demands throughout the year. Peabody would attempt to maintain Trout Creek reservoir at a pool elevation of 6,669 feet above feet msl to maximize the available head for hydropower production. However, due to seasonal changes in inflows, the reservoir is expected to fluctuate and will normally be drawn down July through March and refill April through June while making required releases for water supply. In a typical year, the reservoir level would decline approximately seven to nine feet. Water from the powerhouse for hydropower generation would be released directly back to Trout Creek immediately below the project. Water intended for industrial use by Peabody's mining operations would also be released directly below the dam but would be recaptured further downstream s at either Peabody's Twenty Mile Mine just west of Trout Creek or at Peabody's Sage Creek mine near the confluence of Sage Creek and the Yampa River..

3.2.2 Proposed Environmental Measures

In section 5.0 of the PAD, Peabody proposes the following environmental measures to protect and enhance environmental resources in the project area.

Geologic and Soil Resources

- Place silt fencing and straw bales to capture soil particles moved by flowing water, rain or wind;
- Spray water for dust suppression to prevent erosion by wind;
- Construct entrance and exit tire wash stations to reduce the tracking of sediment off site by construction vehicles.
- Identify and confine construction activity to construction zones to reduce soil disturbance.

- Minimize soil compaction by limiting heavy equipment to the maximum extent practicable to the construction footprint.
- Minimize soil contamination by regularly inspecting construction equipment to identify and repair any petrochemical leaks.

Water Quality

- Build a multi-level intake system to allow the selective withdrawal of water from different levels in the reservoir to meet desired downstream water temperature and water quality conditions.
- Release water into Trout Creek and withdraw water further downstream for industrial uses, to enhance stream flow in Trout Creek during late summer and fall low flow conditions.

Fishery Resources

- None are recommended at this time.

Terrestrial Resources

- Development of a revegetation plan to address vegetative areas that would be temporarily disturbed during construction and other areas requiring establishment of vegetation on new surfaces.
- Development of a weed management plan, including noxious weed best management practices (cleaning of equipment, use of weed-free seeds, mulch and hay bales), to control noxious weeds and prevent degradation of habitats.
- The use of silt fencing, erosion logs, temporary berms, and other best management practices to prevent degradation of habitats adjacent to the construction area by transport of eroded sediment.
- Protection of raptors (including Brewer's sparrow) and their nesting sites by implementation of raptor buffer zones, seasonal restrictions, and nest surveys, if necessary, during construction.
- Creation of additional wetlands to compensate for the loss of existing wetlands during construction activities.

Threatened and Endangered Species

- None are recommended at this time.

Recreation and Land Use

- Develop and implement a recreation plan.
- Develop and implement a shoreline management plan.
- Develop a fishery management plan for the proposed reservoir.

Aesthetic Resources

- Re-vegetation of disturbed areas as soon as practicable, with native plant species similar to the adjacent vegetation.
- Design and color aboveground facilities to blend with surroundings.
- Minimize upward diffusion of light by installing downcast lighting if nighttime lighting would be required at Project facilities.
- Operate reservoir levels as high as practicable during the summer to avoid a ring of mudflat around the edge of the reservoir.

Cultural Resources

- Consult with the Colorado State Historic Preservation Officer (SHPO), tribes, and other consulting parties to identify the project area of potential effect (APE), to identify any cultural resources within the project APE, evaluate the eligibility of those resources for listing in the National Register of Historic Properties, and to consult on measures to avoid, minimize, or mitigate the adverse effects, if any, on historic properties and/or cultural resources in the project APE.

3.3 ALTERNATIVES TO THE PROPOSED ACTION

Commission staff will consider and assess all alternative recommendations for location or other changes to the proposed project, as well as protection, mitigation, and enhancement measures identified by the Commission, other agencies, Indian tribes, NGOs, and the public.

4.0 SCOPE OF CUMULATIVE EFFECTS AND SITE-SPECIFIC RESOURCE ISSUES

4.1 CUMULATIVE EFFECTS

According to the Council on Environmental Quality's regulations for implementing NEPA (50 C.F.R. 1508.7), a cumulative effect is the effect on the environment that results from the incremental effect of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time, including hydropower and other land and water development activities.

4.1.1 Resources that Could be Cumulatively Affected

Based on information in the PAD and preliminary staff analysis, we identified the following resources that may be cumulatively affected by the proposed operation of the project: water quality and fishery resources.

4.1.2 Geographic Scope

The geographic scope of the analysis defines the physical limits or boundaries of the proposed action's effect on the resources. Because the proposed action would affect the resources differently, the geographic scope for each resource may vary. We have not yet identified the geographic scope and are currently seeking comments and recommendations on the geographic scope.

4.1.3 Temporal Scope

The temporal scope of our cumulative effects analysis in the EA will include a discussion of past, present, and reasonably foreseeable future actions and their effects on each resource that could be cumulatively affected. Based on the potential term of a license, the temporal scope will look 30 to 50 years into the future, concentrating on the effect on the resources from reasonably foreseeable future actions. The historical

discussion will, by necessity, be limited to the amount of available information for each resource. The quality and quantity of information, however, diminishes as we analyze resources further away in time from the present.

4.2 Resource Issues

In this section, we present a preliminary list of environmental issues to be addressed in the EA. We have identified these issues, which are listed by resource area, by reviewing information in the PAD. This list is not intended to be exhaustive or final, but contains those issues raised to date that could have substantial effects. After the scoping process is complete, we will review the list and determine the appropriate level of analysis needed to address each issue in the EA. Those issues identified by an asterisk (*) will be analyzed for both cumulative and site-specific effects.

4.2.1 Geologic and Soil Resources

- Effects of construction of the proposed dam, powerhouse, tailraces, emergency spillway and transmission facilities on soil erosion and sedimentation.
- Effects of project operation on shoreline erosion and sedimentation.
- Effects of construction and operation of the project on sediment dynamics and movement in the proposed reservoir, downstream to Trout Creek and sediment supply to the Yampa River.
- Effects of construction and operation of the project on downstream river morphology.

4.2.2 Water Quality

- Effects of construction-related accidental spills of fuel, lubricants, etc., on water quality.*
- Effects of construction-related erosion, sedimentation, or placement of fill or other materials on water quality.*
- Effects of project operation on water quality, including water temperature and dissolved oxygen concentrations.*
- Effects of project construction on wetlands and wetland functions.

- Effects of project operations on stream flow and aquatic habitat in Peabody Creek.
- Effects of project construction and operations on water quality, including temperature and dissolved oxygen in Trout Creek and in the new reservoir.

4.2.3 Fishery Resources

- Effects of the project on the loss of riverine habitat in Trout Creek.
- Effects of a newly created lacustrine ecosystem on the existing upstream riverine ecosystem, including changes to the fish assemblage and any resulting trophic (food web) effects.
- Effects of entraining fishes through project works, including the entrainment of predatory non-native fishes (e.g. northern pike and smallmouth bass).
- Effects of dam construction and operation on fish migration, rearing, spawning, and associated physical and flow habitat.
- Effects of project construction and operation on alteration of water quantity in Trout Creek on aquatic habitats and organisms.
- Effects of project construction and operation on alteration water quality, particularly temperature and dissolved oxygen components, and its potential effects on downstream aquatic organisms and habitats in Trout Creek and the Yampa River.
- Effect of project-related evaporative water losses on native fishes in the Yampa River basin.*

4.2.4 Terrestrial Resources

- Effects of vegetation removal, during construction, on wildlife species and their associated habitat.
- Effects of the inundation of riverine, riparian, wetlands, and upland habitats on wildlife.
- Effects noise, traffic, human activity, etc., resulting from construction activities, on normal wildlife behaviors.

- The introduction or spread of noxious weeds/invasive weed species due to project construction, operation, and maintenance.
- Effects of maintenance activities (e.g., road maintenance, transmission line maintenance, and rights-of-way vegetation management) and project-related recreation on wildlife habitat and wildlife.
- Effects of project construction, operation, and maintenance on resident and migratory game birds.
- Effects of the proposed transmission line on birds, including possible collision or electrocution.
- Effects of project construction, operation, and maintenance on plant and terrestrial species given special status by appropriate resources agencies, including but not limited to: North American wolverine, Brewer's sparrow, Greater sage-grouse, Yellow-billed cuckoo, River otter, American peregrine falcon, Bald eagle, Greater sandhill crane, Columbian sharp-tailed grouse, Boreal toad, and Northern leopard frog.

4.2.5 Threatened and Endangered Species

- Effects of project construction, operation, and maintenance on the following threatened and endangered species and their habitats: Canada lynx, pikeminnow, razorback sucker, humpback chub, and bonytail chub.

4.2.6 Recreation and Land Use

- Effects of project construction and operation on public access and recreational opportunities, including hunting and fishing opportunities, within the project area.
- Adequacy of proposed public access and recreational facilities within the project area to meet future recreational demand.
- Effects of project operations on quality and availability of flow-dependent river recreation opportunities, such as fishing.
- Effects of the project on livestock grazing areas.

- Effects of project construction activities on existing roads.
- Effects of constructing new roads for project use.

4.2.7 Aesthetic Resources

- Effects of project construction and operation, including the transmission line, on visual resources in the project vicinity.

4.2.8 Cultural Resources

- Effects of construction and operation of proposed project on historic, archeological, and traditional cultural resources that may be eligible for inclusion in the National Register of Historic Places.

4.2.9 Developmental Resources

- Economics of the proposed project and the effects of any recommended environmental measures on the project's economics.

5.0 PROPOSED STUDIES

Depending upon the findings of studies completed by Peabody and the recommendations of the consulted entities, Peabody will consider, and may propose certain other measures to enhance environmental resources affected by the project as part of its proposed action. Peabody's initial study proposals are identified by resource area in table 1. Further studies may need to be added to this list based on comments provided to the Commission and Peabody from interested participants, including Indian tribes.

Table 1. Peabody Trout Creek Reservoir LLC's initial study proposals for the Peabody Trout Creek Reservoir Hydroelectric Project (Source: Peabody Trout Creek Reservoir LLC's PAD, as modified by staff.)

<u>Resource Area</u>	<u>Proposed Study/Information Need</u>
Water Resources	<p>Conduct additional water quality sampling throughout the year.</p> <p>Model temperature and dissolved oxygen stratification within the proposed reservoir.</p> <p>Model the expected outflow water quality using the multi-level outlet structure.</p>
Fish and Aquatic Resources	<p>Take additional measurements of water depth and velocity for the PHABSIM study when stream flow is high in the spring for hydraulic modeling. These should be followed by habitat simulation for selected species. The habitat availability information from PHABSIM modeling can then be used to evaluate the impacts of the Project and to assess the flow needs for a potential future fishery downstream of the dam.</p> <p>Conduct flow measurements and sediment monitoring at higher flows in the spring to better characterize stream morphology, channel integrity, and sediment transport.</p> <p>Conduct water temperature monitoring throughout the year, especially during the hot periods of mid- to late-summer to evaluate maximum temperatures.</p>

<u>Resource Area</u>	<u>Proposed Study/Information Need</u>
Fish and Aquatic Resources (continued)	<p>Conduct water quality monitoring on a monthly basis in the Project area to complete a full suite of water quality measurements.</p> <p>Prepare an estimate of reservoir sedimentation rate.</p> <p>Conduct studies to assess channel alignment and erosion downstream of the proposed dam.</p>
Wildlife and Botanical Resources	Identify the species and status of any potential raptor nests in the Project area.
Wetlands, Riparian, and Littoral Habitat	Identify wetland delineation for the Project area and develop a conceptual wetland mitigation plan.
Recreation and Land Use	<p>Develop a Shoreline Management Plan.</p> <p>Develop a recreation plan for the proposed reservoir.</p>
Cultural Resources	Conduct a Class III (intensive pedestrian) survey within the area of potential effect (APE). Evaluate cultural resources for NRHP eligibility and determine effects to historic properties and treatment measures.

6.0 REQUEST FOR INFORMATION AND STUDIES

We are asking federal, state, and local resource agencies; Indian tribes; NGOs; and the public to forward to the Commission any information that will assist us in conducting an accurate and thorough analysis of the project-specific and cumulative effects associated with the Trout Creek Project. The types of information requested include, but are not limited to:

- information, quantitative data, or professional opinions that may help define the geographic and temporal scope of the analysis (both site-specific and cumulative effects), and that helps identify significant environmental issues;

- identification of, and information from, any other EA, EIS, or similar environmental study (previous, on-going, or planned) relevant to the proposed Trout Creek Project;
- existing information and any data that would help to describe the past and present actions and effects of the project and other developmental activities on environmental and socioeconomic resources;
- information that would help characterize existing environmental conditions and habitats;
- the identification of any federal, state, or local resource plans, and any future project proposals in the affected resource area (e.g., proposals to construct or operate water treatment facilities, recreation areas, water diversions, timber harvest activities, or fish management programs), along with any implementation schedules;
- documentation that the proposed project would or would not contribute to cumulative adverse or beneficial effects on any resources. Documentation can include, but need not be limited to, how the project would interact with other projects in the area and other developmental activities; study results; resource management policies; and reports from federal and state agencies, local agencies, Indian tribes, NGOs, and the public;
- documentation showing why any resources should be excluded from further study or consideration; and
- study requests by federal and state agencies, local agencies, Indian tribes, NGOs, and the public that would help provide a framework for collecting pertinent information on the resource areas under consideration necessary for the Commission to prepare the EA for the project.

All requests for studies filed with the Commission must meet the criteria found in Appendix A, *Study Plan Criteria*.

The requested information, comments, and study requests should be submitted to the Commission no later than December 6, 2012. All filings must clearly identify the following on the first page: **Peabody Trout Creek Reservoir Hydroelectric Project (P-14446-000)**. Scoping comments may be filed electronically via the Internet. See 18 C.F.R. 385.2001(a)(1)(iii) and the instructions on the Commission's website

<http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at 1-866-208-3676, or for TTY, (202) 502-8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426.

Register online at <http://www.ferc.gov/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, please contact FERC Online Support.

Any questions concerning the scoping meetings, virtual site review, or how to file written comments with the Commission should be directed to Shana Murray at (202) 502-8333 or shana.murray@ferc.gov. Additional information about the Commission's licensing process and the Trout Creek Project may be obtained from the Commission's website, www.ferc.gov.

7.0 EA PREPARATION SCHEDULE

At this time, we anticipate the need to prepare a draft and final EA. The draft EA will be sent to all persons and entities on the Commission's service and mailing lists for the Black Canyon Project. Recipients will then have 60 days to provide the Commission with written comments on the draft EA. The EA will include staff recommendations for operating procedures and environmental measures for inclusion in any license issued by the Commission. All comments on the draft EA filed with the Commission will be considered in preparation of the final EA.

A complete list of processing milestones is available in Appendix B. The schedule assumes that there will be one study season; however, if a second study season is necessary, the schedule below will be adjusted accordingly.

The major pre-filing milestones are as follows:

<u>Major Milestone</u>	<u>Target Date</u>
Scoping Meetings	October 2012
Comments on SD1	December 2012
SD2 (if necessary)	January 2013
Study Plan Determination	June 2013
Initial Study Report	June 2014
Preliminary Licensing Proposal	September 2015

8.0 PROPOSED EA OUTLINE

The preliminary outline for the Trout Creek Project EA is as follows:

TABLE OF CONTENTS
 LIST OF FIGURES
 LIST OF TABLES
 ACRONYMS AND ABBREVIATIONS
 EXECUTIVE SUMMARY

1.0 INTRODUCTION

- 1.1 Application
- 1.2 Purpose of Action and Need for Power
- 1.3 Statutory and Regulatory Requirements
 - 1.3.1 Federal Power Act
 - 1.3.1.1 Section 18 Fishway Prescriptions
 - 1.3.1.2 Section 4(e) Conditions
 - 1.3.1.3 Section 10(j) Recommendations
 - 1.3.2 Clean Water Act
 - 1.3.3 Endangered Species Act
 - 1.3.4 Coastal Zone Management Act
 - 1.3.5 National Historic Preservation Act
 - 1.3.6 Wild and Scenic Rivers Act
 - 1.3.7 Magnuson-Stevens Fishery Conservation and Management Act
 - Other statutes as applicable
- 1.4 Public Review and Comment
 - 1.4.1 Scoping
 - 1.4.2 Interventions
 - 1.4.3 Comments on the Application
 - 1.4.4 Comments on the Draft EA

2.0 PROPOSED ACTION AND ALTERNATIVES

- 2.1 No-action Alternative
- 2.2 Applicant's Proposed Action
 - 2.2.1 Proposed Project Facilities
 - 2.2.2 Proposed Project Operation
 - 2.2.3 Proposed Environmental Measures
 - 2.2.4 Modifications to Applicant's Proposal—Mandatory Conditions
- 2.3 Staff Alternative
- 2.4 Staff Alternative with Mandatory Conditions
- 2.5 Other Alternatives (as appropriate)
- 2.6 Alternatives Considered but Eliminated from Detailed Analysis

3.0 ENVIRONMENTAL ANALYSIS

- 3.1 General Description of the River Basin
- 3.2 Scope of Cumulative Effects Analysis
 - 3.2.1 Geographic Scope
 - 3.2.2 Temporal Scope
- 3.3 Proposed Action and Action Alternatives
 - 3.3.1 Geologic and Soil Resources
 - 3.3.2 Aquatic Resources
 - 3.3.3 Terrestrial Resources
 - 3.3.4 Threatened and Endangered Species
 - 3.3.5 Recreation and Land Use
 - 3.3.6 Cultural Resources
 - 3.3.7 Aesthetic Resources
 - 3.3.8 Socioeconomics
- 3.4 No-action Alternative

4.0 DEVELOPMENTAL ANALYSIS

- 4.1 Power and Economic Benefits of the Project
- 4.2 Comparison of Alternatives
- 4.3 Cost of Environmental Measures

5.0 CONCLUSIONS AND RECOMMENDATIONS

- 5.1 Comparison of Alternatives
- 5.2 Comprehensive Development and Recommended Alternative
- 5.3 Unavoidable Adverse Effects
- 5.4 Recommendations of Fish and Wildlife Agencies
- 5.5 Consistency with Comprehensive Plans

6.0 FINDING OF NO SIGNIFICANT IMPACT (OR SIGNIFICANT IMPACT)

7.0 LITERATURE CITED

8.0 LIST OF PREPARERS

APPENDICES

A--License Conditions Recommended by Staff

B--Response to Comments on the Draft EA

C--Mandatory Conditions from Agencies

9.0 COMPREHENSIVE PLANS

Section 10(a)(2) of the FPA, 16 U.S.C. section 803(a)(2)(A), requires the Commission to consider the extent to which a project is consistent with federal and state comprehensive plans for improving, developing, or conserving a waterway or waterways affected by a project. The staff has preliminarily identified and reviewed the plans listed below that may be relevant to the Black Canyon Project. Agencies are requested to review this list and inform the Commission staff of any changes. If there are other comprehensive plans that should be considered for this list that are not on file with the Commission, or if there are more recent versions of the plans already listed, they can be filed for consideration with the Commission according to 18 CFR 2.19 of the Commission's regulations. Please follow the instructions for filing a plan at <http://www.ferc.gov/industries/hydropower/gen-info/licensing/complan.pdf>.

The following is a list of comprehensive plans currently on file with the Commission that may be relevant to the Trout Creek Project.

Bureau of Land Management. 1986. Little Snake resource area management plan. Department of the Interior, Craig, Colorado. September 1986.

Colorado State Parks. Colorado Statewide Comprehensive Outdoor Recreation Plan (SCORP): 2008-2012. Denver, Colorado.

Department of the Army, Corps of Engineers. Omaha District. 1988. Final environmental impact statement for metropolitan Denver water supply (Two Forks dam and reservoir; William Fork gravity collection system). Omaha, Nebraska. March 1988. Five volumes.

Forest Service. 2002. White River National Forest land and resource management plan. Department of Agriculture, Glenwood Springs, Colorado. April 2, 2002.

National Park Service. The Nationwide Rivers Inventory. Department of the Interior, Washington, D.C. 1993.

U.S. Fish and Wildlife Service. 1987. Final recovery implementation program for endangered fish species in the Upper Colorado River Basin. Department of the Interior, Denver, Colorado. September 29, 1987. 82 pp.

U.S. Fish and Wildlife Service. Undated. Fisheries USA: the recreational fisheries policy of the U.S. Fish and Wildlife Service. Washington, D.C.

10.0 MAILING LIST

The list below is the Commission's official mailing list for the Trout Creek Project (FERC No. 14446). If you want to receive future mailings for the Trout Creek Project and are not included in the list below, please send your request by email to efiling@ferc.gov or by mail to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Room 1A, Washington, DC 20426. All written and emailed requests to be added to the mailing list must clearly identify the following on the first page: Peabody Trout Creek Reservoir Hydroelectric Project No. 14446-001. You may use the same method if requesting removal from the mailing list below.

Register online at <http://www.ferc.gov/esubscribenow.htm> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at 1-866-208-3676, or for TTY, (202) 502-8659.

Mailing List

American Rivers
1536 Wynkoop Street, Suite B500
Denver, CO 80202

Bureau of Land Management
Little Snake Field Office 455 Emerson
Street
Craig, CO 81625

Cheyenne & Arapaho Tribes of
Oklahoma
P.O. Box 38
Concho, OK 73022

City of Steamboat Springs
Department of Planning and Community
Development
124 10th Street
Steamboat Springs, CO 80487

Colorado Commission of Indian Affairs
130 State Capitol
Denver, CO 80203

Colorado Dept. of Public Health and
Environment, Division of Water Quality
410 South Lincoln Avenue
Steamboat Springs, CO 80487

Colorado Dept. of Public Health and
Environment, Division of Water Quality
4300 Cherry Creek Drive South
Denver, CO 80246

Colorado Division of Water Resources
P.O. Box 773450
Steamboat Springs, CO 80477

Colorado Environmental Coalition
1536 Wynkoop Street, #5C
Denver, CO 80202

Colorado Historical Society, Office of
Archaeology, Review and Compliance
Division
1300 Broadway
Denver, CO 80203

Colorado Parks and Wildlife
P.O. Box 775777 925 Weiss Drive
Steamboat Springs, CO 80487

Colorado Trout Unlimited
1536 Wynkoop Street, Suite 302
Denver, CO 80202

Colorado Water Conservation Board
1313 Sherman Street, Room 721
Denver, Co 80203

Creek Ranch Owners Association
P.O. Box 775416
Steamboat Springs, Co 80477

Crow Nation
P.O. Box 159
Crow Agency, MT 59022

Eastern Shoshone Tribe (Wind River
Reservation)
P.O. Box 538 Fort Washakie, WY 82514

Friends of the Yampa
P.O. Box 774703
Steamboat Springs, CO 80477

History Colorado
1200 Broadway
Denver, CO 80203

Northern Arapaho Tribe
P.O. Box 396
Fort Washakie, WY 82514

Northern Cheyenne Tribe
P.O. Box 128
Lame Deer, MT 59043

Peabody Trout Creek Reservoir LLC
701 Market Street
St. Louis, MO 63101-1826

Routt County Department of
Environmental Health
P.O. Box 770087
Steamboat Springs, Co 80477

Routt County Historic Preservation
Board
P.O. Box 773598
Steamboat Springs, Co 80477

Routt County Roads and Bridges
P.O. Box 773598
Steamboat Springs, CO 80477

Southern Ute Indian Tribe
356 Ouray Drive
Ignacio, CO 81137

Steamboat Springs Historic Preservation
Advisory Commission
137 10th Street, P.O. Box 775088
Steamboat Spring, CO 80477

The Nature Conservancy in Colorado
2424 Spruce Street
Boulder, CO 80302

Tri-State Generation & Transmission
Association, Inc.
1100 West 16th Avenue
Westminster, CO 80234

U.S. Army Corps of Engineers
Colorado/Gunnison Basin Regulatory
Office, Sacramento District
400 Rood Avenue, Room 142
Grand Junction, CO 81501

U.S. Bureau of Indian Affairs
Rocky Mountain Regional Office
316 North 26th Street
Billings, MT 59101

U.S. Bureau of Indian Affairs
Southern Plains Regional Office
P.O. Box 368
Anadarko, OK 73005

U.S. Bureau of Indian Affairs
Southwest Regional Office
P.O. Box 26567
Albuquerque, NM 87125

U.S. Bureau of Reclamation
Regional Office
125 South State Street, Room 6107
Salt Lake City, UT 84138

U.S. Bureau of Reclamation
Western Colorado Area Office
2764 Compass Drive
Grand Junction, CO 81506

U.S. Environmental Protection Agency
999 18th Street, Suite 500
Denver, CO 80202

U.S. Fish and Wildlife Service,
Ecological Services
P.O. Box 25486
Denver Federal Center (MS 65412)
Denver, CO 80225

U.S. Fish and Wildlife Service,
Ecological Services
764 Horizon Drive, Building B
Grand Junction, CO 81506

U.S. Fish and Wildlife Service
Western Colorado Field Office 764
Horizon Drive, Building B
Grand Junction, CO 81506

Upper Yampa Water Conservancy
District
P.O. Box 880339
Steamboat Springs, CO 80488

Ute Indian Tribe (Uintah & Ouray
Reservation)
P.O. Box 190
Ft. Dushesne, UT 84026

Ute Mountain Ute Tribe
P.O. Box 248
Towaoc, CO 81334

Western Area Power Administration
Hayden Substation
38545 County Road 51
Haydyn, CO 81639

Mike Ludlow
Ludlows Mountainview Ranch LLC
34115 Routt County Road 33
Steamboat Springs, CO 80487

Xcel Energy
2538 Blichman Avenue
Grand Junction, CO 81505

Bill McCawley
1814 Hunters Court
Steamboat Springs, CO 80487

APPENDIX A
STUDY PLAN CRITERIA
18 CFR Section 5.9(b)

Any information or study request must contain the following:

1. Describe the goals and objectives of each study proposal and the information to be obtained;
2. If applicable, explain the relevant resource management goals of the agencies or Indian tribes with jurisdiction over the resource to be studied;
3. If the requester is not a resource agency, explain any relevant public interest considerations in regard to the proposed study;
4. Describe existing information concerning the subject of the study proposal, and the need for additional information;
5. Explain any nexus between project operations and effects (direct, indirect, and/or cumulative) on the resource to be studied, and how the study results would inform the development of license requirements;
6. Explain how any proposed study methodology (including any preferred data collection and analysis techniques, or objectively quantified information, and a schedule including appropriate filed season(s) and the duration) is consistent with generally accepted practice in the scientific community or, as appropriate, considers relevant tribal values and knowledge; and
7. Describe considerations of level of effort and cost, as applicable, and why proposed alternative studies would not be sufficient to meet the stated information needs.

APPENDIX B PROCESS PLAN AND SCHEDULE

Shaded milestones are unnecessary if there are no study disputes. If the due date falls on a weekend or holiday, the due date is the following business day.

Responsible Entity	Pre-Filing Milestone	Date	FERC Regulation
Applicant	File NOI/PAD with FERC	8/8/12	5.5, 5.6
FERC	Tribal Meeting	9/7/12	5.7
FERC	Notice of Commencement of Proceeding & SD1 issued	10/5/12	5.8
FERC	Scoping and Site Visit	11/4/12	5.8(b)(viii)
All stakeholders	NOI/PAD/SD1 comments due	12/4/12	5.9
FERC	Issue SD2 if needed	1/18/13	5.1
Applicant	File Proposed Study Plan	1/18/13	5.11(a)
All stakeholders	Study Plan Meeting	2/17/13	5.11(e)
All stakeholders	Study Plan Comments due	4/18/13	5.12
Applicant	File Revised Proposed Study Plan	5/18/13	5.13(a)
All stakeholders	Revised Proposed Study Plan Comments due	6/2/13	5.13(b)
FERC	Director's Study Plan Determination	6/17/13	5.13(c)
mandatory cond. Ag.	Any Study Disputes due ¹	7/7/13	5.14(a)
Study D. Panel	Third Panel Member selected	7/22/13	5.14(d)(3)
Study D. Panel	Panel Convenes	7/27/13	5.14(d)
Applicant	Applicant Comments on Study Dispute due	8/1/13	5.14(i)
Study D. Panel	Technical Conference held	8/6/13	5.14(j)
Study D. Panel	Panel Finding Issued	8/26/13	5.14(k)
FERC	Director's Study Dispute Determination	9/15/13	5.14(l)
Applicant	First Study Season	Spr/Sum 2013	5.15(a)
Applicant	Initial Study Report	6/17/14	5.15(c)(1)
All stakeholders	Initial Study Report Meeting	7/2/14	5.15(c)(2)
Applicant	Initial Study Report Meeting Summary	7/17/14	5.15(c)(3)
All stakeholders	Study Disputes/Request to Modify Study Plan due	8/16/14	5.15(c)(4)
All stakeholders	Responses to Disputes/Study Requests	9/15/14	5.15(c)(5)
FERC	Directors Study Plan Determination	10/15/14	5.15(c)(6)
Applicant	Second Study Season	Spr/Sum 2014	5.15(a)
Applicant	Updated Study Report due	6/17/15	5.15(f)
All stakeholders	Updated Study Report Meeting	7/2/15	5.15(f)
Applicant	Updated Study Report Meeting Summary	7/17/15	5.15(f)
All stakeholders	Study Disputes/Request to Modify Study Plan due	8/16/15	5.15(f)
All stakeholders	Responses to Disputes/Study Requests	9/15/15	5.15(f)
FERC	Directors Study Plan Determination	10/15/15	5.15(f)

Applicant	Preliminary Licensing Proposal due ¹	9/15/15	5.16(a)
All stakeholders	Comments on Preliminary Licensing Proposal	12/14/15	5.16(e)

¹ Date for filing of the PLP is a staff estimate.

Document Content(s)

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