



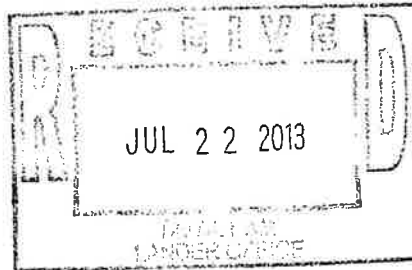
# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Ecological Services  
5353 Yellowstone Road, Suite 308A  
Cheyenne, Wyoming 82009

In Reply Refer To:  
06E13000/WY13CPA0213



JUL 18 2013

Diane L. Oress, Project Manager  
DOWL HKM  
945 Lincoln Street  
Lander, Wyoming 82520

Dear Ms. Oress:

Thank you for your letter of June 13, 2013, received in our office on June 18, regarding the proposed Gannett Peak Estates Subdivision (Project). According to your letter, the development will include 71 new residential housing lots on 28.7 acres within the City of Lander. The infrastructure will include water, power, gas, telecom, sanitary sewer, storm sewer, street paving, sidewalk, and curb and gutter. The Project will be located in the E $\frac{1}{2}$ NE $\frac{1}{4}$ , of Section 24, T33N, R100W, 6<sup>th</sup> P.M. and the W $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 19, T33N, R99W, 6<sup>th</sup> P.M.

Your letter provided sufficient information for the U.S. Fish and Wildlife Service (Service) to evaluate the effects of this Project to federally listed species. Based on the information provided in your letter, it is unlikely that the proposed work will adversely affect any threatened or endangered species. You may consider this Project, as proposed, to be in compliance with the Endangered Species Act of 1973, as amended (ESA), 16 U.S.C. 1531 *et seq.*

This Project should be re-analyzed if new information reveals effects of the action that may affect listed species or designated or proposed critical habitat in a manner or to an extent not considered in this letter; if the action is subsequently modified in a manner that causes an effect to a listed or proposed species or designated or proposed critical habitat that was not considered in this letter; and/or if a new species is listed or critical habitat is designated that may be affected by this Project.

In accordance with the Migratory Bird Treaty Act (MBTA), 16 U.S.C. 703, measures should be taken to ensure that no take of migratory birds occurs during project-related activities. Work that could lead to the take of a migratory bird or eagle, their young, eggs, or nests (e.g., constructing new roads in the vicinity of a nest), should be coordinated with our office before any actions are taken.

The Service has transitioned to a new online program to deliver species lists: the Information, Planning, and Conservation (IPaC) system. To obtain a current list of endangered, threatened, proposed, and candidate species and their designated and proposed critical habitat that occur in or may be affected by actions associated with your proposed Project, please visit our website at <http://ecos.fws.gov/ipac/>. This website will provide you with an immediate response to your species list request. The response will also include information regarding other Service trust authorities.

### **Wetlands/Riparian Areas**

Wetlands or riparian areas may be impacted by the proposed Project. Wetlands perform significant ecological functions which include: (1) providing habitat for numerous aquatic and terrestrial wildlife species, (2) aiding in the dispersal of floods, (3) improving water quality through retention and assimilation of pollutants from storm water runoff, and (4) recharging the aquifer. Wetlands also possess aesthetic and recreational values. If wetlands may be destroyed or degraded by the proposed action, those wetlands in the Project area should be inventoried and fully described in terms of their functions and values. Acreage of wetlands, by type, should be disclosed and specific actions should be outlined to avoid, minimize, and compensate for all unavoidable wetland impacts.

Riparian or streamside areas are a valuable natural resource and impacts to these areas should be avoided whenever possible. Riparian areas are the single most productive wildlife habitat type in North America. They support a greater variety of wildlife than any other habitat. Riparian vegetation plays an important role in protecting streams, reducing erosion and sedimentation as well as improving water quality, maintaining the water table, controlling flooding, and providing shade and cover. In view of their importance and relative scarcity, impacts to riparian areas should be avoided. Any potential, unavoidable encroachment into these areas should be further avoided and minimized. Unavoidable impacts to streams should be assessed in terms of their functions and values, linear feet and vegetation type lost, potential effects on wildlife, and potential effects on bank stability and water quality. Measures to compensate for unavoidable losses of riparian areas should be developed and implemented as part of the Project.

Plans for mitigating unavoidable impacts to wetland and riparian areas should include mitigation goals and objectives, methodologies, time frames for implementation, success criteria, and monitoring to determine if the mitigation is successful. The mitigation plan should also include a contingency plan to be implemented should the mitigation not be successful. In addition, wetland restoration, creation, enhancement, and/or preservation does not compensate for loss of stream habitat; streams and wetlands have different functions and provide different habitat values for fish and wildlife resources.

Best Management Practices (BMPs) should be implemented within the Project area wherever possible. BMPs include, but are not limited to, the following: installation of sediment and erosion control devices (*e.g.*, silt fences, hay bales, temporary sediment control basins, erosion control matting); adequate and continued maintenance of sediment and erosion control devices to insure their effectiveness; minimization of the construction disturbance area to further avoid streams, wetlands, and riparian areas; location of equipment staging, fueling, and maintenance

areas outside of wetlands, streams, riparian areas, and floodplains; and re-seeding and re-planting of riparian vegetation native to Wyoming in order to stabilize shorelines and streambanks.

We appreciate your efforts to ensure the conservation of endangered, threatened, and candidate species and migratory birds. If you have any questions regarding this letter or your responsibilities under the ESA, the MBTA, and/or other authorities, please contact Alex Schubert of my office at the letterhead address or phone (307) 772-2374, extension 238.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Mark Sattelberg". The signature is fluid and cursive, written over a horizontal line.

R. Mark Sattelberg  
Field Supervisor  
Wyoming Field Office

cc: WGFD, Non-game Coordinator, Lander, WY (B. Oakleaf)  
WGFD, Statewide Habitat Protection Coordinator, Cheyenne, WY (M. Flanderka)