

May 22, 2002

Ms. Kate Fay
Dudley & Associates, LLC
1776 Lincoln St., Suite 904
Denver, CO 80203-1026

RE: Supplement to the *Seminole Road Coalbed Methane Gas Gathering Pipeline and Access Roads Project Biological Investigation* (letter report) (TRC Mariah Associates Inc. [TRC Mariah] 2002a) and *Jurisdictional Wetlands and Other Waters of the U.S., Seminole Road Coalbed Methane Gas Gathering Pipeline and Access Roads Project, Carbon County, Wyoming* (TRC Mariah 2002b) Reports

Dear Kate:

This letter report is provided as a supplement/addendum to the aforementioned reports. The original reports were provided in April 2002 as appendices to the Plan of Development for the Dudley & Associates, LLC's proposed natural gas gathering pipeline and construction access road corridors project located in Carbon County, Wyoming.

This report summarizes the findings of our biological and wetland/waters of the U.S. investigations along the northernmost portion of the proposed pipeline route and the southernmost access road (see attached Maps 1 through 4). Site investigations were conducted on April 17 and 23, 2002, by Mr. Larry DeBrey to map vegetation types; to identify potential jurisdictional wetlands and other waters of the U.S. (WUS) under the jurisdiction of the U.S. Army Corps of Engineers (COE); to identify potentially affected threatened, endangered, proposed, and candidate (TEP&C) species habitat; and to delineate prairie dog towns along the affected corridors and determine their suitability as black-footed ferret habitat. In addition, occurrences of known crucial big game range, sage grouse leks, and raptor nests along the proposed pipeline route segment and access road were investigated.

This supplemental report also revises and clarifies actions necessary for black-footed ferret survey work in compliance with the *Endangered Species Act* and the most current U.S. Fish and Wildlife Service (USFWS) guidance.

Vegetation Mapping

Vegetation along the 100-ft wide temporary construction right-of-way for the pipeline segment and access road corridor (50 ft on each side of centerline) was mapped by traversing the areas on foot or using four-wheel-drive trucks or all-terrain vehicles. The vegetation types occurring along the northernmost portion of the pipeline route are mixed shrub/grassland and mixed grass/low shrub (see Map 1), whereas vegetation along the southernmost access road is entirely mixed shrub/grassland (see Map 3). These vegetation types are described in TRC Mariah (2002a).

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Wetlands and Waters of the U.S.

The northernmost portion of the pipeline route and the southernmost access road do not cross any drainages or other areas (i.e., wetlands or WUS) that would fall under the jurisdiction of the COE. Protection measures for these features remain unchanged from that described in TRC Mariah (2002b).

Black-footed Ferret

No new white-tailed prairie dog colonies were found within 0.5 mile of the northernmost portion of the pipeline route or the southernmost access road (see Maps 2 and 4).

Based upon conversations with the BLM on May 21, 2002, and with the USFWS on May 20, 2002, this letter provides revisions to the conclusions regarding the need for black-footed ferret surveys for the proposed project as formerly presented in TRC Mariah (2002a). The following protection measures for black-footed ferret supercede those provided in TRC Mariah (2002a) and would be implemented as follows.

- 1) All black-footed ferret surveys identified below would be implemented prior to proposed surface-disturbing activities in compliance with USFWS guidelines (USFWS 1989) and as clarified in the aforementioned conversations with BLM and USFWS.
- 2) Prairie dog towns that occur within areas proposed for disturbance along the pipeline route and access roads north of the North Platte River (i.e., PD-2, PD-4/5, and PD-6; see Map 2, Wildlife, in TRC Mariah [2002a]) will be surveyed in their entirety.
- 3) Portions of those prairie dog towns that occur within 0.5 mile of areas proposed for disturbance along the pipeline route and access roads north of the North Platte River (i.e., PD-1, PD-3, and PD-7) but are not actually within the area proposed for disturbance will be surveyed.
- 4) Prairie dog towns (PD-14 and PD-15) that have been surveyed within the past 12 months (survey completed in February 2002) will not be surveyed.
- 5) Prairie dog towns that occur on and within 0.5 mile of the proposed pipeline route and access roads south of the North Platte River (i.e., PD-9, PD-10, and PD-11) will not be surveyed since this area is included within the area designated by the USFWS for black-footed ferret re-introduction, and all reasonable project design efforts have been made to minimize disturbances to the prairie dog towns in this area.
- 6) In the event surveys find a black-footed ferret or its sign, the BLM would stop all action on the application in hand and/or action on any future application that may directly, indirectly, or cumulatively affect the colony/complex and will initiate Section 7 review with the USFWS. No project-related activities would be allowed to proceed until the USFWS issues its Biological Opinion (BO). The USFWS BO would specify when and under what conditions and/or prudent measures the action could proceed or whether the action would be allowed to proceed at all.

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Ute Ladies' Tresses

There is no suitable habitat (wet/riparian areas) for Ute ladies' tresses along the northernmost portion of the pipeline route or the southernmost access road.

Blowout Penstemon

There is no suitable habitat (sand dunes) for blowout penstemon along the northernmost portion of the pipeline route or the southernmost access road.

Bald Eagle

There are no known bald eagle nests or roosts along the northernmost portion of the pipeline route or the southernmost access road. Existing information on bald eagle nests as referenced in TRC Mariah (2002a) remains relevant to the northernmost pipeline route segment and southernmost access road.

Mountain Plover

The only potential mountain plover habitat identified during site investigations along the northernmost pipeline segment and southernmost access road occurs as mixed grass/low shrub habitat along approximately 300 ft of the northernmost pipeline segment (see Map 1). Mountain plover protection measures would remain unchanged from those described in TRC Mariah (2002a) but would occur as necessary in the newly mapped area.

North Platte River Species

No changes to the information provided in TRC Mariah (2002a) are necessary as a result of the site investigations reported herein.

Sage Grouse/Raptors/Wildlife Crucial Winter Range

Information on the presence of known sage grouse leks, raptor nests, and crucial big game range along the northernmost pipeline segment and southernmost access road are provided on Maps 2 and 4, respectively. The protection measures identified for these wildlife features remains unchanged from that described in TRC Mariah (2002a).

Conclusion

The conclusions presented in TRC Mariah (2002a, 2002b) remain unchanged as a result of the information presented herein.

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References

TRC Mariah Associates Inc. 2002a. Seminoe Road coalbed methane gas gathering pipeline and access roads project biological investigation. Letter report to Ms. Kate Fay, Dudley & Associates, LLC, Denver, Colorado, from Peter Guernsey, TRC Mariah Associates Inc., Laramie, Wyoming on April 16, 2002. 9 pp. + tables and maps.

TRC Mariah Associates Inc. 2002b. Jurisdictional Wetlands and other waters of the U.S., Seminoe Road coalbed methane gas gathering pipeline and access roads project, Carbon County, Wyoming. Prepared for Dudley & Associates, LLC, Denver, Colorado, by TRC Mariah Associates Inc., Laramie, Wyoming. 10 pp. + append. and maps.

U.S. Fish and Wildlife Service. 1989. Black-footed ferret survey guidelines for compliance with the *Endangered Species Act*. U.S. Fish and Wildlife Service, Denver, Colorado, and Albuquerque, New Mexico. 10 pp. + append.

Thank you for using TRC Mariah for this project. Please feel free to call me or Mr. Larry DeBrey with any questions, or if we may be of further assistance.

Sincerely,

TRC Mariah Associates Inc.

Peter J. Guernsey
Project Manager

PJG:ttl

Enclosures

xc: Gay Seay, BLM Rawlins (w/enclosures)

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