

# Biological Inventory Report

## Utah Prison Relocation - West Site

Salt Lake County, Utah

November 2015

Prepared for:

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## 1.0 INTRODUCTION

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### 1.1 PROJECT LOCATION

The project area is located approximately 4.5 miles west of the Salt Lake City International Airport in Salt Lake County, Utah (Appendix A, Map 1). The property is one of two sites being considered for the relocation of the Utah State Prison that is currently located in Draper. The project site is located in Section 20, Township 1 North, Range 2 West.

### 1.2 GENERAL DESCRIPTION OF PROJECT AREA

The site is relatively flat with an elevation of approximately 4,215 feet. The project area is dominated by upland saltgrass meadow interspersed with shrubland, and scattered Russian olive and tamarisk along a road that cuts diagonally through the site. The project area included several habitat types:

- Upland saltgrass meadow, dominated by saltgrass (*Distichlis spicata*), field brome (*Bromus arvensis*), cheatgrass (*Bromus tectorum*), and Russian knapweed (*Centaurea repens*), which is a listed noxious weed on the Utah state list.
- Rabbitbrush (*Chrysothamnus nauseosus*) shrubland.
- Greasewood (*Sarcobatus vermiculatus*) shrubland.
- Playa wetland, dominated by saltgrass and pursue seepweed (*Suaeda occidentalis*).
- Russian olive (*Elaeagnus angustifolia*) and tamarisk (*Tamarix ramosissima*) are scattered on the site (Appendix A, Map 2).

## 2.0 PLANTS

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### 2.1 ENDANGERED AND THREATENED SPECIES

#### 2.1.1 Ute Ladies'-tresses

The only Federally-listed plant species identified by the U.S. Fish and Wildlife Service's (USFWS) Information for Planning and Conservation tool (IPaC) with the potential to occur on the project site is the Ute Ladies'-tresses (*Spiranthes diluvialis*) (Appendix B). Ute Ladies'-tresses occur in freshwater wet meadow wetland habitats that are dominated by facultative wetland and obligate plant species. The few areas of wetland that do occur in the project area are playa wetlands dominated by saltgrass and pursue seepweed, and they exhibit a salt crust on the soil surface. These conditions are too alkaline to support Ute Ladies'-tresses, and the remainder of the project area is dominated by upland species and is too dry; therefore, there is no suitable habitat within the project area.

**3.1 THREATENED AND ENDANGERED SPECIES**

Table 3-1 includes the USFWS list of the three threatened and endangered wildlife species that could potentially occur on the project site (USFWS IPaC, Appendix B). The Project Site is within the potential geographic distribution for western yellow-billed cuckoo (*Coccyzus americanus occidentalis*), June sucker (*Chasmistes liorus*), and Canada lynx (*Lynx canadensis*).

**Table 3-1. USFWS list of threatened and endangered species with the potential to occur in the project area**

Common Name	Scientific Name	Status	Potential to Occur in the Project Area
Western yellow-billed cuckoo	<i>Coccyzus americanus</i>	Threatened	No; no suitable habitat in the project area
June sucker	<i>Chasmistes liorus</i> )	Endangered	No; no suitable habitat in the project area
Canada lynx	<i>Lynx canadensis</i>	Threatened	No; no suitable habitat in the project area

**3.1.1 Yellow-billed Cuckoo**

Yellow-billed cuckoo is a USFWS threatened species. The yellow-billed cuckoo is known or believed to occur in the western US, including Utah, and north into Canada and south into Mexico (USFWS 2011). The Yellow-billed Cuckoo’s habitat preference includes forested stream sides dominated by cottonwood and willow species that is composed of dense, low, shrubby vegetation. The project area is on the fringe of the yellow-billed cuckoo breeding range in Utah and deviates from habitat requirements documented in published scientific literature. In Utah, yellow-billed cuckoos use and nest within areas comprised of small cottonwood galleries with an understory of Russian olive (*Elaeagnus angustifolia*) with occasional inclusions of tamarisk (*Tamarisk ramosissima*) (Howe 2013 and Maxfield 2013). Yellow-billed cuckoos have also been documented in Utah using dense Russian olive stands with no over-story (Maxfield 2013).

**3.1.2 June Sucker**

The June sucker is listed as an endangered species. This species is endemic to Utah Lake and the Provo River, and nowhere else in the world.

### 3.1.3 Canada Lynx

Canada lynx is listed as a threatened species. This species is associated with montane coniferous forests dominated by spruce and fir species. The Canada lynx is a highly specialized predator of snowshoe hares and requires large, contiguous forest habitats that support snowshoe hare populations (USFWS 2009).

### 3.1.4 Critical Habitat

There is no designated or proposed critical habitat on or near the project site.

## 3.2 UTAH SENSITIVE SPECIES

Table 3-2 lists the four State Sensitive Species that were identified by the Utah Division of Wildlife Resources (UDWR) as having occurred within a 2-mile radius of the project area. The letter from the UDWR documenting the records search of the Natural Heritage Database is provided in Appendix C.

**Table 3-2. Utah Sensitive Species records of occurrence on or near the project site**

Common Name	Scientific Name	Location	Potential to Occur in the Project Area
Burrowing Owl	<i>Athene cunicularia</i>	Within a ½ mile of project area	Low; no nesting habitat on site, possible to use site for foraging
Long-billed Curlew	<i>Numenius americanus</i>	Within a ½ mile of project area	Medium; suitable nesting and foraging habitat in the project area
American White Pelican	<i>Pelecanus erythrorhynchos</i>	Within 2 miles of project area	No; no suitable habitat in the project area
Western Toad	<i>Bufo Boreas</i>	Within 2 miles of project area, historical record	Low; no suitable breeding habitat in the project area, no recent occurrences

## 3.3 RAPTORS

Table 3-3 includes the USFWS list of the seven species of raptors that could potentially occur in the project area (USFWS IPaC, Appendix B). The project area is within the potential geographic distribution for all seven species.

**Table 3-3. USFWS list of raptor species with the potential to occur in the project area**

<b>Common Name</b>	<b>Scientific Name</b>	<b>Season</b>	<b>Potential to Occur in the Project Area</b>
Bald eagle	<i>Haliaeetus leucocephalus</i>	Wintering	Low; no roosting or foraging habitat on site
Burrowing owl	<i>Athene cunicularia</i>	Breeding	Low; no nesting habitat on site, possible to use site for foraging
Ferruginous hawk	<i>Buteo regalis</i>	Year-round	Low; marginal nesting habitat on site, possible to use site for foraging
Golden eagle	<i>Aquila chrysaetos</i>	Year-round	Low; marginal nesting habitat on site, possible to use site for foraging
Peregrine falcon	<i>Falco peregrinus</i>	Year-round	Low; no nesting habitat on site, possible to use site for foraging
Short-eared owl	<i>Asio flammeus</i>	Wintering	Medium; potential foraging area
Swainson's hawk	<i>Buteo swainsoni</i>	Breeding	Medium; nesting available in Russian olive, potential foraging area

Raptors (eagles, hawks, owls, etc.) are migratory birds and are protected under several federal and state legal mandates, the most important being the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703-712), but also the Eagle Protection Act (16 U.S.C. 668), the Endangered Species Act (ESA) (16 U.S.C. 1513-1543), and The Wildlife Resources Code of Utah (Title 23, Utah State Code). These laws apply to federal, state, tribal and private land.

In order to allow development and manage raptors protected under these laws, federal, tribal, and state agencies in Utah have developed comprehensive guidelines specific to Utah. The document is referred to as the Utah Raptor Guidelines (Romin 2002) and is included in Appendix D. In order to protect raptors and at the same time and allow development, spatial and seasonal buffers were developed. Surveys are required within these spatial buffers to locate any raptor nests and monitor these nests during the nesting season. Any nest that is or becomes occupied during the nesting season is afforded protection from disturbance within the spatial buffer.

The spatial buffers for the most commonly nesting raptors in Utah is either ¼ or ½ mile. The start of the nesting season is generally early February for great-horned owls, late March for hawks, to late April or early May for Swainson’s hawks and burrowing owls. The nesting season ends the end of August for most of the common raptors.

The spatial and seasonal buffers only apply to occupied raptor nests. Therefore it is important to monitor raptor nests throughout the nesting season to determine if a raptor nest is occupied anytime during the nesting season. Consultation with federal, state, and tribal agencies are required for raptor nesting issues. The wildlife surveys conducted for this project included locating raptor nests within the project area and within the surrounding buffer.

Exceptions may be granted for occupied raptor nests if there are extenuating circumstances, such as a raptor moves in during construction which may show that the individual has some level of tolerance to disturbance (commonly red-tailed and Swainson’s hawks), or a nest that is close to the limit of the spatial buffer is occupied and there are some visual barriers so that the nest is not in direct line-of-sight of the development. The agency may require some monitoring of nests granted an exception.

### 3.4 Migratory Birds

Table 3-4 contains the fourteen species of migratory birds that appear on the USFWS IPaC list (USFWS IPaC, Appendix B). The seven species of raptors listed in Table 3-3 are also considered migratory birds and are protected under the MBTA.

The MBTA makes it illegal for anyone to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to Federal regulations. Under the MBTA, a take is defined as “pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture or collect” a migratory bird. The migratory bird species protected by the MBTA are listed in 50 CFR 10.13. The USFWS has developed Migratory Bird Conservation Actions for Projects to Reduce the Risk of Take during the Nesting Season (Appendix E).

**Table 3-4. USFWS list of migratory bird species with the potential to occur in the project area**

Common Name	Scientific Name	Season	Status
American Bittern	<i>Botaurus lentiginosus</i>	Breeding	Bird of conservation concern
Brewer's Sparrow	<i>Spizella breweri</i>	Breeding	Bird of conservation concern
Calliope Hummingbird	<i>Stellula calliope</i>	Breeding	Bird of conservation concern

Cassin's Finch	<i>Carpodacus cassinii</i>	Year-round	Bird of conservation concern
Eared Grebe	<i>Podiceps nigricollis</i>	Breeding	Bird of conservation concern
Fox Sparrow	<i>Passerella iliaca</i>	Breeding	Bird of conservation concern
Lewis's Woodpecker	<i>Melanerpes lewis</i>	Year-round	Bird of conservation concern
Loggerhead Shrike	<i>Lanius ludovicianus</i>	Year-round	Bird of conservation concern
Long-billed Curlew	<i>Numenius americanus</i>	Wintering	Bird of conservation concern
Olive-sided Flycatcher	<i>Contopus cooperi</i>	Breeding	Bird of conservation concern
Pinyon Jay	<i>Gymnorhinus cyanocephalus</i>	Year-round	Bird of conservation concern
Sage Thrasher	<i>Oreoscoptes montanus</i>	Breeding	Bird of conservation concern
Snowy Plover	<i>Charadrius alexandrinus</i>	Breeding	Bird of conservation concern
Williamson's Sapsucker	<i>Sphyrapicus thyroideus</i>	Breeding	Bird of conservation concern

## 4.0 WILDLIFE RESULTS

### 4.1 THREATENED AND ENDANGERED SPECIES

#### 4.1.1 Yellow-billed Cuckoo

There is no suitable habitat within the project area or in the vicinity for yellow-billed cuckoos. The few scattered Russian olive trees within the project area are not suitable habitat and there is no suitable habitat surrounding the project area. There are no known historical occurrences of yellow-billed cuckoos in the immediate area (UDWR, Appendix C).

#### 4.1.2 June Sucker

There is no suitable habitat within the project area. There is no permanent water on site.

#### 4.1.3 Canada Lynx

There is no suitable habitat within the project area or in the vicinity. There are no known historical occurrences of Canada lynx in the immediate area (UDWR, Appendix C).

#### **4.1.4 Critical Habitat**

There is no designated or proposed critical habitat on or near the project site (USFWS, Appendix B).

## **4.2 UTAH SENSITIVE SPECIES**

### **4.2.1 Burrowing Owl**

There is no suitable burrowing owl nesting habitat on or within a ¼ mile of the project area. There are no prairie dog towns within ¼ mile (Utah Raptor Guidelines buffer, Appendix D), which provide the primary nesting habitat for burrowing owls.

### **4.2.2 Long-billed Curlew**

There is suitable nesting and foraging habitat for long-billed curlews on the project site. Long-billed curlews have four essential nesting habitat requirements in the northwestern United States: (1) short grass (less than 30 cm tall), (2) bare ground components, (3) shade, and (4) abundant vertebrate prey (Parris et al. 1999). At the Great Salt Lake, the ground is relatively level, and curlews prefer to nest near the edges of barren alkali flats (Parris et al. 1999). Timing of project activities would best be between September and March when the curlews are not present. If project activities occur between April and August, then a survey for curlew nests should be conducted to prevent “take” under the MBTA (Appendix E).

### **4.2.3 American White Pelican**

There is no suitable American white pelican habitat within the project area. There is no permanent open water on the project site.

### **4.2.4 Western Toad**

The western toad may occur on the upland saltgrass meadow habitat on the project site. There are no recent occurrences of the toad on or near the project site (Appendix C).

## **4.3 RAPTORS**

There are no known raptor nests within one mile of the project site (UDWR, Appendix C). One raptor nest was identified during the site survey (Appendix A, Map 2). The nest was not occupied during the site survey but appeared to have been used during the 2015 nesting season. The nest is located in a Russian olive tree and was in fair condition. Based upon the size of the nest, it was possibly used by a buteo (red-tailed hawk or Swainson’s hawk) or an owl (great horned owl, short-eared owl). There are few potential elevated nesting sites (Russian olive) on or within ½ mile of the project area (Appendix A, Map 2). The site does provide suitable nesting habitat for ground nesting raptors (northern

harrier) but there is no suitable burrowing owl nesting habitat on or within a ¼ mile of the site.

The short eared owl is the only raptor previously documented on or near the project area (Utah Natural Heritage Center). Golden eagle, northern harrier, and American kestrel were observed on site during the site survey.

The only raptor nest located on or within ½ mile of the project site could potentially become active beginning in early December if used by a great horned owl according to the Utah Raptor Guidelines (Appendix D). These guidelines were developed for the entire state of Utah, but great horned owls likely do not start nesting in northern Utah until January. Therefore, if project activities occur between January and August, then a survey for nesting raptors should be conducted according to the Utah Raptor Guidelines (Appendix D) to prevent “take” under the MBTA (Appendix E).

#### 4.4 MIGRATORY BIRDS

The project site does contain suitable habitat for some of the non-raptor migratory birds listed in Table 3-4. Table 4-1 list the species that potentially occur on the project site by habitat and their potential to occur on the project site.

It is recommended that construction activities begin between September and mid-March when most migratory birds are not breeding and nesting. If project activities begin between mid-March and August, then a survey for migratory bird nests should be conducted to prevent “take” under the MBTA (Appendix E).

**Table 4-1. Non-raptor migratory birds and their potential to occur in the project area**

Common Name	Breeding Habitat	Winter Habitat	Potential to Occur in the Project Area
American Bittern	Wetlands	Migrant	No, no wetland habitat on site
Brewer's Sparrow	shrub steppe	Migrant	Medium, Habitat present on site
Calliope Hummingbird	Mountain riparian, Mountain shrub	Migrant	No, no mountain habitats on site
Cassin's Finch	Aspen, Sub-alpine	Lowland riparian	No, no suitable habitat on site
Eared Grebe	Wetland, Water	Water	No, no suitable habitat on site
Fox Sparrow	Mountain riparian, Mountain shrub	Migrant	No, no mountain habitats on site
Lewis's Woodpecker	Ponderosa pine, Lowland riparian	Oak	No, no suitable habitat on site
Loggerhead Shrike	High desert scrub, Pinyon-juniper	High desert scrub	No, no suitable habitat on site

Long-billed Curlew	Grassland, Agriculture	Migrant	Medium, Habitat present on site
Olive-sided Flycatcher	Sub-alpine conifer, Ponderosa pine	Migrant	No, no suitable habitat on site
Pinyon Jay	Pinyon-juniper, Ponderosa pine	Pinyon-juniper	No, no suitable habitat on site
Sage Thrasher	Shrubsteppe, High desert scrub	Migrant	Low, marginal habitat on site
Snowy Plover	Playa	Migrant	Low, small patch of habitat on site marginally suitable
Williamson's Sapsucker	Sub-alpine conifer, Aspen	Migrant	No, no suitable habitat on site

## 5.0 SUMMARY

The project area does not contain any suitable habitat for any Federally-listed threatened or endangered plant or wildlife species. The project site does contain suitable habitat for two Utah State Sensitive species, the long-billed curlew and the western toad. It is recommended that construction activities begin between September and March when the curlews are not present. If project activities begin between April and August, then a survey for curlew nests should be conducted to prevent “take” under the MBTA. The potential suitable habitat for the western toad is very low quality in the project area due to high alkalinity, but a site survey during the spring when the site would be the wettest is recommended prior to construction to determine if any of the project area is wet enough to support the western toad.

The project area does contain suitable habitat for raptors. It is recommended that construction activities begin between September and December when raptors are not nesting. If project activities occur between January and August, then a survey for nesting raptors should be conducted according to the Utah Raptor Guidelines (Appendix D) to prevent “take” under the MBTA.

The project area does contain suitable habitat for migratory birds. It is recommended that construction activities begin between September and mid-March when most migratory birds are not breeding and nesting. If project activities begin between mid-March and August, then a survey for migratory bird nests should be conducted to prevent “take” under the MBTA.

## 6.0 REFERENCES

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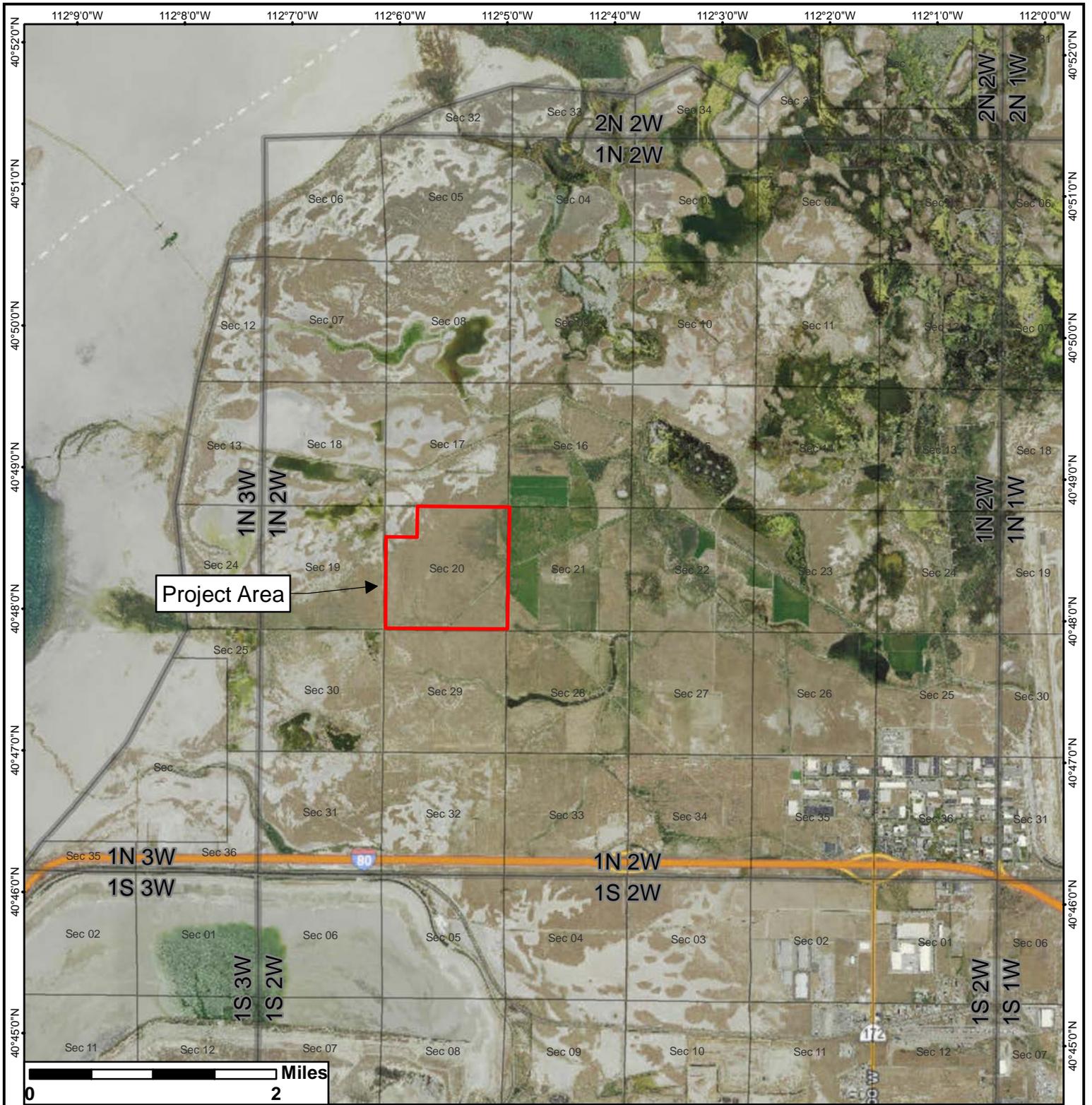
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- Romin, L. and J. Muck. 2002. Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances. U.S. Fish and Wildlife Service. Salt Lake City, Utah. 42pp
- USFWS. 2009. Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Contiguous United States Distinct Population Segment of the Canada Lynx; Final Rule. 74 Federal Register 36 (February 25, 2009), pp. 8616.
- USFWS. 2011. U.S. Fish and Wildlife Service (USFWS) Utah Field Office Guidelines for Conducting and Reporting Botanical Inventories and Monitoring of Federally Listed, Proposed and Candidate Plants. Memorandum dated August 31, 2011. Utah Field Office, Salt Lake City, Utah.



## **APPENDIX A**

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### **Maps**



## Project Location

Utah Prison  
Relocation Site

Section 20  
in T1N, R2W

## Legend

 Project Area

## Projection:

NAD 83 UTM Zone 12N

## Source:

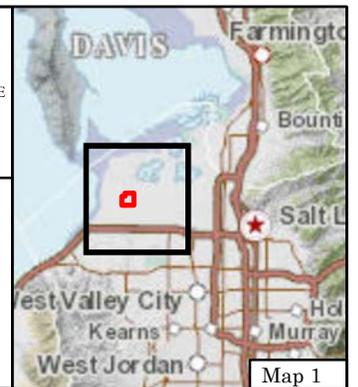
Utah AGRC Basemap

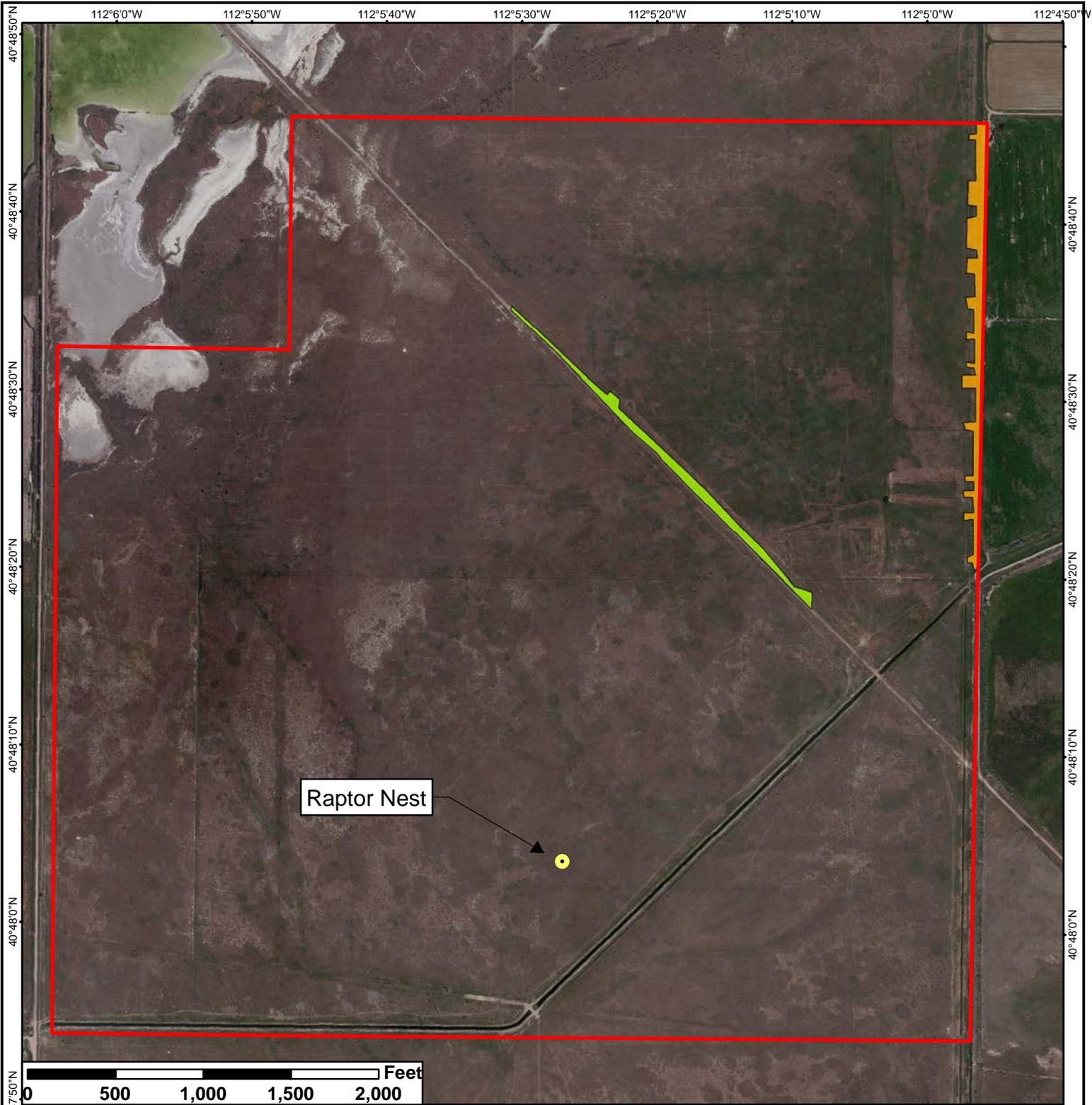
Survey Performed by  
Glen Gantz



Wetland Resources, Inc.

Created: 11/21/2015  
Author: CMM





## Survey Results

### Utah Prison Relocation Site

#### Legend

- Project Area
- Russian Olive/Tamarisk Habitat
- Russian Olive Habitat
- Raptor Nest

#### Projection:

NAD 83 UTM Zone 12N

#### Source:

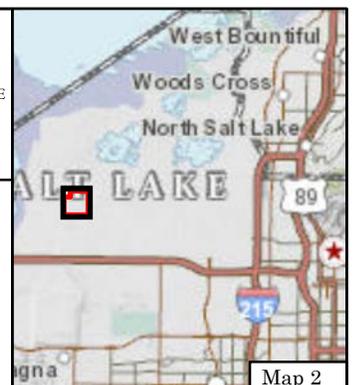
2015 Google Imagery

Survey Performed by  
Glen Gantz



Wetland Resources, Inc.

Created: 11/21/2015  
Author: CMM



**IPaC Trust Resource Report**

# Utah Prison Relocation - West Site

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## *IPaC Trust Resource Report*

Generated November 22, 2015 09:40 AM MST

This report is for informational purposes only and should not be used for planning or analyzing project-level impacts. For projects that require FWS review, please return to this project on the IPaC website and request an official species list from the Regulatory Documents page.



US Fish &amp; Wildlife Service

# IPaC Trust Resource Report

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## Project Description

**NAME**

Utah Prison Relocation - West Site

**PROJECT CODE**

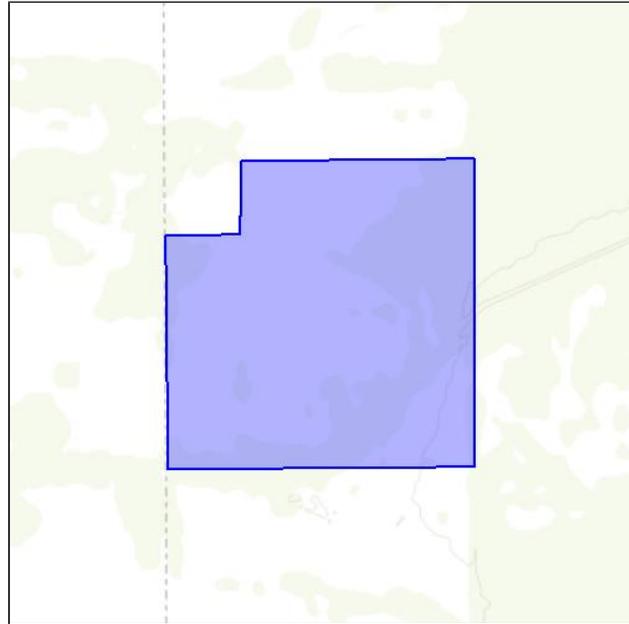
SCSX5-F4EXR-CKJIO-2QEB5-7G7VTE

**LOCATION**

Salt Lake County, Utah

**DESCRIPTION**

No description provided



## U.S. Fish & Wildlife Contact Information

Species in this report are managed by:

**Utah Ecological Services Field Office**

2369 West Orton Circle, Suite 50

West Valley City, UT 84119-7603

(801) 975-3330

# Endangered Species

Proposed, candidate, threatened, and endangered species that are managed by the [Endangered Species Program](#) and should be considered as part of an effect analysis for this project.

This unofficial species list is for informational purposes only and does not fulfill the requirements under [Section 7](#) of the Endangered Species Act, which states that Federal agencies are required to "request of the Secretary of Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action." This requirement applies to projects which are conducted, permitted or licensed by any Federal agency.

A letter from the local office and a species list which fulfills this requirement can be obtained by returning to this project on the IPaC website and requesting an official species list on the Regulatory Documents page.

## Birds

**Yellow-billed Cuckoo** *Coccyzus americanus* Threatened

### CRITICAL HABITAT

There is **proposed** critical habitat designated for this species.

<https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B06R>

## Fishes

**June Sucker** *Chasmistes liorus* Endangered

### CRITICAL HABITAT

There is **final** critical habitat designated for this species.

<https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=E050>

## Flowering Plants

**Ute Ladies'-tresses** *Spiranthes diluvialis* Threatened

### CRITICAL HABITAT

**No critical habitat** has been designated for this species.

<https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=Q2WA>

## Mammals

**Canada Lynx** *Lynx canadensis* Threatened

### CRITICAL HABITAT

There is **final** critical habitat designated for this species.

<https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=A073>

## Critical Habitats

Potential effects to critical habitat(s) within the project area must be analyzed along with the endangered species themselves.

**There is no critical habitat within this project area**

# Migratory Birds

Birds are protected by the [Migratory Bird Treaty Act](#) and the [Bald and Golden Eagle Protection Act](#).

Any activity which results in the take of migratory birds or eagles is prohibited unless authorized by the U.S. Fish and Wildlife Service (1). There are no provisions for allowing the take of migratory birds that are unintentionally killed or injured.

You are responsible for complying with the appropriate regulations for the protection of birds as part of this project. This involves analyzing potential impacts and implementing appropriate conservation measures for all project activities.

<p><b>American Bittern</b> <i>Botaurus lentiginosus</i>            Season: Breeding  <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0F3">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0F3</a></p>	Bird of conservation concern
<p><b>Bald Eagle</b> <i>Haliaeetus leucocephalus</i>            Season: Wintering  <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B008">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B008</a></p>	Bird of conservation concern
<p><b>Brewer's Sparrow</b> <i>Spizella breweri</i>            Season: Breeding  <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0HA">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0HA</a></p>	Bird of conservation concern
<p><b>Burrowing Owl</b> <i>Athene cucularia</i>            Season: Breeding</p>	Bird of conservation concern
<p><b>Calliope Hummingbird</b> <i>Stellula calliope</i>            Season: Breeding  <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0K3">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0K3</a></p>	Bird of conservation concern
<p><b>Cassin's Finch</b> <i>Carpodacus cassinii</i>            Year-round</p>	Bird of conservation concern
<p><b>Eared Grebe</b> <i>Podiceps nigricollis</i>            Season: Breeding</p>	Bird of conservation concern
<p><b>Ferruginous Hawk</b> <i>Buteo regalis</i>            Year-round  <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B06X">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B06X</a></p>	Bird of conservation concern
<p><b>Fox Sparrow</b> <i>Passerella iliaca</i>            Season: Breeding</p>	Bird of conservation concern
<p><b>Golden Eagle</b> <i>Aquila chrysaetos</i>            Year-round  <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0DV">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0DV</a></p>	Bird of conservation concern
<p><b>Lewis's Woodpecker</b> <i>Melanerpes lewis</i>            Year-round</p>	Bird of conservation concern
<p><b>Loggerhead Shrike</b> <i>Lanius ludovicianus</i>            Year-round  <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0FY">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0FY</a></p>	Bird of conservation concern

<b>Long-billed Curlew</b> <i>Numenius americanus</i> Season: Wintering <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B06S">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B06S</a>	Bird of conservation concern
<b>Olive-sided Flycatcher</b> <i>Contopus cooperi</i> Season: Breeding <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0AN">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0AN</a>	Bird of conservation concern
<b>Peregrine Falcon</b> <i>Falco peregrinus</i> Year-round <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0FU">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0FU</a>	Bird of conservation concern
<b>Pinyon Jay</b> <i>Gymnorhinus cyanocephalus</i> Year-round <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0I0">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0I0</a>	Bird of conservation concern
<b>Sage Thrasher</b> <i>Oreoscoptes montanus</i> Season: Breeding <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0ID">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0ID</a>	Bird of conservation concern
<b>Short-eared Owl</b> <i>Asio flammeus</i> Season: Wintering <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0HD">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0HD</a>	Bird of conservation concern
<b>Snowy Plover</b> <i>Charadrius alexandrinus</i> Season: Breeding	Bird of conservation concern
<b>Swainson's Hawk</b> <i>Buteo swainsoni</i> Season: Breeding <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B070">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B070</a>	Bird of conservation concern
<b>Williamson's Sapsucker</b> <i>Sphyrapicus thyroideus</i> Season: Breeding <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0FX">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0FX</a>	Bird of conservation concern

## Refuges

Any activity proposed on [National Wildlife Refuge](#) lands must undergo a 'Compatibility Determination' conducted by the Refuge. If your project overlaps or otherwise impacts a Refuge, please contact that Refuge to discuss the authorization process.

**There are no refuges within this project area**

## Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats from your project may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal Statutes.

Project proponents should discuss the relationship of these requirements to their project with the Regulatory Program of the appropriate [U.S. Army Corps of Engineers District](#).

### DATA LIMITATIONS

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

### DATA EXCLUSIONS

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

### DATA PRECAUTIONS

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

## Freshwater Emergent Wetland

**PEMA** 22.6 acres

## Freshwater Pond

**PUSA** 0.776 acre

## Lake

**L2USA** 34.6 acres

**Natural Heritage Database Search Results**



GARY R. HERBERT  
Governor

SPENCER J. COX  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Wildlife Resources

GREGORY SHEEHAN  
Division Director

September 22, 2015

Todd Sherman  
Wetland Resources  
182 East 300 North  
Logan, Utah 84321

Subject: Species of Concern Near Section 20 of Township 1 North, Range 2 West, SLB&M

Dear Todd Sherman:

I am writing in response to your email dated September 17, 2015 regarding information on species of special concern proximal to Section 20 of Township 1 North, Range 2 West, SLB&M in Salt Lake City, Utah.

Within a ½-mile radius of the project area noted above, the Utah Division of Wildlife Resources (UDWR) has recent records of occurrence for burrowing owl and long-billed curlew. In addition, within a two-mile radius there are recent records of occurrence for American white pelican, and historical records of occurrence for western toad. All of the aforementioned species are included on the *Utah Sensitive Species List*.

The information provided in this letter is based on data existing in the Utah Division of Wildlife Resources' central database at the time of the request. It should not be regarded as a final statement on the occurrence of any species on or near the designated site, nor should it be considered a substitute for on-the-ground biological surveys. Moreover, because the Utah Division of Wildlife Resources' central database is continually updated, and because data requests are evaluated for the specific type of proposed action, any given response is only appropriate for its respective request.

In addition to the information you requested, other significant wildlife values might also be present on the designated site. Please contact UDWR's habitat manager for the central region, Mark Farmer, at (801) 491-5653 if you have any questions.

Please contact our office at (801) 538-4759 if you require further assistance.

Sincerely,

A handwritten signature in black ink that reads "Sarah Lindsey".

Sarah Lindsey  
Information Manager  
Utah Natural Heritage Program

cc: Mark Farmer



**Utah Raptor Guidelines**

**Table D-1. Nesting periods and recommended buffers for raptors in Utah.**

Species	Spatial Buffer (miles)	Seasonal Buffer	Incubation # Days	Brooding #Days Post-Hatch	Fledging #Days Post-Hatch	Post-fledge Dependency to Nest, # Days <sup>1</sup>
Bald eagle	1.0	1/1-8/31	34-36	21-28	70-80	14-20
Golden eagle	0.5	1/1-8/31	43-45	30-40	66-75	14-20
N. Goshawk	0.5	3/1-8/15	36-38	20-22	34-41	20-22
N. Harrier	0.5	4/1-8/15	32-38	21-28	42	7
Cooper's hawk	0.5	3/15-8/31	32-36	14	27-34	10
Ferruginous hawk	0.5	3/1-8/1	32-33	21	38-48	7-10
Red-tailed hawk	0.5	3/15-8/15	30-35	35	45-46	14-18
Sharp-shinned hawk	0.5	3/15-8/31	32-35	15	24-27	12-16
Swainson's hawk	0.5	3/1-8/31	33-36	20	36-40	14
Turkey vulture	0.5	5/1-8/15	38-41	14	63-88	10-12
California condor	1.0	NN yet	56-58	5-8 weeks	5-6 months	2 months
Peregrine falcon	1.0	2/1-8/31	33-35	14-21	35-49	21
Prairie falcon	0.25	4/1-8/31	29-33	28	35-42	7-14
Merlin	0.5	4/1-8/31	28-32	7	30-35	7-19
American kestrel	NN <sup>2</sup>	4/1-8/15	26-32	8-10	27-30	12
Osprey	0.5	4/1-8/31	37-38	30-35	48-59	45-50
Boreal owl	0.25	2/1-7/31	25-32	20-24	28-36	12-14
Burrowing owl	0.25	3/1-8/31	27-30	20-22	40-45	21-28
Flammulated owl	0.25	4/1-9/30	21-22	12	22-25	7-14
Great horned owl	0.25	12/1-9/31	30-35	21-28	40-50	7-14
Long-eared owl	0.25	2/1-8/15	26-28	20-26	30-40	7-14
N. saw-whet owl	0.25	3/1-8/31	26-28	20-22	27-34	7-14
Short-eared owl	0.25	3/1-8/1	24-29	12-18	24-27	7-14
Mex. Spotted owl	0.5	3/1-8/31	28-32	14-21	34-36	10-12
N. Pygmy owl	0.25	4/1-8/1	27-31	10-14	28-30	7-14
W. Screech owl	0.25	3/1-8/15	21-30	10-14	30-32	7-14
Common Barn-owl	NN <sup>2</sup>	2/1-9/15	30-34	20-22	56-62	7-14

<sup>1</sup> Length of post-fledge dependency period to parents is longer than reported in this table. Reported dependency periods reflect the amount of time the young are still dependent on the nest site; i.e. they return to the nest for feeding.

<sup>2</sup> Due to apparent high population densities and ability to adapt to human activity, a spatial buffer is not currently considered necessary for maintenance of American kestrel or Common barn-owl populations. Actions resulting in direct mortality of individual birds or take of known nest sites is unlawful.

**Migratory Bird Conservation Actions**

# **Migratory Bird Conservation Actions for Projects to Reduce the Risk of Take during the Nesting Season\***

## **U.S. Fish and Wildlife Service (USFWS) Region 6, Migratory Bird Management**

**June 2014**

**Goal:** Avoid take of migratory birds and/or minimize the loss, destruction, or degradation of migratory bird habitat while completing the proposed project or action. Under the Migratory Bird Treaty Act (MBTA) take is defined as “pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture or collect” a migratory bird (50 CFR § 10.12). \*\*

Determine if the proposed project or action will involve below- and/or above-ground construction or habitat-altering activities, because recommended practices and timing of surveys could differ accordingly.

If the proposed project or action includes a reasonable likelihood that take of migratory birds will occur, then complete the project or those actions expected to take migratory birds outside of their nesting season to the greatest extent possible. Examples of actions that may take migratory birds include, clearing or cutting of vegetation, burning vegetation, driving or parking equipment on vegetation that may harbor nesting birds, etc. The primary nesting season for migratory birds varies greatly among species and geographic locations, but generally extends from early April to mid-July. However, the maximum time period for the migratory bird nesting season can extend from early January through late August. Due to this variability, project proponents should consult with the USFWS for specific nesting seasons of birds in your project or action area. As early as possible please consult the USFWS in the planning stages of your project for other input on conservation measures to avoid and minimize the take of migratory birds.

Complete all project activities that could result in migratory bird take outside the maximum migratory bird nesting season (early January through late August) to the greatest extent possible. If this is not possible, then avoid any habitat alteration, removal, or destruction during the primary nesting season for migratory birds (early April to mid- July).

If a proposed project or action includes the potential for take of migratory birds and/or the loss or degradation of migratory bird habitat, and work cannot occur outside the migratory bird nesting season (either the maximum or primary nesting season), project proponents should provide USFWS with an explanation for why work has to occur during the migratory bird nesting season. Further, in these cases, project proponents also should demonstrate that all efforts to complete work outside the migratory bird nesting season were attempted, and that the reasons work needs to be completed during the nesting season were beyond the proponent’s control.

Where project work must occur during the migratory bird nesting season, project proponents should utilize a qualified biologist to survey those portions of the project area during the nesting

season (but prior to the project or action occurring) to determine if migratory birds are present and nesting in those areas. These bird surveys should occur no more than 7-10 days prior to when work actually begins on the project site. In addition to conducting surveys during the nesting season, entities may also benefit from conducting surveys during the previous nesting season. Such surveys will serve to inform the likely presence of nesting migratory birds in the proposed project or work area. While individual migratory birds will not necessarily return to nest at the exact site as in previous years, a survey in the nesting season the year before the project or action allows the company to become familiar with bird species and numbers present in the project area well before the nesting season in the year of proposed action. Migratory bird surveys also should be completed during the best timeframe for detecting the presence of nesting migratory birds, using accepted bird survey protocols. USFWS Offices can be contacted for recommendations on appropriate survey guidance. Project proponents should also be aware that results of migratory bird surveys are subject to spatial and temporal variability.

If no migratory birds are found nesting in proposed project or action areas immediately prior to the time when construction and associated activities are to occur, then proceed with your project activity as planned.

If migratory birds are present and nesting in the proposed project or action area, contact your nearest USFWS Ecological Services Field Office and/or USFWS Regional Migratory Bird Management Office for guidance on appropriate next steps to avoid and minimize impacts to (and take of) migratory birds associated with the proposed project or action. Although bald and golden eagles are protected under MBTA they are also covered under BGEPA. Please consult USFWS if there are eagles or eagle nests in or near your proposed project area \*\*\*.

\* Note: these recommended conservation measures assume that there are no Endangered or Threatened migratory bird species present in the project/action area, or any other Endangered or Threatened animal or plant species, or any designated critical habitat for Endangered or Threatened species present in this area. If Endangered or Threatened species or designated critical habitat are present, or they could potentially be present, and the project/action may affect these species or designated critical habitat for them, then consult with your nearest USFWS Ecological Services Office before proceeding with any project/action.

\*\* The Migratory Bird Treaty Act (MBTA) prohibits the taking, killing, possession, and transportation, (among other actions) of migratory birds, their eggs, parts, and nests, except when specifically permitted by regulations. While the MBTA has no provision for allowing unauthorized take, the USFWS realizes that some birds may be killed during construction or through other project activities, even if all known reasonable and effective measures to protect birds are used. The USFWS Office of Law Enforcement carries out its mission to protect migratory birds through investigations and enforcement, as well as by fostering relationships with individuals, companies, and industries that have taken effective steps to avoid take of migratory birds and by encouraging others to implement measures to avoid take of migratory birds. It is not possible to absolve individuals, companies, or agencies from liability even if they implement bird mortality avoidance, or other similar protective measures. However, the Office of Law Enforcement focuses its resources on investigating and undertaking enforcement actions against individuals and companies that take migratory birds without identifying and implementing all reasonable, prudent, and effective measures to avoid that take. Companies are

encouraged to work closely with USFWS biologists to identify available protective measures when developing project plans and/or avian protection plans, and to implement those measures prior to/during construction or similar activities.

\*\*\* Also note that Bald and Golden Eagles receive additional protection under the Bald and Golden Eagle Protection Act (BGEPA). BGEPA prohibits the take, possession, sale, purchase, barter, offer to sell, purchase, or barter, transport, export or import, of any Bald or Golden Eagle, alive or dead, including any part, nest, or egg, unless allowed by permit. BGEPA also defines take to include “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest, or disturb,” 16 U.S.C. 668c, and includes criminal and civil penalties for violating the statute. Further, activities that would disturb Bald or Golden Eagles are prohibited under BGEPA. “Disturb” means to agitate or bother a Bald or Golden Eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an Eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior. If a proposed project or action would occur in areas where nesting, feeding, or roosting eagles occur, then project proponents may need to take additional conservation measures to achieve compliance with BGEPA. New regulations (50 CFR § 22.26 and § 22.27) allow the take of bald and golden eagles and their nests, respectively, to protect interests in a particular locality provided that the USFWS finds that such take is compatible with the goal of maintaining stable or increasing eagle breeding populations. However, consultation with the USFWS Migratory Bird, Ecological Services, and Law Enforcement programs will be required before a permit may be issued.

## **APPENDIX F**

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### **Photos**



**Photo 1.**  
Upland saltgrass  
meadow in the  
project area.



**Photo 2.**  
Rabbitbrush shrub  
habitat in the  
project area.



**Photo 3.**  
Playa wetland  
habitat in the  
project area.



**Photo 4.**  
Dense stand of  
Russian knapweed,  
with greasewood/  
rabbitbrush shrub  
habitat in the  
background.



**Photo 5.**  
North Point  
Consolidated Canal  
running through  
project area.



**Photo 6.**  
Photo of the raptor  
nest in a Russian  
olive tree in the  
project area.

**APPENDIX G**

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**Qualifications**

## **GLEN GANTZ – WILDLIFE BIOLOGIST and COMMERCIAL PILOT**

Mr. Gantz is a Certified Wildlife Biologist and commercial pilot with 35 years of experience leading and conducting wildlife surveys throughout the United States, with the last 25 years focused in the Intermountain west. He has 25 years of experience conducting aerial surveys and aerial telemetry studies in the Intermountain west and is an experienced mountain pilot. Mr. Gantz has been conducting both aerial and terrestrial wildlife surveys in Utah for the past 18 years, with the past several years focusing on projects for the energy industry. Wildlife surveys are focused mainly on raptors and migratory birds, as well as threatened, endangered and sensitive species. Mr. Gantz led the wildlife surveys on 240 miles of the Ruby Pipeline in Wyoming, Utah, and portions of Nevada from 2009 to 2011. This project included:

- Conducting and managing greater sage-grouse lek surveys and monitoring these leks;
- Surveying and weekly monitoring of raptor nest via helicopter;
- Conducting migratory bird nest surveys;
- Conducting pygmy rabbit surveys, including telemetry monitoring and scientific study design
- Mapping white-tailed prairie dog towns and surveying burrowing owl and black-footed ferret in the mapped towns
- Conducting yellow-billed cuckoo surveys

Mr. Gantz manages the biological data for the wildlife surveys including data transfer to/from GPS units and GIS. He also compiles summaries and results of field data, produces maps for field use and reports, and prepares NEPA documents, including Biological Assessments, Biological Reports and wildlife portions of EIS. Mr. Gantz is trained in Mexican Spotted Owl surveys, Utah Prairie Dog surveys, Southwestern Willow Flycatcher surveys, Black-footed Ferret surveys, as well as several other endorsements. Mr. Gantz holds a B.S. in Wildlife Science from The Pennsylvania State University, University Park Pennsylvania and an M.S. in Wildlife Ecology from Utah State University, Logan Utah.

## **TODD SHERMAN - WETLAND ECOLOGIST**

Todd received his Masters from Utah State University's Department of Landscape Architecture and Environmental Planning in 1996 where his research focused on wetland ecosystems of the Intermountain West, and the planning issues associated with these unique environments. Todd is a certified Professional Wetland Scientist whose experience includes ULT surveys, jurisdictional wetland delineation, wetland functional assessment, vegetation analysis and plant community mapping, Section 404 permitting, wetland restoration design, construction supervision and long-term monitoring of wetland mitigation sites, and stream revegetation design. Todd has been conducting ULT surveys since 2001 on over 50 projects throughout the Intermountain West.