

## Intra-Service Section 7 Biological Evaluation Form - Region 6

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I. **Service Program and Geographic Area or Station Name:** Migratory Bird Management Program, Lakewood, CO

II. **Flexible Funding Program** (e.g. Joint Venture, etc.) if applicable:

III. **Location:** Mountain Wind I and II Wind Projects (Projects), two adjacent wind farms with a total output of 140.7 megawatt (MW), are located in Uinta County, Wyoming approximately 3.5 miles (mi) southwest of Fort Bridger and 20 mi east of Evanston.

IV. **Species/Critical Habitat:** Eight species listed (or candidates to be listed) as federally endangered or threatened under the Endangered Species Act (ESA) may occur in the Project Area or have potential to be affected by the proposed action. These species include Ute ladies'-tresses (*Spiranthus diluvialis*), the western U.S. DPS of the yellow-billed cuckoo (*Coccyzus americanus*), North American wolverine (*Gulo gulo luscus*), monarch butterfly (*Danaus plexippus*), and four fish species: bonytail (*Gila elegans*), Colorado pikeminnow (*Ptychocheilus lucius*), humpback chub (*Gila cypha*), and razorback sucker (*Xyrauchen texanus*).

V. **Project Description:** The Projects, fully operational as of 2008, are located in Uinta County, Wyoming, approximately 20 mi (32 kilometers [km]) east of Evanston, Wyoming. The Projects are separately owned and permitted projects that independently contract with Clearway to operate both Projects. The Applicants submitted applications for an IETP for each Project in July 2017 under the 2009 eagle permit rule (Service 2009) and are currently requesting IETPs for a 30-year period.

Mountain Wind I consists of 29 Suzlon S88/2100 2.1 MW wind turbine generators (WTGs) with a 44-meter (m; 144-foot [ft]) rotor radius and 80-m (262-ft) hub height (total height of 124 m [407 ft] to fully extended blade tip). The total nameplate capacity for MW-I is 60.9 MW. MW-I also includes approximately 11 mi (18 km) of underground collector lines and approximately 10 mi (16 km) of turbine access roads.

Mountain Wind II consists of 38 Suzlon S88/2100 2.1 MW WTGs with a 44-m rotor radius and 80-m hub height (total height of 124 m to fully extended blade tip) with a total nameplate capacity of 79.8 MW. MW-II includes approximately six mi (nine km) of underground collector lines and approximately nine mi (15 km) of turbine access roads.

The Projects share one permanent meteorological (met) tower, access road and parking, substation and generation transmission line (gen-tie line), and an operations and maintenance building.

The need for the federal action is necessitated by the Service Region 6 receiving an application from the Projects for two IETPs for the take of bald or golden eagles associated with the existing Projects.

## **VI. Determination of Effects:**

### **(A) Description of Effects:**

#### **Ute ladies' tresses**

No ground disturbing activities are being proposed. The IETPs (if issued) will require post-construction surveys as a condition of the authorization. Post-construction surveys would be conducted on foot, utilizing existing roads for access. Typically post-construction surveys are conducted in a square plot measuring 160 m by 160 m (based on a recently issued permit) centered around each turbine. Although the specifics of the survey protocol are unknown, established protocols for wind projects in Wyoming usually prescribe straight-line transects across the square plot so that the surveyor can visually search for eagles, 20 m on either side of the straight-line transect.

The Projects do not overlap the Area of Influence (AOI) defined for this species. The AOI comes within about one mi of the eastern edge of the Projects, and a small finger of the AOI abuts the Projects for approximately 0.2 mi on the western edge of the Projects. The project area was overlaid with the National Wetland Inventory dataset (accessed 1/23/2023), and no habitat potentially suitable for Ute ladies'-tresses occurs within the 160-m<sup>2</sup> survey plots around each turbine.

In summary, no ground-disturbing activities are planned as part of the proposed action of issuing IETPs for the Projects. Foot surveys to monitor eagle mortality may be required by the IETPs but no suitable Ute Ladies'-tresses habitat occurs in areas that will be accessed for those surveys. Therefore, the proposed action of issuing eagle take permits for the existing Projects will have no effect on Ute ladies'-tresses. No critical habitat has been designated for North American wolverine throughout its range. The Projects are existing and operating therefore, the proposed action of issuing IETPs for the Projects will have no effect on North American wolverine.

#### **Yellow-billed cuckoo**

The Project areas do not contain suitable yellow-billed cuckoo habitat and is at least 60 mi away from the closest reported sighting (as reported on eBird). Furthermore, yellow-billed cuckoos are a tree-nesting species and would not be disturbed by foot surveys.

#### **North American wolverine**

No critical habitat has been designated for North American wolverine throughout its range. The Projects are existing and potential issuance of an IETP will no effect on this species.

#### **Monarch butterfly**

No ground-disturbing activities are being proposed. There will be no effect to the monarch butterfly because the proposed action of issuing an eagle take permit for the Projects will not result in depletions to habitat known to be associated with this species.

#### **Bonytail, Colorado pikeminnow, and humpback chub**

There will be no effect to these Colorado River basin species because there is no suitable habitat in the project area, and the proposed action of issuing an eagle take permit for the Projects will not result in water depletions in the upper Colorado River basin.

**Razorback sucker**

There will be no effect to this downstream Colorado River species because the proposed action of issuing an eagle take permit for the Projects will not result in water depletions in the upper Colorado River basin.

**(B) Determination:** Determine the anticipated effects of the proposed project on species and critical habitats listed in item IV. Check all applicable boxes and list the species (or attach a list) associated with each determination.

**Determination**

*No Effect:* This determination is appropriate when the proposed project will not directly or indirectly affect (neither negatively nor beneficially) individuals of listed/proposed/candidate species or designated/proposed critical habitat of such species. **No concurrence from ESFO required.**  
**Ute ladies' tresses, yellow-billed cuckoo, American wolverine, monarch butterfly, bonytail, Colorado pikeminnow, humpback chub, and razorback sucker**

XX  
\_\_\_\_\_

*May Affect but Not Likely to Adversely Affect:* This determination is appropriate when the proposed project is likely to cause insignificant, discountable, or wholly beneficial effects to individuals of listed species and/or designated critical habitat. **Concurrence from ESFO required.**

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*May Affect and Likely to Adversely Affect:* This determination is appropriate when the proposed project is likely to adversely impact individuals of listed species and/or designated critical habitat. **Formal consultation with ESFO required.**

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*May Affect and Likely to Adversely Affect but the proposed action is for the purpose of endangered or threatened species recovery and falls under Region 6's Programmatic Consultation on Service-initiated Recovery Actions:* This determination is appropriate when adverse effects are likely but the project is designed to assist with recovery of listed species and/or designated critical habitat. **Concurrence from the ESFO that the project is covered by the programmatic consultation is required.**

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*May affect but Not Likely to Jeopardize candidate or proposed species/critical habitat:* This determination is appropriate when the proposed project may affect, but is not expected to jeopardize the continued existence of a species proposed for listing or a candidate species, or adversely modify an area proposed for designation as critical habitat. **Concurrence from ESFO optional.**

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*Likely to Jeopardize candidate or proposed species/critical habitat:* This determination is appropriate when the proposed project is reasonably expected to jeopardize the continued existence of a species proposed for listing or a candidate species, or adversely modify an area proposed for designation as critical habitat. **Conferencing with ESFO required.**

\_\_\_\_\_

Signature \_\_\_\_\_  
[Supervisor at originating station]

Date \_\_\_\_\_

**Reviewing Ecological Services Office Evaluation** (check all that apply):

A. **Concurrence** \_\_\_\_\_  
Explanation for concurrence:

**Nonconcurrence** \_\_\_\_\_

B. Formal consultation required  
List species or critical habitat unit

\_\_\_\_\_

C. Effects are addressed in the Programmatic Consultation on R7's  
Recovery Program – no further consultation needed

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D. Conference required  
List species or critical habitat unit

\_\_\_\_\_

Name of Reviewing ES Office \_\_\_\_\_

Signature

\_\_\_\_\_

Date

\_\_\_\_\_