

**Finding of No Significant Impact**  
**FHWA-WY-FONSI 09-01**

Wyoming Department of Transportation Project  
**0109021**

**Wyoming Highway 34 North Sybille Creek Section**  
**Albany County, Wyoming**

Submitted Pursuant to:  
42 USC 4332(2)(c)

by the

US Department of Transportation  
Federal Highway Administration

and

Wyoming Department of Transportation

April 2009

**Finding of No Significant Impact**  
**for**

FHWA-WY-FONSI-09-01  
**Wy Highway 34 North Sybille Creek Section**  
WYDOT Project No. 0109021

THE FEDERAL HIGHWAY ADMINISTRATION HAS DETERMINED THAT THIS PROPOSED PROJECT WILL HAVE NO SIGNIFICANT IMPACT ON THE HUMAN ENVIRONMENT. THIS FINDING OF NO SIGNIFICANT IMPACT IS BASED ON THE WY HIGHWAY 34 NORTH SYBILLE CREEK SECTION ENVIRONMENTAL ASSESSMENT, WHICH HAS BEEN INDEPENDENTLY EVALUATED BY THE FEDERAL HIGHWAY ADMINISTRATION (FHWA) AND DETERMINED TO ADEQUATELY AND ACCURATELY DISCUSS THE NEED, ENVIRONMENTAL ISSUES, AND IMPACTS OF THE PROPOSED PROJECT AND APPROPRIATE MITIGATION MEASURES. IT PROVIDES SUFFICIENT EVIDENCE AND ANALYSIS FOR DETERMINING THAT AN ENVIRONMENTAL IMPACT STATEMENT IS NOT REQUIRED. THE FHWA TAKES FULL RESPONSIBILITY FOR THE ACCURACY, SCOPE, AND CONTENT OF THE ENVIRONMENTAL ASSESSMENT.



for Federal Highway Administration  
Division Administrator

Date 4/10/09

## **Introduction**

The Environmental Assessment (EA) for the Wyoming Department of Transportation Projects 0109(15, 18, 21), Morton Pass, Sybille Canyon, and North Sybille Creek sections of Wyoming Highway 34 was concurred on March 25, 1999 by the Federal Highway Administration.

This FONSI is for the last section, North Sybille Creek. The Bosler Jct. – Wheatland EA 99-02 is still valid for this section.

The North Sybille Creek Section begins at RM 22.36 and ends at RM 28.38 (6.02 miles) on Wyoming Highway 34.

The North Sybille Creek section will use the Harris Quarry. The Harris Quarry will be evaluated by a separate environmental document prior to construction.

## **Purpose and Need**

The purpose of the proposed highway project is to upgrade a functionally deficient section of Wyoming Highway 34. The project will improve highway safety, the bridge at North Sybille Creek and the site distances. The project will also reduce roadside hazards. The project will meet the following needs :

- Reduce crash potential
- Provide safer conditions and improve travel
- Improve access
- Accommodate existing and future traffic volumes
- Improve the roadway surface

## **Preferred Alternative**

The Preferred Alternative would have 2-travel lanes with shoulders on both sides for a total width of 32 ft. Minor shifts in the horizontal alignment would be made throughout the section. The vertical alignment would be adjusted in order to provide acceptable sight distances. The existing bridge over North Sybille Creek will have new approach slabs and a deck overlay.

## **Summary of Impacts**

The impacts and mitigation for the Preferred Alternative are provided in the following table.

## **Wetland Findings**

The project was designed to avoid impacts to wetlands to the greatest extent possible and still meet the purpose and need for the Proposed Action. The No action alternative would avoid wetland impact, but it is not feasible and prudent because it would not correct existing roadway deficiencies or address current safety hazards and maintenance problems. This finding documents the measures taken to avoid or minimize impacts to wetlands under the Proposed Action alternative.

The Upgraded highway will essentially remain on the existing alignment, except for some minor deviations to bring the horizontal and vertical alignments to standard. Maintaining the existing alignment to the greatest extent possible minimizes new disturbance to wetlands. Although wetlands immediately adjacent to the highway may be impacted by fill slopes associated with the addition of shoulders or minor alignment deviations, the steepest allowable fill slopes have been used at wetland locations to minimize impacts to wetlands. In addition, retaining walls will be constructed to minimize impacts. Other engineering measures are not practical or cost-effective, and would be of extraordinary magnitude, to further minimize impacts to wetlands. Any other realignment of the highway is likely to result in greater impact to wetlands than maintaining the existing alignment since wetlands occur on both sides of the existing highway.

Based on the above considerations, it is determined that there is no other practicable alternative to the proposed construction in wetland areas and that the Proposed Action includes all practicable measures to minimize harm to wetlands that would result in such use. Appropriate coordination is being conducted by FHWA and WYDOT with USCOE. Impacts to wetlands will be mitigated at Morton Pass or Sybille Canyon wetland mitigation sites.

<b>Resource/Effect Category</b>	<b>Effect</b>	<b>Mitigation Measure</b>
Land Use	None	WYDOT will continue to provide access to all existing facilities and properties
ROW	Approximately 40.88 acres of new ROW will be needed.	WYDOT will provide compensation for landowners under the URAA and WYDOT policies. WYDOT will work with the Office of State Lands and Investments to determine compensation. Reclaimed land for the existing highway will be deeded back to adjacent landowners.
Social	Improved travel conditions. No impact to community facilities or cohesion.	No mitigation required.
Environmental Justice	None	No mitigation required.
Economic	None	No mitigation required.
Geology and Soils	None	No mitigation required.

Resource/Effect Category	Effect	Mitigation Measure
Air Quality	No long-term effects. Potential construction impacts resulting from dust and emissions from construction vehicles.	Dust-control BMPs will be used during construction.
Noise	Minimal increase in noise levels.	No mitigation recommended.
Water Resources and Quality	Minor short-term effects to surface water during construction from major stream crossings. No adverse effects to groundwater.	NPDES permits will be obtained. BMPs will be used during construction.
Wetlands and Aquatic Resources	Less than 1/3 of wetlands affected.	Mitigation will be determined during final design as part of USACE permitting process. Wetlands will be mitigated by expanding the existing Morton Pass or Sybille Canyon mitigation wetland sites.
Vegetation and Wildlife	Removal of vegetation during construction could result in the potential spread of noxious weeds and temporary removal of wildlife habitat. Crucial winter range could be effected. Rock blasting could disrupt wildlife activities. Wildlife crossings could be effected.	Disturbed areas will be re-vegetated using native plant species. Construction will be suspended within crucial winter range between 11/15 and 4/15. Rock blasting will be coordinated with the Wy Game and Fish Dept (WGFD). Right of way fences be coordinated with WGFD. A wildlife box culvert will be constructed at Johnson Creek. Site distances and clear zones will minimize wildlife collisions. Wildlife warning signs will be constructed.
Threatened and Endangered Species	Project will not likely to jeopardize Threatened and Endangered Species	No mitigation is recommended.

Resource/Effect Category	Effect	Mitigation Measure
Historic/Cultural Resources and 4(f)	SHPO has given a "no effect" determination.	If design changes affect cultural resources, SHPO will be consulted. If any cultural materials are discovered during construction, work in the area shall halt immediately and the federal agency and SHPO staff will be contacted. The materials be evaluated by an archaeologist or historian meeting the requirements of the Secretary of the Interior's Professional Qualification Standards (48 FR 22716, Sept. 1983).
Utilities	Some utilities could be effected.	WYDOT will coordinate with utility owners during final design to avoid, minimize or relocate utility infrastructure.
Construction Impacts	Lane closures will occur	Access to residences and public/private facilities will be maintained.
Secondary/Cumulative Impacts	Minor cumulative effects to social, air quality, water resources, wetlands, wildlife.	No additional mitigation recommended.

**Comments & Coordination**

The Notice of Availability of the Environmental Assessment (EA) was advertised on March 31, 1999, April 2, 1999, April 7, 1999 and April 9, 1999 in three separate newspapers. Copies of the EA were made available to the public at the WYDOT offices in Cheyenne, Wheatland and Laramie. The comment period ended on April 30, 1999.

**Summary of Comments**

Comments were received from Albany County, the US Fish and Wildlife Service (USFWS), the Wyoming Game and Fish Department (WGFD), and the State Historic Preservation Office (SHPO). In general, comments fell into the following categories:

- Crucial winter range- The WGFD expressed concerns with disturbing crucial winter range.

**Response:** WYDOT has agreed to limit construction activities from November 15<sup>th</sup> to April 15<sup>th</sup>.

- Fencing and gates— inhibit wildlife movement.

**Response:** WYDOT has generally agreed with WGFD fencing requests and have incorporated them into the current plan set.

- Viewing paths along the highway— WGFD has requested viewing paths along the highway.

**Response:** WYDOT will provide a maintenance path.

- Public viewing areas—WGFD has asked to WYDOT to retain the existing viewing areas.

**Response:** WYDOT has agreed to this.

- Water well at the Sybille Research Unit—WGFD has requested WYDOT to not disturb the water well at the Sybille Research Unit housing area.

**Response:** WYDOT will not disturb the well.

- Irrigation at pasture sites— WGFD wants to the maintain irrigation at the Tom Thorne and Beth Williams Research Center.

**Response:** WYDOT will maintain the irrigation system at the Tom Thorne and Beth Williams Research Center.

- Pasture sites – WGFD is concerned about lost a pasture within the project area.

**Response:** WYDOT will acquire a minimal amount of pasture ( 11 acres) by steepening the slope cuts.

- Rock blasting— WGFD is concerned about the effects of rock blasting to wildlife within the project area.

**Response:** WYDOT will coordinate rock blasting with the WGFD.

- North Sybille Creek— WGFD is concerned about impacts on the North Sybille Creek.

**Response:** WYDOT will construct retaining walls to minimize encroachment into North Sybille Creek.

- Wildlife crossing— WGFD is concerned about wildlife crossing the highway at Johnson Creek.

**Response:** WYDOT will construct a seven foot box culvert at Johnson Creek to allow wildlife to pass under the highway.

- **Sybille Research Unit-** concerns of the effects on the captive breeding programs.

**Response:** The research unit no longer has a captive breeding program.



## **Appendix A – Comments**

### **1) Correspondence**



## WYOMING GAME AND FISH DEPARTMENT

8400 Bishop Blvd. Cheyenne, WY 82008

Phone: (307) 777-4600 Fax: (307) 777-4610

Web site: <http://gf.state.wy.us>

GOVERNOR  
DAVE FREUDENTHAL

DIRECTOR  
STEVE HERRILL

COMMISSIONERS  
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OLARK ALLAN  
FRED LINDZEY  
RON LOVERHOEK  
BO MIGNERY  
BILL WILLIAMS, DVM

February 19, 2009

WER 6686.08  
Department of Transportation  
Right-of-Way & Engineering Inspection Plans  
Project No. 0109021  
Bosler-Wheatland  
North Sybille Creek Section  
Albany County

Paul P. Bercich, P.E.  
Highway Development Engineer  
Department of Transportation  
5300 Bishop Boulevard  
Cheyenne, WY 82009-3340

Dear Mr. Bercich:

The staff of the Wyoming Game and Fish Department has reviewed project No. 0109021 in Albany County. We offer the following comments for your consideration.

### Terrestrial Considerations:

As discussed in your cover letter, we recommend that our field staff be contacted to discuss potential impacts from this project on our Tom Thorne and Beth Williams Wildlife Research Center at Sybille. Please contact Rich Guenzel, Laramie Region Wildlife Biologist, at 307-745-4046 to coordinate a meeting.

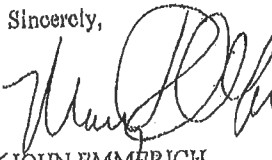

### Aquatic Considerations:

We provided aquatic comments in a letter dated May 15, 2008. We have no additional concerns.

Mr. Paul Berclch  
February 19, 2009  
Page 2 - WER 6686.08

Thank you for the opportunity to comment.

Sincerely,

  
for  JOHN EMMERICH  
DEPUTY DIRECTOR

JE: MF

cc: USFWS  
Timothy Stark, Wyoming Transportation Dept.

---



WYOMING GAME AND FISH DEPARTMENT

5400 Bishop Blvd. Cheyenne, WY 82006

Phone: (307) 777-4600 Fax: (307) 777-4610

Web site: <http://gf.state.wy.us>

DAVE FREUDENTHAL

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TERRY CLEVELAND

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RON LOVERCHECK  
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BILL WILLIAMS, DVM

May 15, 2008

WER 6686.03  
Department of Transportation  
Revised Grading Plans  
Project No. 0109-00(021)  
Bosler-Wheatland  
North Sybille Creek Section  
Albany County

*Handwritten:*  
PP  
Handwritten signature  
K. Williams

Paul P. Bercich, P.E.  
Highway Development Engineer  
Department of Transportation  
5300 Bishop Boulevard  
Cheyenne, WY 82009-3340

Dear Mr. Bercich:

The staff of the Wyoming Game and Fish Department has reviewed project No. 0109-00(021) in Albany County. We offer the following comments for your consideration.

Terrestrial Considerations:

We previously commented on the wildlife resources of concern, alternate highway alignments, mitigation issues and impacts of this project on our Tom Thorne and Beth Williams Wildlife Research Center at Sybille. WYDOT has been in contact with our personnel at the Wildlife Research Center to further address issues.

In previous comments on the project, we requested larger box culverts to facilitate wildlife being able to cross under the highway. Those features are not apparent from the plans. We are keenly interested in the mitigation measures being attached to the contract. There is potential for wildlife disturbance, erosion, and the spread of noxious weeds through highway construction. The higher design speed increases the likelihood of crashes going through the Research Center's perimeter fences and could possibly lead to escapes of confined wildlife. We recommend WYDOT adequately address these issues through incorporating an erosion and weed control program during construction. In addition, the inclusion of vehicle barriers would help lessen the potential of vehicles penetrating the Research Center's perimeter fencing.

While the grading plans do not fully identify what mitigation measures will be incorporated into the contract, we can see that some wildlife friendly features have been included in the project, such as a modified Type E fence and a top-railed Type Z fence with smooth

2008

WER 6686.03

bottom wires. From the standpoint of wildlife movement, a lower overall height (e.g., 38 inches), if feasible, might further help animals trying to cross the right-of-way when jumping uphill.


We appreciate that WYDOT has incorporated some special features where the project goes through our research center. These include reconstructing the tall, game-proof fencing (Type X) used for confinement of research animals, special gates, a maintenance trail along the tall fence, and the turn-outs along the highway. We encourage WYDOT to maintain communication with our personnel overseeing the Research Center during construction.

**Aquatic Considerations:**

The primary aquatic concern is possible impacts to North Sybille Creek. North Sybille Creek is managed as a wild fishery for brown and brook trout, and has a Wyoming Trout Stream Category of Red, meaning it is a stream of statewide importance to anglers and contains 300-600 pounds of trout production/mile. To minimize impacts to North Sybille Creek, we recommend that construction practices be used that would control erosion and prevent sediment from reaching North Sybille Creek.

Thank you for the opportunity to comment.

Sincerely,

  
JOHN EMMERICH  
DEPUTY DIRECTOR

JE:VS:gfb

cc: USFWS

↑ retaining walls see  
4/21/08 hydr. sect  
letter

THE



STATE OF WYOMING

Dave L. Froudenthal, Governor

John F. Cox, Director

## Department of Transportation

3411 SOUTH 3<sup>RD</sup> STREET

LARAMIE, WYOMING 82070

April 24, 2007

WWC Engineering  
611 Skyline Road  
Laramie, WY 82070

*Fencing*

RE: Game Fence Specifications  
Project: 0109021 Bosler Jct.-Wheatland,  
North Sybille Section

Attention: Claudia Torrence

As per the recommendations of the Wyoming Game and Fish the following criteria for game fence at the Tom Thorne and Beth Williams Research Center shall be as follows:

- 1) Post spacing shall be 16' on centers.
- 2) Line posts shall be a treated 6" diameter by 14' post.
- 3) Brace panels shall be made using treated 8" diameter by 14' posts.
- 4) Embedment shall be 4.5' leaving 9.5' above ground.
- 5) Fence will be composed of a 96" high tensile game fence with 3 strands of barbed wire on top at 6" spacings.
- 6) Woven wire shall be a "Fixed Knot" gradient mesh 8' high comprising of 20 horizontal wires with vertical wires on 6" spacing. Said woven wire being made of galvanized steel with 12½ gauge wire.
- 7) The barbed wire and all attaching hardware shall conform to the "2003 Standard Specifications for Road and Bridge Construction".

The game fence will be listed as a "Type X" fence and a special provision will need to be written to incorporate the manufacturers specifications. (See attachments.)

If you have any questions please contact me at 307-745-2115.

Sincerely,

Steven L. Cook, P.E.  
Resident Engineer

SLC:ds

Attachments (3)

file

# Game Fence

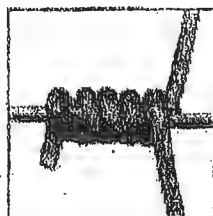
**HW  
BRAND**



## High Tensile TIGHTLOCK Game Fence

Provides maximum protection for your exotic animal investments. High carbon, steel wire construction bounces back and retains its shape. Weighing one-third less, Tightlock Game Fence offers the same linear strength as old fashioned fencing.

Specifications	
Style Number	147866
Height	78 3/8"
Weight	266 lbs.
Horizontal Line Wires	1
Gauge	12 1/2
Stay Wire Spacing	78"
Breaking Load (Min./Max.)	1062/1870 lbs.
Vertical Stay Wires	1
Gauge	12 1/2
Stance Strength	Medium (1024)
Breaking Load (Min./Max.)	1700/2700 lbs.
Knot Wires	1
Gauge	12 1/2
Tensile Strength	1024/1870 lbs.
Breaking Load (Min./Max.)	1062/1870 lbs.



Standard/Monarch Knot



Tightlock Knot

## The Tightlock Knot

Beginning with the knot, the design leaves no sharp edges, reducing the possibility of infection and disease resulting from cuts and abrasions.

In addition, when tensioning the fence, the Tightlock design allows for correct tension to be achieved visually. The horizontal line wires are designed with a curve between each vertical stay wire. When the correct tension is attained, this curve reduces in shape by about half.

Finally, Tightlock's flexibility is unique. The stay wires combine with the knots and tension curves for superior rigidity and elasticity. Impact loads spread and dissipate over the fence's height and width for complete animal protection.



## Gaucha Game Fence

This American-made 78 3/8" tall, high tensile, woven game fence features standard hinge knot and 12 1/2 gauge wire, yet it weighs no more than standard 47" field fence. It features graduated spacing to protect crops and orchards from smaller game animals.

Specifications	
Style Number	147866
No. Horizontal Wires	1
Fence Height	78 3/8"
Stay Wire Spacing	78"
Edge Wire	12 1/2"
Line and Stay Wire	12 1/2"
Zinc Coating	11.3
Roll Weight (Lbs.)	266
Length (Rolls)	20



THE STATE



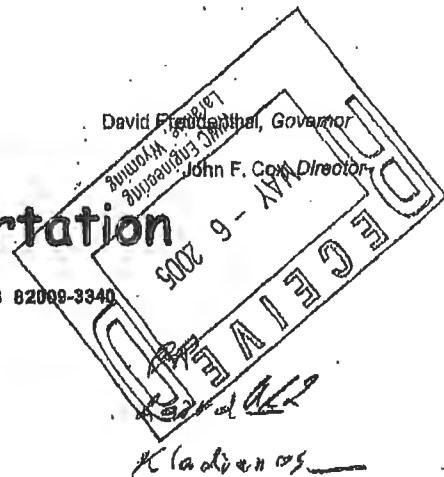
OF WYOMING

# Department of Transportation

5300 BISHOP BOULEVARD

CHEYENNE, WYOMING 82009-3340

David F. Freudenthal, Governor  
John F. Cox, Director



## MEMORANDUM

TO: Paul Bercich, P.E.  
Highway Development Engineer  
Headquarters

FROM: Barb Chancellor *BC*  
DOT Right-of-Way Program

DATE: April 22, 2005

SUBJECT: BLM Letter of Consent for fencing application  
Project No.: 0109(018)  
Road: Bosler Jct.-Wheatland (Sybilie Canyon Section)  
County: Albany

Attached is a copy of the Letter of Consent from the BLM for the fencing application on the above noted project. If you have any questions or need further information, please call Barb Chancellor at 777-4114.





# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Rawlins Field Office  
P.O. Box 2407 (1800 North Third Street)  
Rawlins, Wyoming 82301-2407



# COPY

WYW-156943

Your Reference:  
Project No. 0109 (018)  
Bosler Jct.-Wheatland

April 18, 2005

Mr. Rodney Vaughn  
Federal Highway Administration  
1916 Evans Avenue  
Cheyenne, Wyoming 82001-3764

### Amended Letter of Consent

Dear Mr. Vaughn:

This amended Letter of Consent WYW-156943, pursuant to Section 317 of Title 23 U.S.C., approved August 27, 1958 (72 Stat. 885), authorizes issuance of an easement deed to the Transportation Commission of Wyoming, Wyoming Department of Transportation (WYDOT), for fencing the constructed slope located on public land. The fencing the constructed slope is identified on the plan and profile sheets (Exhibit A) received on January 13, 2005, with your letter dated January 12, 2005. The following public lands are involved in this appropriation:

Sixth Principal Meridian, Wyoming  
T. 20 N., R. 72 W.  
Section 2: ~~SW1/4NE1/4~~

In addition to the ten standard conditions of appropriation, the following terms and conditions are included as part of this Letter of Consent as well as the enclosed additional stipulations:

The reasonable and prudent measures and the terms and conditions in the U.S. FWS Biological Opinion (ES-6-WY-02-F010) are to be implemented.

The authorized officer must grant, in writing, any exception to the terms and conditions of this right-of-way.

Approval of this appropriation is in accordance with Interagency Agreement AA 851-IA2-40 and Memorandum of Understanding WY920-02-09-108 dated September 16, 2002.

If there are questions, please direct them to Janelle Wrigley, Realty Specialist, at the above address or phone (307) 328-4279.

Sincerely,

Field Manager

Enclosure

WYOMING  
GAME AND FISH DEPARTMENT

Dave Freudenthal, Governor



Terry Cleveland, Director

"Conserving Wildlife - Serving People"

September 2, 2005

FILE  
10/17/05

WER 6686.03  
Department of Transportation  
Project No. 0109-00(21)  
Bosler Junction - Wheatland  
North Sybille Creek Section  
Albany County

Stark B  
Carroll my  
Perguson  
Taylor CA  
Samson  
Bonds  
Weinstein  
Hart TH  
Francis  
Powell  
File X  
Notebook

Copy sent  
too WES 10/14/05  
Return to Nicki

Paul Bercich  
Highway Development Engineer  
Wyoming Department of Transportation  
5300 Bishop Boulevard  
Cheyenne, WY 82003-1708

Dear Mr. Bercich:

The staff of the Wyoming Game and Fish Department has reviewed the Grading Plans for project No. 0109-00(21) in Albany County. We offer the following comments for your consideration pursuant to our Memorandum of Understanding.

Terrestrial Considerations:

The proposed project area is within crucial winter/yearlong range for mule deer, bighorn sheep, and pronghorn, and winter/yearlong range for white-tailed deer and elk. We are concerned that disturbance and/or displacement to wintering wildlife will result from the increased construction activity, and recommend that no construction-related activities take place between November 15 and April 30, 2006. WES

We recommend a seven-foot box culvert be used instead of pipe where Johnson Creek flows under the highway (sheet #10, North Sybille Creek Section Plans). This type of conveyance system will facilitate wildlife passage under the highway, particularly for amphibians, reptiles, and small mammals. ✓ jork

We agree with WYDOT that specific issues should be worked out between local personnel from both agencies. Accordingly, we request a field meeting with representatives from WYDOT (project engineer and maintenance crew personnel) to determine the best places for deer crossings using one-way deer jumps and/or flattening slopes. Martin Hicks (322-3821) and Will Schultz (322-2571) will be our Department's local contacts.

Mr. Paul Bercich  
September 2, 2005  
Page 2 - WER 6686.03

According to Mr. McOmie's letter to Tom Collins (dated July 5, 2002 in response to WER 6686.06), WYDOT was willing to allow a modified Type E fence with a 42-inch top wire height and a 16-inch smooth bottom wire in mule deer habitat and an 18-inch smooth bottom wire in pronghorn habitat. We request clarification on why an 18-inch bottom wire is acceptable in pronghorn range, but not in mule deer range. There is considerable mule deer doe/fawn movement in the project area and an 18-inch bottom wire would better allow juvenile deer to cross the road and get out of the ROW. In the absence of reasons to the contrary, we recommend the entire section, except those sections detailed by our personnel at Sybille, be fenced with 1) a modified Type E four-wire fence with the bottom wire smooth and wire spacings of 18-24-30-42 inches from the ground, or possibly 2) a three-wire electric fence, with a wire spacing of 22-32-42 inches from the ground.

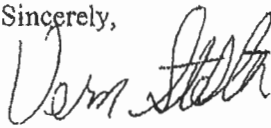
We understand from the July 5, 2002 letter from Mr. McOmie that WYDOT has the ability to widen the ROW where the adjacent property owner is willing to donate a wider ROW free of charge. The Game and Fish Department is willing to transfer additional ROW to WYDOT on Department land within the Thorne/Williams Wildlife Habitat Management Area to increase ROW width, in order to reduce wildlife-vehicle collisions. We would also be willing to facilitate conversations between the Bureau of Land Management and WYDOT to widen the ROW on BLM land within the Thorne/Williams WHMA.

Aquatic Considerations:

The primary aquatic concern is possible impacts to North Sybille Creek. North Sybille Creek is managed as a wild fishery for brown and brook trout, and has a Wyoming Trout Stream Category of Red, meaning it is a stream of statewide importance to anglers and contains 300-600 pounds of trout production/mile. To minimize impacts to North Sybille Creek, we recommend that construction practices be used that would control erosion and prevent sediment from reaching North Sybille Creek.

Thank you for the opportunity to comment.

Sincerely,

  
Bill Wichers  
DEPUTY DIRECTOR

BW:VS:cb  
cc: USFWS  
Temple Stevenson - Governor's Planning Office

THE



STATE OF WYOMING

**FILE**  
8/19/04

3411 SOUTH 3<sup>RD</sup> STREET

LARAMIE, WY

## Department of Transportation

August 9, 2004

Paul Bercich, P.E.  
Highway Development Engineer  
Wyoming Department of Transportation  
5300 Bishop Boulevard  
Cheyenne, WY 82001

Dear Paul:

Attached, is a letter from Game and Fish requesting a non-standard fence along the right of way abutting the Johnson unit and Sybille Wildlife Research Station.

The main thrust of this request is based on the fact that there is an 8 foot fence along the Sybille Research Station and game finding its way into the right of way has problems clearing a standard fence on the west side of the road, predominately the uphill side abutting the Johnson unit. The Game and Fish has requested a non standard fence to enhance the game movement out of the right of way noting there is no stock on the Johnson unit.

Other than this opening the door for discussion on other projects I have no objections to their request. An other option not discussed would be to put an 8 foot game proof fence on both sides of the right of way through this area. This would increase costs substantially and would definitely eliminate the possibility of game that have entered the right of way from exiting at any place but the ends.

I have no objection to the modifications but would request input from other entities as to their thoughts about this variance.

Sincerely,

Jay S. Gould, P.E.  
District Engineer

pc: Pat Collins, P.E., Planning & Engineering Engineer  
Bill Wilson, P.E., Standards Engineer  
Pat Persson, P.E., District Construction Engineer  
Steve Cook, P.E., Resident Engineer  
Timothy Stark, P.E., Environmental Services Engineer  
file

Stark 92  
Carroll 70  
Ferguson  
Taylor CAT  
Samson  
Bonds  
Weinstein  
Hart TWH  
Francis  
Powell  
File X  
Notebook  
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sent 8/18/04  
Return to Nicki

*Fencing at  
Johnson Creek Wildlife  
Habitat Management Area*  
0109-001021



WYOMING  
GAME AND FISH DEPARTMENT

Dave Freudenthal, Governor



Terry Cleveland, Director

"Conserving Wildlife - Serving People"

August 3, 2004

Jay Gould, District Engineer  
Wyoming Department of Transportation  
3507 South 3<sup>rd</sup> Street  
Laramie, WY 82070

*Fencing at Johnson  
Creek Wildlife Habitat  
Management Area*

Dear Jay:

At your meeting with Martin Hicks and other Department personnel on July 8, you asked that the Department provide you with some further information for a less restrictive fence on the north side of Wyoming Highway 34 bordering our Johnson Creek Wildlife Habitat Management Area (Johnson Creek Unit). The portion of the Johnson Creek Unit important to this discussion is the Commission's fee title lands and possibly some BLM leased lands located along Wyoming Highway 34 in T21N, R71W, Sections 21, 28, and 29.

Current plans for the third phase of the Bosler Junction/Highway 34 road construction project call for a Type F fence along our Johnson Creek Unit. The area is currently designated as:

- crucial winter/winter yearlong for bighorn sheep and mule deer
- winter/yearlong for pronghorn and white-tailed deer
- spring/summer/fall for elk

The entire project area dissects important wildlife habitat. Because of this, there are a significant number of big game mortalities resulting from vehicle collisions. Big game animals leaving the ROW within the canyon portion of the highway have a much harder time clearing a Type F fence from the downhill side than they normally would if the terrain was level.

Along our Johnson Creek Unit, big game animals have a particularly difficult time. On the north side of the highway big game currently have to negotiate steep grades and a woven wire fence. These animals cannot go south due to the Sybille Wildlife Research Unit's eight-foot high game fence.

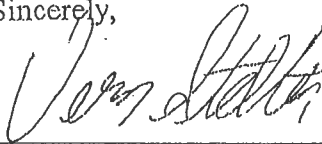
In order to minimize obstructions to big game attempting to leave the ROW and enter our Johnson Creek Unit, we recommend a 3-wire fence design with a smooth bottom wire 16 inches above the ground, a smooth or barbed middle wire 26 inches above the ground, and a smooth or barbed top wire 38 inches above the ground. This recommendation is consistent with our Department's Habitat Extension Bulletin Number 53, Fencing Guidelines for Wildlife.

Mr. Jay Gould  
August 3, 2004  
Page 2 -- WER 6686.06

WYDOT should be aware that there are no livestock or research wildlife to exclude from the ROW on this section of highway. The Johnson Creek Unit is fenced on the north, south, and west sides to prevent any livestock access into the Unit.

If you need any further information, please feel free to contact Martin Hicks at 322-3821. Thank you for considering our input.

Sincerely,



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*for* BILL WICHERS  
DEPUTY DIRECTOR

BW:VS:as  
cc: Tim Stark-DOT

# WYOMING GAME AND FISH DEPARTMENT

Dava Friedmanthal, Governor



Terry Cleveland, Director

*"Conserving Wildlife - Serving People"*

August 3, 2004

827 Grange Road  
Wheatland, WY 82201  
322-3821  
[martinh@wyoming.com](mailto:martinh@wyoming.com)

Jay Gould, District Engineer  
Wyoming Department of Transportation  
3507 South 3<sup>rd</sup> Street  
Laramie, WY 82070

Dear Jay,

At our meeting on July 8 this year you asked that I provide you with some further information on our recommendations for a less restrictive fence on the north side of Wyoming Highway 34 bordering our Johnson Creek Wildlife Habitat Management Area (Johnson Creek Unit). The portion of the Johnson Creek Unit important to this discussion is the Commission's fee title lands and possibly some BLM leased lands located along Wyoming Highway 34 in T21N, R71W, Sections 21, 28 and 29. Please accept the following as my recommendation and justification.

Current plans for the third phase of the Bosler Jct/Hwy 34 road construction project call for a Type F Wyoming Department of Transportation fence along our Johnson Creek Unit. The area is currently designated as:

- crucial winter/winter yearlong for bighorn sheep and mule deer
- winter/yearlong for pronghorn and white-tailed deer
- spring/summer/fall for elk

The entire route of this highway dissects important wildlife habitat. Unfortunately, because of this, there are a significant number of big game mortalities resulting from vehicle collisions. Wildlife has a hard time leaving the ROW within the canyon portion of this highway. This is because steep grades within the ROW make effective fence heights higher than their measured height. Wildlife have a much harder time clearing a Type F fence from the downhill side than they normally would if the terrain was level.

Along our Johnson Creek Unit big game have a particularly difficult time. On the north side of the highway big game currently have to negotiate steep grades and a woven wire fence. These animals cannot go south due to the Wyoming Game and Fish Commission's Sybille Wildlife Research Unit's eight-foot high game fence.

Mr. Jay Gould  
Highway 34/Johnson Creek Unit  
8/3/04  
Page 2

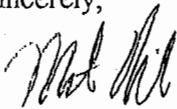
In order to minimize obstructions to big game attempting to leave the ROW and enter our Johnson Creek Unit we recommend the following fence specifications: height 38 inches, 3 wires spaced as follows – bottom smooth and 16 inches above ground, middle wire smooth or barbed 26 inches above ground and the top wire smooth or barbed 38 inches above ground. This recommendation is consistent with recommendations for deer, pronghorn, moose and elk found in the Departments Habitat Extension Bulletin Number 53, Fencing Guidelines for Wildlife.

We realize that WY DOT must follow state law. We also realize that the 1910 statute dealing with fences defines a legal fence as 45 inches or higher. However, you should be aware that there are no livestock or research wildlife to exclude from the ROW on this section of highway. The Johnson Creek Unit is fenced on the north, south, and west sides to prevent any livestock access into the unit. All big game found on the Johnson Creek Unit are native free ranging wildlife. If you need any further information please feel free to contact me as indicated above.

---

Thank you for considering our input.

Sincerely,



Martin Hicks  
Wildlife Biologist

Cc: Jeff Smith, Bob Lanka, Terry Kreeger, Roger Bredehoft, Vern Stelter, file



WYOMING  
GAME AND FISH DEPARTMENT

Dave Froudelant, Governor



Terry Cleveland, Director

"Conserving Wildlife - Serving People"

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**FILE**  
8/19/04

August 3, 2004

Tim Stark  
Wyoming Department of Transportation  
5300 Bishop Blvd.  
Cheyenne, WY 82006

Dear Tim:

0109-00(021)

At a meeting between our Department, WYDOT, and the U.S. Fish and Wildlife Service on July 8, it was suggested that our staff inform you in writing of some of the issues concerning the impacts that the Highway 34 improvement project will have on the Sybille Wildlife Research Unit. The immediate issues and concerns are listed below. There may be additional issues in the future. Also, these items refer only to the Sybille Wildlife Research Unit and not the Johnson Creek Wildlife Management Area, which borders Sybille.

- **Fencing** - WGF this is only if we disturb existing fences

Game-proof fence must replace whatever fencing is removed for construction. The fence specifications include high tensile woven wire at least 8 feet in height, with 2 strands of barbed wire above the woven wire. Fence posts (6-inch by 12 foot) treated wood should be used, sunk a minimum of 3 feet into the ground. The wire should be placed on the pasture side of the posts.

- **Gates**

Within the pasture fencing, at least seven 8x12-foot steel gates need to be replaced. At each gate, an adequate turnout needs to be constructed. The turnout needs to be able to accommodate two or more vehicles, and allow a single vehicle to turn around without having to go onto the highway. The main gate at the entrance to the Unit should be a minimum of 20 feet wide. The gate leading to the north housing unit should be at least 12 feet wide. have agreed come to consensus WGF  
ON Aug 26, 05  
it was replaced with electrified gate

**Pathway**

To increase public safety, a foot pathway (probably 6 feet wide) should be included along the south pasture fencing. This would allow people to walk along the fence to get a better view of the animals instead of driving vehicles along the highway. - make new trail

### Public Viewing Area

There is currently one large public viewing area of the south pastures where bison, elk, moose, and bighorn sheep are kept. This viewing area should be retained. This area contains Department-maintained restrooms. However, if these restrooms are removed during construction, they should not be replaced. - *removed restrooms*

There are currently other smaller turnouts, but we feel they will effectively be replaced if the criteria for the gates (as described above) are met.

### Water Issues

An existing water right is used to irrigate the pastures on the south and north sides of highway adjacent to the buildings and housing units. The water diversion needs to be maintained during and after reconstruction to serve these irrigation ditches. If it is not possible to maintain the north irrigation ditch, mitigation for this loss will have to be made. *will do*

A residential water well serving the north housing unit probably will be lost during reconstruction and will need to be replaced.

### Land Mitigation

There will be loss of some valuable pasturage on both the north and south sides of the highway due to reconstruction. We would appreciate that these losses be mitigated to the fullest extent possible. -

Thank you for the opportunity to discuss these issues, and for your consideration in dealing with them. If you need any further information or input, please let us know.

Sincerely,

*Bill Wickers*  
BILL WICHERS  
DEPUTY DIRECTOR

BW:VS:as