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TECHNICAL MEMORANDUM

To: Ryan Hayes, Barnard Dunkelberg & Company **Date:** July 14, 2009

From: Calvin Douglas and Dan Berlin, Anchor QEA, LLC **Project:** 080158-01

Cc: Jon Boyce, Anchor QEA, LLC

Re: Hot Springs County Airport Site 2 Endangered Species Act Compliance – No Effect Determination

Hot Springs County, Wyoming, is currently evaluating options for the relocation of the Hot Springs County Airport (Airport). Two undeveloped sites, identified as Site 2 and Site 3, are currently being evaluated for construction and development of a new Airport. Site 2 has been identified as the preliminary preferred alternative.

Site 2 is located approximately 9 miles northwest of the community of Thermopolis, in Hot Springs County, Wyoming (Township 43 North, Range 96 West, Sections 4, 8, and 9). Highway 120 is located to the east of the site and Highway 170 is located south of the site. The Site 2 study area is shown on Figure 1.

The Site 2 project design includes an approximately 81-acre construction footprint located within the boundaries of the approximately 200-acre study area. A perimeter fence would surround the construction footprint to secure the Airport facilities. The total area within the perimeter fence (fence line area) is approximately 344 acres. Project elements within the construction footprint would include paved surfaces associated with roads, taxiways, runways, parking, lighting, and buildings, and other structures associated with Airport facilities. With the exception of fence construction, no development is currently proposed within the approximately 266-acre area between the construction footprint and the fence line. A full description of the project design is presented in the Alternatives Chapter of the Environmental Assessment (EA). The construction footprint and fence line boundaries are shown on Figure 2.

Section 7 of the federal Endangered Species Act (ESA) of 1973 (as amended) requires an analysis of the effects on any federally listed or proposed threatened and endangered species or habitats that may inhabit areas affected by a construction project when the project is subject to federal funding or authorization. Applicable regulations are found in 50 Code of Federal Regulations (CFR) 17. Consultation with the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) is necessary if any threatened or endangered species would be affected by a project. This technical memorandum (memorandum) has been prepared to support ESA compliance by providing information regarding the potential presence of candidate, proposed, endangered, or threatened species or habitats in the Site 2 project area and to identify potential impacts to federally listed species or habitats. Candidate species have no protection under the ESA, but if a species were to be elevated to the proposed category after the project had begun, additional analysis would be required to determine the project's potential effects on this species.

Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) and the 1996 Sustainable Fisheries Act, the proposed project requires an Essential Fish Habitat (EFH) consultation. The information in this technical memorandum is also intended to satisfy the requirements for an EFH assessment.

This memorandum describes the analysis of existing information, methods used in the field investigation, and the conclusions of Anchor QEA, LLC (Anchor QEA) ecologists for the No Effect finding of this memorandum.

METHODS

This section describes the methodology used to prepare this memorandum, including the review of existing information, a description of the Site 2 study area, and field investigation procedures.

Summary of References

As part of the ESA analysis, Anchor QEA ecologists reviewed the following sources of information to support field observations:

- NMFS threatened and endangered species data (NMFS 2008)
 - USFWS threatened and endangered species data (USFWS 2008a)
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- *USFWS Wetlands Mapper for National Wetlands Inventory (NWI) Map Information* (USFWS 2008b)
- USFWS Cheyenne, Wyoming Field Office (USFWS 2008c and 2009)
- U.S. Department of Agriculture (USDA) Plant Database website (USDA 2008a)
- USDA Invasive Species Information website (USDA 2008b)
- *Natural Resource Conservation Service (NRCS) Web Soil Survey* (USDA 2008c)
- Wyoming Game and Fish Department (WGFD) (WGFD 2008, 2009a, and 2009b)
- *Atlas of Birds, Mammals, Amphibians, and Reptiles in Wyoming* (Cerovski et al. 2004)
- Aerial photographs

Site 2 Study Area Description

The study area is an approximately 200-acre undeveloped area (Figure 1). The study area footprint is generally rectangular shaped, about 9,700 feet long and about 800 feet wide. The footprint includes an approximately 2,000-foot-long access road that would connect the Airport with Highway 170 to the south. For the purposes of this analysis, development associated with the proposed Airport relocation was assumed to include the entire study area footprint.

No buildings or other similar structures are located within the study area. Development within the study area is limited to unpaved roads, and fences and gates made of wire and wood posts. In the area of the project footprint identified as an access road from Highway 170, an existing unpaved road is located from Highway 170 to the main portion of the study area. Current land use of the study area includes grazing activity, and livestock were present within the study area during the site visits. The entire study area was accessible during the site visits by driving unpaved roads and walking within the site.

Site 2 Study Area Reconnaissance

To perform the ESA analysis, two Anchor QEA ecologists visited the study area on September 15 and 16, 2008. During the site visit, a reconnaissance-level inspection was performed to identify and evaluate vegetation communities and wildlife and fish habitat. The entire study area was accessible during the investigation. General information regarding habitats and dominant plant communities in the study area was documented. All wildlife species, track, and sign observed during the site visits were documented. All observations

were qualitative; no quantitative wildlife surveys were performed. Photographs were also taken to document vegetation and habitat conditions of the study area.

RESULTS

Summary of References

Threatened and endangered species listings under NMFS and USFWS jurisdiction are referenced on their respective web sites (NMFS 2008; USFWS 2008a). There are no species or habitats under NMFS jurisdiction located in Wyoming. The USFWS list identifies species that occur or may occur within a given county, as opposed to those that occur within a project-specific area. No USFWS federally protected fish species are located in Hot Springs County. USFWS-listed threatened, endangered, proposed, and candidate species identified as potentially occurring in Hot Springs County are shown on Table 1. Candidate species have no protection under the ESA, but if a species were to be elevated to the proposed category after the project had begun, additional analysis would be required to determine the project's potential effects on this species. Table 1 also identifies whether critical habitat has been designated by USFWS for those species.

Table 1
Species and Critical Habitats with Federal Status
That May Occur in Hot Springs County

Common Name (Scientific Name)	Type	Jurisdiction	Federal Status	Critical Habitat
Black-footed ferret (<i>Mustela nigripes</i>)	Mammal	USFWS	Endangered	No
Blowout penstemon (<i>Penstemon haydenii</i>)	Plant	USFWS	Endangered	No
Canada lynx (<i>Lynx canadensis</i>)	Mammal	USFWS	Threatened	No
Ute ladies' tresses (<i>Spiranthes diluvialis</i>)	Plant	USFWS	Threatened	No
Gray wolf (<i>Canis lupus</i>)	Mammal	USFWS	Nonessential/ Experimental Population	No
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	Bird	USFWS	Candidate	No
Greater sage grouse (<i>Centrocercus urophasianus</i>)	Bird	USFWS	Under Review	No

Sources: NMFS 2008; USFWS 2008a

In addition to the above agency information, the USFWS and WGFD provided letters specifically addressing the project and the Site 2 location. These agency letters are provided in the attachments to this memorandum and are summarized below. The USFWS Cheyenne, Wyoming, Field Office provided the following information associated with the study area (USFWS 2008c and 2009):

- No federally listed or proposed or candidate species are likely to occur in Site 2.
- While the federally listed endangered species black-footed ferret (*Mustela nigripis*) is unlikely to occur in Site 2, the USFWS encourages the protection of all prairie dog towns due to their overall value to the prairie ecosystem. The USFWS also noted that the presence of white tailed prairie dog (*Cynomys leucurus*) towns or complexes greater than 200 acres within Site 2 may result in a recommendation by the agency for ferret surveys.
- Bird species that are protected under the Bald and Golden Eagle Protection Act and Migratory Bird Treaty Act may be present in Site 2. Almost all bird species are regulated under the Migratory Bird Treaty Act.
- While the USFWS has withdrawn the proposal to list the mountain plover (*Charadrius montanus*) under the ESA, the species remains protected under the Migratory Bird Treaty Act.
- Greater sage grouse (*Centrocercus urophasianus*) is currently under review to determine if the species warrants listing under the ESA. Impacts to sagebrush habitats should be evaluated for potential impacts to the species. The presence or absence of breeding or wintering habitats within Site 2 should be identified.

The WGFD provided the following information associated with the study area (WGFD 2008, 2009a, and 2009b):

- The southwest portion of Site 2 is within the mule deer (*Odocoileus hemionus*) winter range for the Owl Creek/Meeteetse mule deer herd unit.
- No sage grouse leks or winter areas are documented within 2 miles of Site 2.
- The Padlock Rim area, located about 4 miles northwest of Site 2, has rock outcrops and cliffs that may support raptor nesting activity.
- There are no aquatic wildlife concerns with Site 2.

Existing natural resource information does not identify any potential fish habitat, such as streams or ponds, within the study area or within at least 2 miles of the study area (NMFS 2008, USFWS 2008a, WGFD 2008, 2009a, and 2009b).

Site 2 Study Area Reconnaissance

The study area is dominated by plains and sagebrush steppe vegetation communities (Figure 1) with a mixture of native and nonnative plant species that are common in Hot Springs

County and Wyoming. No wetland habitat was identified within the study area, as described in the *Hot Springs County Airport Site 2 Wetlands Analysis Technical Memorandum* (Anchor QEA 2009).

The majority of the study area is composed of plains habitat. Dominant and commonly observed native vegetation includes prairie sage (*Artemisia ludoviciana*), common sunflower (*Helianthus annuus*), smooth aster (*Aster laevis*), and foxtail barley (*Hordeum jubatum*).

Dominant and commonly observed nonnative species within the plains habitat include flixweed (*Descurainia sophia*), in addition to several species with noxious weed status in Wyoming, such as cheatgrass (*Bromus tectorum*), spotted knapweed (*Centaurea stoebe*), Canadian thistle (*Cirsium arvense*), and Russian thistle (*Salsola kali*). Overall, plains habitat within the study area includes relatively level areas with a mosaic of native, nonnative, and noxious weed plant species (Photo 1).



Photo 1

Plains Habitat: Mosaic of Native, Nonnative, and Noxious Plants

Sagebrush steppe habitat generally occurs in patches within the larger plains habitat and is dominated by native species, such as Wyoming big sagebrush (*Artemisia tridentata*) and prickly pear cactus (*Opuntia fragilis*). Additional species observed within the sagebrush steppe habitat include prairie sage, flixweed, spotted knapweed, and Russian thistle. Overall,

sagebrush steppe habitat within the study area includes relatively level areas dominated by native species with nonnative and noxious weed plant species occasionally occurring (Photo 2).



Photo 2
Sagebrush Steppe Habitat: Dominated by Native Species with Nonnative and Noxious Plants Also Occurring

With the exception of three black cottonwoods (*Populus trichocarpa*), tree cover is not present in the study area. Current conditions also include areas with current or relatively recent livestock grazing. Additional plains and sagebrush steppe habitats are located in the general vicinity surrounding the study area.

A list of all plant species observed during the investigation is provided in Table 2. Table 2 also identifies the status of the plants as native, nonnative, or having noxious weed status in Wyoming (USDA 2008a, 2008b). Each plant species is also characterized as dominant, common, or few in the study area.

Table 2
Summary of Vegetation Species Observed within the Study Area

Scientific Name	Common Name	Indicator Status ¹	Native Species ²	Presence within Study Area
<i>Artemisia tridentata</i>	Wyoming big sagebrush	NI	Yes	C
<i>Artemisia ludoviciana</i>	Prairie sage	FACU	Yes	D
<i>Aster laevis</i>	Smooth aster	NI	Yes	C
<i>Bouteloua gracilis</i>	Blue gramma	NI	Yes	F
<i>Bromus tectorum</i>	Cheatgrass	NI	Noxious	D
<i>Centaurea stoebe</i>	Spotted knapweed	NI	Noxious	D
<i>Chenopodium album</i>	Lamb's-Quarters	FAC	No	F
<i>Cirsium arvense</i>	Canadian thistle	FACU	Noxious	C
<i>Descurainia sophia</i>	Flixweed	FACU	No	D
<i>Festuca campestris</i>	Rough fescue	NI	Yes	F
<i>Helianthus annuus</i>	Common sunflower	FACU	Yes	C
<i>Hordeum jubatum</i>	Foxtail barley	FAC+	Yes	C
<i>Hypochaeris radicata</i>	Hairy cats-ear	FACU	No	C
<i>Juncus balticus</i>	Baltic rush	FACW+	Yes	F
<i>Opuntia fragilis</i>	Prickly pear cactus	NI	Yes	C
<i>Populus trichocarpa</i>	Black cottonwood	FAC	Yes	F
<i>Salsola kali</i>	Russian thistle	UPL	Noxious	D
<i>Sphaerophysa salsula</i>	Swainsonpea	FAC	No	F
<i>Taraxacum officinale</i>	Common dandelion	FACU	Yes	C

Notes:

- 1 These categories, referred to as the “wetland indicator status” (from the wettest to driest habitats) are as follows: obligate wetland (OBL) plants, facultative wet wetland (FACW) plants, facultative wetland (FAC) plants, facultative upland (FACU) plants, and obligate upland (UPL) plants. NI denotes no indicator status.

- 2 Source: USDA 2008a, 2008b

Nox = Noxious weed status

D = Dominant

C = Common

F = Few

Vegetation communities in the study area are dominated by upland species (FACU, UPL, or NI). Wetland species (FAC or FACW) present in the study area are generally associated with upland species (FACU or UPL). No evidence of wetland hydrology was observed in the study area.

Overall, wetland conditions were not observed in the study area. In addition, no evidence of hydrologic features or potential fish habitat, such as streams, drainage channels, or ponds,

was observed in the study area. Evidence of prolonged inundation, such as water ponding, stained or matted vegetation, water marks, or cracked soils, was also not observed in the study area. Due to the absence of potential fish habitat, riparian habitat is also not present in the study area. Drainage features within Site 2 were limited to depressional features, typically resembling drainage ditches, which were dry at the time of the field survey. These drainages generally extend from higher elevations in the west to lower elevations in the east. At the time of the site visits, these features were fully vegetated with upland plant species and lacked physical evidence of scouring or erosion, indicating infrequent, seasonal flow likely from snowmelt and heavy rainfall events. Results of the wetland analysis are described in the *Hot Springs County Airport Site 2 Wetlands Analysis Technical Memorandum* (Anchor QEA 2009).

Wildlife species or sign observed during the reconnaissance include desert cottontail (*Sylvilagus auduboni*), mule deer, coyote (*Canis latrans*), short-horned lizard (*Phrynosoma douglassii*), and raptor species. Several burrowing holes were present during the site visits, likely associated with gopher (*Thomomys spp.*), weasel (*Mustela spp.*), or similar burrowing mammal species. Evidence of prairie dog towns or complexes was not observed within the study area. While several burrows were observed, the number of burrows within the study area was significantly less than the 8 burrows per acre recognized as the typical minimum burrow density for prairie dog towns (USFWS 1989). Large ant hills, typically about 2 feet tall, were frequently observed. Domestic animals present within the study area during the site visits include horses and cattle.

Wildlife habitats in the study area range in quality from low, in the plains areas dominated by noxious weed species, to moderate, in the sagebrush steppe habitats dominated by native vegetation. The presence of livestock within the study area also reduces habitat quality. Overall, vegetation communities in the study area likely provide habitat for a variety of native and nonnative bird, reptile, insect, and mammal species common to plains and sagebrush steppe habitat in Hot Springs County and Wyoming. Species that rely on aquatic habitat for breeding and foraging, such as amphibians and waterfowl, are not likely to occupy the study area due to the absence of wetland and stream habitat.

THREATENED AND ENDANGERED SPECIES AND HABITAT INFORMATION

There are no species or habitats under NMFS jurisdiction (fish, salmon, or marine mammals) located in Wyoming. No USFWS federally protected fish species are located in Hot Springs

County. Four species under USFWS jurisdiction with endangered or threatened status are identified as potentially occurring in Hot Springs County: two mammal species, black-footed ferret and Canada lynx (*Lynx canadensis*), and two plant species, blowout penstemon (*Penstemon haydenii*) and Ute ladies'-tresses (*Spiranthes diluvialis*). In addition to these four listed threatened and endangered species, USFWS identifies the following three species as potentially occurring in Hot Springs County: gray wolf (nonessential/experimental population), yellow-billed cuckoo (*Coccyzus americanus*) (candidate), and greater sage grouse (under review) (USFWS 2008a) (see Table 1). The following sections summarize habitat and prey requirements and describe the potential use and occurrence of these seven species within or in the vicinity of the study area. *The Atlas of Birds, Mammals, Amphibians, and Reptiles in Wyoming* provides information on documented observations and breeding activities of wildlife species within 28 geographic areas of Wyoming, identified as "latilongs." Each individual latilong covers hundreds of square miles of area (Cerovski et al. 2004).

Black-footed ferret (*Mustela nigripes*)

The endangered species black-footed ferret depends on the prairie dog (*Cynomys* spp.) as a source of food and uses its burrows for shelter and habitat. Any actions that kill prairie dogs or alter their habitat could prove detrimental to black-footed ferrets occupying the affected prairie dog towns (USFWS 1989). In the latilong that covers the geographic area of Thermopolis, black-footed ferret has been observed, but no breeding activity has been documented, and no breeding activity is assumed (Cerovski et al. 2004).

Evidence of prairie dog towns or complexes was not observed within the study area. Because the study area does not contain potential habitat or prey species typically associated with black-footed ferret (Cerovski et al. 2004; USFWS 2008b), black-footed ferrets are not expected to use the study area.

Blowout penstemon (*Penstemon haydenii*)

The endangered plant species blowout penstemon is a perennial herb that is the rarest plant species native to the Great Plains region of the U.S. (USFWS 1992). Habitat for the blowout penstemon is restricted to sparsely vegetated, early successional shifting sand with crater-like blowout depressions created by wind erosion. The plant was originally considered endemic to the Nebraska Sandhills, until it was first confirmed in Wyoming in 1999. In Wyoming,

the plant is found primarily on the rim and lee slopes of blowouts and associated steep slopes, at elevations of about 5,800 feet to 7,400 feet. Associated dominant plant species include blowout grass (*Redfieldia flexuosa*), Indian ricegrass (*Achnatherum hymenoides*), and thickspike wheatgrass (*Elymus lanceolatus*). There have been three documented occurrences of blowout penstemon in Wyoming, all in northern Carbon County (Fertig 2000a; WYNDD 2009a).

Blowout penstemon is very unlikely to occur in the study area as habitat typically associated with the plant is not located within miles of the study area, and the plant has not been documented in Hot Springs County (Fertig 2000a; USFWS 2008b; WYNDD 2009a).

Canada lynx (*Lynx canadensis*)

The threatened species Canada lynx is a medium-sized cat that inhabits dense coniferous forests at high elevations that provide a base prey population primarily of snowshoe hare (*Lepus americanus*), but that also feeds on other small mammals (Ruggiero et al. 2000). Preferred lynx habitat is relatively limited in Wyoming and occurs primarily in areas of the Shoshone and Bridger-Teton National Forests (WYNDD 2009b). No breeding of Canada lynx or individual occurrences of the species have been documented in the latilong that covers the geographic area of Thermopolis (Cerovski et al. 2004).

Because the study area does not contain potential lynx habitat, and because suitable forested habitat or habitat associated with prey species preferred by lynx is not located within miles of the study area (Cerovski et al. 2004, USFWS 2008b), Canada lynx are not expected to use the study area.

Ute ladies'-tresses (*Spiranthes diluvialis*)

The threatened plant species Ute ladies'-tresses is a perennial, terrestrial orchid. The plant is endemic to mesic or wet meadows and riparian/wetland habitats near springs, seeps, lakes, or perennial streams. In Wyoming, the plant is found mostly on seasonally flooded low, flat, floodplain terraces or abandoned oxbows near streams or rivers. The nine documented occurrences of the plant in Wyoming are located in the eastern part of the state, in Converse, Niobrara, and Laramie Counties. Ute ladies'-tresses has not been documented in Hot Springs County (Fertig 2000b; WYNDD 2009c).

Ute ladies'-tresses is very unlikely to occur in the study area as habitat typically associated with the plant is not located within the study area and the plant has not been documented in Hot Springs County (Fertig 2000b; USFWS 2008b; WYNDD 2009c).

Gray Wolf (*Canis lupus*)

In Wyoming, gray wolves are designated as a nonessential/experimental population and are not classified as threatened or endangered (USFWS 2008a). Suitable habitat for these wide-ranging mammals includes secluded denning and rendezvous sites to raise pups; a sufficient year-round prey base of large and small mammals; and sufficient land area that is not subject to human disturbance (Fritts et al. 1994). Wolves generally prefer forested habitat with no open roads or very low open road density (USFWS 1987). There is no data since 1965 to indicate that the species breeds or occurs in the latilong that covers the geographic area of Thermopolis (Cerovski et al. 2004).

The study area does not contain potential den habitat or movement corridors for gray wolves. Gray wolves are not expected to use the study area because of the lack of undisturbed habitat, lack of suitable denning habitat, and heavy human influence (Cerovski et al. 2004; USFWS 2008b).

Yellow-billed cuckoo (*Coccyzus americanus*)

Western yellow-billed cuckoo is a candidate species for listing (USFWS 2008b). Western yellow-billed cuckoo breed in deciduous, forested, and riparian habitat, typically 25 to 100 acres in area. Western yellow-billed cuckoo are insectivorous and generally occupy breeding grounds from May through September (Bennett and Keinath 2001; Stokes and Stokes 1996). Western yellow-billed cuckoo breeding activity has been documented in the latilong that covers the geographic area of Thermopolis (Cerovski et al. 2004).

Because the study area does not contain potential breeding or foraging habitat for western yellow-billed cuckoo, and because suitable forested habitat or habitat associated with prey species preferred by western yellow-billed cuckoo is not located within miles of the study area (Cerovski et al. 2004; USFWS 2008b), western yellow-billed cuckoo are not expected to use the study area.

Greater sage grouse (*Centrocercus urophasianus*)

The biological status of greater sage grouse is currently under review by the USFWS (USFWS 2008b). To date, a determination of whether the greater sage grouse is warranted for listing under the ESA has not been made (USFWS 2008d). The Interim Status Update Memorandum released by the USFWS in December 2008 stated that a final status review would not be completed until after May 2009 (USFWS 2008e). However, this final status review has not been issued.

Sage grouse is a large, sagebrush-dependant upland game bird. They nest on the ground under sagebrush and feed on sagebrush, forbs, and insects (Bohne et al. 2007). Greater sage grouse breeding activity has been documented in the latilong that covers the geographic area of Thermopolis (Cerovski et al. 2004). WGFD has not documented any sage grouse leks or winter areas within 2 miles of the study area (WGFD 2008). The majority of the study area is composed of plains habitat, with relatively small areas of sagebrush habitat located in the west and east areas of the study area (Figure 1).

Greater sage grouse may occur within the sagebrush habitat located within the study area, but no breeding or nesting is documented within 2 miles of the study area. If the species were to be elevated to the proposed category after the project had begun, additional analysis would be required to determine the project's potential effects on this species.

Conclusions

The proposed project is not expected to result in any impacts to black-footed ferret, Canada lynx, yellow-billed cuckoo, or gray wolf, or their habitats, or the plant species blowout penstemon or Ute ladies'-tresses. Based on existing natural resource information and the conditions observed during the field visits, the entire study area and surrounding vicinity lacks suitable habitat for these species. The potential for transient or dispersing lynx, black-footed ferret, yellow-billed cuckoo, and wolves within the study area is extremely remote.

It is Anchor QEA's conclusion that this project should have no effect on black-footed ferret, Canada lynx, yellow-billed cuckoo, gray wolf, blowout penstemon, or Ute ladies'-tresses and therefore, no formal Biological Assessment should be required. Greater sage grouse may occur within the study area but no breeding areas are documented and the species currently is not proposed for listing under the ESA.

No impacts to fish or fish habitat would occur under the proposed project because the project area is located about 2 miles from the nearest fish-bearing resource. Fish addressed in EFH determinations (Pacific salmon, groundfish, and coastal pelagic populations) are found in coastal areas and are absent from Wyoming. Therefore, Anchor QEA determines that the proposed project will not adversely affect EFH.

The information presented in this technical memorandum is intended to satisfy the information requirements for ESA compliance and an EFH assessment.

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WYNDD. 2009c. Ute Ladies'-Tresses State Species Abstract. Accessed online at <http://uwadmnweb.uwyo.edu/wyndd/> on April 22, 2009.

LIST OF FIGURES

- Figure 1 Study Area and Vegetation Community Map
Figure 2 Construction Footprint and Fence Line Boundaries

ATTACHMENTS

Letter from Brian Kelly, Field Supervisor, Wyoming Field Office, USFWS, to Calvin Douglas, Anchor QEA, LLC, dated July 2, 2009

Letter from John Emmerich, Deputy Director, WGFD, to Calvin Douglas, Anchor QEA, LLC, dated June 12, 2009

Letter from John Emmerich, Deputy Director, WGFD, to Calvin Douglas, Anchor QEA, LLC, dated July 2, 2009

ATTACHMENTS