From:	Mary Gibson
To:	County Commissioners; Roby Hurley; Tyler Sinclair
Cc:	Doug.Brimeyer@wyo.gov; Alyson Courtemanch; Melissa Cassutt; Craig M. Benjamin; Siva Sundaresan
Subject:	Lot 5 Vanderwater hearing; 11/15/16 BCC agenda
Date:	Friday, November 11, 2016 11:16:24 AM
Attachments:	Alliance Comments on Vandewater Lot 5 Proposal 111116.pdf

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November 11, 2016

RE: Alliance comment on DEV2016-0004, an application for Development Plan approval for Lot 5 Vanderwater Estates Subdivision

Dear Board of County Commissioners,

Thank you for the opportunity to comment on this application for a subdivision on property both within and outside of the Natural Resources Overlay.

We believe this application for Development Plan approval, involving an Environmental Assessment, misapplies the natural resources regulations.

Habitat connectivity is a very large and important factor for natural resource protection, as afforded by the Natural Resources Overlay (NRO). Any layout other than the 6/0 layout, 6 lots outside the NRO, and 0 lots inside the NRO, does not meet the standards of the NRO nor achieve the purpose of the NRO.

In this case, the most important resource value is protection of habitat connectivity of crucial moose winter habitat. Allowing any development within the NRO breaks up 30 acres of undeveloped and connected habitat. There are 8 acres outside the NRO, where the 6 home building lots can be situated, per any number of configurations presented in the Environmental Assessment (EA) prepared by Biota.

The Environmental Assessment process has demonstrated all 6 lots can be accommodated outside the NRO, and thus, only the 6/0 option meets the code criteria for approval, per the code language below:

> 5.2.1. Natural Resources Overlay (NRO) Standards (4/1/16)
>
> Article 5. Physical Development Standards Applicable in All Zones Div. 5.2. Environmental Standards Applicable in Specific Areas
>
> E. Impacting the NRO
>
> 1. Minimizes Wildlife Impact. The location of the proposed development shall minimize impacts on the areas protected (e.g., crucial migration routes, crucial winter range, nesting areas). For the purposes of this standard, "minimize" is defined as locating development to avoid higher quality habitats or vegetative cover types for lesser quality habitats or vegetative cover types. <u>Only when avoidance is not practicable due to significant topographical constraints related to the property, may higher quality habitats or vegetative cover types be impacted. (Emphasis added)</u>

As the Wyoming Game and Fish Department points out in their Plan Review Committee Comments transmitted to planning staff on August 24, 2016, wherein they are serving as your own technical plan review committee:

> "This open space provides an important wildlife movement corridor from upland habitats on the Bridger-Teton National Forest to riparian habitats along the Snake River. Many habitats used by moose, elk and mule deer as foraging, thermal and escape cover have already been converted to residential landscaping, buildings and roads by existing development along Highway 390. Much of the habitat on this and adjacent undeveloped properties serve as important security cover for ungulates."
>
> "The EA points out that there are only small differences in absolute number of acres affected between the three alternatives. However, the configuration of the development is very different between the alternatives. The main difference is the dispersed nature of the development in the proposed (4/2) and 3/3 plans versus the clustered nature of the development in the alternative plan (6/0). The EA states that there is little empirical data to predict if the clustered

> alternative plan would have fewer impacts on moose than the dispersed proposal. On the contrary, there is ample evidence in the ecological scientific literature that points to the negative effects of habitat fragmentation on wildlife. It is well supported that wildlife like moose, elk and mule deer rely on contiguous large patches of undisturbed habitat."
> ( ) added for clarification

Avoidance of impacts to the NRO is possible and feasible as there are no topographical constraints, much less significant topographical constraints, related to the property that inhibit subdivision of 6 lots and their development outside of the NRO. Rather than dismissing with the NRO boundary and cherry picking ordinal rankings of vegetation types with which to allow impacts to contiguous large patches of undisturbed habitat inside the NRO, the code requires that first you avoid impacts, which is wholly achievable in this case.

If the applicant insists on developing land that lies within the NRO, a more appropriate approach would be to reconsider the location of the NRO though a zone change application. Through the process at hand, the applicant has not demonstrated the overlay is located in the wrong place.

Thank you for your consideration of our input.

Sincerely,

Mary W. Gibson Siva Sundaresan
Community Planning Director Conservation Director

cc: Doug Brimeyer, Regional Wildlife Coordinator, WGFD

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Mary W. Gibson

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