NATURAL RESOURCES REVIEW

PATH 22 WEST PROJECT

TETON COUNTY, WYOMING

Prepared For

Nelson Engineering

PO Box 1599, Jackson, WY 83001

Prepared By

P. O. Box 8578, 140 E. Broadway, Suite 23, Jackson, Wyoming 83002

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INTRODUCTION AND BACKGROUND

The purpose of this Natural Resources Review (NRR) is to present natural resource information relevant to a submittal to Teton County Planning and Development for permits associated with a proposed 4,825-foot Path 22 West Project along Wyoming Highway 22 and Highway 390. Jackson Hole Community Pathways is the applicant for the project through their prime contractor, Nelson Engineering. Teton County Planning and Development Department (Principal Planner Susan Johnson) requested an NRR be prepared that dealt specifically with protected natural resources within the project area and in the vicinity of proposed project. Specifically, Teton County requested information on protected watercourses and setbacks; wetlands and wetland setbacks; and vegetative covertypes and protected wildlife habitat in the vicinity of the project area. An Aquatic Resources Inventory, including a wetland delineation, was performed within the project area and its vicinity in 2010 by Biota's wetland scientist Kent Werlin. A field assessment of vegetative covertypes and wildlife habitat was also performed in 2010 by Biota's senior ecologist Hamilton Smith. Biota's Project Manager Thomas Campbell participated in all project meetings pertaining to natural resources, potential environmental impacts, and environmental regulatory compliance, and has conducted fieldwork within the project area and its vicinity for over 20 years.

LOCATION AND PHYSIOGRAPHY

The project area is located about 5 miles west of Jackson in Teton County, Wyoming between the Iron Rock Subdivision Road (on the east off of Wyoming Highway 22) to Beckley Park Way (on the west off of Wyoming 390). The approximate legal description of the project area is T41N R117W, Sections 23 and 24 (Appendix 1-Attachment 1). The study area lies within the historic Snake River floodplain on both sides of the river, and local physiography has been greatly influenced by this river. Terrain within the study area is primarily flat with an average elevation of 6,160 feet, and the drainage pattern is primarily north to south (Appendix 1-Attachment 2).

PROJECT DETAILS

The Path 22 Project has been broken into 2 phases. Phase 1 involves the construction of the Path 22 West Bridge crossing of the Snake River. Phase 2 involves the construction of the pathway on both the east and west sides of the Snake River. The NRR focuses primarily on the Phase 2 portion of the project as the Phase 1 occurs within the active channel of the Snake River.

Phase 1 bridge construction activities will involve both permanent and temporary impacts within the channel of the Snake River between the levees, and to the levees as well. Permanent impacts will result from the construction of abutments on both the east and west side levees, bridge support piers, the span of the bridge, and a small levee road realignment where the road through the Emily Stevens Park joins the levee road on the east side of the river. Temporary impacts include construction roads, sediment traps, cofferdams, excavated material piles, channel diversions, and other unspecified actions, all associated with the construction of the support piers.

Phase 2 involves permanent impacts associated with the paved pathway construction activities. The pathway has a preliminary Limits of Disturbance (LOD) area that totals 4.75-acres (206,849 sq ft) and this area henceforth is referred to as the "pathway project area". The entire LOD was used to determine physical impacts associated with pathway construction. The pathway has 2 segments, one east (1.5 acres) and one west (2.8 acres) of the bridge. The east segment falls within land owned by the Wyoming Department of Transportation right-of-way along Highway 22, Emily Stevens Park owned by Teton County, and land administered by the US Bureau of Land Management. The west segment occurs on land owned by the Rendezvous Lands Conservancy (Rendezvous Park), the US Bureau of Land Management, the Wyoming Department of Transportation right-of-way along Highway 390, and Jackson Hole Ski Corporation.

SURFACE HYDROLOGY

Surface water features within the project area consist of the Snake River, and 2 ponds (Appendix 1-Attachment 3).

Protected Rivers - The Snake River is classified by the Land Development Regulations as a protected river (Section 3220 B1a) and given a 150-foot setback (Section 3220 C2a).

Protected Streams –Section 3220 B1b of the Land Development Regulations defines a [protected] **stream** as *"a body of running water that is neither one of the identified rivers nor an irrigation ditch, and has one (1) or more of the following characteristics:"*

- *Has an average annual flow of three (3) cfs or greater including return water from sub-irrigation practices, and/or*
- *Provides winter habitat for trumpeter swans or serves as a cutthroat trout spawning area.*

Along protected streams, Section 3200 C2b stipulates that *"development shall be located out of the riparian plant community, but in no case shall the required setback be less than fifty (50) feet nor more than one hundred-fifty (150) feet."*

There are no "protected streams" with associated setbacks within the project area.

Natural Lake/Pond - Section 3220 B1c of the Land Development Regulations defines a **natural lake/pond** as a "*body of standing water, usually at least six (6) feet deep, that was created by natural processes.*" Further, Section 3200 C2c stipulates that within areas "*adjacent to natural lakes or ponds, development shall be located out of the riparian plant community, but in no case shall the required setback be less than fifty (50) feet nor more than one hundred-fifty (150) feet.*"

A natural lake/pond is present on BLM Tract 13 along the west segment of the pathway ("BLM Pond"). This seasonal pond is present on aerial photography taken in 1945 before the current alignment of Wyoming Highway 22 was constructed and before Wyoming Highway 390 and the west flood control levee were constructed. The hydrologic support for this pond appears to be primarily groundwater interception and collection, along with a minor contribution of irrigation return.

Man-made Ponds – A man-made pond is present along the east segment of the pathway within Emily Stevens Park ("Emily's Pond"). This pond was constructed as part of reclamation efforts for a rock/gravel quarry that was created on the site between 1945 and 1967. Prior to construction of the pond, the area was within the cottonwood gallery riverbottom forest. Man-made ponds do not meet the definition of a "natural lake/pond" and when constructed outside of protected watercourse channels are not regulated by the Land Development Regulations.

WETLANDS

A routine wetland delineation was performed during the fall of 2010 using the 1987 USACE Wetland Delineation Manual (Environmental Laboratory 1987) and the 2010 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0). Field data showed that approximately 0.138 acres (6,001 sq ft) of the project area conformed to definitional criteria for wetlands (Appendix 1-Attachment 4) and consisted of both palustrine scrub-shrub (0.133 acres, 5,799 sq ft) and palustrine forested (0.005 acres, 202 sq ft) wetland types. Project area wetlands are primarily located as fringes around the BLM Pond and Emily's Pond. Remaining wetlands within the project area represent relatively small, isolated wetlands. The results of the wetland delineation are being submitted to the USACE as part of the Nationwide Permit authorization request for impacts to wetlands and waters of the US.

At the local level, Teton County has enacted wetland protection measures and the Land Development Regulations require a 30-foot setback from all regulated wetlands (naturally-occurring). Development is typically not allowed within wetlands or wetland setbacks unless no other alternatives exist. However, public pathways are exempt from the wetland setback requirement [Section 3220 C2f]. Further, if impacts occur to regulated wetlands, the Land Development Regulations require mitigation of these impacts on a 2:1 basis [Section 3220 C3b(4)(b)].

Project area wetlands consist of a mix of regulated and non-regulated wetlands and occur on lands with multiple ownerships (Table 1). Wetlands located on land owned by JH Ski Corporation and Rendezvous Lands Conservancy are naturally-occurring and are regulated by Teton County (Appendix 1-Attachment 5). Wetlands occurring on public lands administered by the BLM (Parcels 13 and 14) and on lands owned by the Wyoming Department of Transportation are not regulated by Teton County (Appendix 1-Attachment 5 and 6). Wetlands located within Teton County's Emily Stevens Park are man-made, as evidenced by the fact the wetlands are largely with a historic roadway or along the edge of the cottonwood gallery riverbottom forest adjacent to the road, and are not regulated by Teton County (Appendix 1-Attachment 7).

Table 1. Tabulation of wetland ownership, size and Teton County regulatory determination, Path 22 West project area.

Ownership	Wetland			County Regulated
	Size (ac)	Size (sq ft)	Type	
BLM Parcel 13 (west-side)	0.051	2,239	Scrub-Shrub	No
BLM Parcel 14 (east-side)	0.006	250	Scrub-Shrub	No
WYDOT	0.045	1,959	Scrub-Shrub	No
JH Ski Corporation	0.005	202	Forested	Yes
Teton County	0.025	1,072	Scrub-Shrub	No
Rendezvous Lands Conservancy	0.006	279	Scrub-Shrub	Yes
Total	**0.138**	**6,001**		

VEGETATIVE COVERTYPES

Vegetative covertypes consist of both naturally-occurring and man-made scrub-shrub and naturally-occurring forested wetlands; two growth phases of narrowleaf cottonwood forest (medium and mature); mesic tall shrub; open water; and landscaped or otherwise disturbed areas (Appendix 1-Attachments 8-10). Teton County ranked the relative values of mesic and non-mesic covertypes by assigning each an ordinal value ranging from 1 (lowest value) to 10 (highest value). Open water and disturbed areas are not ranked under the relative wildlife habitat value criteria. Acreages, percent occurrence, and relative habitat values of each covertype are summarized in Table 2.

Table 2. Acreages and habitat ordinal ranking of vegetative covertypes within the Path 22 West project area.

Vegetative Covertypes	Acre	Sq Ft	Ranking
Scrub-Shrub Wetland – Naturally-occurring	0.108	272	10
Scrub-Shrub Wetland – Man-made	0.025	5,515	10
Forested Wetland – Naturally-occurring	0.005	202	10
Mesic Tall Shrub	0.876	38,145	8
Narrowleaf Cottonwood – Medium	0.243	10,566	7
Narrowleaf Cottonwood – Mature	0.312	13,613	6
Open Water/Snake River Channel	0.720	31,339	
Disturbed and/or Landscaped	2.461	107,178	
Total	**4.75**	206,830	**NA**

WILDLIFE SPECIES OF SPECIAL CONCERN

The Teton County Planning and Development determined that an Environmental Analysis was not required but planning staff did request an analysis of species and habitats protected by the NRO within the project area. There is crucial moose winter range mapped within the project area, and cutthroat trout, trumpeter swans, and bald eagles are known to use the project area and its vicinity to varying degrees.

Moose – The majority of the project area occurs within the broadly defined crucial moose winter yearlong range as mapped by the Wyoming Game and Fish Department (Appendix 1-Attachment 11). The vegetative communities that provide habitat for moose include the scrub-shrub and forested wetlands, mature and medium-aged cottonwood, and mesic tall shrub covertypes. These forested and shrub-dominated covertypes provide foraging and movement habitat as well as thermal and escape cover for moose. Preferred browse availability is patchy, though available where red-osier dogwood, silverberry, and scattered immature cottonwoods are present.

Site visits performed between 2010 and 2013 evaluated the distribution and intensity of moose use within the project area and its vicinity. Primary moose use occurs in the western portion of the project area where habitat components are favorable and human uses are presently minimal, even though Wyoming Highway 390 bisects this area. The most concentrated moose use appears to occur in the western portion of BLM Parcel 13 and the western portion of Rendezvous Park, both of which are adjacent to Highway 390 and occur outside of the Wyoming Game and Fish Department mapped crucial moose winter year-long range. Moose use of suitable winter habitat in the eastern portion is limited due to the heavy human use that occurs around the Emily Stevens Park area.

Bald Eagles – Three bald eagle nests are located within a 2-mile radius of the proposed project area, the closest being the Crane Creek Ranch nest located about 1 mile to the south (Appendix 1-Attachment

12). The project area is well outside of the 660-foot development setback from a eagle nest required by Teton County.

The project area, particularly the portion within and proximate to the Snake River channel, represents winter foraging habitat for bald eagles. Bald eagles are frequently observed foraging along the river and perching in large cottonwood and spruce trees adjacent to the river channel both north and south of the project area. Eagles have also been observed hunting waterfowl in the BLM Pond and in water features located within Rendezvous Park.

Trumpeter Swans – The Wyoming Game and Fish Department has not mapped any portions of the project area as being crucial or important winter or nesting habitat for trumpeter. However, swans are known to forage within the channel of the Snake River, both upstream and downstream of the Snake River Bridge during the winter. During the winter of 2012-2013, at least 3 family groups of swans have been repeatedly observed foraging in areas proximate to the proposed bridge crossing.

Cutthroat Trout – The Snake River provides cutthroat trout with year-round habitat but no spawning is known to occur within the main-stem of the Snake River.

NATURAL RESOURCES OVERLAY

The NRO represents a combination of important wildlife habitats throughout the county and was established in the Jackson-Teton County Comprehensive Plan (1994) as a planning and development tool. Included in the overlay are crucial winter range and movement corridors for elk, moose, mule deer, and bighorn sheep; nesting and foraging areas for bald eagles and peregrine falcons; nesting and wintering areas for trumpeter swans; and spawning areas for Snake River fine-spotted cutthroat trout. Development occurring on properties partially or entirely within the NRO is required to be located, if possible, outside crucial wildlife habitat areas or to minimize impacts to resident species and their habitats to the greatest extent practicable (Section 3270 of Article III and subsection 3270.H).

The project area is partially located within the mapped NRO primarily because that portion has been generally designated as crucial moose winter yearlong range (Table 3). There are no crucial migration corridors located within the project area. The NRO designation, as currently mapped within the project area, is considered accurate within the larger framework of wildlife distribution and use in the area.

Table 3. The occurrence of NRO-associated Species of Special Concern and their habitats within the Path 22 West project area.

Habitat	Present within the project area?
Crucial elk migration routes	No
Crucial elk winter range	No
Crucial mule deer migration routes	No
Crucial mule deer winter range	No
Crucial moose migration routes	No
Crucial moose winter range	Yes
Trumpeter swan nest	No
Trumpeter swan winter habitat	Yes
Snake River cutthroat trout spawning areas	No
Bald eagle nests	No
Bald eagle crucial winter habitat	Yes

PROPOSED ACTION IMPACTS

PROJECT IMPACTS TO WATERCOURSES AND WETLANDS

Phase 1-Bridge Construction

The proposed action will impact the Snake River, a protected river and its associated setbacks, as part of Phase 1-Bridge construction (Table 4). No other protected watercourses will be impacted by the project. The proposed Phase 1-Bridge construction action will not impact regulated wetlands within the project area. Project proponents made considerable efforts to avoid wetlands, including modifying the pathway alignment several times specifically to reduce wetland impacts.

Table 4. Summary of wetland and watercourse impacts associated with the Path 22 West project.

	Wetland Impacts				Watercourse/Waterbody Impacts			
	Regulated		Un-Regulated		Permanent		Temporary	
Proposed Action/Ownership	Area (sq ft)	Fill (cu yds)	Area (sq ft)	Fill (cu yds)	Area (sq ft)	Fill (cu yds)	Area (sq ft)	Fill (cu yds
PHASE 1-BRIDGE								
Levee Access Road								
Teton County			350	29				
Construction Access Roads								
Teton County							10,830	2,410
Rendezvous Lands Conserv.							7,695	1,840
Bridge Piers								
Teton County					490	144		
Rendezvous Lands Conserv.					98	29		
Cofferdams								
Teton County							810	700
Rendezvous Lands Conserv.							162	130
Sediment Traps								
Teton County							6,600	320
Bureau of Land Mgmt.							3,300	160
Subtotal			**350**	**29**	**588**	**173**	**29,397**	**5,560**
PHASE 2-PATHWAY								
Teton County			722		18,375			
Rendezvous Lands Conserv.	272				3,791			
BLM			2,489		31,399			
WYDOT			1,959					
JH Ski Corp	202							
Subtotal	**474**		**5,170**		**53,565**			
Total	**474**		**5,520**		**54,153**	**173**	**29,397**	**5,560**

Impacts to the Snake River are the result of a pathway bridge crossing that employs 3 support piers installed in the river channel that represent permanent impacts. In addition, a variety of temporary impacts to the Snake River channel will also occur as part of the pier construction.

The bridge will be supported by 3 piers on driven piles. The piers, piles, and caps will impact approximately 588 sq ft of the Snake River channel and result in the discharge of 173 cu yds of steel and concrete.

It will be necessary to relocate a portion of the existing levee road on the east side of the river in order to improve levee access once the eastern bridge abutment has been constructed (Appendix 1-Attachment 4 and 5). The existing road will be pushed slightly to the northeast and will result in the filling of 350 sq ft of unregulated wetlands with approximately 29 cu yds of pitrun material and ¾-inch crushed aggregate.

Two temporary construction access roads will be constructed to allow equipment to access the pier construction areas from both sides of the river. The access roads will have a 20-foot wide running surface, and will be constructed with an estimated 4,250 cu yds of pit run material excavated from the adjacent alluvial islands and sediment deposits between the levees. The access roads will temporarily impact 18,525 sq ft of the Snake River channel, but will be re-graded to original contours and reclaimed upon project completion.

Cofferdams will be constructed at each pier location in order to allow the installation of foundation pilings, concrete pile caps, and the concrete bridge piers. The cofferdams are expected to be constructed of interconnected steel sheet piles. Following installation of the sheet piling, they will be excavated and dewatered by pumping in order to construct a dry cavity for installation of piles and form work for concrete piers and pile caps. Each cofferdam will create an 18 sq ft area. Inside this area, sediment will be removed, yielding approximately 830 cu yds of excavated material (approximately 275 cu yds per pier) that will be temporarily stockpiled adjacent to each cofferdam.

Sediment basins/holding ponds will be excavated near each of the piers to provide a mechanism to allow silt and fine sediment to settle out of pumped water prior to being discharged into the river. Sediment basins have been designed to meet WYDOT specifications and will have a surface area of approximately 3,300 sq ft each. Approximately 160 cu yds of material will be excavated to create each basin and associated outflow channel, and this material will be stockpiled near the basins.

Nelson Engineering has inserted a certain amount of flexibility into the construction plans and specifications for the access roads, cofferdams, and sediment basins. This flexibility will allow the selected contractor(s) the ability to adjust the location and/or alignment of these structures in order to increase efficiency and perform the work by their own means and methods.

Phase 2-Pathway Construction

The proposed Phase 2-Pathway construction action will not impact the Snake River, a protected river, but certain pathway construction activities may occur within its associated setbacks. No other protected watercourses will be impacted by the Phase 2 effort. The proposed Phase 2 action will impact a total of 0.01 acres (481 sq ft) of regulated wetlands and 0.12 acres (5,170 sq ft) of unregulated wetlands within the project area. Project proponents made considerable efforts to avoid wetlands, including modifying the pathway alignment several times specifically to reduce wetland impacts.

IMPACTS TO VEGETATION

Impacts to vegetation are based on plans provided by Nelson Engineering. Vegetative impacts associated with the proposed action are, in large part, located in previously disturbed areas (Table 5). However, mature and medium-aged cottonwood trees and a variety of riparian shrubs are scattered within the LOD and some will be cleared in order to construct the pathway. Efforts will be made during construction to preserve as many trees and shrubs as possible.

Table 5. Acreages and habitat ordinal ranking of vegetative covertypes within the Path 22 West project area.

	Area (sq ft)						
Vegetative Covertypes	**County**	**RLC**	**JHSC**	**WYDOT**	**BLM**	**Total**	**Ranking**
Scrub-Shrub Wetland – Regulated		272				272	10
Scrub-Shrub Wetland – Unregulated	1,072			1,955	2,488	5,515	10
Forested Wetland – Regulated			202			202	9
Mesic Tall Shrub	410	37,341			394	38,145	8
Narrowleaf Cottonwood – Medium	6,685		3,120	761		10,566	7
Narrowleaf Cottonwood – Mature		8,130			5,483	13,613	6
Open Water/Snake River Channel	18,375	3,791			9,173	31,339	
Disturbed and/or Landscaped	21,902	21,878	13,405	26185	23,808	107,178	
Total	**48,444**	**71,412**	**16,727**	**28,901**	**41,346**	**206,830**	

IMPACTS TO MOOSE

The proposed action is expected to have negligible adverse impacts to moose and their use of winter range. Most of the pathway impacts 138,517 sq ft (67%) will occur in areas that provide little or no moose habitat, those being previously disturbed areas or open water/channels. The loss of preferred moose habitat totals 68,313 sq ft (33%) of which 26,542 sq ft is considered marginal due to high levels of human use already occurring within the Emily Stevens Park during the winter. The remaining 41,771 sq ft of moose habitat that will be physically impacted by pathway largely avoids the areas where moose use is more concentrated within Rendezvous Park and BLM Parcel 13. The proposed project will minimally contribute to fragmentation of moose habitat depending upon how and when the pathway is used.

IMPACTS TO ENDANGERED SPECIES AND OTHER SPECIES OF SPECIAL CONCERN

The proposed action is not expected to adversely affect any endangered species or wildlife species of special concern habitat. No threatened or endangered species are expected to reside within the property boundaries or within its immediate vicinity.

The proposed pathway will be constructed in an area that receives some year-round use by foraging bald eagles, winter foraging by trumpeter swans, and year-round habitat (but no spawning) for Snake River cutthroat trout. Potential impacts to these three species are expected to be negligible or non-existent. Bald eagles currently use the project area and have adapted to human uses occurring on the Snake River Bridge, along the east and west flood control levees, and within the channel of the river. Trumpeter swan have also adapted to human uses occurring along the levees during the winter and continue foraging in the area. Cutthroat trout similarly have adapted to human activities occurring within and along the Snake River. The proposed pathway will not measurably change the way bald eagles and cutthroat trout use their respective habitat within and in the vicinity of the project area. Trumpeter swan may avoid the channel of the Snake River proximate to the pathway bridge but the avoidance area is expected to be small and will not jeopardize their ability to survive the winter as similar habitat is abundant both upstream and downstream of the project area.

MITIGATION

WETLAND MITIGATION

The Teton County Planning Department has indicated that development-related impacts to wetlands would need to be mitigated per Section 3220 C3b4 of the Teton County Land Development Regulations. Impacts to regulated wetlands resulting from the proposed action that will require mitigation have been estimated and are presented in an areal context in Table 4. The applicant intends to mitigate the impacts to 474 sq ft of regulated wetlands on a 2:1 basis, possibly within Emily Stevens Park where multiple opportunities exist. Precise details of the proposed mitigation will be developed once the snow melts and will be presented to Teton County for approval, probably sometime in May 2013.

VEGETATION/HABITAT MITIGATION

The Teton County Planning Department has indicated that development-related impacts to vegetative covertypes would need to be mitigated per Section 3270 H2 of The Teton County Land Development Regulations. Vegetative impacts resulting from the proposed action have been estimated and are presented in an areal context in Table 5. However, the applicant intends to mitigate vegetative impacts on a per plant basis for all tree and shrub impacts that occur on private lands; vegetative impacts occurring within land owned or administered by the BLM and WYDOT do not fall under the jurisdiction of the Land Development Regulations and will not be mitigated.

To mitigate vegetative impacts on a per plant basis, it will be necessary to wait until snowmelt in order to flag the Limits of Disturbance area, and count and classify plant units that will be cleared. Once this has been done, a 2:1 mitigation plan will be developed and submitted to Teton County for approval and for compliance with the Land Development Regulations. Although the precise location of vegetative mitigation has not yet been determined, abundant opportunities exist to mitigate all project-related impacts to vegetation and habitat.

APPENDIX 1 - LIST OF ATTACHMENTS

1) Location and topography of the Path 22 West project area, Teton County, Wyoming.

2) 2001 aerial photograph depicting alignment and land ownership of the Path 22 West project area, Teton County, Wyoming.

3) 2001 aerial photograph depicting surface water features within the Path 22 West project area, Teton County, Wyoming.

4) 2001 aerial photograph depicting delineated wetlands within the Path 22 West project area, Teton County, Wyoming.

5) 2001 aerial photograph depicting delineated wetlands and wetland impacts within the western portion of the Path 22 West project area, Teton County, Wyoming.

6) 2001 aerial photograph depicting delineated wetlands and wetland impacts within the eastern portion of the Path 22 West project area, Teton County, Wyoming.

7) 1945 aerial photograph depicting delineated wetlands and wetland impacts within the eastern portion of the Path 22 West project area, Teton County, Wyoming.

8) Aerial photograph depicting vegetative covertypes within the Path 22 West project area, Teton County, Wyoming.

9) Aerial photograph depicting vegetative covertypes within the western portion of the Path 22 West project area, Teton County, Wyoming.

10) Aerial photograph depicting vegetative covertypes within the eastern portion of the Path 22 West project area, Teton County, Wyoming.

11) 2001 aerial photograph depicting crucial moose winter yearlong range within and in the vicinity of the Path 22 West project area, Teton County, Wyoming.

12) Location of bald eagle nests and their associated 660-foot setback in the vicinity of the Path 22 West project area, Teton County, Wyoming.