

FINDING OF NO SIGNIFICANT IMPACT

US 50 WEST

Purcell Blvd. to Wills Blvd. (Milepost 309 to Milepost 313)

McCulloch Blvd. Intersection Improvements (Milepost 307)

Project Number: STA 050A-022 (Project Code: 19056)

Pueblo, Colorado

Lead Agencies

Federal Highway Administration



Colorado Department of Transportation



August 2014

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

FHWA has determined that the Proposed Action described in the Environmental Assessment (EA) will have no significant impact on the human or natural environment. This FONSI is based on the EA and the proposed mitigation that has been independently evaluated by FHWA and determined to adequately and accurately discuss the need, environmental issues, and impact of the proposed project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required. FHWA takes full responsibility for the accuracy, scope, and content of the EA.

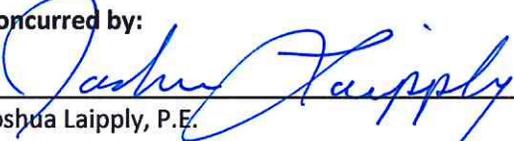
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8/28/14
Date

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9/10/2014
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for 

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9/15/14
Date

A Federal agency may publish a notice in the Federal Register, pursuant to 23 USC §139(l), indicating that one or more Federal agencies have taken final action on permits, licenses, or approvals for a transportation project. If such notice is published, claims seeking judicial review of those Federal agency actions will be barred unless such claims are filed within 150 days after the date of publication of the notice, or within such shorter time period as is specified in the Federal laws pursuant to which judicial review of the Federal agency action is allowed. If no notice is published, then the periods of time that otherwise are provided by the Federal laws governing such claims will apply.

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WHAT IS THE PROPOSED ACTION?

The Colorado Department of Transportation (CDOT) and Federal Highway Administration (FHWA) are proposing to add an additional 3.4-mile eastbound lane to U.S. Highway 50 (US 50) between Purcell Boulevard (Blvd.) and Wills Blvd.; and intersection improvements at McCulloch Blvd., Purcell Blvd., and Pueblo Blvd., within the City of Pueblo, Pueblo County, and Pueblo West Metropolitan District (PWMD). The improvements included in this Proposed Action are elements of the Preferred Alternative that CDOT recommended in the *US 50 West Planning and Environmental Linkages (PEL) Study (US 50 West PEL) (2012a)*.

The Proposed Action involves widening 3.4 miles of US 50 to include a third eastbound lane from Purcell Blvd. to Wills Blvd. The Proposed Action does not include improvements to westbound US 50. The Proposed Action would also provide intersection improvements at Purcell Blvd./US 50, Pueblo Blvd./US 50, and McCulloch Blvd./US 50 intersections. The intersection improvements at Purcell Blvd. and McCulloch Blvd. would modify the northbound to eastbound turn lane geometry to US 50 and add a channelizing curb island for improved traffic flow and pedestrian/bicycle refuge. Intersection improvements at Pueblo Blvd./US 50 include an eastbound through lane, an eastbound deceleration lane and ramp onto Pueblo Blvd., and a northbound ramp and an acceleration lane onto eastbound US 50. The proposed improvements would also widen the eastbound bridge at Wild Horse Dry Creek (CDOT Structure K-18-CW). The bridge improvements include extending the existing piers within the Wild Horse Dry Creek drainage area and adding a third eastbound lane. The expansion of the eastbound bridge would also accommodate the proposed future pedestrian/bicycle path planned for the south side of US 50 from McCulloch Blvd. to Wills Blvd., which is an element of the PEL recommended Preferred Alternative.

The Proposed Action includes water quality improvements to be constructed within the existing CDOT ROW including grass-lined swales adjacent to the roadway and two extended detention basins (EDBs). Drainage easements would be required in three locations adjacent to CDOT ROW within the PWMD. Approximately 1 acre of the PWMD multi-use easement (MUE) adjacent to the US 50 ROW would be contoured to accommodate stormwater runoff from highway drain pipes. During construction, 0.5 acre of temporary easement will also be obtained from the adjacent property owner, PWMD, to accommodate grading.

WHAT HAS BEEN DONE SINCE THE ENVIRONMENTAL ASSESSMENT (EA) WAS PUBLISHED?

The EA was made available for a 30-day public and agency review period following signature of the EA by FHWA and CDOT on June 3, 2014. The EA was available for review and comment from June 16 to July 15, 2014. A public meeting (open house format) was held at the Pueblo West Public Library (298 S. Joe Martinez Blvd.) on June 30, 2014, from 6:00 p.m. to 8:00 p.m. The public meeting exhibits provided an overview of the Proposed Action in context to the US 50 West PEL, purpose and need, traffic and safety studies, design details, environmental impacts, and noise

analyses. Copies of the EA and appendices were made available to the public, in addition to comment forms. **Appendix B** includes documentation related to notification of EA availability and of the public meeting.

The EA review and the public meeting were advertised in the following ways:

- On the CDOT project website (<http://www.coloradodot.info/library/studies/us50ea>).
- Through postcards mailed on June 12, 2014. More than 200 residential and business property owners in the neighborhoods surrounding US 50, falling within the project area, received a postcard announcing the availability of the EA and inviting them to the public meeting.

Three residents of Pueblo West, including one County Commissioner, attended the public meeting.

The EA was available for public review at the public meeting, on the CDOT website (<http://www.coloradodot.info/library/studies/us50ea>), and at the following locations:

- CDOT Region 2 Office – 905 Erie Avenue, Pueblo
- CDOT Headquarters Library – 4201 East Arkansas Avenue, Shumate Building, Denver
- FHWA Colorado Division Office – 12300 West Dakota Avenue, #180, Lakewood
- Pueblo Library – Barkman Branch, 1300 Jerry Murphy Road, Pueblo
- Pueblo Library – Lamb Branch, 2525 S. Pueblo Blvd., Pueblo
- Pueblo Library – Pueblo West Branch, 298 S. Joe Martinez Blvd., Pueblo West Municipal District
- Pueblo Library – Rawlings Branch, 100 E. Abriendo Ave., Pueblo

The EA was distributed to the following agencies for review:

- City of Pueblo
- Colorado Parks and Wildlife (CPW)
- Kiowa Tribe of Oklahoma
- Pueblo County
- Pueblo West Municipal District
- US Army Corps of Engineers (USACE)
- US Department of Interior Fish and Wildlife Service (USFWS)
- US Environmental Protection Agency (USEPA)

Written comments were accepted in the following ways:

- At the public meeting on June 30, 2014
- CDOT project website (<http://www.coloradodot.info/library/studies/us50ea>)
- Mail to CDOT Region 2 Office
- Facsimile to CDOT Region 2 Office

WHAT CHANGES HAVE BEEN MADE TO THE EA?

The following correction was made to **Table 1** of the EA:

- Corrected typographical error changing 1,240 peak hour vehicles to 2,410 peak hour vehicles in the column titled “Future Peak Hour Traffic LOS and Volumes (2035)” for a.m./Eastbound, in the row under Purcell Blvd. Intersection titled “Proposed eastbound third lane begins east of intersection.”

Table 1 provides the following changes to the summary of impacts and mitigation table (**Table 4**) presented in the EA (**Appendix A**):

- Mitigation Tracking # 15 was revised to change the black-tailed prairie dog management approach from project special provision 240, which may consist of passive relocation, active trapping, transporting, donating, or euthanizing (or a combination of two or more of these); to project special provision 201, which shall consist of protecting BTPDs during clearing and grubbing operations through avoidance, and use of passive relocation of prairie dogs if construction cannot avoid a prairie dog colony. This reflects CDOT’s preferred black-tail prairie dog management approach for this project.
- Mitigation Tracking # 16 was revised to include CDOT’s commitment to following Colorado Parks and Wildlife’s *Recommended Survey Protocol and Actions to Protect Nesting Burrowing Owls* (February 2008).

Table 1. Revised Summary of Impacts and Mitigation for the Proposed Action, US 50 West EA

#	Mitigation Category	Impact	Mitigation Commitment From Source Document	Responsible Branch	Timing/Phase that Mitigation will be Implemented
15	Threatened/Endangered Species, State Species of Special Concern	Loss of black-tailed prairie dog habitat	<p>Mitigation for potential impacts on black-tailed prairie dogs, including offsite habitat conservation and implementation of the Conservation Strategy for Non-Listed Species, identified in the SGPI BO and BA (USFWS, 2004).</p> <p>As stated in the SGPI BO and BA, CDOT will avoid and minimize impacts on known black-tailed prairie dog colonies. CDOT's <i>Impacted Black-Tailed Prairie Dog Policy</i> (2009) will be followed for all activities that affect black-tailed prairie dogs. CDOT will include a project special provision 201 (Clearing and Grubbing: Protection of Prairie Dogs) that will be included in the project construction plans for all activities that affect black-tailed prairie dogs.</p>	CDOT Region 2 Environmental and CDOT Construction Engineering	<p>Completed habitat conservation per the SGPI</p> <p>Design and Construction</p>

Table 1. Revised Summary of Impacts and Mitigation for the Proposed Action, US 50 West EA (Continued)

<p>16</p>	<p>Threatened/ Endangered Species, State Species of Special Concern and MBTA</p>	<p>Loss of Western Burrowing Owl habitat</p>	<p>Mitigation for potential impacts on the Western Burrowing Owl, including offsite habitat conservation and implementation of the Conservation Strategy for Non-Listed Species, is identified in the SGPI BO and BA (USFWS, 2004), and will be included in the project construction plans. If prairie dog colonies are impacted, and construction is scheduled to occur during the nesting season (March 15 – October 31) for burrowing owls, the CDOT staff biologist will survey the area for the presence of burrowing owls. If burrowing owls are found at the site, CDOT will coordinate with the USFWS under the MBTA to ensure compliance. CDOT will include a project special provision 240 in the project construction plans for all activities that affect burrowing owls.</p> <p>CDOT will follow CPW's <i>Recommended Survey Protocol and Actions to Protect Nesting Burrowing Owls</i> (February 2008), for surveying and protecting breeding burrowing owls. No burrowing owls are expected to be present between November 1 and March 14 (CPW, 2008).</p>	<p>CDOT Region 2 Environmental and CDOT Construction Engineering</p>	<p>Completed habitat conservation per the SGPI</p> <p>Design and Construction</p>
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WHAT COMMENTS WERE RECEIVED ON THE EA?

CDOT received comments from Colorado Parks & Wildlife (CPW), Department of Natural Resources, in a letter dated July 14, 2014 (**Appendix C**).

Table 2 lists CPW’s comments and provides CDOT’s responses to those comments. Responses to the CPW comments included in **Table 2** are addressed by topic (CPW-1 through CPW-6).

No other written comments were received from the public or agencies during the 30-day public comment period.

Table 2. Public and Agency Comments Received and Responses to Comments

Comments	Responses
<p>CPW-1. As indicated in the EA, revegetation/reclamation will occur on all disturbed areas. Proper reclamation, from a wildlife perspective, involves not only stabilizing the soil and establishing ground cover, but fostering plant communities with a diversity of species and plant types (grasses, woody plants, and broadleaf forbs) which will fully serve the nutritional needs of wildlife.</p>	<p>CPW-1. CDOT’s revegetation objectives for the 18.4 acres of temporary disturbance to shortgrass prairie include use of native seed mixes that will blend in with existing upland shortgrass prairie, and Wild Horse Dry Creek species. Table 4 of the EA provides details for revegetation under Mitigation Commitment Tracking Numbers 9 and 10. The USFWS Central Shortgrass Prairie Programmatic Biological Opinion and Biological Assessment, 2004, addresses mitigation strategies for the 7.27 acres of permanent impacts to shortgrass prairie, including off-site conservation of shortgrass prairie habitat.</p>
<p>CPW-2. In addition to revegetation of disturbed areas, the timely prevention and control of noxious and invasive weeds is of high importance. Ground disturbing activities and the use of machinery from other locations have a potential to introduce and spread noxious and invasive weeds.</p>	<p>CPW-2. Table 4 of the EA, under Mitigation Commitment Tracking Number 11, lists action items to implement CDOT’s commitments for noxious weed management. These action items provide guidance for prevention and control of noxious weed invasion associated with ground disturbance activities during construction, and construction equipment. Appendix A8 of the EA provides an inventory of noxious weeds in the Project area (see Table 1 and Figures 4 through 8), and noxious weed management plan (see Section 5.1.4).</p>

Table 2. Public and Agency Comments Received and Responses to Comments (Continued)

Comments	Responses
<p>CPW-3. The EA's inclusion of the SB 40 Guidelines' Best Management Practices will require strict adherence regarding the native mix of trees, grasses and forbs that are utilized for revegetation of the disturbed areas.</p>	<p>CPW-3. The Senate Bill 40 Formal Certification Report (Appendix A9 of the EA) describes CDOT's proposed seeding and revegetation for site restoration enhancement for Senate Bill 40 resources (see Section 6, Mitigation, of Appendix A9). The Stormwater Management Plan provides details on the seeding applications, mulching, blanket application, reseeding of upland shortgrass prairie; and revegetation of Wild Horse Dry Creek restoration area. The plan is consistent with best management practices (BMPs) outlined in Senate Bill 40 Guidelines (CPW & CDOT, 2013).</p>
<p>CPW-4. The two drainages that are affected by the proposed construction, Wild Horse Dry Creek and Williams Creek, provide the best opportunity for wildlife species occurrence. CPW appreciated the attention that will be used to monitor and assess the species associated with these riparian corridors, including these sensitive species: the plains leopard frog, the northern leopard frog, the triploid Colorado checkered whiptail, and massassauga. CPW encourages CDOT biologists to consult with CPW during construction if any issues should arise. Species-specific seasonal impacts can adversely affect critical life cycles. Consequently, the best practice would be to ensure that seasonal impacts are thoroughly contemplated, monitored, and mitigated.</p>	<p>CPW-4. CDOT will coordinate with CPW throughout the project construction process and adhere to the mitigation commitments identified under Mitigation Commitment Tracking Numbers 15, 16, and 17 in Table 4 of the EA. In addition, CDOT has prepared environmental plan sheets/notes for the contractor as a part of the construction plans that identify the limits of construction disturbance, and locations for construction fencing to protect the habitat of the northern leopard frog and the triploid Colorado checkered whiptail during construction.</p>

Table 2. Public and Agency Comments Received and Responses to Comments (Continued)

Comments	Responses
<p>CPW-5. Two native fish species have been observed in the proposed development--the plains killifish and the fathead minnow. Any change that may occur to aquatic habitat in the two drainages has the potential to impact these species. Stormwater runoff and sediment carried into the Williams and Wild Horse Dry Creeks should be monitored to determine if the water quality is negatively impacting these species and their importance to the riparian ecosystem.</p>	<p>CPW-5. CDOT’s Stormwater Management Plans include BMPs to prevent erosion and deposition of sediment during construction. Monitoring of the BMPs includes daily qualitative inspections of the BMPs by the contractor for correct installation, operation, sediment capture, and maintenance or repairs to any damaged BMPs and to recover sediment. The CDOT Water Quality Program Manager also performs monthly inspections (see EA Table 4, Mitigation Commitment Tracking Number 4). Permanent water quality mitigation will implement water quality facilities, including swales adjacent to the road, and two water quality ponds adjacent to Wild Horse Dry Creek. The Proposed Action will not permanently impact fish habitat or impede fish movement.</p>
<p>CPW-6. Burrowing owls (a state threatened bird) are protected under the Migratory Bird Treaty Act which forbids the "take" of any individuals, eggs or nests. If work in prairie dog towns occurs during the spring or summer months (March 15 to October 31), the presence of burrowing owls and whether they are actively nesting should first be determined. If nesting burrowing owls are present, CPW recommends no human encroachment or surface disturbance within 150ft of nesting burrows from March 1 to August 15. If burrowing owls merely occupy the site, it is recommended that earthmoving and other disturbance activities be delayed until late fall after they have migrated. CPW's protocol for surveying for breeding burrowing owls during the nesting season (March 15 to October 31) will be provided upon request.</p>	<p>CPW-6. If burrowing owls are found at the site, CDOT will coordinate with the USFWS under the Migratory Bird Treaty Act, to ensure compliance. CDOT will follow CPW's Recommended Survey Protocol and Actions to Protect Nesting Burrowing Owls (February 2008) for surveying during the nesting season from March 15 to October 31. This protocol will be identified in the project special provision 240 (Protection of Migratory Birds) in the project construction plans, for all activities that may affect burrowing owls within the project area.</p>

**APPENDIX A. US 50 WEST, PURCELL BLVD. TO WILLS BLVD. (MILEPOST 309 TO MILEPOST 313),
MCCULLOCH BLVD. INTERSECTION IMPROVEMENTS (MILEPOST 307) ENVIRONMENTAL
ASSESSMENT**

APPENDIX B. EA AVAILABILITY AND PUBLIC MEETING NOTIFICATION DOCUMENTATION

APPENDIX C. COMMENTS