

# **Wetlands Technical Report**

**State Highway 82 / Entrance to Aspen  
Environmental Reevaluation**

**February 20, 2007**

**Colorado Department of Transportation, Region 3  
and  
Federal Highway Administration, Colorado Division**

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## **1.0 Affected Environment**

This report provides a reevaluation of the wetland resources analysis presented in the 1997 State Highway 82 Entrance to Aspen Final Environmental Impact Statement (FEIS, pages IV-46, V-29 and VI-2) for the Preferred Alternative selected in the Record of Decision (ROD) issued in August 1998.

### **1.1 Methodology**

A reconnaissance (walking) survey of the project corridor was conducted on July 11, 2006, to verify the presence of the wetland areas described in the 1997 FEIS. Current maps and aerial photographs of the project area were also reviewed.

### **1.2 Regulatory Overview**

Mark Gilfillan, U.S. Army Corps of Engineers (USACE) Grand Junction office was consulted regarding current wetland regulations in Pitkin County and the Sacramento District (Gilfillan, 2006).

The USACE has not modified the wetland identification and classification system since the 1997 FEIS.

Since the publication of the FEIS and ROD, Pitkin County has adopted land use policy guidelines (Pitkin County 2002). The Ecological Bill of Rights was adopted through the Pitkin County Land Use Code on July 5, 2006 in Title 8, Article 2, Section 2-310. The land use policy guidelines state that

...wetlands and riparian ecosystems, which are important to maintaining the overall balance of ecological systems; and are important plant communities, wildlife habitat and movement corridors, should be conserved, protected and restored. The County seeks to protect citizens' rights to permanently protected minimum stream flows in rivers and creeks, and to the preservation of remaining natural riparian areas and wetlands (Pitkin County, 2002).

There is no special mitigation ratio for Pitkin County. The mitigation ratio is typically based on functional analysis of the impacted wetland. As part of the "no net loss policy", the USACE would not accept less than a 1:1 mitigation ratio (Gilfillan, 2006).

### **1.3 Description of the Existing Condition**

The 1997 FEIS identified six different wetland areas within the project corridor. This locational information remains valid, and no additional wetland areas were observed within the project corridor. One wetland area, identified in the FEIS as Wetland No. 5 along West Buttermilk Road, was later determined not to be under the jurisdiction of the USACE because the water source of the wetland was a breached irrigation ditch and not a natural water body (Mertes, 2006).

Two components of the Preferred Alternative have been constructed since the publication of the FEIS and ROD: (1) Owl Creek Road and West Buttermilk Road have been relocated to create a new, signalized

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intersection with State Highway 82 near the Buttermilk Ski Area; and (2) the roundabout at the Maroon Creek Road intersection has been completed.

In addition, the Maroon Creek Bridge Replacement Project is currently under construction, scheduled for completion by spring of 2008. This project is being constructed as a bridge replacement without any increase in roadway capacity. However, it will accommodate the Entrance to Aspen Preferred Alternative in the future by removing the center median and re-striping for two general-purpose lanes and two exclusive bus lanes (see the Introduction to the Technical Report Volume for more detail).

The intersection of Truscott Drive and State Highway 82 was completed in 2001. While this intersection is not part of the Entrance to Aspen Project, its configuration accommodates the alignment for the east approach to the Maroon Creek Bridge Replacement Project.

A transportation easement across the Marolt-Thomas Open Space was conveyed from the City of Aspen to CDOT in August of 2002, as part of land exchange and mitigation agreements between CDOT and the City of Aspen and Pitkin County. (Refer to Appendix A and B in the 1998 Record of Decision for details of the open space conveyance agreements and mitigation commitments.)

## **2.0 Environmental Consequences**

### **2.1 Methodology**

The existing condition of project area wetland resources were compared against the conditions and impacts reported in the FEIS, and differences noted.

### **2.2 Preferred Alternative**

Two conditions reported in the FEIS regarding wetland resources or projected impacts have changed since publication of the FEIS.

On page V-32, the FEIS states that "... at least one bridge pier (of the Maroon Creek Bridge replacement) would be placed within Wetland (No. 2)..." The Maroon Creek Bridge replacement is currently under construction. Neither of its two bridge piers is located in wetlands associated with Maroon Creek (Mertes, 2006; CDOT, 2006). Construction of the new Maroon Creek Bridge has resulted in approximately 74 square meters (800 square feet) of temporary impact, but permanent impacts have been avoided through pier design and placement refinements (Mertes, 2007; CDOT, 2006).

Page V-32 of the FEIS also states that "...Owl Creek Road is relocated as part of the Preferred Alternative. This relocation impacts 0.26 hectares (0.65 acres) of Wetland No. 5." The Owl Creek Road relocation project has been completed. During final design, it was determined that the impacted wetlands were not under the jurisdiction of the USACE because the water source of the wetland was a breached irrigation ditch and not a natural water body (Mertes, 2006). Nonetheless, impacts to this wetland from

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intersection construction were mitigated by creating new wetlands along the toe of the fill on Owl Creek Road (Mertes, 2006).

In summary, based on existing conditions in the study area, potential permanent impacts to wetlands at Maroon Creek from bridge replacement have been avoided, and 74 square meters (800 square feet) of temporary impacts have occurred during construction. Impacts to the wetland area along West Buttermilk Road did occur as identified in the FEIS during intersection construction; mitigation consisted of creating wetlands along the toe of the fill of Owl Creek Road, regardless of the determination that they were not Waters of the U.S.

### **3.0 Mitigation Measures**

The mitigation measures described in the 1997 FEIS have been implemented for components of the Preferred Alternative already constructed or currently under construction. These measures also would be implemented during construction of future components of the Preferred Alternative. No additional mitigation measures are required. See Section 4.0 for a summary of impacts and the ROD mitigation measures.

### **4.0 Summary of Impacts and Mitigation**

Impacts are summarized below in Table 4-1 as identified in both the FEIS and this reevaluation. Mitigation measures listed in the table are those from the 1998 ROD, unless additional measures are noted as being required due to findings of the reevaluation.

**Table 4-1  
Summary of Impacts and Mitigation Measures**

<b>Topic</b>	<b>FEIS Impact</b>	<b>Reevaluation Impact</b>	<b>Mitigation Measures</b>
<b>Wetlands</b>	Wetland No. 1 - No Impact	Wetland No. 1 - No Impact	Avoid wetland and riparian areas to the greatest extent possible
	Wetland No. 2 - At least one bridge pier of Maroon Creek Bridge replacement would be placed within the wetland	Wetland No. 2 – No permanent impact; 74 square meters (800 square feet) of temporary impact have occurred during bridge construction.	Minimize loss of wetland acreage and trees Use CDOT Standard Erosion Control Measures to stop sediment and pollutant influx to wetlands
	Wetland No. 3 - No Impact	Wetland No. 3 - No Impact	Do not stockpile construction material or stage construction equipment in wetland or riparian areas
	Wetland No. 4 - LRT impacts to 0.03ha (0.08 ac)	Wetland No. 4 - 0.03 ha (0.08 acre)	Replace wetlands at a 1:1 ratio in suitable sites
	Wetland No. 5 - Owl Creek road relocation impacts 0.26 ha (0.65 ac)	Wetland No. 5 - 0.26 ha (0.65 ac) (Note: Mitigation consisted of creating wetlands at the toe of the fill of Owl Creek Road. The impacted wetlands were determined during final design of the road relocation not to be jurisdictional)	Flag/fence wetlands to preclude construction equipment encroachment
	Wetland No. 6 - No Impact	Wetland No. 6 - No Impact	

## **5.0 Agency Coordination**

The US Army Corps of Engineers, Grand Junction office, was consulted for information on wetlands regulatory status in the project area. CDOT was consulted regarding wetland mitigation status and design changes for the Maroon Creek Bridge Replacement Project that resulted in minimization of wetlands impacts in that location.

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## 6.0 References

- Colorado Department of Transportation. (CDOT). 2006. "State Highway 82 Maroon Creek Bridge Replacement Environmental Information." Site accessed August 16, 2006.  
<http://www.dot.state.co.us/MaroonCreek/environmental.cfm>
- Gilfillan, Mark. July 5, 2006. U.S. Army Corps of Engineers, Grand Junction office. Wetlands Specialist. Personal Communication. Status of wetland regulations in Pitkin County and the Sacramento District.
- Mertes, Pete. February 15, 2007. Colorado Department of Transportation Resident Engineer. Personal communication with HDR Engineering regarding temporary impacts to wetlands at Maroon Creek Bridge Replacement project.
- \_\_\_\_\_. August 16, 2006. Colorado Department of Transportation Resident Engineer. Personal communication with HDR Engineering via e-mail. Wetland impacts on the ABC to Buttermilk project and Maroon Creek Bridge Replacement project.
- Pitkin County 2002. Pitkin County Land Use Policy Guidelines. Available at  
<http://www.aspenpitkoin.com/pdfs/depts/7/landusepolicyguidelines.pdf>.

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